

By the Committees on Regulated Industries; and Community Affairs; and Senator Bennett

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1 A bill to be entitled
2 An act relating to building safety; amending s.
3 399.02, F.S.; exempting certain elevators from
4 provisions requiring modifications to heat sensors and
5 electronic controls; amending s. 399.15, F.S.;
6 providing an alternative method to allow regional
7 emergency elevator access; providing for a uniform
8 lock box; providing for a master key; providing the
9 Division of State Fire Marshal with enforcement
10 authority; directing the Department of Financial
11 Services to select the provider of the uniform lock
12 box; amending s. 468.8311, F.S.; effective July 1,
13 2010, revising the term "home inspection services" to
14 include the visual examination of additional
15 components; amending s. 468.8312, F.S.; effective July
16 1, 2010, providing for fee increases for home
17 inspection licenses; amending s. 468.8319, F.S.;
18 effective July 1, 2010, revising certain prohibitions
19 with respect to providers of home inspection services;
20 amending s. 468.832, F.S.; effective July 1, 2010,
21 authorizing the Department of Business and
22 Professional Regulation to impose penalties against a
23 licensee found guilty of certain violations; amending
24 s. 468.8324, F.S.; providing additional requirements
25 for licensure as a home inspector; amending s.
26 215.5586, F.S.; effective July 1, 2010, adding home
27 inspectors licensed under s. 468.83, F.S., to the list
28 of wind certification entities that may be selected by
29 the Department of Financial Services to provide

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30 hurricane mitigation inspections; amending s. 627.351,
31 F.S.; deleting a requirement for opening protections
32 for designated property for purposes of coverage by
33 the Citizens Property Insurance Corporation; amending
34 s. 627.711, F.S.; effective July 1, 2010, authorizing
35 the Financial Services Commission to accept as valid a
36 uniform mitigation verification form signed by a
37 licensed home inspector; repealing s. 718.113(6),
38 F.S., relating to requirements for 5-year inspections
39 of certain condominium improvements; amending s.
40 553.37, F.S.; authorizing manufacturers to pay
41 inspection fees directly to the provider of inspection
42 services; providing rulemaking authority to the
43 Department of Community Affairs; authorizing the
44 department to enter into contracts for the performance
45 of certain administrative duties; revising inspection
46 requirements for certain custom manufactured
47 buildings; amending s. 553.375, F.S.; revising the
48 requirement for recertification of manufactured
49 buildings prior to relocation; amending s. 553.73,
50 F.S.; authorizing the Florida Building Commission to
51 adopt amendments relating to equivalency of standards;
52 authorizing the adoption of amendments necessary to
53 accommodate state agency rules to meet federal
54 requirements for design criteria relating to public
55 educational facilities and state-licensed facilities;
56 exempting certain mausoleums from the requirements of
57 the Florida Building Code; restricting the code or an
58 code enforcement agency from imposing requirements on

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59 certain air conditioning systems; amending s. 553.76,
60 F.S.; authorizing the Florida Building Commission to
61 adopt rules related to consensus-building
62 decisionmaking; amending s. 553.775, F.S.; authorizing
63 the commission to charge a fee for nonbinding
64 interpretations; amending s. 553.79, F.S.; requiring
65 state agencies to contract for inspection services
66 under the alternative plans review and inspection
67 process or with a local governmental entity; amending
68 s. 553.841, F.S.; deleting provisions requiring that
69 the Department of Community Affairs maintain, update,
70 develop, or cause to be developed a core curriculum
71 for persons who enforce the Florida Building Code;
72 amending s. 553.842, F.S.; authorizing rules requiring
73 the payment of product evaluation fees directly to the
74 administrator of the product evaluation and approval
75 system; requiring that the provider remit a portion of
76 the fees to the department to cover its costs;
77 providing requirements for the approval of
78 applications for state approval of a product;
79 providing for certain approved products to be
80 immediately added to the list of state-approved
81 products; requiring that the commission's oversight
82 committee review approved products; revising the list
83 of approved evaluation entities; deleting obsolete
84 provisions governing evaluation entities; amending s.
85 553.844, F.S.; providing an exemption from
86 requirements from roof and opening protections for
87 certain exposed mechanical equipment or appliances;

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88 amending s. 553.885, F.S.; revising requirements for
89 carbon monoxide alarms; providing an exception for
90 buildings undergoing alterations or repairs; defining
91 the term "addition"; amending s. 553.9061, F.S.;

92 revising the energy-efficiency performance options and
93 elements identified by the commission for purposes of
94 meeting certain goals; amending s. 553.912, F.S.;

95 providing requirements for the replacement of air
96 conditioning systems; repealing ss. 468.627(6),
97 481.215(5), and 481.313(5), F.S., relating to building
98 code inspectors, renewal of the license for
99 architects, interior designers, and landscape
100 architects, respectively; amending ss. 468.609,
101 471.0195, 489.115, 489.1455, and 489.517, F.S.,
102 conforming provisions relating to the deletion of core
103 curriculum courses relating to the Florida Building
104 Code; reenacting s. 553.80(1), F.S., relating to the
105 enforcement of the Florida Building Code, to
106 incorporate the amendments made to s. 553.79, F.S., in
107 a reference thereto; amending s. 633.0215, F.S.;

108 providing guidelines for the State Fire Marshal to use
109 in issuing an expedited declaratory statement;
110 requiring the State Fire Marshal to issue an expedited
111 declaratory statement under certain circumstances;
112 providing requirement for a petition requesting an
113 expedited declaratory statement; amending s. 633.026,
114 F.S.; providing legislative intent; providing for the
115 establishment of the Fire Code Interpretation
116 Committee; providing for the membership of the

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117 committee and requirements for membership; requiring
118 that nonbinding interpretations of the Florida Fire
119 Prevention Code be issued within a specified period
120 after a request is received; providing for the waiver
121 of such requirement under certain conditions;
122 requiring the Division of State Fire Marshal to charge
123 a fee for nonbinding interpretations; providing that
124 fees may be paid directly to a contract provider;
125 providing requirements for requesting a nonbinding
126 interpretation; requiring the Division of State Fire
127 Marshal to develop a form for submitting a petition
128 for a nonbinding interpretation; providing for a
129 formal interpretation by the State Fire Marshal;
130 requiring that an interpretation of the Florida Fire
131 Prevention Code be published on the division's website
132 and the Florida Administrative Weekly; amending s.
133 633.081, F.S.; requiring the Division of State Fire
134 Marshal and the Florida Building Code Administrator
135 and Inspectors Board enter into a reciprocity
136 agreement for purposes of recertifying building code
137 inspectors, plan inspectors, building code
138 administrators, and firesafety inspectors; amending s.
139 633.352, F.S.; providing an exception to requirements
140 for recertification as a firefighter; amending s.
141 633.521, F.S.; revising requirements for certification
142 as a fire protection system contractor; revising the
143 prerequisites for taking the certification
144 examination; authorizing the State Fire Marshal to
145 accept more than one source of professional

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146 certification; revising legislative intent; amending
147 s. 633.524, F.S.; authorizing the State Fire Marshal
148 to enter into contracts for examination services;
149 providing for direct payment of examination fees to
150 contract providers; amending s. 633.537, F.S.;

151 revising the continuing education requirements for
152 certain permitholders; amending 633.72, F.S.; revising
153 the terms of service for members of the Fire Code
154 Advisory Council; repealing s. 553.509(2), F.S.,
155 relating to requirements for alternate power sources
156 for elevators for purposes of operating during an
157 emergency; directing the Florida Building Commission
158 to conform provisions of the Florida Building Code
159 with revisions made by the act relating to the
160 operation of elevators; providing effective dates.

161

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

163

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

166 399.02 General requirements.—

167 (6) The department is empowered to carry out all of the
168 provisions of this chapter relating to the inspection and
169 regulation of elevators and to enforce the provisions of the
170 Florida Building Code, except that updates to the code requiring
171 modifications for heat sensors and electronic controls on
172 existing elevators, as amended into the Safety Code for Existing
173 Elevators and Escalators, ANSI/ASME A17.1 and A17.3, may not be
174 enforced on elevators issued a certificate of operation by the

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175 department as of July 1, 2008, until such time as the elevator
176 is replaced. This exception does not apply to any building for
177 which a building permit was issued after July 1, 2008.

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

181 399.15 Regional emergency elevator access.—

182 (7) As an alternative to complying with the requirements of
183 subsection (1), each building in this state which is required to
184 meet the provisions of subsections (1) and (2) may instead
185 provide for the installation of a uniform lock box that contains
186 the keys to all elevators in the building which allow public
187 access, including service and freight elevators. The uniform
188 lock box must be keyed so as to allow all uniform lock boxes in
189 each of the seven state emergency response regions to operate in
190 fire emergency situations using one master key. The uniform lock
191 box master key may be issued only to the fire department. The
192 Division of State Fire Marshal of the Department of Financial
193 Services shall enforce this subsection. The Department of
194 Financial Services shall select the provider of the uniform lock
195 box to be installed in each building in which the requirements
196 of this subsection are implemented.

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

199 468.8311 Definitions.—As used in this part, the term:

200 (4) "Home inspection services" means a limited visual
201 examination of one or more of the following readily accessible
202 installed systems and components of a home: the structure,
203 electrical system, HVAC system, roof covering, plumbing system,

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204 interior components, windows, doors, walls, floors, ceilings,
205 exterior components, and site conditions that affect the
206 structure, for the purposes of providing a written professional
207 opinion of the condition of the home.

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

210 468.8312 Fees.—

211 (1) The department, by rule, may establish fees to be paid
212 for applications, examination, reexamination, licensing and
213 renewal, inactive status application and reactivation of
214 inactive licenses, recordkeeping, and applications for providers
215 of continuing education. The department may also establish by
216 rule a delinquency fee. Fees shall be based on department
217 estimates of the revenue required to implement the provisions of
218 this part. All fees shall be remitted with the appropriate
219 application, examination, or license.

220 (2) The initial application and examination fee shall not
221 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the
222 department to purchase an examination, if the department chooses
223 to purchase the examination. The examination fee shall be in an
224 amount that covers the cost of obtaining and administering the
225 examination and shall be refunded if the applicant is found
226 ineligible to sit for the examination. The application fee shall
227 be nonrefundable.

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

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

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

232 (6) The fee for licensure by endorsement shall not exceed

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233 \$400 ~~\$200~~.

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

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

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

240 468.8319 Prohibitions; penalties.-

241 (1) A person ~~A home inspector, a company that employs a~~
242 ~~home inspector, or a company that is controlled by a company~~
243 ~~that also has a financial interest in a company employing a home~~
244 ~~inspector~~ may not:

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

247 (b) Use the name or title "certified home inspector,"
248 "registered home inspector," "licensed home inspector," "home
249 inspector," "professional home inspector," or any combination
250 thereof unless the person has complied with the provisions of
251 this part;

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

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

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

257 (f) Perform or offer to perform, prior to closing, for any
258 additional fee, any repairs to a home on which the inspector or
259 the inspector's company has prepared a home inspection report.
260 This paragraph does not apply to a home warranty company that is
261 affiliated with or retains a home inspector to perform repairs

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262 pursuant to a claim made under a home warranty contract;

263 (g) Inspect for a fee any property in which the inspector
264 or the inspector's company has any financial or transfer
265 interest;

266 (h) Offer or deliver any compensation, inducement, or
267 reward to any broker or agent therefor for the referral of the
268 owner of the inspected property to the inspector or the
269 inspection company; or

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

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

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

279 468.832 Disciplinary proceedings.—

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

282 (a) Violation of any provision of this part or s.
283 455.227(1);

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

286 (c) Having a license to practice home inspection services
287 revoked, suspended, or otherwise acted against, including the
288 denial of licensure, by the licensing authority of another
289 state, territory, or country;

290 (d) Being convicted or found guilty of, or entering a plea

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291 of nolo contendere to, regardless of adjudication, a crime in
292 any jurisdiction that directly relates to the practice of home
293 inspection services or the ability to practice home inspection
294 services;

295 (e) Making or filing a report or record that the licensee
296 knows to be false, willfully failing to file a report or record
297 required by state or federal law, willfully impeding or
298 obstructing such filing, or inducing another person to impede or
299 obstruct such filing. Such reports or records shall include only
300 those that are signed in the capacity of a licensed home
301 inspector;

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

304 (g) Engaging in fraud or deceit, or negligence,
305 incompetency, or misconduct, in the practice of home inspection
306 services;

307 (h) Failing to perform any statutory or legal obligation
308 placed upon a licensed home inspector; violating any provision
309 of this chapter, a rule of the department, or a lawful order of
310 the department previously entered in a disciplinary hearing; or
311 failing to comply with a lawfully issued subpoena of the
312 department; or

313 (i) Practicing on a revoked, suspended, inactive, or
314 delinquent license.

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

318 (a) Denial of an application for licensure.

319 (b) Revocation or suspension of a license.

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320 (c) Imposition of an administrative fine not to exceed
321 \$5,000 for each count or separate offense.

322 (d) Issuance of a reprimand.

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

326 (f) Restriction of the authorized scope of practice by the
327 home inspector.

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

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

335 468.8324 Grandfather clause.—A person who performs home
336 inspection services as defined in this part before July 1, 2010,
337 may qualify to be licensed by the department as a home inspector
338 if the person meets the licensure requirements of this part, and
339 if the person: by July 1, 2010.

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

342 (2) Has performed no fewer than 50 home inspections and
343 received compensation for such inspections prior to July 1,
344 2010.

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

347 215.5586 My Safe Florida Home Program.—There is established
348 within the Department of Financial Services the My Safe Florida

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349 Home Program. The department shall provide fiscal
350 accountability, contract management, and strategic leadership
351 for the program, consistent with this section. This section does
352 not create an entitlement for property owners or obligate the
353 state in any way to fund the inspection or retrofitting of
354 residential property in this state. Implementation of this
355 program is subject to annual legislative appropriations. It is
356 the intent of the Legislature that the My Safe Florida Home
357 Program provide inspections for at least 400,000 site-built,
358 single-family, residential properties and provide grants to at
359 least 35,000 applicants before June 30, 2009. The program shall
360 develop and implement a comprehensive and coordinated approach
361 for hurricane damage mitigation that shall include the
362 following:

363 (1) HURRICANE MITIGATION INSPECTIONS.—

364 (a) Free home-retrofit inspections of site-built, single-
365 family, residential property shall be offered throughout the
366 state to determine what mitigation measures are needed, what
367 insurance premium discounts may be available, and what
368 improvements to existing residential properties are needed to
369 reduce the property's vulnerability to hurricane damage. The
370 Department of Financial Services shall contract with wind
371 certification entities to provide free hurricane mitigation
372 inspections. The inspections provided to homeowners, at a
373 minimum, must include:

374 1. A home inspection and report that summarizes the results
375 and identifies recommended improvements a homeowner may take to
376 mitigate hurricane damage.

377 2. A range of cost estimates regarding the recommended

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378 mitigation improvements.

379 3. Insurer-specific information regarding premium discounts
380 correlated to the current mitigation features and the
381 recommended mitigation improvements identified by the
382 inspection.

383 4. A hurricane resistance rating scale specifying the
384 home's current as well as projected wind resistance
385 capabilities. As soon as practical, the rating scale must be the
386 uniform home grading scale adopted by the Financial Services
387 Commission pursuant to s. 215.55865.

388 (b) To qualify for selection by the department as a wind
389 certification entity to provide hurricane mitigation
390 inspections, the entity shall, at a minimum, meet the following
391 requirements:

392 1. Use hurricane mitigation inspectors who:

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

394 b. Are licensed as a general or residential contractor
395 under s. 489.111;

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

399 d. Are licensed as a professional architect under s.
400 481.213; ~~or~~

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

402 f.~~e.~~ Have at least 2 years of experience in residential
403 construction or residential building inspection and have
404 received specialized training in hurricane mitigation
405 procedures. Such training may be provided by a class offered
406 online or in person.

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- 407 2. Use hurricane mitigation inspectors who also:
408 a. Have undergone drug testing and level 2 background
409 checks pursuant to s. 435.04. The department may conduct
410 criminal record checks of inspectors used by wind certification
411 entities. Inspectors must submit a set of the fingerprints to
412 the department for state and national criminal history checks
413 and must pay the fingerprint processing fee set forth in s.
414 624.501. The fingerprints shall be sent by the department to the
415 Department of Law Enforcement and forwarded to the Federal
416 Bureau of Investigation for processing. The results shall be
417 returned to the department for screening. The fingerprints shall
418 be taken by a law enforcement agency, designated examination
419 center, or other department-approved entity; and
420 b. Have been certified, in a manner satisfactory to the
421 department, to conduct the inspections.
- 422 3. Provide a quality assurance program including a
423 reinspection component.
- 424 (c) The department shall implement a quality assurance
425 program that includes a statistically valid number of
426 reinspections.
- 427 (d) An application for an inspection must contain a signed
428 or electronically verified statement made under penalty of
429 perjury that the applicant has submitted only a single
430 application for that home.
- 431 (e) The owner of a site-built, single-family, residential
432 property may apply for and receive an inspection without also
433 applying for a grant pursuant to subsection (2) and without
434 meeting the requirements of paragraph (2)(a).
- 435 Section 9. Paragraph (a) of subsection (6) of section

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436 627.351, Florida Statutes, is amended to read:

437 627.351 Insurance risk apportionment plans.—

438 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

439 (a)1. It is the public purpose of this subsection to ensure
440 the existence of an orderly market for property insurance for
441 Floridians and Florida businesses. The Legislature finds that
442 private insurers are unwilling or unable to provide affordable
443 property insurance coverage in this state to the extent sought
444 and needed. The absence of affordable property insurance
445 threatens the public health, safety, and welfare and likewise
446 threatens the economic health of the state. The state therefore
447 has a compelling public interest and a public purpose to assist
448 in assuring that property in the state is insured and that it is
449 insured at affordable rates so as to facilitate the remediation,
450 reconstruction, and replacement of damaged or destroyed property
451 in order to reduce or avoid the negative effects otherwise
452 resulting to the public health, safety, and welfare, to the
453 economy of the state, and to the revenues of the state and local
454 governments which are needed to provide for the public welfare.
455 It is necessary, therefore, to provide affordable property
456 insurance to applicants who are in good faith entitled to
457 procure insurance through the voluntary market but are unable to
458 do so. The Legislature intends by this subsection that
459 affordable property insurance be provided and that it continue
460 to be provided, as long as necessary, through Citizens Property
461 Insurance Corporation, a government entity that is an integral
462 part of the state, and that is not a private insurance company.
463 To that end, Citizens Property Insurance Corporation shall
464 strive to increase the availability of affordable property

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465 insurance in this state, while achieving efficiencies and
466 economies, and while providing service to policyholders,
467 applicants, and agents which is no less than the quality
468 generally provided in the voluntary market, for the achievement
469 of the foregoing public purposes. Because it is essential for
470 this government entity to have the maximum financial resources
471 to pay claims following a catastrophic hurricane, it is the
472 intent of the Legislature that Citizens Property Insurance
473 Corporation continue to be an integral part of the state and
474 that the income of the corporation be exempt from federal income
475 taxation and that interest on the debt obligations issued by the
476 corporation be exempt from federal income taxation.

477 2. The Residential Property and Casualty Joint Underwriting
478 Association originally created by this statute shall be known,
479 as of July 1, 2002, as the Citizens Property Insurance
480 Corporation. The corporation shall provide insurance for
481 residential and commercial property, for applicants who are in
482 good faith entitled, but are unable, to procure insurance
483 through the voluntary market. The corporation shall operate
484 pursuant to a plan of operation approved by order of the
485 Financial Services Commission. The plan is subject to continuous
486 review by the commission. The commission may, by order, withdraw
487 approval of all or part of a plan if the commission determines
488 that conditions have changed since approval was granted and that
489 the purposes of the plan require changes in the plan. The
490 corporation shall continue to operate pursuant to the plan of
491 operation approved by the Office of Insurance Regulation until
492 October 1, 2006. For the purposes of this subsection,
493 residential coverage includes both personal lines residential

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494 coverage, which consists of the type of coverage provided by
495 homeowner's, mobile home owner's, dwelling, tenant's,
496 condominium unit owner's, and similar policies, and commercial
497 lines residential coverage, which consists of the type of
498 coverage provided by condominium association, apartment
499 building, and similar policies.

500 3. Effective January 1, 2009, a personal lines residential
501 structure that has a dwelling replacement cost of \$2 million or
502 more, or a single condominium unit that has a combined dwelling
503 and content replacement cost of \$2 million or more is not
504 eligible for coverage by the corporation. Such dwellings insured
505 by the corporation on December 31, 2008, may continue to be
506 covered by the corporation until the end of the policy term.
507 However, such dwellings that are insured by the corporation and
508 become ineligible for coverage due to the provisions of this
509 subparagraph may reapply and obtain coverage if the property
510 owner provides the corporation with a sworn affidavit from one
511 or more insurance agents, on a form provided by the corporation,
512 stating that the agents have made their best efforts to obtain
513 coverage and that the property has been rejected for coverage by
514 at least one authorized insurer and at least three surplus lines
515 insurers. If such conditions are met, the dwelling may be
516 insured by the corporation for up to 3 years, after which time
517 the dwelling is ineligible for coverage. The office shall
518 approve the method used by the corporation for valuing the
519 dwelling replacement cost for the purposes of this subparagraph.
520 If a policyholder is insured by the corporation prior to being
521 determined to be ineligible pursuant to this subparagraph and
522 such policyholder files a lawsuit challenging the determination,

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523 the policyholder may remain insured by the corporation until the
524 conclusion of the litigation.

525 4. It is the intent of the Legislature that policyholders,
526 applicants, and agents of the corporation receive service and
527 treatment of the highest possible level but never less than that
528 generally provided in the voluntary market. It also is intended
529 that the corporation be held to service standards no less than
530 those applied to insurers in the voluntary market by the office
531 with respect to responsiveness, timeliness, customer courtesy,
532 and overall dealings with policyholders, applicants, or agents
533 of the corporation.

534 5. ~~Effective January 1, 2009, a personal lines residential~~
535 ~~structure that is located in the "wind borne debris region," as~~
536 ~~defined in s. 1609.2, International Building Code (2006), and~~
537 ~~that has an insured value on the structure of \$750,000 or more~~
538 ~~is not eligible for coverage by the corporation unless the~~
539 ~~structure has opening protections as required under the Florida~~
540 ~~Building Code for a newly constructed residential structure in~~
541 ~~that area. A residential structure shall be deemed to comply~~
542 ~~with the requirements of this subparagraph if it has shutters or~~
543 ~~opening protections on all openings and if such opening~~
544 ~~protections complied with the Florida Building Code at the time~~
545 ~~they were installed.~~ Effective January 1, 2010, for personal
546 lines residential property insured by the corporation that is
547 located in the wind-borne debris region and has an insured value
548 on the structure of \$500,000 or more, a prospective purchaser of
549 any such residential property must be provided by the seller a
550 written disclosure that contains the structure's windstorm
551 mitigation rating based on the uniform home grading scale

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552 adopted under s. 215.55865. Such rating shall be provided to the
 553 purchaser at or before the time the purchaser executes a
 554 contract for sale and purchase.

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

557 627.711 Notice of premium discounts for hurricane loss
 558 mitigation; uniform mitigation verification inspection form.—

559 (2) ~~By July 1, 2007,~~ The Financial Services Commission
 560 shall develop by rule a uniform mitigation verification
 561 inspection form that shall be used by all insurers when
 562 submitted by policyholders for the purpose of factoring
 563 discounts for wind insurance. In developing the form, the
 564 commission shall seek input from insurance, construction, and
 565 building code representatives. Further, the commission shall
 566 provide guidance as to the length of time the inspection results
 567 are valid. An insurer shall accept as valid a uniform mitigation
 568 verification form certified by the Department of Financial
 569 Services or signed by:

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

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

573 (c) A general or residential contractor licensed under s.
 574 489.111;

575 (d) A professional engineer licensed under s. 471.015 who
 576 has passed the appropriate equivalency test of the Building Code
 577 Training Program as required by s. 553.841; ~~or~~

578 (e) A professional architect licensed under s. 481.213; or

579 (f) A home inspector licensed under s. 468.83.

580 Section 11. Subsection (6) of section 718.113, Florida

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581 Statutes, is repealed.

582 Section 12. Subsections (2), (8), and (9) of section
583 553.37, Florida Statutes, are amended, and section (12) is added
584 to that section, to read:

585 553.37 Rules; inspections; and insignia.—

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

587 (a) Procedures and qualifications for approval of third-
588 party plan review and inspection agencies and of those who
589 perform inspections and plan reviews.

590 (b) Investigation of consumer complaints of noncompliance
591 of manufactured buildings with the Florida Building Code and the
592 Florida Fire Prevention Code.

593 (c) Issuance, cancellation, and revocation of any insignia
594 issued by the department and procedures for auditing and
595 accounting for disposition of them.

596 (d) Monitoring the manufacturers', inspection agencies',
597 and plan review agencies' compliance with this part and the
598 Florida Building Code. Monitoring may include, but is not
599 limited to, performing audits of plans, inspections of
600 manufacturing facilities and observation of the manufacturing
601 and inspection process, and onsite inspections of buildings.

602 (e) The performance by the department and its designees and
603 contractors of any other functions required by this part.

604 (8) The department, by rule, shall establish a schedule of
605 fees to pay the cost of the administration and enforcement of
606 this part. The rule may provide for manufacturers to pay fees to
607 the administrator directly, including charges incurred for plans
608 review and inspection services, via the Building Code
609 Information System (BCIS) and for the administrator to disburse

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610 the funds as necessary.

611 (9) The department may delegate its enforcement authority
612 to a state department having building construction
613 responsibilities or a local government, and may enter into
614 contracts for the performance of its administrative duties under
615 this part. The department may delegate its plan review and
616 inspection authority to one or more of the following in any
617 combination:

618 (a) A state department having building construction
619 responsibilities;

620 (b) A local government;

621 (c) An approved inspection agency;

622 (d) An approved plan review agency; or

623 (e) An agency of another state.

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

628 Section 13. Section 553.375, Florida Statutes, is amended
629 to read:

630 553.375 Recertification of manufactured buildings.—Prior to
631 the relocation to a site that has a higher design wind speed,
632 modification, or change of occupancy of a manufactured building
633 within the state, the manufacturer, dealer, or owner thereof may
634 apply to the department for recertification of that manufactured
635 building. The department shall, by rule, provide what
636 information the applicant must submit for recertification and
637 for plan review and inspection of such manufactured buildings
638 and shall establish fees for recertification. Upon a

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639 determination by the department that the manufactured building
640 complies with the applicable building codes, the department
641 shall issue a recertification insignia. A manufactured building
642 that bears recertification insignia does not require any
643 additional approval by an enforcement jurisdiction in which the
644 building is sold or installed, and is considered to comply with
645 all applicable codes. As an alternative to recertification by
646 the department, the manufacturer, dealer, or owner of a
647 manufactured building may seek appropriate permitting and a
648 certificate of occupancy from the local jurisdiction in
649 accordance with procedures generally applicable under the
650 Florida Building Code.

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

654 553.73 Florida Building Code.—

655 (7) Notwithstanding the provisions of subsection (3) or
656 subsection (6), the commission may address issues identified in
657 this subsection by amending the code pursuant only to the rule
658 adoption procedures contained in chapter 120. Provisions of the
659 Florida Building Code, including those contained in referenced
660 standards and criteria, relating to wind resistance or the
661 prevention of water intrusion may not be amended pursuant to
662 this subsection to diminish those construction requirements;
663 however, the commission may, subject to conditions in this
664 subsection, amend the provisions to enhance those construction
665 requirements. Following the approval of any amendments to the
666 Florida Building Code by the commission and publication of the
667 amendments on the commission's website, authorities having

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668 jurisdiction to enforce the Florida Building Code may enforce
669 the amendments. The commission may approve amendments that are
670 needed to address:

671 (a) Conflicts within the updated code;

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

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

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

680 (e) Equivalency of standards;

681 (f) The specific needs of state agencies when agency rules
682 must be updated to reflect federal requirements relating to
683 design criteria for public educational facilities and state-
684 licensed facilities;

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

686 (h)~~(f)~~ Adoption of an updated edition of the National
687 Electrical Code if the commission finds that delay of
688 implementing the updated edition causes undue hardship to
689 stakeholders or otherwise threatens the public health, safety,
690 and welfare.

691 (9) The following buildings, structures, and facilities are
692 exempt from the Florida Building Code as provided by law, and
693 any further exemptions shall be as determined by the Legislature
694 and provided by law:

695 (a) Buildings and structures specifically regulated and
696 preempted by the Federal Government.

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697 (b) Railroads and ancillary facilities associated with the
698 railroad.

699 (c) Nonresidential farm buildings on farms.

700 (d) Temporary buildings or sheds used exclusively for
701 construction purposes.

702 (e) Mobile or modular structures used as temporary offices,
703 except that the provisions of part II relating to accessibility
704 by persons with disabilities shall apply to such mobile or
705 modular structures.

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

709 (g) Temporary sets, assemblies, or structures used in
710 commercial motion picture or television production, or any
711 sound-recording equipment used in such production, on or off the
712 premises.

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

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

723 (j) Family mausoleums that are prefabricated and assembled
724 on site, or preassembled and delivered on site; that have walls,
725 roofs, and a floor constructed of granite, marble, or reinforced

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726 concrete; and that do not exceed 250 square feet in area.

727

728 With the exception of paragraphs (a), (b), (c), and (f), in
729 order to preserve the health, safety, and welfare of the public,
730 the Florida Building Commission may, by rule adopted pursuant to
731 chapter 120, provide for exceptions to the broad categories of
732 buildings exempted in this section, including exceptions for
733 application of specific sections of the code or standards
734 adopted therein. The Department of Agriculture and Consumer
735 Services shall have exclusive authority to adopt by rule,
736 pursuant to chapter 120, exceptions to nonresidential farm
737 buildings exempted in paragraph (c) when reasonably necessary to
738 preserve public health, safety, and welfare. The exceptions must
739 be based upon specific criteria, such as under-roof floor area,
740 aggregate electrical service capacity, HVAC system capacity, or
741 other building requirements. Further, the commission may
742 recommend to the Legislature additional categories of buildings,
743 structures, or facilities which should be exempted from the
744 Florida Building Code, to be provided by law. The Florida
745 Building Code does not apply to temporary housing provided by
746 the Department of Corrections to any prisoner in the state
747 correctional system.

748 (14) The Florida Building Code may not require that an
749 existing air conditioning system installed on the surface of a
750 roof as of July 1, 2009, be raised 18 inches up from the surface
751 on which it is installed until such time as the system is
752 replaced, and an agency or local government having authority to
753 enforce the Florida Building Code or a local building code may
754 not require otherwise.

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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 the adoption of amendments to or
764 the 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
785 that are not required to be performed by a state agency under a
786 federal delegation of responsibility or by a state agency under
787 the Florida Building Code must be performed under the
788 alternative plans review and inspection process created in s.
789 553.791 or by a local governmental entity having authority to
790 enforce the 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. Subsection (4) is added to section 553.844,
1055 Florida Statutes, to read:

1056 553.844 Windstorm loss mitigation; requirements for roofs
1057 and opening protection.—

1058 (4) Notwithstanding the provisions of this section, exposed
1059 mechanical equipment or appliances fastened to rated stands,
1060 platforms, curbs, or slabs are deemed to comply with the wind
1061 resistance requirements for wind-borne debris regions as defined
1062 in s. 1609.2, Buildings Volume, 2007 Florida Building Code, as
1063 amended, and no further support or enclosure may be required by
1064 a state or local official having authority to enforce the
1065 Florida Building Code.

1066 Section 21. Section 553.885, Florida Statutes, is amended
1067 to read:

1068 553.885 Carbon monoxide alarm required.—

1069 (1) Every separate building or addition to an existing
1070 building, other than a hospital, an inpatient hospice facility,
1071 or a nursing home facility licensed by the Agency for Health
1072 Care Administration, constructed ~~for which a building permit is~~
1073 ~~issued for new construction~~ on or after July 1, 2008, and having

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1074 a fossil-fuel-burning heater or appliance, a fireplace, or an
1075 attached garage, or other feature, fixture, or element that
1076 emits carbon monoxide as a byproduct of combustion shall have an
1077 approved operational carbon monoxide alarm installed within 10
1078 feet of each room used for sleeping purposes in the new building
1079 or addition, or at such other locations as required by the
1080 Florida Building Code. The requirements of this subsection may
1081 be satisfied with the installation of a battery-powered carbon
1082 monoxide alarm or a battery-powered combination carbon monoxide
1083 and smoke alarm. For a new hospital, an inpatient hospice
1084 facility, or a nursing home facility licensed by the Agency for
1085 Health Care Administration, an approved operational carbon
1086 monoxide detector shall be installed inside or directly outside
1087 of each room or area within the hospital or facility where a
1088 fossil-fuel-burning heater, engine, or appliance is located.
1089 This detector shall be connected to the fire alarm system of the
1090 hospital or facility as a supervisory signal. This subsection
1091 does not apply to existing buildings that are undergoing
1092 alterations or repairs unless the alteration is an addition as
1093 defined in subsection (3).

1094 (2) The Florida Building Commission shall adopt rules to
1095 administer this section and shall incorporate such requirements
1096 into its next revision of the Florida Building Code.

1097 (3) As used in this section, the term:

1098 (a) "Carbon monoxide alarm" means a device that is meant
1099 for the purpose of detecting carbon monoxide, that produces a
1100 distinct audible alarm, and that meets the requirements of and
1101 is approved by the Florida Building Commission.

1102 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases, or

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1103 other petroleum or hydrocarbon product that emits carbon
1104 monoxide as a by-product of combustion.

1105 (c) "Addition" means an extension or increase in floor
1106 area, number of stories, or height of a building or structure.

1107 Section 22. Subsection (2) of section 553.9061, Florida
1108 Statutes, is amended to read:

1109 553.9061 Scheduled increases in thermal efficiency
1110 standards.—

1111 (2) The Florida Building Commission shall identify within
1112 code support and compliance documentation the specific building
1113 options and elements available to meet the energy performance
1114 goals established in subsection (1). Energy efficiency
1115 performance options and elements include, but are not limited
1116 to:

1117 (a) Energy-efficient water heating systems, including solar
1118 water heating.

1119 (b) Energy-efficient appliances.

1120 (c) Energy-efficient windows, doors, and skylights.

1121 (d) Low solar-absorption roofs, also known as "cool roofs."

1122 (e) Enhanced ceiling and wall insulation.

1123 (f) Reduced-leak duct systems and energy-saving devices and
1124 features installed within duct systems.

1125 (g) Programmable thermostats.

1126 (h) Energy-efficient lighting systems.

1127 (i) Energy-saving quality installation procedures for
1128 replacement air conditioning systems, including, but not limited
1129 to, equipment sizing analysis and duct testing.

1130 (j) Shading devices, sunscreening materials, and overhangs.

1131 (k) Weatherstripping, caulking, and sealing of exterior

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1132 openings and penetrations.

1133 Section 23. Section 553.912, Florida Statutes, is amended
1134 to read:

1135 553.912 Air conditioners.—All air conditioners that ~~which~~
1136 are sold or installed in the state shall meet the minimum
1137 efficiency ratings of the Florida Energy Efficiency Code for
1138 Building Construction. These efficiency ratings shall be
1139 minimums and may be updated in the Florida Energy Efficiency
1140 Code for Building Construction by the department in accordance
1141 with s. 553.901, following its determination that more cost-
1142 effective energy-saving equipment and techniques are available.
1143 All replacement air conditioning systems shall be installed
1144 using energy-saving quality installation procedures, including,
1145 but not limited to, equipment sizing analysis and duct testing.

1146 Section 24. Paragraph (d) of subsection (3) of section
1147 468.609, Florida Statutes, is amended to read:

1148 468.609 Administration of this part; standards for
1149 certification; additional categories of certification.—

1150 (3) A person may take the examination for certification as
1151 a building code administrator pursuant to this part if the
1152 person:

1153 ~~(d) After the building code training program is established~~
1154 ~~under s. 553.841, demonstrates successful completion of the core~~
1155 ~~curriculum approved by the Florida Building Commission,~~
1156 ~~appropriate to the licensing category sought.~~

1157 Section 25. Subsection (6) of section 468.627, Florida
1158 Statutes, is repealed.

1159 Section 26. Section 471.0195, Florida Statutes, is amended
1160 to read:

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1161 471.0195 Florida Building Code training for engineers.—All
1162 licensees actively participating in the design of engineering
1163 works or systems in connection with buildings, structures, or
1164 facilities and systems covered by the Florida Building Code
1165 shall take continuing education courses and submit proof to the
1166 board, at such times and in such manner as established by the
1167 board by rule, that the licensee has completed ~~the core~~
1168 ~~curriculum courses and~~ any specialized or advanced courses on
1169 any portion of the Florida Building Code applicable to the
1170 licensee's area of practice ~~or has passed the appropriate~~
1171 ~~equivalency test of the Building Code Training Program as~~
1172 ~~required by s. 553.841.~~ The board shall record reported
1173 continuing education courses on a system easily accessed by code
1174 enforcement jurisdictions for evaluation when determining
1175 license status for purposes of processing design documents.
1176 Local jurisdictions shall be responsible for notifying the board
1177 when design documents are submitted for building construction
1178 permits by persons who are not in compliance with this section.
1179 The board shall take appropriate action as provided by its rules
1180 when such noncompliance is determined to exist.

1181 Section 27. Subsection (5) of section 481.215, Florida
1182 Statutes, is repealed.

1183 Section 28. Subsection (5) of section 481.313, Florida
1184 Statutes, is repealed.

1185 Section 29. Paragraph (b) of subsection (4) of section
1186 489.115, Florida Statutes, is amended to read:

1187 489.115 Certification and registration; endorsement;
1188 reciprocity; renewals; continuing education.—

1189 (4)

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1190 (b)1. Each certificateholder or registrant shall provide
1191 proof, in a form established by rule of the board, that the
1192 certificateholder or registrant has completed at least 14
1193 classroom hours of at least 50 minutes each of continuing
1194 education courses during each biennium since the issuance or
1195 renewal of the certificate or registration. The board shall
1196 establish by rule that a portion of the required 14 hours must
1197 deal with the subject of workers' compensation, business
1198 practices, workplace safety, and, for applicable licensure
1199 categories, wind mitigation methodologies, and 1 hour of which
1200 must deal with laws and rules. The board shall by rule establish
1201 criteria for the approval of continuing education courses and
1202 providers, including requirements relating to the content of
1203 courses and standards for approval of providers, and may by rule
1204 establish criteria for accepting alternative nonclassroom
1205 continuing education on an hour-for-hour basis. The board shall
1206 prescribe by rule the continuing education, if any, which is
1207 required during the first biennium of initial licensure. A
1208 person who has been licensed for less than an entire biennium
1209 must not be required to complete the full 14 hours of continuing
1210 education.

1211 2. In addition, the board may approve specialized
1212 continuing education courses on compliance with the wind
1213 resistance provisions for one and two family dwellings contained
1214 in the Florida Building Code and any alternate methodologies for
1215 providing such wind resistance which have been approved for use
1216 by the Florida Building Commission. Division I
1217 certificateholders or registrants who demonstrate proficiency
1218 upon completion of such specialized courses may certify plans

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1219 and specifications for one and two family dwellings to be in
1220 compliance with the code or alternate methodologies, as
1221 appropriate, except for dwellings located in floodways or
1222 coastal hazard areas as defined in ss. 60.3D and E of the
1223 National Flood Insurance Program.

1224 ~~3. Each certificateholder or registrant shall provide to~~
1225 ~~the board proof of completion of the core curriculum courses, or~~
1226 ~~passing the equivalency test of the Building Code Training~~
1227 ~~Program established under s. 553.841, specific to the licensing~~
1228 ~~category sought, within 2 years after commencement of the~~
1229 ~~program or of initial certification or registration, whichever~~
1230 ~~is later. Classroom hours spent taking core curriculum courses~~
1231 ~~shall count toward the number required for renewal of~~
1232 ~~certificates or registration. A certificateholder or registrant~~
1233 ~~who passes the equivalency test in lieu of taking the core~~
1234 ~~curriculum courses shall receive full credit for core curriculum~~
1235 ~~course hours.~~

1236 3.4. The board shall require, by rule adopted pursuant to
1237 ss. 120.536(1) and 120.54, a specified number of hours in
1238 specialized or advanced module courses, approved by the Florida
1239 Building Commission, on any portion of the Florida Building
1240 Code, adopted pursuant to part IV of chapter 553, relating to
1241 the contractor's respective discipline.

1242 Section 30. Subsection (1) of section 489.1455, Florida
1243 Statutes, is amended to read:

1244 489.1455 Journeyman; reciprocity; standards.—

1245 (1) An individual who holds a valid, active journeyman
1246 license in the plumbing/pipe fitting, mechanical, or HVAC trades
1247 issued by any county or municipality in this state may work as a

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1248 journeyman in the trade in which he or she is licensed in any
1249 county or municipality of this state without taking an
1250 additional examination or paying an additional license fee, if
1251 he or she:

1252 (a) Has scored at least 70 percent, or after October 1,
1253 1997, at least 75 percent, on a proctored journeyman Block and
1254 Associates examination or other proctored examination approved
1255 by the board for the trade in which he or she is licensed;

1256 (b) Has completed an apprenticeship program registered with
1257 the Department of Labor and Employment Security and demonstrates
1258 4 years' verifiable practical experience in the trade for which
1259 he or she is licensed, or demonstrates 6 years' verifiable
1260 practical experience in the trade for which he or she is
1261 licensed;

1262 (c) Has satisfactorily completed specialized and advanced
1263 module coursework approved by the Florida Building Commission,
1264 as part of the Building Code Training Program established in s.
1265 553.841, specific to the discipline, ~~and successfully completed~~
1266 ~~the program's core curriculum courses or passed an equivalency~~
1267 ~~test in lieu of taking the core curriculum courses and provided~~
1268 ~~proof of completion of such curriculum courses or examination~~
1269 ~~and obtained a certificate from the board pursuant to this part~~
1270 or, pursuant to authorization by the certifying authority,
1271 provides proof of completion of such curriculum or coursework
1272 within 6 months after such certification; and

1273 (d) Has not had a license suspended or revoked within the
1274 last 5 years.

1275 Section 31. Subsection (3) of section 489.517, Florida
1276 Statutes, is amended to read:

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1277 489.517 Renewal of certificate or registration; continuing
1278 education.—

1279 (3) ~~(a)~~ Each certificateholder or registrant shall provide
1280 proof, in a form established by rule of the board, that the
1281 certificateholder or registrant has completed at least 14
1282 classroom hours of at least 50 minutes each of continuing
1283 education courses during each biennium since the issuance or
1284 renewal of the certificate or registration. The board shall by
1285 rule establish criteria for the approval of continuing education
1286 courses and providers and may by rule establish criteria for
1287 accepting alternative nonclassroom continuing education on an
1288 hour-for-hour basis.

1289 ~~(b) Each certificateholder or registrant shall provide to~~
1290 ~~the board proof of completion of the core curriculum courses or~~
1291 ~~passing the equivalency test of the Building Code Training~~
1292 ~~Program established under s. 553.841, specific to the licensing~~
1293 ~~category sought, within 2 years after commencement of the~~
1294 ~~program or of initial certification or registration, whichever~~
1295 ~~is later. Classroom hours spent taking core curriculum courses~~
1296 ~~shall count toward the number required for renewal of~~
1297 ~~certificate or registration. A certificateholder or registrant~~
1298 ~~who passes the equivalency test in lieu of taking the core~~
1299 ~~curriculum courses shall receive full credit for core curriculum~~
1300 ~~course hours.~~

1301 Section 32. For the purpose of incorporating the amendment
1302 made by this act to section 553.79, Florida Statutes, in a
1303 reference thereto, subsection (1) of section 553.80, Florida
1304 Statutes, is reenacted to read:

1305 553.80 Enforcement.—

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1306 (1) Except as provided in paragraphs (a)-(g), each local
1307 government and each legally constituted enforcement district
1308 with statutory authority shall regulate building construction
1309 and, where authorized in the state agency's enabling
1310 legislation, each state agency shall enforce the Florida
1311 Building Code required by this part on all public or private
1312 buildings, structures, and facilities, unless such
1313 responsibility has been delegated to another unit of government
1314 pursuant to s. 553.79(9).

1315 (a) Construction regulations relating to correctional
1316 facilities under the jurisdiction of the Department of
1317 Corrections and the Department of Juvenile Justice are to be
1318 enforced exclusively by those departments.

1319 (b) Construction regulations relating to elevator equipment
1320 under the jurisdiction of the Bureau of Elevators of the
1321 Department of Business and Professional Regulation shall be
1322 enforced exclusively by that department.

1323 (c) In addition to the requirements of s. 553.79 and this
1324 section, facilities subject to the provisions of chapter 395 and
1325 part II of chapter 400 shall have facility plans reviewed and
1326 construction surveyed by the state agency authorized to do so
1327 under the requirements of chapter 395 and part II of chapter 400
1328 and the certification requirements of the Federal Government.

1329 (d) Building plans approved under s. 553.77(3) and state-
1330 approved manufactured buildings, including buildings
1331 manufactured and assembled offsite and not intended for
1332 habitation, such as lawn storage buildings and storage sheds,
1333 are exempt from local code enforcing agency plan reviews except
1334 for provisions of the code relating to erection, assembly, or

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1335 construction at the site. Erection, assembly, and construction
1336 at the site are subject to local permitting and inspections.
1337 Lawn storage buildings and storage sheds bearing the insignia of
1338 approval of the department are not subject to s. 553.842. Such
1339 buildings that do not exceed 400 square feet may be delivered
1340 and installed without need of a contractor's or specialty
1341 license.

1342 (e) Construction regulations governing public schools,
1343 state universities, and community colleges shall be enforced as
1344 provided in subsection (6).

1345 (f) The Florida Building Code as it pertains to toll
1346 collection facilities under the jurisdiction of the turnpike
1347 enterprise of the Department of Transportation shall be enforced
1348 exclusively by the turnpike enterprise.

1349 (g) Construction regulations relating to secure mental
1350 health treatment facilities under the jurisdiction of the
1351 Department of Children and Family Services shall be enforced
1352 exclusively by the department in conjunction with the Agency for
1353 Health Care Administration's review authority under paragraph
1354 (c).

1355
1356 The governing bodies of local governments may provide a schedule
1357 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
1358 section, for the enforcement of the provisions of this part.
1359 Such fees shall be used solely for carrying out the local
1360 government's responsibilities in enforcing the Florida Building
1361 Code. The authority of state enforcing agencies to set fees for
1362 enforcement shall be derived from authority existing on July 1,
1363 1998. However, nothing contained in this subsection shall

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1364 operate to limit such agencies from adjusting their fee schedule
1365 in conformance with existing authority.

1366 Section 33. Paragraph (b) of subsection (3) of section
1367 633.0215, Florida Statutes, is amended, and subsection (13) is
1368 added to that section, to read:

1369 633.0215 Florida Fire Prevention Code.—

1370 (3) No later than 180 days before the triennial adoption of
1371 the Florida Fire Prevention Code, the State Fire Marshal shall
1372 notify each municipal, county, and special district fire
1373 department of the triennial code adoption and steps necessary
1374 for local amendments to be included within the code. No later
1375 than 120 days before the triennial adoption of the Florida Fire
1376 Prevention Code, each local jurisdiction shall provide the State
1377 Fire Marshal with copies of its local fire code amendments. The
1378 State Fire Marshal has the option to process local fire code
1379 amendments that are received less than 120 days before the
1380 adoption date of the Florida Fire Prevention Code.

1381 (b) Any local amendment to the Florida Fire Prevention Code
1382 adopted by a local government shall be effective only until the
1383 adoption of the new edition of the Florida Fire Prevention Code,
1384 which shall be every third year. At such time, the State Fire
1385 Marshal shall adopt such amendment as part of the Florida Fire
1386 Prevention Code or rescind the amendment. The State Fire Marshal
1387 shall immediately notify the respective local government of the
1388 rescission of the amendment and the reason for the rescission.
1389 After receiving such notice, the respective local government may
1390 readopt the rescinded amendment. Incorporation of local
1391 amendments as regional and local concerns and variations shall
1392 be considered as adoption of an amendment pursuant to this

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1393 section part.

1394 (13) The State Fire Marshal shall issue an expedited
1395 declaratory statement relating to interpretations of provisions
1396 of the Florida Fire Prevention Code according to the following
1397 guidelines:

1398 (a) The declaratory statement shall be rendered in
1399 accordance with s. 120.565, except that:

1400 1. Receipt by the Division of State Fire Marshal of a
1401 petition need not be published in the Florida Administrative
1402 Weekly; and

1403 2. A final decision shall be issued by the State Fire
1404 Marshal within 45 days after the division's receipt of a
1405 petition seeking an expedited declaratory statement.

1406 (b) The petitioner must be the owner of the disputed
1407 project or the owner's representative.

1408 (c) The petition for expedited declaratory statement must
1409 be:

1410 1. Related to an active project that is under construction
1411 or must have been submitted for a permit;

1412 2. The subject of a written notice citing a specific
1413 provision of the Florida Fire Prevention Code which is in
1414 dispute; and

1415 3. Limited to a single question that is capable of being
1416 answered with a "yes" or "no" response.

1417

1418 A petition for declaratory statement which does not meet all of
1419 the requirements of this subsection must be denied without
1420 prejudice.

1421 Section 34. Section 633.026, Florida Statutes, is amended

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1422 to read:

1423 633.026 Legislative intent; informal interpretations of the
1424 Florida Fire Prevention Code.—It is the intent of the
1425 Legislature that the Florida Fire Prevention Code be interpreted
1426 by fire officials and local enforcement agencies in a manner
1427 that protects the public safety, health, and welfare by ensuring
1428 uniform interpretations throughout this state and by providing
1429 processes for resolving disputes regarding such interpretations
1430 which are just and expeditious. It is the intent of the
1431 Legislature that such processes provide for the expeditious
1432 resolution of the issues presented and that the resulting
1433 interpretation of such issues be published on the website of the
1434 Division of State Fire Marshal.

1435 (1) The Division of State Fire Marshal shall by rule
1436 establish an informal process of rendering nonbinding
1437 interpretations of the Florida Fire Prevention Code. The
1438 Division of State Fire Marshal may contract with and refer
1439 interpretive issues to a nonprofit organization that has
1440 experience in interpreting and enforcing the Florida Fire
1441 Prevention Code. ~~The Division of State Fire Marshal shall~~
1442 ~~immediately implement the process prior to the completion of~~
1443 ~~formal rulemaking.~~ It is the intent of the Legislature that the
1444 Division of State Fire Marshal establish ~~create~~ a Fire Code
1445 Interpretation Committee composed of seven persons and seven
1446 alternates, equally representing each area of the state ~~process~~
1447 ~~to refer questions to a small group of individuals certified~~
1448 ~~under s. 633.081(2), to which a party can pose questions~~
1449 regarding the interpretation of the Florida Fire Prevention Code
1450 provisions.

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1451 (2) Each member and alternate member of the Fire Code
1452 Interpretation Committee must be certified as a firesafety
1453 inspector pursuant to s. 633.081(2) and must have a minimum of 5
1454 years of experience interpreting and enforcing the Florida Fire
1455 Prevention Code and the Life Safety Code. Each member and
1456 alternate member must be approved by the Division of State Fire
1457 Marshal and deemed by the division to have met these
1458 requirements for at least 30 days before participating in a
1459 review of a nonbinding interpretation. ~~It is the intent of the~~
1460 Legislature that the process provide for the expeditious
1461 resolution of the issues presented and publication of the
1462 resulting interpretation on the website of the Division of State
1463 Fire Marshal. ~~It is the intent of the Legislature that this~~
1464 program be similar to the program established by the Florida
1465 Building Commission in s. 553.775(3)(g).

1466 (3) Each nonbinding interpretation of code provisions must
1467 be provided within 10 business days after receipt of a request
1468 for interpretation. The response period established in this
1469 subsection may be waived only with the written consent of the
1470 party requesting the nonbinding interpretation and the Division
1471 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
1472 advisory only and nonbinding on the parties or the State Fire
1473 Marshal.

1474 (4) In order to administer this section, the Division of
1475 State Fire Marshal must charge ~~department may adopt by rule and~~
1476 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
1477 ~~directly to the third party~~. The fee may not exceed \$150 for
1478 each request for a review or interpretation. The division may
1479 authorize payment of fees directly to the nonprofit organization

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1480 under contract pursuant to subsection (1).

1481 (5) A party requesting a nonbinding interpretation who
1482 disagrees with the interpretation issued under this section may
1483 apply for a formal interpretation from the State Fire Marshal
1484 pursuant to s. 633.01(6).

1485 (6) The Division of State Fire Marshall shall issue or
1486 cause to be issued a nonbinding interpretation of the Florida
1487 Fire Prevention Code pursuant to this section when requested to
1488 do so upon submission of a petition by the owner or the owner's
1489 representative, or the contractor or the contractor's
1490 representative, of a project in dispute, or by a fire official.
1491 The division shall adopt a petition form by rule and the
1492 petition form must be published on the State Fire Marshal's
1493 website. The form shall, at a minimum, require the following:

1494 (a) The name and address of the local fire official,
1495 including the address of the county, municipal, or special
1496 district.

1497 (b) The name and address of the owner or the owner's
1498 representative, or the contractor or the contractor's
1499 representative.

1500 (c) A statement of the specific sections of the Florida
1501 Fire Prevention Code being interpreted by the local fire
1502 official.

1503 (d) An explanation of how the petitioner's substantial
1504 interests are being affected by the local interpretation of the
1505 Florida Fire Prevention Code.

1506 (e) A statement of the interpretation of the specific
1507 sections of the Florida Fire Prevention Code by the local fire
1508 official.

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1509 (f) A statement of the interpretation that the petitioner
1510 contends should be given to the specific sections of the Florida
1511 Fire Prevention Code and a statement supporting the petitioner's
1512 interpretation.

1513 (7) Upon receipt of a petition that meets the requirements
1514 of subsection (6), the Division of State Fire Marshal shall
1515 immediately provide copies of the petition to the Fire Code
1516 Interpretation Committee, and shall publish the petition and any
1517 response submitted by the local fire official on the State Fire
1518 Marshal's website.

1519 (8) The committee shall conduct proceedings as necessary to
1520 resolve the issues and give due regard to the petition, the
1521 facts of the matter at issue, specific code sections cited, and
1522 any statutory implications affecting the Florida Fire Prevention
1523 Code. The committee shall issue an interpretation regarding the
1524 provisions of the Florida Fire Prevention Code within 10 days
1525 after the filing of a petition. The committee shall issue an
1526 interpretation based upon the Florida Fire Prevention Code or,
1527 if the code is ambiguous, the intent of the code. The
1528 committee's interpretation shall be provided to the petitioner
1529 and shall include a notice that if the petitioner disagrees with
1530 the interpretation, the petitioner may file a request for formal
1531 interpretation by the State Fire Marshal under s. 633.01(6). The
1532 committee's interpretation shall be provided to the State Fire
1533 Marshal, and the division shall publish the interpretation on
1534 the State Fire Marshal's website and in the Florida
1535 Administrative Weekly.

1536 Section 35. Section 633.081, Florida Statutes, is amended
1537 to read:

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1538 633.081 Inspection of buildings and equipment; orders;
1539 firesafety inspection training requirements; certification;
1540 disciplinary action.—The State Fire Marshal and her or his
1541 agents shall, at any reasonable hour, when the State Fire
1542 Marshal ~~department~~ has reasonable cause to believe that a
1543 violation of this chapter or s. 509.215, or a rule promulgated
1544 thereunder, or a minimum firesafety code adopted by a local
1545 authority, may exist, inspect any and all buildings and
1546 structures which are subject to the requirements of this chapter
1547 or s. 509.215 and rules promulgated thereunder. The authority to
1548 inspect shall extend to all equipment, vehicles, and chemicals
1549 which are located within the premises of any such building or
1550 structure.

1551 (1) Each county, municipality, and special district that
1552 has firesafety enforcement responsibilities shall employ or
1553 contract with a firesafety inspector. The firesafety inspector
1554 must conduct all firesafety inspections that are required by
1555 law. The governing body of a county, municipality, or special
1556 district that has firesafety enforcement responsibilities may
1557 provide a schedule of fees to pay only the costs of inspections
1558 conducted pursuant to this subsection and related administrative
1559 expenses. Two or more counties, municipalities, or special
1560 districts that have firesafety enforcement responsibilities may
1561 jointly employ or contract with a firesafety inspector.

1562 (2) Every firesafety inspection conducted pursuant to state
1563 or local firesafety requirements shall be by a person certified
1564 as having met the inspection training requirements set by the
1565 State Fire Marshal. Such person shall:

1566 (a) Be a high school graduate or the equivalent as

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1567 determined by the department;

1568 (b) Not have been found guilty of, or having pleaded guilty
1569 or nolo contendere to, a felony or a crime punishable by
1570 imprisonment of 1 year or more under the law of the United
1571 States, or of any state thereof, which involves moral turpitude,
1572 without regard to whether a judgment of conviction has been
1573 entered by the court having jurisdiction of such cases;

1574 (c) Have her or his fingerprints on file with the
1575 department or with an agency designated by the department;

1576 (d) Have good moral character as determined by the
1577 department;

1578 (e) Be at least 18 years of age;

1579 (f) Have satisfactorily completed the firesafety inspector
1580 certification examination as prescribed by the department; and

1581 (g)1. Have satisfactorily completed, as determined by the
1582 department, a firesafety inspector training program of not less
1583 than 200 hours established by the department and administered by
1584 agencies and institutions approved by the department for the
1585 purpose of providing basic certification training for firesafety
1586 inspectors; or

1587 2. Have received in another state training which is
1588 determined by the department to be at least equivalent to that
1589 required by the department for approved firesafety inspector
1590 education and training programs in this state.

1591 (3) Each special state firesafety inspection which is
1592 required by law and is conducted by or on behalf of an agency of
1593 the state must be performed by an individual who has met the
1594 provision of subsection (2), except that the duration of the
1595 training program shall not exceed 120 hours of specific training

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1596 for the type of property that such special state firesafety
1597 inspectors are assigned to inspect.

1598 (4) A firefighter certified pursuant to s. 633.35 may
1599 conduct firesafety inspections, under the supervision of a
1600 certified firesafety inspector, while on duty as a member of a
1601 fire department company conducting inservice firesafety
1602 inspections without being certified as a firesafety inspector,
1603 if such firefighter has satisfactorily completed an inservice
1604 fire department company inspector training program of at least
1605 24 hours' duration as provided by rule of the department.

1606 (5) Every firesafety inspector or special state firesafety
1607 inspector certificate is valid for a period of 3 years from the
1608 date of issuance. Renewal of certification shall be subject to
1609 the affected person's completing proper application for renewal
1610 and meeting all of the requirements for renewal as established
1611 under this chapter or by rule promulgated thereunder, which
1612 shall include completion of at least 40 hours during the
1613 preceding 3-year period of continuing education as required by
1614 the rule of the department or, in lieu thereof, successful
1615 passage of an examination as established by the department.

1616 (6) The State Fire Marshal may deny, refuse to renew,
1617 suspend, or revoke the certificate of a firesafety inspector or
1618 special state firesafety inspector if it finds that any of the
1619 following grounds exist:

1620 (a) Any cause for which issuance of a certificate could
1621 have been refused had it then existed and been known to the
1622 State Fire Marshal.

1623 (b) Violation of this chapter or any rule or order of the
1624 State Fire Marshal.

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- 1625 (c) Falsification of records relating to the certificate.
- 1626 (d) Having been found guilty of or having pleaded guilty or
1627 nolo contendere to a felony, whether or not a judgment of
1628 conviction has been entered.
- 1629 (e) Failure to meet any of the renewal requirements.
- 1630 (f) Having been convicted of a crime in any jurisdiction
1631 which directly relates to the practice of fire code inspection,
1632 plan review, or administration.
- 1633 (g) Making or filing a report or record that the
1634 certificateholder knows to be false, or knowingly inducing
1635 another to file a false report or record, or knowingly failing
1636 to file a report or record required by state or local law, or
1637 knowingly impeding or obstructing such filing, or knowingly
1638 inducing another person to impede or obstruct such filing.
- 1639 (h) Failing to properly enforce applicable fire codes or
1640 permit requirements within this state which the
1641 certificateholder knows are applicable by committing willful
1642 misconduct, gross negligence, gross misconduct, repeated
1643 negligence, or negligence resulting in a significant danger to
1644 life or property.
- 1645 (i) Accepting labor, services, or materials at no charge or
1646 at a noncompetitive rate from any person who performs work that
1647 is under the enforcement authority of the certificateholder and
1648 who is not an immediate family member of the certificateholder.
1649 For the purpose of this paragraph, the term "immediate family
1650 member" means a spouse, child, parent, sibling, grandparent,
1651 aunt, uncle, or first cousin of the person or the person's
1652 spouse or any person who resides in the primary residence of the
1653 certificateholder.

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1654 (7) The Division of State Fire Marshal and the Florida
1655 Building Code Administrator and Inspectors Board, established
1656 pursuant to s. 468.605, shall enter into a reciprocity agreement
1657 to facilitate joint recognition of continuing education
1658 recertification hours for certificateholders licensed under s.
1659 468.609 and firesafety inspectors certified under subsection
1660 (2).

1661 ~~(8)-(7)~~ The department shall provide by rule for the
1662 certification of firesafety inspectors.

1663 Section 36. Section 633.352, Florida Statutes, is amended
1664 to read:

1665 633.352 Retention of firefighter certification.—Any
1666 certified firefighter who has not been active as a firefighter,
1667 or as a volunteer firefighter with an organized fire department,
1668 for a period of 3 years shall be required to retake the
1669 practical portion of the minimum standards state examination
1670 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
1671 Administrative Code, in order to maintain her or his
1672 certification as a firefighter; however, this requirement does
1673 not apply to state-certified firefighters who are certified and
1674 employed as full-time firesafety inspectors or firesafety
1675 instructors, regardless of the firefighter's employment status
1676 ~~as determined by the division~~. The 3-year period begins on the
1677 date the certificate of compliance is issued or upon termination
1678 of service with an organized fire department.

1679 Section 37. Paragraph (e) of subsection (2) and subsections
1680 (3), (10), and (11) of section 633.521, Florida Statutes, are
1681 amended to read:

1682 633.521 Certificate application and issuance; permit

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1683 issuance; examination and investigation of applicant.-

1684 (2)

1685 (e) An applicant may not be examined more than four times
1686 during 1 year for certification as a contractor pursuant to this
1687 section unless the person is or has been certified and is taking
1688 the examination to change classifications. If an applicant does
1689 not pass one or more parts of the examination, she or he may
1690 take any part of the examination three more times during the 1-
1691 year period beginning upon the date she or he originally filed
1692 an application to take the examination. If the applicant does
1693 not pass the examination within that 1-year period, she or he
1694 must file a new application and pay the application and
1695 examination fees in order to take the examination or a part of
1696 the examination again. However, the applicant may not file a new
1697 application sooner than 6 months after the date of her or his
1698 last examination. An applicant who passes the examination but
1699 does not meet the remaining qualifications as provided in
1700 applicable statutes and rules within 1 year after the
1701 application date must file a new application, pay the
1702 application and examination fee, successfully complete a
1703 prescribed training course approved by the State Fire College or
1704 an equivalent court approved by the State Fire Marshal, and
1705 retake and pass the written examination.

1706 (3) (a) As a prerequisite to taking the examination for
1707 certification as a Contractor I, ~~Contractor II, or Contractor~~
1708 ~~III~~, the applicant must be at least 18 years of age, be of good
1709 moral character, and shall possess 4 years' proven experience in
1710 the employment of a fire protection system Contractor I,
1711 ~~Contractor II, or Contractor III~~ or a combination of equivalent

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1712 education and experience in both water-based and chemical fire
1713 suppression systems.

1714 (b) As a prerequisite to taking the examination for
1715 certification as a Contractor II, the applicant must be at least
1716 18 years of age, be of good moral character, and have 4 years of
1717 verifiable employment experience with a fire protection system
1718 as a Contractor I or Contractor II, or a combination of
1719 equivalent education and experience in water-based fire
1720 suppression systems.

1721 (c) Required education and experience for certification as
1722 a Contractor I, Contractor II, Contractor III, or Contractor IV
1723 includes training and experience in both installation and system
1724 layout as defined in s. 633.021.

1725 (d) As a prerequisite to taking the examination for
1726 certification as a Contractor III, the applicant must be at
1727 least 18 years of age, be of good moral character, and have 4
1728 years of verifiable employment experience with a fire protection
1729 system as a Contractor I or Contractor II, or a combination of
1730 equivalent education and experience in chemical fire suppression
1731 systems.

1732 (e) As a prerequisite to taking the examination for
1733 certification as a Contractor IV, the applicant ~~must shall~~ be at
1734 least 18 years old, be of good moral character, ~~be licensed as a~~
1735 certified plumbing contractor under chapter 489, and
1736 successfully complete a training program acceptable to the State
1737 Fire Marshal of not less than 40 contact hours regarding the
1738 applicable installation standard used by the Contractor IV as
1739 described in NFPA 13D. The State Fire Marshal may adopt rules to
1740 administer this subsection ~~have at least 2 years' proven~~

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1741 ~~experience in the employment of a fire protection system~~
1742 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
1743 ~~combination of equivalent education and experience which~~
1744 ~~combination need not include experience in the employment of a~~
1745 ~~fire protection system contractor.~~

1746 (f) As a prerequisite to taking the examination for
1747 certification as a Contractor V, the applicant must ~~shall~~ be at
1748 least 18 years old, be of good moral character, and have been
1749 licensed as a certified underground utility and excavation
1750 contractor or certified plumbing contractor pursuant to chapter
1751 489, have verification by an individual who is licensed as a
1752 certified utility contractor or certified plumbing contractor
1753 pursuant to chapter 489 that the applicant has 4 years' proven
1754 experience in the employ of a certified underground utility and
1755 excavation contractor or certified plumbing contractor, or have
1756 a combination of education and experience equivalent to 4 years'
1757 proven experience in the employ of a certified underground
1758 utility and excavation contractor or certified plumbing
1759 contractor.

1760 (g) Within 30 days after the date of the examination, the
1761 State Fire Marshal shall inform the applicant in writing whether
1762 she or he has qualified or not and, if the applicant has
1763 qualified, that she or he is ready to issue a certificate of
1764 competency, subject to compliance with the requirements of
1765 subsection (4).

1766 (10) Effective July 1, 2008, the State Fire Marshal shall
1767 require the National Institute of Certification in Engineering
1768 Technologies (NICET), Sub-field of Inspection and Testing of
1769 Fire Protection Systems Level II or equivalent training and

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1770 education as determined by the division as proof that the
1771 permitholders are knowledgeable about nationally accepted
1772 standards for the inspection of fire protection systems. ~~It is~~
1773 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
1774 ~~to accept continuing education of all certificateholders'~~
1775 ~~employees who perform inspection functions which specifically~~
1776 ~~prepares the permitholder to qualify for NICET II certification.~~

1777 (11) It is intended that a certificateholder, or a
1778 permitholder who is employed by a certificateholder, conduct
1779 inspections required by this chapter. It is understood that
1780 after July 1, 2008, employee turnover may result in a depletion
1781 of personnel who are certified under the NICET Sub-field of
1782 Inspection and Testing of Fire Protection Systems Level II or
1783 equivalent training and education as required by the Division of
1784 State Fire Marshal which is required for permitholders. The
1785 ~~extensive training and experience necessary to achieve NICET~~
1786 ~~Level II certification is recognized.~~ A certificateholder may
1787 therefore obtain a provisional permit with an endorsement for
1788 inspection, testing, and maintenance of water-based fire
1789 extinguishing systems for an employee if the employee has
1790 initiated procedures for obtaining Level II certification from
1791 the National Institute for Certification in Engineering
1792 Technologies Sub-field of Inspection and Testing of Fire
1793 Protection Systems and achieved Level I certification or an
1794 equivalent level as determined by the State Fire Marshal through
1795 verification of experience, training, and examination. The State
1796 Fire Marshal may establish rules to administer this subsection.
1797 After 2 years of provisional certification, the employee must
1798 have achieved NICET Level II certification, or obtain equivalent

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1799 training and education as determined by the division, or cease
1800 performing inspections requiring Level II certification. The
1801 provisional permit is valid only for the 2 calendar years after
1802 the date of issuance, may not be extended, and is not renewable.
1803 After the initial 2-year provisional permit expires, the
1804 certificateholder must wait 2 additional years before a new
1805 provisional permit may be issued. The intent is to prohibit the
1806 certificateholder from using employees who never reach NICET
1807 Level II, or equivalent training and education as determined by
1808 the division, status by continuously obtaining provisional
1809 permits.

1810 Section 38. Subsection (3) is added to section 633.524,
1811 Florida Statutes, to read:

1812 633.524 Certificate and permit fees; use and deposit of
1813 collected funds.—

1814 (3) The State Fire Marshal may enter into a contract with
1815 any qualified public entity or private company in accordance
1816 with chapter 287 to provide examinations for any applicant for
1817 any examination administered under the jurisdiction of the State
1818 Fire Marshal. The State Fire Marshal may direct payments from
1819 each applicant for each examination directly to such contracted
1820 entity or company.

1821 Section 39. Subsection (4) of section 633.537, Florida
1822 Statutes, is amended to read:

1823 633.537 Certificate; expiration; renewal; inactive
1824 certificate; continuing education.—

1825 (4) The renewal period for the permit class is the same as
1826 that for the employing certificateholder. The continuing
1827 education requirements for permitholders are what is required to

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1828 maintain NICET Sub-field of Inspection and Testing of Fire
1829 Protection Systems Level II, equivalent training and education
1830 as determined by the division, or higher certification plus 8
1831 contact hours of continuing education approved by the State Fire
1832 Marshal during each biennial renewal period thereafter. ~~The~~
1833 ~~continuing education curriculum from July 1, 2005, until July 1,~~
1834 ~~2008, shall be the preparatory curriculum for NICET II~~
1835 ~~certification; after July 1, 2008, the technical curriculum is~~
1836 ~~at the discretion of the State Fire Marshal and may be used to~~
1837 ~~meet the maintenance of NICET Level II certification and 8~~
1838 ~~contact hours of continuing education requirements. It is the~~
1839 responsibility of the permit holder to maintain NICET II
1840 certification or equivalent training and education as determined
1841 by the division as a condition of permit renewal after July 1,
1842 2008.

1843 Section 40. Subsection (4) of section 633.72, Florida
1844 Statutes, is amended to read:

1845 633.72 Florida Fire Code Advisory Council.—

1846 (4) Each appointee shall serve a 4-year term. No member
1847 shall serve more than two consecutive terms ~~one term~~. No member
1848 of the council shall be paid a salary as such member, but each
1849 shall receive travel and expense reimbursement as provided in s.
1850 112.061.

1851 Section 41. Subsection (2) of section 553.509, Florida
1852 Statutes, is repealed.

1853 Section 42. The Florida Building Commission is directed to
1854 adjust the Florida Building Code for consistency with the
1855 revisions to s. 399.02, Florida Statutes, under section 1 of
1856 this act.

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1857 Section 43. Except as otherwise expressly provided in this
1858 act, this act shall take effect July 1, 2009.