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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/20/2009	.	
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The Committee on Community Affairs (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1969 and 1970  
insert:

Section 60. Subsection (6) of section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

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



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

19 Section 61. Present subsection (7) of section 399.15,  
20 Florida Statutes, is redesignated as subsection (8), and a new  
21 subsection (7) is added to that section, to read:

22 399.15 Regional emergency elevator access.-

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

38 Section 62. Effective July 1, 2010, subsection (4) of  
39 section 468.8311, Florida Statutes, is amended to read:

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



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

49           Section 63. Effective July 1, 2010, section 468.8312,  
50 Florida Statutes, is amended to read:

51           468.8312 Fees.—

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

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

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



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

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

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

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

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

79 Section 64. Effective July 1, 2010, section 468.8319,  
80 Florida Statutes, is amended to read:

81 468.8319 Prohibitions; penalties.—

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

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

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

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

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

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

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



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

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

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

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

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

118 Section 65. Effective July 1, 2010, section 468.832,  
119 Florida Statutes, is amended to read:

120 468.832 Disciplinary proceedings.—

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

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

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

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



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

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

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

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

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

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

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

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



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

159 (a) Denial of an application for licensure.

160 (b) Revocation or suspension of a license.

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

163 (d) Issuance of a reprimand.

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

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

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

173 Section 66. Effective July 1, 2009, and notwithstanding  
174 section 4 of chapter 2007-236, section 468.8324, Florida  
175 Statutes, is amended to read:

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

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

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



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186 Section 67. Effective July 1, 2010, subsection (1) of  
187 section 215.5586, Florida Statutes, is amended to read:

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

204 (1) HURRICANE MITIGATION INSPECTIONS.—

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





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

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

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

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

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

233           1. Use hurricane mitigation inspectors who:

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

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

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

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

241 481.213; ~~or~~

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

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



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

248 2. Use hurricane mitigation inspectors who also:

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

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

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

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

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

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



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

276 Section 68. Paragraph (a) of subsection (6) of section  
277 627.351, Florida Statutes, is amended to read:

278 627.351 Insurance risk apportionment plans.—

279 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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



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

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



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

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



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

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

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



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

396 Section 69. Effective July 1, 2010, subsection (2) of  
397 section 627.711, Florida Statutes, is amended to read:

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

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

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

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

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

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



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418 Training Program as required by s. 553.841; ~~or~~  
419 (e) A professional architect licensed under s. 481.213; or  
420 (f) A home inspector licensed under s. 468.83.  
421 Section 70. Subsection (6) of section 718.113, Florida  
422 Statutes, is repealed.  
423 Section 71. Subsections (2), (8), and (9) of section  
424 553.37, Florida Statutes, are amended, and section (12) is added  
425 to that section, to read:  
426 553.37 Rules; inspections; and insignia.—  
427 (2) The department shall adopt rules to address:  
428 (a) Procedures and qualifications for approval of third-  
429 party plan review and inspection agencies and of those who  
430 perform inspections and plan reviews.  
431 (b) Investigation of consumer complaints of noncompliance  
432 of manufactured buildings with the Florida Building Code and the  
433 Florida Fire Prevention Code.  
434 (c) Issuance, cancellation, and revocation of any insignia  
435 issued by the department and procedures for auditing and  
436 accounting for disposition of them.  
437 (d) Monitoring the manufacturers', inspection agencies',  
438 and plan review agencies' compliance with this part and the  
439 Florida Building Code. Monitoring may include, but is not  
440 limited to, performing audits of plans, inspections of  
441 manufacturing facilities and observation of the manufacturing  
442 and inspection process, and onsite inspections of buildings.  
443 (e) The performance by the department and its designees and  
444 contractors of any other functions required by this part.  
445 (8) The department, by rule, shall establish a schedule of  
446 fees to pay the cost of the administration and enforcement of





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

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

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

461 (b) A local government;

462 (c) An approved inspection agency;

463 (d) An approved plan review agency; or

464 (e) An agency of another state.

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

469 Section 72. Section 553.375, Florida Statutes, is amended  
470 to read:

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



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

492 Section 73. Subsections (7) and (9) of section 553.73,  
493 Florida Statutes, are amended, and subsection (14) is added to  
494 that section, to read:

495 553.73 Florida Building Code.—

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



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

512 (a) Conflicts within the updated code;

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

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

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

521 (e) Equivalency of standards;

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

526 (g) ~~(e)~~ Changes to or inconsistencies with federal or state

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

533 (9) The following buildings, structures, and facilities are



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534 exempt from the Florida Building Code as provided by law, and  
535 any further exemptions shall be as determined by the Legislature  
536 and provided by law:

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

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

541 (c) Nonresidential farm buildings on farms.

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

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

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

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

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

559 (i) Chickees constructed by the Miccosukee Tribe of Indians  
560 of Florida or the Seminole Tribe of Florida. As used in this  
561 paragraph, the term "chickee" means an open-sided wooden hut  
562 that has a thatched roof of palm or palmetto or other



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563 traditional materials, and that does not incorporate any  
564 electrical, plumbing, or other nonwood features.

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

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

590 (14) The Florida Building Code may not require that an  
591 existing air conditioning system installed on the surface of a



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592 roof as of July 1, 2009, be raised 18 inches up from the surface  
593 on which it is installed until such time as the system is  
594 replaced, and an agency or local government having authority to  
595 enforce the Florida Building Code or a local building code may  
596 not require otherwise.

597 Section 74. Subsection (2) of section 553.76, Florida  
598 Statutes, is amended to read:

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

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

607 Section 75. Subsection (4) of section 553.775, Florida  
608 Statutes, is amended to read:

609 553.775 Interpretations.—

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

618 Section 76. Subsection (9) of section 553.79, Florida  
619 Statutes, is amended to read:

620 553.79 Permits; applications; issuance; inspections.—



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

633           Section 77. Section 553.841, Florida Statutes, is amended  
634 to read:

635           553.841 Building code compliance and mitigation program.—

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



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

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

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





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679 (b) Directly access the majority of persons licensed in the  
680 occupations of design, construction, and building code  
681 enforcement individually and through established statewide trade  
682 and professional association networks;

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

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

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

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

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

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

706 ~~(c) The core curriculum developed under this subsection~~  
707 ~~must be submitted to the Department of Business and Professional~~



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708 ~~Regulation for approval. Advanced modules developed under this~~  
709 ~~paragraph must be approved by the commission and submitted to~~  
710 ~~the respective boards for approval.~~

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

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

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



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737           ~~(7)-(8)~~ The Florida Building Commission shall provide by  
738 rule for the accreditation of courses related to the Florida  
739 Building Code by accreditors approved by the commission. The  
740 commission shall establish qualifications of accreditors and  
741 criteria for the accreditation of courses by rule. The  
742 commission may revoke the accreditation of a course by an  
743 accreditor if the accreditation is demonstrated to violate this  
744 part or the rules of the commission.

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

748           Section 78. Subsections (1), (5), (8), and (17) of section  
749 553.842, Florida Statutes, are amended to read:

750           553.842 Product evaluation and approval.—

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

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

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



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766 (c) Independent, third-party qualified and accredited  
767 testing and laboratory facilities, product evaluation entities,  
768 quality assurance agencies, certification agencies, and  
769 validation entities.

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

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

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

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

781 (h) Cost-effectiveness.

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

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



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795 equivalent to that required by the Florida Building Code:  
796       1. A certification mark or listing of an approved  
797 certification agency, which may be used only for products for  
798 which the code designates standardized testing;  
799       2. A test report from an approved testing laboratory;  
800       3. A product evaluation report based upon testing or  
801 comparative or rational analysis, or a combination thereof, from  
802 an approved product evaluation entity; or  
803       4. A product evaluation report based upon testing or  
804 comparative or rational analysis, or a combination thereof,  
805 developed and signed and sealed by a professional engineer or  
806 architect, licensed in this state.  
807  
808 A product evaluation report or a certification mark or listing  
809 of an approved certification agency which demonstrates that the  
810 product or method or system of construction complies with the  
811 Florida Building Code for the purpose intended shall be  
812 equivalent to a test report and test procedure as referenced in  
813 the Florida Building Code. An application for state approval of  
814 a product under subparagraph 1. shall be approved by the  
815 department after the commission staff or a designee verifies  
816 within 10 days after receipt that the application and related  
817 documentation are complete. Upon approval by the department, the  
818 product shall be immediately added to the list of state-approved  
819 products maintained under subsection (13). Approvals by the  
820 department shall be reviewed and ratified by the commission's  
821 program oversight committee except for a showing of good cause.  
822       (b) Products, methods, or systems of construction for which  
823 there are no specific standardized testing or comparative or



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824 rational analysis methods established in the code may be  
825 approved by submittal and validation of one of the following:

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

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

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

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



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

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

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

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

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

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



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

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

896 Section 79. Subsection (4) is added to section 553.844,  
897 Florida Statutes, to read:

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

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

908 Section 80. Section 553.885, Florida Statutes, is amended  
909 to read:

910 553.885 Carbon monoxide alarm required.—





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

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

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



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940 (a) "Carbon monoxide alarm" means a device that is meant  
941 for the purpose of detecting carbon monoxide, that produces a  
942 distinct audible alarm, and that meets the requirements of and  
943 is approved by the Florida Building Commission.

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

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

949 Section 81. Subsection (2) of section 553.9061, Florida  
950 Statutes, is amended to read:

951 553.9061 Scheduled increases in thermal efficiency  
952 standards.—

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

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

961 (b) Energy-efficient appliances.

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

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

964 (e) Enhanced ceiling and wall insulation.

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

967 (g) Programmable thermostats.

968 (h) Energy-efficient lighting systems.



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

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

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

975           Section 82. For the purpose of incorporating the amendment  
976 made by this act to section 553.79, Florida Statutes, in a  
977 reference thereto, subsection (1) of section 553.80, Florida  
978 Statutes, is reenacted to read:

979           553.80 Enforcement.—

980           (1) Except as provided in paragraphs (a)-(g), each local  
981 government and each legally constituted enforcement district  
982 with statutory authority shall regulate building construction  
983 and, where authorized in the state agency's enabling  
984 legislation, each state agency shall enforce the Florida  
985 Building Code required by this part on all public or private  
986 buildings, structures, and facilities, unless such  
987 responsibility has been delegated to another unit of government  
988 pursuant to s. 553.79(9).

989           (a) Construction regulations relating to correctional  
990 facilities under the jurisdiction of the Department of  
991 Corrections and the Department of Juvenile Justice are to be  
992 enforced exclusively by those departments.

993           (b) Construction regulations relating to elevator equipment  
994 under the jurisdiction of the Bureau of Elevators of the  
995 Department of Business and Professional Regulation shall be  
996 enforced exclusively by that department.

997           (c) In addition to the requirements of s. 553.79 and this



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998 section, facilities subject to the provisions of chapter 395 and  
999 part II of chapter 400 shall have facility plans reviewed and  
1000 construction surveyed by the state agency authorized to do so  
1001 under the requirements of chapter 395 and part II of chapter 400  
1002 and the certification requirements of the Federal Government.

1003 (d) Building plans approved under s. 553.77(3) and state-  
1004 approved manufactured buildings, including buildings  
1005 manufactured and assembled offsite and not intended for  
1006 habitation, such as lawn storage buildings and storage sheds,  
1007 are exempt from local code enforcing agency plan reviews except  
1008 for provisions of the code relating to erection, assembly, or  
1009 construction at the site. Erection, assembly, and construction  
1010 at the site are subject to local permitting and inspections.  
1011 Lawn storage buildings and storage sheds bearing the insignia of  
1012 approval of the department are not subject to s. 553.842. Such  
1013 buildings that do not exceed 400 square feet may be delivered  
1014 and installed without need of a contractor's or specialty  
1015 license.

1016 (e) Construction regulations governing public schools,  
1017 state universities, and community colleges shall be enforced as  
1018 provided in subsection (6).

1019 (f) The Florida Building Code as it pertains to toll  
1020 collection facilities under the jurisdiction of the turnpike  
1021 enterprise of the Department of Transportation shall be enforced  
1022 exclusively by the turnpike enterprise.

1023 (g) Construction regulations relating to secure mental  
1024 health treatment facilities under the jurisdiction of the  
1025 Department of Children and Family Services shall be enforced  
1026 exclusively by the department in conjunction with the Agency for



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1027 Health Care Administration's review authority under paragraph  
1028 (c).

1029  
1030 The governing bodies of local governments may provide a schedule  
1031 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
1032 section, for the enforcement of the provisions of this part.  
1033 Such fees shall be used solely for carrying out the local  
1034 government's responsibilities in enforcing the Florida Building  
1035 Code. The authority of state enforcing agencies to set fees for  
1036 enforcement shall be derived from authority existing on July 1,  
1037 1998. However, nothing contained in this subsection shall  
1038 operate to limit such agencies from adjusting their fee schedule  
1039 in conformance with existing authority.

1040 Section 83. Paragraph (b) of subsection (3) of section  
1041 633.0215, Florida Statutes, is amended, and subsection (13) is  
1042 added to that section, to read:

1043 633.0215 Florida Fire Prevention Code.—

1044 (3) No later than 180 days before the triennial adoption of  
1045 the Florida Fire Prevention Code, the State Fire Marshal shall  
1046 notify each municipal, county, and special district fire  
1047 department of the triennial code adoption and steps necessary  
1048 for local amendments to be included within the code. No later  
1049 than 120 days before the triennial adoption of the Florida Fire  
1050 Prevention Code, each local jurisdiction shall provide the State  
1051 Fire Marshal with copies of its local fire code amendments. The  
1052 State Fire Marshal has the option to process local fire code  
1053 amendments that are received less than 120 days before the  
1054 adoption date of the Florida Fire Prevention Code.

1055 (b) Any local amendment to the Florida Fire Prevention Code



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1056 adopted by a local government shall be effective only until the  
1057 adoption of the new edition of the Florida Fire Prevention Code,  
1058 which shall be every third year. At such time, the State Fire  
1059 Marshal shall adopt such amendment as part of the Florida Fire  
1060 Prevention Code or rescind the amendment. The State Fire Marshal  
1061 shall immediately notify the respective local government of the  
1062 rescission of the amendment and the reason for the rescission.  
1063 After receiving such notice, the respective local government may  
1064 readopt the rescinded amendment. Incorporation of local  
1065 amendments as regional and local concerns and variations shall  
1066 be considered as adoption of an amendment pursuant to this  
1067 section part.

1068 (13) The State Fire Marshal shall issue an expedited  
1069 declaratory statement relating to interpretations of provisions  
1070 of the Florida Fire Prevention Code according to the following  
1071 guidelines:

1072 (a) The declaratory statement shall be rendered in  
1073 accordance with s. 120.565 except that a final decision shall be  
1074 issued by the State Fire Marshal within 45 days after the  
1075 division's receipt of a petition seeking an expedited  
1076 declaratory statement. The State Fire Marshal shall give notice  
1077 of the petition and the expedited declaratory statement or the  
1078 denial of the petition in the next available issue of the  
1079 Florida Administrative Weekly after the petition is filed and  
1080 after the statement or denial is rendered.

1081 (b) The petitioner must be the owner of the disputed  
1082 project or the owner's representative.

1083 (c) The petition for expedited declaratory statement must  
1084 be:



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1085           1. Related to an active project that is under construction  
1086 or must have been submitted for a permit;

1087           2. The subject of a written notice citing a specific  
1088 provision of the Florida Fire Prevention Code which is in  
1089 dispute; and

1090           3. Limited to a single question that is capable of being  
1091 answered with a "yes" or "no" response.

1092  
1093 A petition for declaratory statement which does not meet all of  
1094 the requirements of this subsection must be denied without  
1095 prejudice. This subsection does not affect the right of the  
1096 petitioner as a substantially affected person to seek a  
1097 declaratory statement under s. 633.01(6).

1098           Section 84. Section 633.026, Florida Statutes, is amended  
1099 to read:

1100           633.026 Legislative intent; informal interpretations of the  
1101 Florida Fire Prevention Code.—It is the intent of the  
1102 Legislature that the Florida Fire Prevention Code be interpreted  
1103 by fire officials and local enforcement agencies in a manner  
1104 that protects the public safety, health, and welfare by ensuring  
1105 uniform interpretations throughout this state and by providing  
1106 processes for resolving disputes regarding such interpretations  
1107 which are just and expeditious. It is the intent of the  
1108 Legislature that such processes provide for the expeditious  
1109 resolution of the issues presented and that the resulting  
1110 interpretation of such issues be published on the website of the  
1111 Division of State Fire Marshal.

1112           (1) The Division of State Fire Marshal shall by rule  
1113 establish an informal process of rendering nonbinding



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1114 interpretations of the Florida Fire Prevention Code. The  
1115 Division of State Fire Marshal may contract with and refer  
1116 interpretive issues to a nonprofit organization that has  
1117 experience in interpreting and enforcing the Florida Fire  
1118 Prevention Code. ~~The Division of State Fire Marshal shall~~  
1119 ~~immediately implement the process prior to the completion of~~  
1120 ~~formal rulemaking.~~ It is the intent of the Legislature that the  
1121 Division of State Fire Marshal establish ~~create~~ a Fire Code  
1122 Interpretation Committee composed of seven persons and seven  
1123 alternates, equally representing each area of the state ~~process~~  
1124 ~~to refer questions to a small group of individuals certified~~  
1125 ~~under s. 633.081(2), to which a party can pose questions~~  
1126 regarding the interpretation of the Florida Fire Prevention Code  
1127 provisions.

1128 (2) Each member and alternate member of the Fire Code  
1129 Interpretation Committee must be certified as a firesafety  
1130 inspector pursuant to s. 633.081(2) and must have a minimum of 5  
1131 years of experience interpreting and enforcing the Florida Fire  
1132 Prevention Code and the Life Safety Code. Each member and  
1133 alternate member must be approved by the Division of State Fire  
1134 Marshal and deemed by the division to have met these  
1135 requirements for at least 30 days before participating in a  
1136 review of a nonbinding interpretation. ~~It is the intent of the~~  
1137 ~~Legislature that the process provide for the expeditious~~  
1138 ~~resolution of the issues presented and publication of the~~  
1139 ~~resulting interpretation on the website of the Division of State~~  
1140 ~~Fire Marshal. It is the intent of the Legislature that this~~  
1141 ~~program be similar to the program established by the Florida~~  
1142 ~~Building Commission in s. 553.775(3)(g).~~





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1143           (3) Each nonbinding interpretation of code provisions must  
1144 be provided within 10 business days after receipt of a request  
1145 for interpretation. The response period established in this  
1146 subsection may be waived only with the written consent of the  
1147 party requesting the nonbinding interpretation and the Division  
1148 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be  
1149 advisory only and nonbinding on the parties or the State Fire  
1150 Marshal.

1151           (4) In order to administer this section, the Division of  
1152 State Fire Marshal must charge ~~department may adopt by rule and~~  
1153 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~  
1154 ~~directly to the third party~~. The fee may not exceed \$150 for  
1155 each request for a review or interpretation. The division may  
1156 authorize payment of fees directly to the nonprofit organization  
1157 under contract pursuant to subsection (1).

1158           (5) A party requesting a nonbinding interpretation who  
1159 disagrees with the interpretation issued under this section may  
1160 apply for a formal interpretation from the State Fire Marshal  
1161 pursuant to s. 633.01(6).

1162           (6) The Division of State Fire Marshall shall issue or  
1163 cause to be issued a nonbinding interpretation of the Florida  
1164 Fire Prevention Code pursuant to this section when requested to  
1165 do so upon submission of a petition by the owner or the owner's  
1166 representative, or the contractor or the contractor's  
1167 representative, of a project in dispute, or by a fire official.  
1168 The division shall adopt a petition form by rule and the  
1169 petition form must be published on the State Fire Marshal's  
1170 website. The form shall, at a minimum, require the following:

1171           (a) The name and address of the local fire official,



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1172 including the address of the county, municipal, or special  
1173 district.

1174 (b) The name and address of the owner or the owner's  
1175 representative, or the contractor or the contractor's  
1176 representative.

1177 (c) A statement of the specific sections of the Florida  
1178 Fire Prevention Code being interpreted by the local fire  
1179 official.

1180 (d) An explanation of how the petitioner's substantial  
1181 interests are being affected by the local interpretation of the  
1182 Florida Fire Prevention Code.

1183 (e) A statement of the interpretation of the specific  
1184 sections of the Florida Fire Prevention Code by the local fire  
1185 official.

1186 (f) A statement of the interpretation that the petitioner  
1187 contends should be given to the specific sections of the Florida  
1188 Fire Prevention Code and a statement supporting the petitioner's  
1189 interpretation.

1190 (7) Upon receipt of a petition that meets the requirements  
1191 of subsection (6), the Division of State Fire Marshal shall  
1192 immediately provide copies of the petition to the Fire Code  
1193 Interpretation Committee, and shall publish the petition and any  
1194 response submitted by the local fire official on the State Fire  
1195 Marshal's website.

1196 (8) The committee shall conduct proceedings as necessary to  
1197 resolve the issues and give due regard to the petition, the  
1198 facts of the matter at issue, specific code sections cited, and  
1199 any statutory implications affecting the Florida Fire Prevention  
1200 Code. The committee shall issue an interpretation regarding the



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1201 provisions of the Florida Fire Prevention Code within 10 days  
1202 after the filing of a petition. The committee shall issue an  
1203 interpretation based upon the Florida Fire Prevention Code or,  
1204 if the code is ambiguous, the intent of the code. The  
1205 committee's interpretation shall be provided to the petitioner  
1206 and shall include a notice that if the petitioner disagrees with  
1207 the interpretation, the petitioner may file a request for formal  
1208 interpretation by the State Fire Marshal under s. 633.01(6). The  
1209 committee's interpretation shall be provided to the State Fire  
1210 Marshal, and the division shall publish the interpretation on  
1211 the State Fire Marshal's website and in the Florida  
1212 Administrative Weekly.

1213 Section 85. Section 633.081, Florida Statutes, is amended  
1214 to read:

1215 633.081 Inspection of buildings and equipment; orders;  
1216 firesafety inspection training requirements; certification;  
1217 disciplinary action.—The State Fire Marshal and her or his  
1218 agents shall, at any reasonable hour, when the State Fire  
1219 Marshal department has reasonable cause to believe that a  
1220 violation of this chapter or s. 509.215, or a rule promulgated  
1221 thereunder, or a minimum firesafety code adopted by a local  
1222 authority, may exist, inspect any and all buildings and  
1223 structures which are subject to the requirements of this chapter  
1224 or s. 509.215 and rules promulgated thereunder. The authority to  
1225 inspect shall extend to all equipment, vehicles, and chemicals  
1226 which are located within the premises of any such building or  
1227 structure.

1228 (1) Each county, municipality, and special district that  
1229 has firesafety enforcement responsibilities shall employ or



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1230 contract with a firesafety inspector. The firesafety inspector  
1231 must conduct all firesafety inspections that are required by  
1232 law. The governing body of a county, municipality, or special  
1233 district that has firesafety enforcement responsibilities may  
1234 provide a schedule of fees to pay only the costs of inspections  
1235 conducted pursuant to this subsection and related administrative  
1236 expenses. Two or more counties, municipalities, or special  
1237 districts that have firesafety enforcement responsibilities may  
1238 jointly employ or contract with a firesafety inspector.

1239 (2) Every firesafety inspection conducted pursuant to state  
1240 or local firesafety requirements shall be by a person certified  
1241 as having met the inspection training requirements set by the  
1242 State Fire Marshal. Such person shall:

1243 (a) Be a high school graduate or the equivalent as  
1244 determined by the department;

1245 (b) Not have been found guilty of, or having pleaded guilty  
1246 or nolo contendere to, a felony or a crime punishable by  
1247 imprisonment of 1 year or more under the law of the United  
1248 States, or of any state thereof, which involves moral turpitude,  
1249 without regard to whether a judgment of conviction has been  
1250 entered by the court having jurisdiction of such cases;

1251 (c) Have her or his fingerprints on file with the  
1252 department or with an agency designated by the department;

1253 (d) Have good moral character as determined by the  
1254 department;

1255 (e) Be at least 18 years of age;

1256 (f) Have satisfactorily completed the firesafety inspector  
1257 certification examination as prescribed by the department; and

1258 (g)1. Have satisfactorily completed, as determined by the



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1259 department, a firesafety inspector training program of not less  
1260 than 200 hours established by the department and administered by  
1261 agencies and institutions approved by the department for the  
1262 purpose of providing basic certification training for firesafety  
1263 inspectors; or

1264         2. Have received in another state training which is  
1265 determined by the department to be at least equivalent to that  
1266 required by the department for approved firesafety inspector  
1267 education and training programs in this state.

1268         (3) Each special state firesafety inspection which is  
1269 required by law and is conducted by or on behalf of an agency of  
1270 the state must be performed by an individual who has met the  
1271 provision of subsection (2), except that the duration of the  
1272 training program shall not exceed 120 hours of specific training  
1273 for the type of property that such special state firesafety  
1274 inspectors are assigned to inspect.

1275         (4) A firefighter certified pursuant to s. 633.35 may  
1276 conduct firesafety inspections, under the supervision of a  
1277 certified firesafety inspector, while on duty as a member of a  
1278 fire department company conducting inservice firesafety  
1279 inspections without being certified as a firesafety inspector,  
1280 if such firefighter has satisfactorily completed an inservice  
1281 fire department company inspector training program of at least  
1282 24 hours' duration as provided by rule of the department.

1283         (5) Every firesafety inspector or special state firesafety  
1284 inspector certificate is valid for a period of 3 years from the  
1285 date of issuance. Renewal of certification shall be subject to  
1286 the affected person's completing proper application for renewal  
1287 and meeting all of the requirements for renewal as established



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1288 under this chapter or by rule promulgated thereunder, which  
1289 shall include completion of at least 40 hours during the  
1290 preceding 3-year period of continuing education as required by  
1291 the rule of the department or, in lieu thereof, successful  
1292 passage of an examination as established by the department.

1293 (6) The State Fire Marshal may deny, refuse to renew,  
1294 suspend, or revoke the certificate of a firesafety inspector or  
1295 special state firesafety inspector if it finds that any of the  
1296 following grounds exist:

1297 (a) Any cause for which issuance of a certificate could  
1298 have been refused had it then existed and been known to the  
1299 State Fire Marshal.

1300 (b) Violation of this chapter or any rule or order of the  
1301 State Fire Marshal.

1302 (c) Falsification of records relating to the certificate.

1303 (d) Having been found guilty of or having pleaded guilty or  
1304 nolo contendere to a felony, whether or not a judgment of  
1305 conviction has been entered.

1306 (e) Failure to meet any of the renewal requirements.

1307 (f) Having been convicted of a crime in any jurisdiction  
1308 which directly relates to the practice of fire code inspection,  
1309 plan review, or administration.

1310 (g) Making or filing a report or record that the  
1311 certificateholder knows to be false, or knowingly inducing  
1312 another to file a false report or record, or knowingly failing  
1313 to file a report or record required by state or local law, or  
1314 knowingly impeding or obstructing such filing, or knowingly  
1315 inducing another person to impede or obstruct such filing.

1316 (h) Failing to properly enforce applicable fire codes or



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1317 permit requirements within this state which the  
1318 certificateholder knows are applicable by committing willful  
1319 misconduct, gross negligence, gross misconduct, repeated  
1320 negligence, or negligence resulting in a significant danger to  
1321 life or property.

1322 (i) Accepting labor, services, or materials at no charge or  
1323 at a noncompetitive rate from any person who performs work that  
1324 is under the enforcement authority of the certificateholder and  
1325 who is not an immediate family member of the certificateholder.  
1326 For the purpose of this paragraph, the term "immediate family  
1327 member" means a spouse, child, parent, sibling, grandparent,  
1328 aunt, uncle, or first cousin of the person or the person's  
1329 spouse or any person who resides in the primary residence of the  
1330 certificateholder.

1331 (7) The Division of State Fire Marshal and the Florida  
1332 Building Code Administrator and Inspectors Board, established  
1333 pursuant to s. 468.605, shall enter into a reciprocity agreement  
1334 to facilitate joint recognition of continuing education  
1335 recertification hours for certificateholders licensed under s.  
1336 468.609 and firesafety inspectors certified under subsection  
1337 (2).

1338 (8)~~(7)~~ The department shall provide by rule for the  
1339 certification of firesafety inspectors.

1340 Section 86. Section 633.352, Florida Statutes, is amended  
1341 to read:

1342 633.352 Retention of firefighter certification.—Any  
1343 certified firefighter who has not been active as a firefighter,  
1344 or as a volunteer firefighter with an organized fire department,  
1345 for a period of 3 years shall be required to retake the



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1346 practical portion of the minimum standards state examination  
1347 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida  
1348 Administrative Code, in order to maintain her or his  
1349 certification as a firefighter; however, this requirement does  
1350 not apply to state-certified firefighters who are certified and  
1351 employed as full-time firesafety inspectors or firesafety  
1352 instructors, regardless of the firefighter's employment status  
1353 ~~as determined by the division~~. The 3-year period begins on the  
1354 date the certificate of compliance is issued or upon termination  
1355 of service with an organized fire department.

1356 Section 87. Paragraph (e) of subsection (2) and subsections  
1357 (3), (10), and (11) of section 633.521, Florida Statutes, are  
1358 amended to read:

1359 633.521 Certificate application and issuance; permit  
1360 issuance; examination and investigation of applicant.—

1361 (2)

1362 (e) An applicant may not be examined more than four times  
1363 during 1 year for certification as a contractor pursuant to this  
1364 section unless the person is or has been certified and is taking  
1365 the examination to change classifications. If an applicant does  
1366 not pass one or more parts of the examination, she or he may  
1367 take any part of the examination three more times during the 1-  
1368 year period beginning upon the date she or he originally filed  
1369 an application to take the examination. If the applicant does  
1370 not pass the examination within that 1-year period, she or he  
1371 must file a new application and pay the application and  
1372 examination fees in order to take the examination or a part of  
1373 the examination again. However, the applicant may not file a new  
1374 application sooner than 6 months after the date of her or his





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1375 last examination. An applicant who passes the examination but  
1376 does not meet the remaining qualifications as provided in  
1377 applicable statutes and rules within 1 year after the  
1378 application date must file a new application, pay the  
1379 application and examination fee, successfully complete a  
1380 prescribed training course approved by the State Fire College or  
1381 an equivalent court approved by the State Fire Marshal, and  
1382 retake and pass the written examination.

1383 (3) (a) As a prerequisite to taking the examination for  
1384 certification as a Contractor I, ~~Contractor II, or Contractor~~  
1385 ~~III,~~ the applicant must be at least 18 years of age, be of good  
1386 moral character, and shall possess 4 years' proven experience in  
1387 the employment of a fire protection system Contractor I,  
1388 ~~Contractor II, or Contractor III~~ or a combination of equivalent  
1389 education and experience in both water-based and chemical fire  
1390 suppression systems.

1391 (b) As a prerequisite to taking the examination for  
1392 certification as a Contractor II, the applicant must be at least  
1393 18 years of age, be of good moral character, and have 4 years of  
1394 verifiable employment experience with a fire protection system  
1395 as a Contractor I or Contractor II, or a combination of  
1396 equivalent education and experience in water-based fire  
1397 suppression systems.

1398 (c) Required education and experience for certification as  
1399 a Contractor I, Contractor II, Contractor III, or Contractor IV  
1400 includes training and experience in both installation and system  
1401 layout as defined in s. 633.021.

1402 (d) As a prerequisite to taking the examination for  
1403 certification as a Contractor III, the applicant must be at



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1404 least 18 years of age, be of good moral character, and have 4  
1405 years of verifiable employment experience with a fire protection  
1406 system as a Contractor I or Contractor II, or a combination of  
1407 equivalent education and experience in chemical fire suppression  
1408 systems.

1409 (e) As a prerequisite to taking the examination for  
1410 certification as a Contractor IV, the applicant ~~must shall~~ be at  
1411 least 18 years old, be of good moral character, ~~be licensed as a~~  
1412 certified plumbing contractor under chapter 489, and  
1413 successfully complete a training program acceptable to the State  
1414 Fire Marshal of not less than 40 contact hours regarding the  
1415 applicable installation standard used by the Contractor IV as  
1416 described in NFPA 13D. The State Fire Marshal may adopt rules to  
1417 administer this subsection ~~have at least 2 years' proven~~  
1418 ~~experience in the employment of a fire protection system~~  
1419 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~  
1420 ~~combination of equivalent education and experience which~~  
1421 ~~combination need not include experience in the employment of a~~  
1422 ~~fire protection system contractor.~~

1423 (f) As a prerequisite to taking the examination for  
1424 certification as a Contractor V, the applicant ~~must shall~~ be at  
1425 least 18 years old, be of good moral character, and have been  
1426 licensed as a certified underground utility and excavation  
1427 contractor or certified plumbing contractor pursuant to chapter  
1428 489, have verification by an individual who is licensed as a  
1429 certified utility contractor or certified plumbing contractor  
1430 pursuant to chapter 489 that the applicant has 4 years' proven  
1431 experience in the employ of a certified underground utility and  
1432 excavation contractor or certified plumbing contractor, or have



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1433 a combination of education and experience equivalent to 4 years'  
1434 proven experience in the employ of a certified underground  
1435 utility and excavation contractor or certified plumbing  
1436 contractor.

1437 (g) Within 30 days after the date of the examination, the  
1438 State Fire Marshal shall inform the applicant in writing whether  
1439 she or he has qualified or not and, if the applicant has  
1440 qualified, that she or he is ready to issue a certificate of  
1441 competency, subject to compliance with the requirements of  
1442 subsection (4).

1443 (10) Effective July 1, 2008, the State Fire Marshal shall  
1444 require the National Institute of Certification in Engineering  
1445 Technologies (NICET), Sub-field of Inspection and Testing of  
1446 Fire Protection Systems Level II or equivalent training and  
1447 education as determined by the division as proof that the  
1448 permitholders are knowledgeable about nationally accepted  
1449 standards for the inspection of fire protection systems. ~~It is~~  
1450 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~  
1451 ~~to accept continuing education of all certificateholders'~~  
1452 ~~employees who perform inspection functions which specifically~~  
1453 ~~prepares the permitholder to qualify for NICET II certification.~~

1454 (11) It is intended that a certificateholder, or a  
1455 permitholder who is employed by a certificateholder, conduct  
1456 inspections required by this chapter. It is understood that  
1457 after July 1, 2008, employee turnover may result in a depletion  
1458 of personnel who are certified under the NICET Sub-field of  
1459 Inspection and Testing of Fire Protection Systems Level II or  
1460 equivalent training and education as required by the Division of  
1461 State Fire Marshal ~~which is required for permitholders. The~~



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1462 ~~extensive training and experience necessary to achieve NICET~~  
1463 ~~Level II certification is recognized.~~ A certificateholder may  
1464 therefore obtain a provisional permit with an endorsement for  
1465 inspection, testing, and maintenance of water-based fire  
1466 extinguishing systems for an employee if the employee has  
1467 initiated procedures for obtaining Level II certification from  
1468 the National Institute for Certification in Engineering  
1469 Technologies Sub-field of Inspection and Testing of Fire  
1470 Protection Systems and achieved Level I certification or an  
1471 equivalent level as determined by the State Fire Marshal through  
1472 verification of experience, training, and examination. The State  
1473 Fire Marshal may establish rules to administer this subsection.  
1474 After 2 years of provisional certification, the employee must  
1475 have achieved NICET Level II certification, or obtain equivalent  
1476 training and education as determined by the division, or cease  
1477 performing inspections requiring Level II certification. The  
1478 provisional permit is valid only for the 2 calendar years after  
1479 the date of issuance, may not be extended, and is not renewable.  
1480 After the initial 2-year provisional permit expires, the  
1481 certificateholder must wait 2 additional years before a new  
1482 provisional permit may be issued. The intent is to prohibit the  
1483 certificateholder from using employees who never reach NICET  
1484 Level II, or equivalent training and education as determined by  
1485 the division, status by continuously obtaining provisional  
1486 permits.

1487 Section 88. Subsection (3) is added to section 633.524,  
1488 Florida Statutes, to read:

1489 633.524 Certificate and permit fees; use and deposit of  
1490 collected funds.—



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1491           (3) The State Fire Marshal may enter into a contract with  
1492 any qualified public entity or private company in accordance  
1493 with chapter 287 to provide examinations for any applicant for  
1494 any examination administered under the jurisdiction of the State  
1495 Fire Marshal. The State Fire Marshal may direct payments from  
1496 each applicant for each examination directly to such contracted  
1497 entity or company.

1498           Section 89. Subsection (4) of section 633.537, Florida  
1499 Statutes, is amended to read:

1500           633.537 Certificate; expiration; renewal; inactive  
1501 certificate; continuing education.-

1502           (4) The renewal period for the permit class is the same as  
1503 that for the employing certificateholder. The continuing  
1504 education requirements for permit holders are what is required to  
1505 maintain NICET Sub-field of Inspection and Testing of Fire  
1506 Protection Systems Level II, equivalent training and education  
1507 as determined by the division, or higher certification plus 8  
1508 contact hours of continuing education approved by the State Fire  
1509 Marshal during each biennial renewal period thereafter. The  
1510 ~~continuing education curriculum from July 1, 2005, until July 1,~~  
1511 ~~2008, shall be the preparatory curriculum for NICET II~~  
1512 ~~certification; after July 1, 2008, the technical curriculum is~~  
1513 ~~at the discretion of the State Fire Marshal and may be used to~~  
1514 ~~meet the maintenance of NICET Level II certification and 8~~  
1515 ~~contact hours of continuing education requirements. It is the~~  
1516 responsibility of the permit holder to maintain NICET II  
1517 certification or equivalent training and education as determined  
1518 by the division as a condition of permit renewal after July 1,  
1519 2008.



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1520 Section 90. Subsection (4) of section 633.72, Florida  
1521 Statutes, is amended to read:

1522 633.72 Florida Fire Code Advisory Council.—

1523 (4) Each appointee shall serve a 4-year term. No member  
1524 shall serve more than two consecutive terms ~~one term~~. No member  
1525 of the council shall be paid a salary as such member, but each  
1526 shall receive travel and expense reimbursement as provided in s.  
1527 112.061.

1528 Section 91. Subsection (2) of section 553.509, Florida  
1529 Statutes, is repealed.

1530 Section 92. The Florida Building Commission is directed to  
1531 adjust the Florida Building Code for consistency with the  
1532 revisions to s. 399.02, Florida Statutes, under section 1 of  
1533 this act.

1534  
1535 ===== T I T L E A M E N D M E N T =====

1536 And the title is amended as follows:

1537 Delete everything before the enacting clause  
1538 and insert:

1539 An act relating to state businesses; amending s. 455.213, F.S.;  
1540 deleting signature notarization from the information that the  
1541 department may require in documents submitted for the issuance  
1542 or renewal of a license; prescribing when an application is  
1543 received for purposes of certain requirements of the  
1544 Administrative Procedure Act; amending s. 455.227, F.S.;  
1545 establishing additional grounds for discipline of professions  
1546 subject to regulation; prohibiting the failure to report  
1547 criminal convictions and pleas; prohibiting the failure to  
1548 complete certain treatment programs; providing penalties;



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1549 creating s. 455.2274, F.S.; authorizing the department's  
1550 representative to appear in criminal proceedings under certain  
1551 circumstances and provide certain assistance to the court;  
1552 amending s. 468.402, F.S.; providing for certain disciplinary  
1553 action against a talent agency for revocation, suspension, or  
1554 denial of the agency's license in any jurisdiction; amending s.  
1555 468.403, F.S.; prohibiting certain acts by persons who are not  
1556 licensed as a talent agency; amending s. 468.409, F.S.;  
1557 requiring certain records kept by a talent agency to be readily  
1558 available for inspection by the department; requiring copies of  
1559 the records to be provided to the department in a specified  
1560 manner; amending s. 468.410, F.S.; specifying the time by which  
1561 a talent agency must give an applicant for the agency's  
1562 registration or employment services a copy of the contract for  
1563 those services; amending s. 468.412, F.S.; requiring a talent  
1564 agency to advise an artist, in writing, of certain rights  
1565 relating to contracts for employment; specifying that an  
1566 engagement procured by a talent agency during a specified period  
1567 remains commissionable to the agency; limiting a prohibition  
1568 against division of fees by a talent agency to circumstances in  
1569 which the artist does not give written consent; providing a  
1570 definition; authorizing a talent agency to assign an engagement  
1571 contract to another agency under certain circumstances; amending  
1572 s. 468.413, F.S.; increasing the penalty that the department may  
1573 assess against a talent agency that violates certain provisions  
1574 of law; amending s. 468.609, F.S.; deleting a requirement that  
1575 applicants for building code administrator certification  
1576 complete a certain core curriculum before taking the  
1577 certification examination; amending ss. 468.627 and 471.0195,



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1578 F.S.; deleting provisions requiring building code administrator  
1579 and inspector certificateholders and engineer licensees to  
1580 complete a certain core curriculum or pass an equivalency test  
1581 of the Florida Building Code Compliance and Mitigation Program;  
1582 amending s. 473.305, F.S.; deleting an examination late filing  
1583 fee applicable to certified public accountant examinees;  
1584 amending s. 473.311, F.S.; deleting a provision requiring  
1585 passage of a rules examination for renewal of license as a  
1586 certified public accountant; amending s. 473.313, F.S.; deleting  
1587 a provision requiring passage of an examination as a condition  
1588 for reactivation of an inactive license as a certified public  
1589 accountant; amending s. 475.175, F.S.; deleting the option to  
1590 submit a notarized application for a real estate broker or sales  
1591 associate license; amending s. 475.451, F.S.; limiting the  
1592 attorney exemption from continuing education requirements to  
1593 attorneys in good standing with The Florida Bar; amending s.  
1594 475.615, F.S.; deleting a requirement that an application for a  
1595 real estate appraiser certification be notarized; amending ss.  
1596 476.134 and 476.144, F.S.; requiring a written examination for a  
1597 barbering license; deleting provisions for a practical  
1598 examination for barbering license applicants; amending s.  
1599 477.026 F.S.; increasing statutory maximums on cosmetology  
1600 licensing fees; amending ss. 481.215 and 481.313, F.S.; deleting  
1601 provisions requiring architect, interior designer, and landscape  
1602 architect licensees to complete a certain core curriculum or  
1603 pass an equivalency test of the Florida Building Code Compliance  
1604 and Mitigation Program; amending s. 489.103, F.S.; revising a  
1605 disclosure statement that a local permitting agency must provide  
1606 to property owners who apply for building permits and claim





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1607 certain exemptions from provisions regulating construction  
1608 contracting; amending s. 489.105, F.S.; revising the term  
1609 "specialty contractor" to require that the scope of work and  
1610 responsibility of a specialty contractor be established in a  
1611 category of construction contracting adopted by rule of the  
1612 Construction Industry Licensing Board; amending s. 489.109,  
1613 F.S.; increasing statutory maximums on construction renewal  
1614 fees; establishing a fee for registration or certification to  
1615 qualify a business organization for contracting; deleting  
1616 provisions relating to a business organization's certificate of  
1617 authority to conform to changes made by the act; amending s.  
1618 489.114, F.S.; deleting provisions relating to a business  
1619 organization's certificate of authority to conform to changes  
1620 made by the act; amending s. 489.115, F.S.; deleting provisions  
1621 requiring construction contractor certificateholders and  
1622 registrants to complete a certain core curriculum or pass an  
1623 equivalency test of the Florida Building Code Compliance and  
1624 Mitigation Program; amending s. 489.117, F.S.; revising  
1625 requirements for the registration of certain contractors;  
1626 deleting provisions requiring a contractor applicant to submit  
1627 proof of a local occupational license; specifying circumstances  
1628 under which a specialty contractor holding a local license is  
1629 not required to register with the board; deleting provisions for  
1630 the issuance of tracking registrations to certain contractors  
1631 who are not eligible for registration as specialty contractors;  
1632 limiting the licensing and disciplinary actions that local  
1633 jurisdictions must report to the board to certain actions of  
1634 registered contractors; deleting provisions requiring the board  
1635 to establish uniform job scopes for any construction contracting



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1636 license category; amending s. 489.119, F.S.; deleting provisions  
1637 for the issuance of a certificate of authority to a business  
1638 organization for contracting; requiring a contractor to apply  
1639 for registration or certification to qualify a business  
1640 organization as the qualifying agent; authorizing the board to  
1641 deny a registration or certification to qualify a business  
1642 organization under certain circumstances; providing application  
1643 procedures and requirements for the issuance of a business tax  
1644 receipt to a business organization; deleting provisions for the  
1645 issuance of an occupational license to a business organization;  
1646 authorizing a local government to impose fines against certified  
1647 or registered contractors under certain circumstances; requiring  
1648 the qualifying agent of a business organization to present  
1649 certain evidence to the board; providing that the board has  
1650 discretion to approve a business organization; amending s.  
1651 489.127, F.S.; deleting provisions relating to a business  
1652 organization's certificate of authority for contracting to  
1653 conform to changes made by the act; amending s. 489.128, F.S.;  
1654 revising the circumstances under which a person is considered an  
1655 unlicensed contractor; deleting provisions relating to a  
1656 business organization's certificate of authority for contracting  
1657 to conform to changes made by the act; amending ss. 489.129 and  
1658 489.132, F.S.; deleting provisions relating to a business  
1659 organization's certificate of authority for contracting to  
1660 conform to changes made by the act; amending s. 489.1455, F.S.;  
1661 deleting provisions requiring certain journeymen licensees to  
1662 complete a certain core curriculum or pass an equivalency test  
1663 of the Florida Building Code Compliance and Mitigation Program;  
1664 amending s. 489.505, F.S.; revising the term "specialty



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1665 contractor" to require that the scope of practice of a specialty  
1666 contractor be established in a category of electrical or alarm  
1667 system contracting adopted by rule of the Electrical  
1668 Contractors' Licensing Board; amending s. 489.513, F.S.;

1669 deleting a requirement that the local license required for an  
1670 electrical or alarm system contractor be an occupational  
1671 license; limiting the licensing and disciplinary actions that  
1672 local jurisdictions must report to the board to certain actions  
1673 of registered contractors; deleting provisions requiring the  
1674 board to establish uniform job scopes for any electrical and  
1675 alarm system contracting license category; amending s. 489.516,  
1676 F.S.; authorizing local officials to require a contractor to  
1677 obtain a business tax receipt; deleting provisions requiring a  
1678 contractor to pay an occupational license fee; amending s.  
1679 489.517, F.S.; deleting provisions requiring electrical and  
1680 alarm system contractor certificateholders and registrants to  
1681 complete a certain core curriculum or pass an equivalency test  
1682 of the Florida Building Code Compliance and Mitigation Program;  
1683 amending s. 489.521, F.S.; providing application procedures and  
1684 requirements for the issuance of a business tax receipt to a  
1685 business organization; deleting provisions for the issuance of  
1686 an occupational license to a business organization; amending s.  
1687 489.5315, F.S.; specifying that certain electrical or alarm  
1688 system contractors are not required to obtain a business tax  
1689 receipt; deleting a provision exempting certain contractors from  
1690 requirements for an occupational license to conform to changes  
1691 made by the act; amending s. 489.532, F.S.; revising the  
1692 circumstances under which a person is considered an unlicensed  
1693 electrical or alarm system contractor; amending s. 489.537,



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1694 F.S.; authorizing a county or municipality to collect fees for  
1695 business tax receipts from electrical and alarm system  
1696 contractors; deleting a provision authorizing the collection of  
1697 occupational license fees; amending s. 509.233, F.S.;  
1698 authorizing local governments to establish, by ordinance, local  
1699 exemption procedures to allow patrons' dogs within certain  
1700 designated outdoor portions of public food service  
1701 establishments; deleting provisions for a pilot program that  
1702 limits the authority for such local exemption procedures to a  
1703 specified time; deleting a provision that provides for the  
1704 future review and repeal of such pilot program; amending s.  
1705 548.002, F.S.; defining the term "event" for regulation of  
1706 pugilistic exhibitions; amending s. 548.003, F.S.; authorizing  
1707 the Florida State Boxing Commission to adopt criteria for the  
1708 approval of certain amateur sanctioning organizations;  
1709 authorizing the commission to adopt health and safety standards  
1710 for amateur mixed martial arts; reenacting ss. 468.436(2)(a),  
1711 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a),  
1712 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h),  
1713 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating  
1714 to the discipline of community association managers or firms,  
1715 home inspectors, mold assessors and remediators, engineers,  
1716 surveyors and mappers, certified public accountants and  
1717 accounting firms, real estate brokers and sales associates, real  
1718 estate appraisers, barbers, cosmetologists, architects, and  
1719 landscape architects, to incorporate the amendment made to s.  
1720 455.227, F.S., in references thereto; repealing s. 509.201,  
1721 F.S., relating to posting and advertising the room rates of a  
1722 public lodging establishment and related penalties; providing



1723 for retroactive application; amending s. 399.02, F.S.; exempting  
1724 certain elevators from provisions requiring modifications to  
1725 heat sensors and electronic controls; amending s. 399.15, F.S.;  
1726 providing an alternative method to allow regional emergency  
1727 elevator access; providing for a uniform lock box; providing for  
1728 a master key; providing the Division of State Fire Marshal with  
1729 enforcement authority; directing the Department of Financial  
1730 Services to select the provider of the uniform lock box;  
1731 amending s. 468.8311, F.S.; effective July 1, 2010, revising the  
1732 term "home inspection services" to include the visual  
1733 examination of additional components; amending s. 468.8312,  
1734 F.S.; effective July 1, 2010, providing for fee increases for  
1735 home inspection licenses; amending s. 468.8319, F.S.; effective  
1736 July 1, 2010, revising certain prohibitions with respect to  
1737 providers of home inspection services; amending s. 468.832,  
1738 F.S.; effective July 1, 2010, authorizing the Department of  
1739 Business and Professional Regulation to impose penalties against  
1740 a licensee found guilty of certain violations; amending s.  
1741 468.8324, F.S.; providing additional requirements for licensure  
1742 as a home inspector; amending s. 215.5586, F.S.; effective July  
1743 1, 2010, adding home inspectors licensed under s. 468.83, F.S.,  
1744 to the list of wind certification entities that may be selected  
1745 by the Department of Financial Services to provide hurricane  
1746 mitigation inspections; amending s. 627.351, F.S.; deleting a  
1747 requirement for opening protections for designated property for  
1748 purposes of coverage by the Citizens Property Insurance  
1749 Corporation; amending s. 627.711, F.S.; effective July 1, 2010,  
1750 authorizing the Financial Services Commission to accept as valid  
1751 a uniform mitigation verification form signed by a licensed home



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1752 inspector; repealing s. 718.113(6), F.S., relating to  
1753 requirements for 5-year inspections of certain condominium  
1754 improvements; amending s. 553.37, F.S.; authorizing  
1755 manufacturers to pay inspection fees directly to the provider of  
1756 inspection services; providing rulemaking authority to the  
1757 Department of Community Affairs; authorizing the department to  
1758 enter into contracts for the performance of certain  
1759 administrative duties; revising inspection requirements for  
1760 certain custom manufactured buildings; amending s. 553.375,  
1761 F.S.; revising the requirement for recertification of  
1762 manufactured buildings prior to relocation; amending s. 553.73,  
1763 F.S.; authorizing the Florida Building Commission to adopt  
1764 amendments relating to equivalency of standards; authorizing the  
1765 adoption of amendments necessary to accommodate state agency  
1766 rules to meet federal requirements for design criteria relating  
1767 to public educational facilities and state-licensed facilities;  
1768 exempting certain mausoleums from the requirements of the  
1769 Florida Building Code; restricting the code or an code  
1770 enforcement agency from imposing requirements on certain air  
1771 conditioning systems; amending s. 553.76, F.S.; authorizing the  
1772 Florida Building Commission to adopt rules related to consensus-  
1773 building decisionmaking; amending s. 553.775, F.S.; authorizing  
1774 the commission to charge a fee for nonbinding interpretations;  
1775 amending s. 553.79, F.S.; requiring state agencies to contract  
1776 for inspection services under the alternative plans review and  
1777 inspection process or with a local governmental entity; amending  
1778 s. 553.841, F.S.; deleting provisions requiring that the  
1779 Department of Community Affairs maintain, update, develop, or  
1780 cause to be developed a core curriculum for persons who enforce



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1781 the Florida Building Code; amending s. 553.842, F.S.;

1782 authorizing rules requiring the payment of product evaluation

1783 fees directly to the administrator of the product evaluation and

1784 approval system; requiring that the provider remit a portion of

1785 the fees to the department to cover its costs; providing

1786 requirements for the approval of applications for state approval

1787 of a product; providing for certain approved products to be

1788 immediately added to the list of state-approved products;

1789 requiring that the commission's oversight committee review

1790 approved products; revising the list of approved evaluation

1791 entities; deleting obsolete provisions governing evaluation

1792 entities; amending s. 553.844, F.S.; providing an exemption from

1793 requirements from roof and opening protections for certain

1794 exposed mechanical equipment or appliances; amending s. 553.885,

1795 F.S.; revising requirements for carbon monoxide alarms;

1796 providing an exception for buildings undergoing alterations or

1797 repairs; defining the term "addition"; amending s. 553.9061,

1798 F.S.; revising the energy-efficiency performance options and

1799 elements identified by the commission for purposes of meeting

1800 certain goals; reenacting s. 553.80(1), F.S., relating to the

1801 enforcement of the Florida Building Code, to incorporate the

1802 amendments made to s. 553.79, F.S., in a reference thereto;

1803 amending s. 633.0215, F.S.; providing guidelines for the State

1804 Fire Marshal to use in issuing an expedited declaratory

1805 statement; requiring the State Fire Marshal to issue an

1806 expedited declaratory statement under certain circumstances;

1807 providing requirements for a petition requesting an expedited

1808 declaratory statement; amending s. 633.026, F.S.; providing

1809 legislative intent; providing for the establishment of the Fire



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1810 Code Interpretation Committee; providing for the membership of  
1811 the committee and requirements for membership; requiring that  
1812 nonbinding interpretations of the Florida Fire Prevention Code  
1813 be issued within a specified period after a request is received;  
1814 providing for the waiver of such requirement under certain  
1815 conditions; requiring the Division of State Fire Marshal to  
1816 charge a fee for nonbinding interpretations; providing that fees  
1817 may be paid directly to a contract provider; providing  
1818 requirements for requesting a nonbinding interpretation;  
1819 requiring the Division of State Fire Marshal to develop a form  
1820 for submitting a petition for a nonbinding interpretation;  
1821 providing for a formal interpretation by the State Fire Marshal;  
1822 requiring that an interpretation of the Florida Fire Prevention  
1823 Code be published on the division's website and the Florida  
1824 Administrative Weekly; amending s. 633.081, F.S.; requiring the  
1825 Division of State Fire Marshal and the Florida Building Code  
1826 Administrator and Inspectors Board enter into a reciprocity  
1827 agreement for purposes of recertifying building code inspectors,  
1828 plan inspectors, building code administrators, and firesafety  
1829 inspectors; amending s. 633.352, F.S.; providing an exception to  
1830 requirements for recertification as a firefighter; amending s.  
1831 633.521, F.S.; revising requirements for certification as a fire  
1832 protection system contractor; revising the prerequisites for  
1833 taking the certification examination; authorizing the State Fire  
1834 Marshal to accept more than one source of professional  
1835 certification; revising legislative intent; amending s. 633.524,  
1836 F.S.; authorizing the State Fire Marshal to enter into contracts  
1837 for examination services; providing for direct payment of  
1838 examination fees to contract providers; amending s. 633.537,





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1839 F.S.; revising the continuing education requirements for certain  
1840 permitholders; amending 633.72, F.S.; revising the terms of  
1841 service for members of the Fire Code Advisory Council; repealing  
1842 s. 553.509(2), F.S., relating to requirements for alternate  
1843 power sources for elevators for purposes of operating during an  
1844 emergency; directing the Florida Building Commission to conform  
1845 provisions of the Florida Building Code with revisions made by  
1846 the act relating to the operation of elevators; providing  
1847 effective dates.