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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/02/2010	.	
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The Committee on Regulated Industries (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

399.02 General requirements.—

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



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13 Services controls on existing elevators, as amended into the
14 Safety Code for Existing Elevators and Escalators, ANSI/ASME
15 A17.1 and A17.3, may not be enforced on elevators issued a
16 certificate of operation by the department before July 1, 2009,
17 until the elevator is replaced. This exception does not apply to
18 any building for which a building permit was issued on or after
19 July 1, 2009.

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

23 399.15 Regional emergency elevator access.-

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

39 Section 3. Subsection (4) of section 468.8311, Florida
40 Statutes, is amended to read:

41 468.8311 Definitions.-As used in this part, the term:



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

49 Section 4. Present subsections (5) through (8) of section
50 468.8312, Florida Statutes, are redesignated as subsections (4)
51 through (7), respectively, and subsection (4) of that section is
52 deleted, to read:

53 468.8312 Fees.—

54 ~~(4) The fee for a certificate of authorization shall not~~
55 ~~exceed \$125.~~

56 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

57 (5)~~(6)~~ The fee for licensure by endorsement shall not
58 exceed \$200.

59 (6)~~(7)~~ The fee for application for inactive status or for
60 reactivation of an inactive license shall not exceed \$200.

61 (7)~~(8)~~ The fee for applications from providers of
62 continuing education may not exceed \$500.

63 Section 5. Subsections (1) and (2) of section 468.8313,
64 Florida Statutes, are amended, present subsection (6) of that
65 section is redesignated as subsection (7), and a new subsection
66 (6) is added to that section, to read:

67 468.8313 Examinations.—

68 (1) A person desiring to be licensed as a home inspector
69 shall apply to the department after he or she satisfies the
70 examination requirements in this part ~~to take a licensure~~



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71 examination.

72 (2) An applicant ~~shall be entitled to take the licensure~~
73 ~~examination for the purpose of determining whether he or she is~~
74 qualified to practice in this state as a home inspector if the
75 applicant has passed the required examination, is of good moral
76 character, and has completed a course of study of at least ~~no~~
77 ~~less than~~ 120 hours which ~~that~~ covers all of the following
78 components of a home: structure, electrical system, HVAC system,
79 roof covering, plumbing system, interior components, exterior
80 components, and site conditions that affect the structure.

81 (6) An applicant for a license shall submit, along with the
82 application, a complete set of electronic fingerprints in a form
83 and manner required by the department. The fingerprints shall be
84 submitted to the Department of Law Enforcement for state
85 processing. The Department of Law Enforcement shall forward the
86 fingerprints to the Federal Bureau of Investigation for a level
87 2 background check pursuant to s. 435.04. The department shall
88 review the background results to determine if an applicant meets
89 the requirements for licensure. The applicant is responsible for
90 the cost associated with processing the fingerprints. The
91 authorized agencies or vendors shall collect these fees and pay
92 for the processing costs due to the Department of Law
93 Enforcement.

94 (7) ~~(6)~~ The department may adopt rules ~~pursuant to ss.~~
95 ~~120.536(1) and 120.54~~ to implement ~~the provisions of this~~
96 section.

97 Section 6. Section 468.8318, Florida Statutes, is amended
98 to read:

99 468.8318 Certification of corporations and partnerships.—



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100 ~~(1) The department shall issue a certificate of~~
101 ~~authorization to a corporation or partnership offering home~~
102 ~~inspection services to the public if the corporation or~~
103 ~~partnership satisfies all of the requirements of this part.~~

104 ~~(2) The practice of or the offer to practice home~~
105 ~~inspection services by licensees through a corporation or~~
106 ~~partnership offering home inspection services to the public, or~~
107 ~~by a corporation or partnership offering such services to the~~
108 ~~public through licensees under this part as agents, employees,~~
109 ~~officers, or partners, is permitted subject to the provisions of~~
110 ~~this part, provided that all personnel of the corporation or~~
111 ~~partnership who act in its behalf as home inspectors in this~~
112 ~~state are licensed as provided by this part; and further~~
113 ~~provided that the corporation or partnership has been issued a~~
114 ~~certificate of authorization by the department as provided in~~
115 ~~this section.~~ Nothing in this section shall be construed to
116 allow a corporation to hold a license to practice home
117 inspection services. No corporation or partnership shall be
118 relieved of responsibility for the conduct or acts of its
119 agents, employees, or officers by reason of its compliance with
120 this section, nor shall any individual practicing home
121 inspection services be relieved of responsibility for
122 professional services performed by reason of his or her
123 employment or relationship with a corporation or partnership.

124 ~~(3) For the purposes of this section, a certificate of~~
125 ~~authorization shall be required for a corporation, partnership,~~
126 ~~association, or person practicing under a fictitious name and~~
127 ~~offering home inspection services to the public; however, when~~
128 ~~an individual is practicing home inspection services in his or~~



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129 ~~her own given name, he or she shall not be required to register~~
130 ~~under this section.~~

131 ~~(4) Each certificate of authorization shall be renewed~~
132 ~~every 2 years. Each partnership and corporation certified under~~
133 ~~this section shall notify the department within 1 month of any~~
134 ~~change in the information contained in the application upon~~
135 ~~which the certification is based.~~

136 ~~(5) Disciplinary action against a corporation or~~
137 ~~partnership shall be administered in the same manner and on the~~
138 ~~same grounds as disciplinary action against a licensed home~~
139 ~~inspector.~~

140 Section 7. Section 468.8319, Florida Statutes, is amended
141 to read:

142 468.8319 Prohibitions; penalties.—

143 (1) A home inspector, a company that employs a home
144 inspector, or a company that is controlled by a company that
145 also has a financial interest in a company employing a home
146 inspector may not:

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

149 (b) Use the name or title "certified home inspector,"
150 "registered home inspector," "licensed home inspector," "home
151 inspector," "professional home inspector," or any combination
152 thereof unless the person has complied with the provisions of
153 this part;

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

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

157 (e) Use or attempt to use a license that has been suspended



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158 or revoked;

159 (f) Perform or offer to perform, ~~prior to closing, for any~~
160 ~~additional fee,~~ any repairs to a home on which the inspector or
161 the inspector's company has prepared a home inspection report.
162 This paragraph does not apply to a home warranty company that is
163 affiliated with or retains a home inspector to perform repairs
164 pursuant to a claim made under a home warranty contract;

165 (g) Inspect ~~for a fee~~ any property in which the inspector
166 or the inspector's company has any financial or transfer
167 interest;

168 (h) Offer or deliver any compensation, inducement, or
169 reward to any broker or agent therefor for the referral of the
170 owner of the inspected property to the inspector or the
171 inspection company; or

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

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

179 Section 8. Notwithstanding section 4 of chapter 2007-235,
180 Laws of Florida, paragraphs (a) and (b) of subsection (1) of
181 section 468.8319, Florida Statutes, shall take effect July 1,
182 2011.

183 Section 9. Subsection (1) of section 468.832, Florida
184 Statutes, is amended to read:

185 468.832 Disciplinary proceedings.—

186 (1) The following acts constitute grounds for which the



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187 disciplinary actions in subsection (2) may be taken:

188 (a) Violation of any provision of this part or s.
189 455.227(1).~~†~~

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

192 (c) Having a license to practice home inspection services
193 revoked, suspended, or otherwise acted against, including the
194 denial of licensure, by the licensing authority of another
195 state, territory, or country.~~†~~

196 (d) Being convicted or found guilty of, or entering a plea
197 of nolo contendere to, regardless of adjudication, a crime in
198 any jurisdiction that directly relates to the practice of home
199 inspection services or the ability to practice home inspection
200 services.~~†~~

201 (e) Making or filing a report or record that the licensee
202 knows to be false, willfully failing to file a report or record
203 required by state or federal law, willfully impeding or
204 obstructing such filing, or inducing another person to impede or
205 obstruct such filing. Such reports or records shall include only
206 those that are signed in the capacity of a licensed home
207 inspector.~~†~~

208 (f) Advertising goods or services in a manner that is
209 fraudulent, false, deceptive, or misleading in form or content.~~†~~

210 (g) Engaging in fraud or deceit, or negligence,
211 incompetency, or misconduct, in the practice of home inspection
212 services.~~†~~

213 (h) Failing to perform any statutory or legal obligation
214 placed upon a licensed home inspector; violating any provision
215 of this chapter, a rule of the department, or a lawful order of



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216 the department previously entered in a disciplinary hearing; or
217 failing to comply with a lawfully issued subpoena of the
218 department.~~;~~ ~~or~~

219 (i) Practicing on a revoked, suspended, inactive, or
220 delinquent license.

221 (j) Failing to meet any standard of practice adopted by
222 department rule.

223 Section 10. Section 468.8324, Florida Statutes, is amended
224 to read:

225 468.8324 Grandfather clause.—A person who performs home
226 inspection services as defined in this part may qualify to be
227 licensed by the department as a home inspector if the person
228 submits an application to the department postmarked on or before
229 March 1, 2011, which shows that the applicant: ~~meets the~~
230 licensure requirements of this part by July 1, 2010.

231 (1) (a) Has been certified as a home inspector by a state or
232 national association that required successful completion of a
233 proctored examination on home inspection, as defined in this
234 part, and has completed at least 14 hours of verifiable
235 education on home inspection; or

236 (b) Has at least 3 years of experience as a home inspector
237 at the time of application and has completed 14 hours of
238 verifiable education on home inspection. Applicants must provide
239 120 home inspection reports based on home inspections, as
240 defined in this part, to establish the required 3 years of
241 experience. The department may conduct investigations regarding
242 the validity of home inspection reports submitted pursuant to
243 this section and may take disciplinary action pursuant to s.
244 468.832 for the filing of false reports; and



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245 (2) (a) Has not within 5 years after the date of application
246 had a home inspector license, or a license in a related field,
247 revoked, suspended, or assessed a fine in excess of \$500. For
248 purposes of this part, a license in a related field includes,
249 but is not limited to, licensure in real estate, construction,
250 mold remediation, mold assessment, or building code
251 administration or inspection;

252 (b) Submits to and is not disqualified by the results of
253 the criminal background check required under s. 468.8313;

254 (c) Is of good moral character as defined in s. 468.8313;
255 and

256 (d) Has the general liability insurance required in s.
257 468.8322.

258 Section 11. Section 468.8325, Florida Statutes, is created
259 to read:

260 468.8325 Rulemaking.—The department shall adopt rules to
261 administer this part.

262 Section 12. Present subsections (7) through (10) of section
263 468.8412, Florida Statutes, are redesignated as subsections (6)
264 through (9), respectively, and subsection (6) of that section is
265 deleted, to read:

266 468.8412 Fees.—

267 ~~(6) The fee for a biennial certificate of authorization~~
268 ~~renewal shall not exceed \$400.~~

269 (6) ~~(7)~~ The fee for licensure by endorsement shall not
270 exceed \$200.

271 (7) ~~(8)~~ The fee for application for inactive status shall
272 not exceed \$100.

273 (8) ~~(9)~~ The fee for reactivation of an inactive license



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274 shall not exceed \$200.

275 ~~(9)-(10)~~ The fee for applications from providers of
276 continuing education may not exceed \$500.

277 Section 13. Subsections (1) and (2) of section 468.8413,
278 Florida Statutes, are amended to read:

279 468.8413 Examinations.—

280 (1) A person desiring to be licensed as a mold assessor or
281 mold remediator shall apply to the department after he or she
282 satisfies the examination requirements in this part ~~to take a~~
283 ~~licensure examination.~~

284 (2) An applicant is qualified ~~shall be entitled to take the~~
285 ~~licensure examination~~ to practice in this state as a mold
286 assessor or mold remediator if the applicant has passed the
287 required examination, is of good moral character, and has
288 satisfied one of the following requirements:

289 (a)1. For a mold remediator, at least an associate of arts
290 a 2-year degree or an equivalent degree and has completed at
291 least 30 semester hours in microbiology, engineering,
292 architecture, industrial hygiene, occupational safety, or a
293 related field of science from an accredited institution and a
294 minimum of 1 year of documented field experience in a field
295 related to mold remediation; or

296 2. A high school diploma or the equivalent with a minimum
297 of 4 years of documented field experience in a field related to
298 mold remediation.

299 (b)1. For a mold assessor, at least an associate of arts a
300 2-year degree or an equivalent degree and has completed at least
301 30 semester hours in microbiology, engineering, architecture,
302 industrial hygiene, occupational safety, or a related field of



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303 science from an accredited institution and a minimum of 1 year
304 of documented field experience in conducting microbial sampling
305 or investigations; or

306 2. A high school diploma or the equivalent with a minimum
307 of 4 years of documented field experience in conducting
308 microbial sampling or investigations.

309 Section 14. Subsection (3) of section 468.8414, Florida
310 Statutes, is amended to read:

311 468.8414 Licensure.—

312 (3) The department shall certify as qualified for a license
313 by endorsement an applicant who:

314 (a) Is of good moral character;

315 (b) Possesses the liability insurance required in s.
316 468.8421; and—

317 (c) 1. (a) Is qualified to take the examination as set forth
318 in s. 468.8413 and has passed a certification examination
319 offered by a nationally recognized organization that certifies
320 persons in the specialty of mold assessment or mold remediation
321 that has been approved by the department as substantially
322 equivalent to the requirements of this part and s. 455.217; or

323 2. (b) Holds a valid license to practice mold assessment or
324 mold remediation issued by another state or territory of the
325 United States if the criteria for issuance of the license were
326 substantially the same as the licensure criteria that is
327 established by this part as determined by the department.

328 Section 15. Section 468.8418, Florida Statutes, is amended
329 to read:

330 468.8418 Certification of partnerships and corporations.—

331 ~~(1) The department shall issue a certificate of~~



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332 ~~authorization to a corporation or partnership offering mold~~
333 ~~assessment or mold remediation services to the public if the~~
334 ~~corporation or partnership satisfies all of the requirements of~~
335 ~~this part.~~

336 ~~(2) The practice of or the offer to practice mold~~
337 ~~assessment or mold remediation by licensees through a~~
338 ~~corporation or partnership offering mold assessment or mold~~
339 ~~remediation to the public, or by a corporation or partnership~~
340 ~~offering such services to the public through licensees under~~
341 ~~this part as agents, employees, officers, or partners, is~~
342 ~~permitted subject to the provisions of this part, provided that~~
343 ~~the corporation or partnership has been issued a certificate of~~
344 ~~authorization by the department as provided in this section.~~
345 Nothing in this section shall be construed to allow a
346 corporation to hold a license to practice mold assessment or
347 mold remediation. No corporation or partnership shall be
348 relieved of responsibility for the conduct or acts of its
349 agents, employees, or officers by reason of its compliance with
350 this section, nor shall any individual practicing mold
351 assessment or mold remediation be relieved of responsibility for
352 professional services performed by reason of his or her
353 employment or relationship with a corporation or partnership.

354 ~~(3) For the purposes of this section, a certificate of~~
355 ~~authorization shall be required for a corporation, partnership,~~
356 ~~association, or person practicing under a fictitious name,~~
357 ~~offering mold assessment or mold remediation; however, when an~~
358 ~~individual is practicing mold assessment or mold remediation~~
359 ~~under his or her own given name, he or she shall not be required~~
360 ~~to register under this section.~~



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361 ~~(4) Each certificate of authorization shall be renewed~~
362 ~~every 2 years. Each partnership and corporation certified under~~
363 ~~this section shall notify the department within 1 month of any~~
364 ~~change in the information contained in the application upon~~
365 ~~which the certification is based.~~

366 ~~(5) Disciplinary action against a corporation or~~
367 ~~partnership shall be administered in the same manner and on the~~
368 ~~same grounds as disciplinary action against a licensed mold~~
369 ~~assessor or mold remediator.~~

370 Section 16. Notwithstanding section 4 of chapter 2007-235,
371 Laws of Florida, paragraphs (a) and (b) of subsection (1) of
372 section 468.8419, Florida Statutes, shall take effect July 1,
373 2011.

374 Section 17. Subsection (1) of section 468.842, Florida
375 Statutes, is amended to read:

376 468.842 Disciplinary proceedings.-

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

379 (a) Violation of any provision of this part or s.
380 455.227(1).~~†~~

381 (b) Attempting to procure a license to practice mold
382 assessment or mold remediation by bribery or fraudulent
383 misrepresentations.~~†~~

384 (c) Having a license to practice mold assessment or mold
385 remediation revoked, suspended, or otherwise acted against,
386 including the denial of licensure, by the licensing authority of
387 another state, territory, or country.~~†~~

388 (d) Being convicted or found guilty of, or entering a plea
389 of nolo contendere to, regardless of adjudication, a crime in



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390 any jurisdiction that directly relates to the practice of mold
391 assessment or mold remediation or the ability to practice mold
392 assessment or mold remediation.~~†~~

393 (e) Making or filing a report or record that the licensee
394 knows to be false, willfully failing to file a report or record
395 required by state or federal law, willfully impeding or
396 obstructing such filing, or inducing another person to impede or
397 obstruct such filing. Such reports or records shall include only
398 those that are signed in the capacity of a registered mold
399 assessor or mold remediator.~~†~~

400 (f) Advertising goods or services in a manner that is
401 fraudulent, false, deceptive, or misleading in form or content.~~†~~

402 (g) Engaging in fraud or deceit, or negligence,
403 incompetency, or misconduct, in the practice of mold assessment
404 or mold remediation.~~†~~

405 (h) Failing to perform any statutory or legal obligation
406 placed upon a licensed mold assessor or mold remediator;
407 violating any provision of this chapter, a rule of the
408 department, or a lawful order of the department previously
409 entered in a disciplinary hearing; or failing to comply with a
410 lawfully issued subpoena of the department.~~†~~~~or~~

411 (i) Practicing on a revoked, suspended, inactive, or
412 delinquent license.

413 (j) Failing to meet any standard of practice adopted by
414 department rule.

415 Section 18. Subsection (1) of section 468.8421, Florida
416 Statutes, is amended to read:

417 468.8421 Insurance.—

418 (1) A mold assessor shall maintain general liability and



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419 errors and omissions insurance coverage in an amount of not less
420 than \$1,000,000. The insurance must cover preliminary and
421 postremediation activities.

422 Section 19. Section 468.8423, Florida Statutes, is amended
423 to read:

424 468.8423 Grandfather clause.—A person who performs mold
425 assessment or mold remediation as defined in this part may
426 qualify to be licensed by the department as a mold assessor or
427 mold remediator if the person submits an application to the
428 department postmarked on or before March 1, 2011, which shows
429 that the applicant:

430 (1) (a) Has been certified as a mold assessor or mold
431 remediator by a state or national association that required
432 successful completion of a proctored examination for
433 certification and has completed at least 60 hours of education
434 for an assessor and 30 hours of education for a remediator; or

435 (b) Has at least 3 years of experience as a mold assessor
436 or mold remediator at the time of application. Applicants must
437 provide 40 invoices for mold assessments or mold remediations,
438 as defined by this part, to establish the required 3 years of
439 experience. The department may conduct investigations regarding
440 the validity of invoices for mold assessments or mold
441 remediations submitted pursuant to this section and may take
442 disciplinary action pursuant to s. 468.842 for submitting false
443 information; and

444 (2) (a) Has not, within 5 years after the date of
445 application, had a mold assessor or mold remediator, or a
446 license in a related field, revoked, suspended, or assessed a
447 fine in excess of \$500. For purposes of this part, a license in



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448 a related field includes, but is not limited to, licensure in
449 real estate, construction, home inspection, building code
450 administration or inspection, or indoor air quality;

451 (b) Is of good moral character as defined in s. 468.8413;
452 and

453 (c) Has the general liability insurance required in s.
454 468.8421 meets the licensure requirements of this part by July
455 1, 2010.

456 Section 20. Section 468.8424, Florida Statutes, is created
457 to read:

458 468.8424 Rulemaking.—The department shall adopt rules to
459 administer this part.

460 Section 21. Subsection (22) of section 489.103, Florida
461 Statutes, is amended to read:

462 (22) A person licensed pursuant to s. 633.061(1)(d) or
463 (3)(b) ~~(2)(b)~~ performing work authorized by such license.

464 Section 22. Subsections (2), (8), and (9) of section
465 553.37, Florida Statutes, are amended, and subsection (12) is
466 added to that section, to read:

467 553.37 Rules; inspections; and insignia.—

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

469 (a) Procedures and qualifications for approval of third-
470 party plan review and inspection agencies and of those who
471 perform inspections and plan reviews.

472 (b) Investigation of consumer complaints of noncompliance
473 of manufactured buildings with the Florida Building Code and the
474 Florida Fire Prevention Code.

475 (c) Issuance, cancellation, and revocation of any insignia
476 issued by the department and procedures for auditing and



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477 accounting for disposition of them.

478 (d) Monitoring the manufacturers', inspection agencies',
479 and plan review agencies' compliance with this part and the
480 Florida Building Code. Monitoring may include, but is not
481 limited to, performing audits of plans, inspections of
482 manufacturing facilities and observation of the manufacturing
483 and inspection process, and onsite inspections of buildings.

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

486 (8) The department, by rule, shall establish a schedule of
487 fees to pay the cost of the administration and enforcement of
488 this part. The rule may provide for manufacturers to pay fees to
489 the administrator directly via the Building Code Information
490 System.

491 (9) The department may delegate its enforcement authority
492 to a state department having building construction
493 responsibilities or a local government and may enter into
494 contracts for the performance of its administrative duties under
495 this part. The department may delegate its plan review and
496 inspection authority to one or more of the following in any
497 combination:

498 (a) A state department having building construction
499 responsibilities;

500 (b) A local government;

501 (c) An approved inspection agency;

502 (d) An approved plan review agency; or

503 (e) An agency of another state.

504 (12) Custom or one-of-a-kind prototype manufactured
505 buildings are not required to have state approval, but must be



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506 in compliance with all local requirements of the governmental
507 agency having jurisdiction at the installation site.

508 Section 23. Section 553.375, Florida Statutes, is amended
509 to read:

510 553.375 Recertification of manufactured buildings.—Prior to
511 the relocation to a site that has a higher design wind speed,
512 modification, or change of occupancy of a manufactured building
513 within the state, the manufacturer, dealer, or owner thereof may
514 apply to the department for recertification of that manufactured
515 building. The department shall, by rule, provide what
516 information the applicant must submit for recertification and
517 for plan review and inspection of such manufactured buildings
518 and shall establish fees for recertification. Upon a
519 determination by the department that the manufactured building
520 complies with the applicable building codes, the department
521 shall issue a recertification insignia. A manufactured building
522 that bears recertification insignia does not require any
523 additional approval by an enforcement jurisdiction in which the
524 building is sold or installed, and is considered to comply with
525 all applicable codes. As an alternative to recertification by
526 the department, the manufacturer, dealer, or owner of a
527 manufactured building may seek appropriate permitting and a
528 certificate of occupancy from the local jurisdiction in
529 accordance with procedures generally applicable under the
530 Florida Building Code.

531 Section 24. Section 553.509, Florida Statutes, is amended
532 to read:

533 553.509 Vertical accessibility.—

534 ~~(1)~~ Nothing in ss. 553.501-553.513 or the guidelines shall



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535 be construed to relieve the owner of any building, structure, or
536 facility governed by those sections from the duty to provide
537 vertical accessibility to all levels above and below the
538 occupiable grade level, regardless of whether the guidelines
539 require an elevator to be installed in such building, structure,
540 or facility, except for:

541 (1)~~(a)~~ Elevator pits, elevator penthouses, mechanical
542 rooms, piping or equipment catwalks, and automobile lubrication
543 and maintenance pits and platforms;

544 (2)~~(b)~~ Unoccupiable spaces, such as rooms, enclosed spaces,
545 and storage spaces that are not designed for human occupancy,
546 for public accommodations, or for work areas; and

547 (3)~~(c)~~ Occupiable spaces and rooms that are not open to the
548 public and that house no more than five persons, including, but
549 not limited to, equipment control rooms and projection booths.

550 ~~(2) (a) Any person, firm, or corporation that owns, manages,~~
551 ~~or operates a residential multifamily dwelling, including a~~
552 ~~condominium, that is at least 75 feet high and contains a public~~
553 ~~elevator, as described in s. 399.035(2) and (3) and rules~~
554 ~~adopted by the Florida Building Commission, shall have at least~~
555 ~~one public elevator that is capable of operating on an alternate~~
556 ~~power source for emergency purposes. Alternate power shall be~~
557 ~~available for the purpose of allowing all residents access for a~~
558 ~~specified number of hours each day over a 5-day period following~~
559 ~~a natural disaster, manmade disaster, emergency, or other civil~~
560 ~~disturbance that disrupts the normal supply of electricity. The~~
561 ~~alternate power source that controls elevator operations must~~
562 ~~also be capable of powering any connected fire alarm system in~~
563 ~~the building.~~



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564 ~~(b) At a minimum, the elevator must be appropriately~~
565 ~~rewired and prepared to accept an alternate power source and~~
566 ~~must have a connection on the line side of the main disconnect,~~
567 ~~pursuant to National Electric Code Handbook, Article 700. In~~
568 ~~addition to the required power source for the elevator and~~
569 ~~connected fire alarm system in the building, the alternate power~~
570 ~~supply must be sufficient to provide emergency lighting to the~~
571 ~~interior lobbies, hallways, and other portions of the building~~
572 ~~used by the public. Residential multifamily dwellings must have~~
573 ~~an available generator and fuel source on the property or have~~
574 ~~proof of a current contract posted in the elevator machine room~~
575 ~~or other place conspicuous to the elevator inspector affirming a~~
576 ~~current guaranteed service contract for such equipment and fuel~~
577 ~~source to operate the elevator on an on-call basis within 24~~
578 ~~hours after a request. By December 31, 2006, any person, firm or~~
579 ~~corporation that owns, manages, or operates a residential~~
580 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
581 ~~the local building inspection agency verification of engineering~~
582 ~~plans for residential multifamily dwellings that provide for the~~
583 ~~capability to generate power by alternate means. Compliance with~~
584 ~~installation requirements and operational capability~~
585 ~~requirements must be verified by local building inspectors and~~
586 ~~reported to the county emergency management agency by December~~
587 ~~31, 2007.~~

588 ~~(c) Each newly constructed residential multifamily~~
589 ~~dwelling, including a condominium, that is at least 75 feet high~~
590 ~~and contains a public elevator, as described in s. 399.035(2)~~
591 ~~and (3) and rules adopted by the Florida Building Commission,~~
592 ~~must have at least one public elevator that is capable of~~



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593 ~~operating on an alternate power source for the purpose of~~
594 ~~allowing all residents access for a specified number of hours~~
595 ~~each day over a 5-day period following a natural disaster,~~
596 ~~manmade disaster, emergency, or other civil disturbance that~~
597 ~~disrupts the normal supply of electricity. The alternate power~~
598 ~~source that controls elevator operations must be capable of~~
599 ~~powering any connected fire alarm system in the building. In~~
600 ~~addition to the required power source for the elevator and~~
601 ~~connected fire alarm system, the alternate power supply must be~~
602 ~~sufficient to provide emergency lighting to the interior~~
603 ~~lobbies, hallways, and other portions of the building used by~~
604 ~~the public. Engineering plans and verification of operational~~
605 ~~capability must be provided by the local building inspector to~~
606 ~~the county emergency management agency before occupancy of the~~
607 ~~newly constructed building.~~

608 ~~(d) Each person, firm, or corporation that is required to~~
609 ~~maintain an alternate power source under this subsection shall~~
610 ~~maintain a written emergency operations plan that details the~~
611 ~~sequence of operations before, during, and after a natural or~~
612 ~~manmade disaster or other emergency situation. The plan must~~
613 ~~include, at a minimum, a lifesafety plan for evacuation,~~
614 ~~maintenance of the electrical and lighting supply, and~~
615 ~~provisions for the health, safety, and welfare of the residents.~~
616 ~~In addition, the owner, manager, or operator of the residential~~
617 ~~multifamily dwelling must keep written records of any contracts~~
618 ~~for alternative power generation equipment. Also, quarterly~~
619 ~~inspection records of lifesafety equipment and alternate power~~
620 ~~generation equipment must be posted in the elevator machine room~~
621 ~~or other place conspicuous to the elevator inspector, which~~



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622 ~~confirm that such equipment is properly maintained and in good~~
623 ~~working condition, and copies of contracts for alternate power~~
624 ~~generation equipment shall be maintained on site for~~
625 ~~verification. The written emergency operations plan and~~
626 ~~inspection records shall also be open for periodic inspection by~~
627 ~~local and state government agencies as deemed necessary. The~~
628 ~~owner or operator must keep a generator key in a lockbox posted~~
629 ~~at or near any installed generator unit.~~

630 ~~(e) Multistory affordable residential dwellings for persons~~
631 ~~age 62 and older that are financed or insured by the United~~
632 ~~States Department of Housing and Urban Development must make~~
633 ~~every effort to obtain grant funding from the Federal Government~~
634 ~~or the Florida Housing Finance Corporation to comply with this~~
635 ~~subsection. If an owner of such a residential dwelling cannot~~
636 ~~comply with the requirements of this subsection, the owner must~~
637 ~~develop a plan with the local emergency management agency to~~
638 ~~ensure that residents are evacuated to a place of safety in the~~
639 ~~event of a power outage resulting from a natural or manmade~~
640 ~~disaster or other emergency situation that disrupts the normal~~
641 ~~supply of electricity for an extended period of time. A place of~~
642 ~~safety may include, but is not limited to, relocation to an~~
643 ~~alternative site within the building or evacuation to a local~~
644 ~~shelter.~~

645 ~~(f) As a part of the annual elevator inspection required~~
646 ~~under s. 399.061, certified elevator inspectors shall confirm~~
647 ~~that all installed generators required by this chapter are in~~
648 ~~working order, have current inspection records posted in the~~
649 ~~elevator machine room or other place conspicuous to the elevator~~
650 ~~inspector, and that the required generator key is present in the~~



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651 ~~lockbox posted at or near the installed generator. If a building~~
652 ~~does not have an installed generator, the inspector shall~~
653 ~~confirm that the appropriate rewiring and switching~~
654 ~~capabilities are present and that a statement is posted in the~~
655 ~~elevator machine room or other place conspicuous to the elevator~~
656 ~~inspector affirming a current guaranteed contract exists for~~
657 ~~contingent services for alternate power is current for the~~
658 ~~operating period.~~

659
660 However, buildings, structures, and facilities must, at ~~as~~ a
661 minimum, comply with the requirements in the Americans with
662 Disabilities Act Accessibility Guidelines.

663 Section 25. Subsection (1) of section 553.512, Florida
664 Statutes, is amended to read:

665 553.512 Modifications and waivers; advisory council.—

666 (1) The Florida Building Commission shall provide by
667 regulation criteria for granting individual modifications of, or
668 exceptions from, the literal requirements of this part upon a
669 determination of unnecessary, unreasonable, or extreme hardship,
670 provided such waivers shall not violate federal accessibility
671 laws and regulations and shall be reviewed by the Accessibility
672 Advisory Council. The commission shall establish by rule a fee
673 to be paid upon submitting a request for a waiver as provided in
674 this section. Notwithstanding any other provision of this
675 subsection, if an applicant for a waiver demonstrates economic
676 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver
677 shall be granted. The commission may not consider waiving any of
678 the requirements of s. 553.5041 unless the applicant first
679 demonstrates that she or he has applied for and been denied



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680 waiver or variance from all local government zoning, subdivision
681 regulations, or other ordinances that prevent compliance
682 therewith. Further, the commission may not waive the requirement
683 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
684 accessible routes and minimum width of accessible parking
685 spaces.

686 Section 26. Present subsections (5) through (13) of section
687 553.73, Florida Statutes, are redesignated as subsections (6)
688 through (14), respectively, a new subsection (5) is added to
689 that section, paragraph (a) of subsection (6) and subsections
690 (7) and (9) of that section are amended, and subsections (15)
691 and (16) are added to that section, to read:

692 553.73 Florida Building Code.—

693 (5) Notwithstanding subsection (4), counties and
694 municipalities may adopt by ordinance an administrative or
695 technical amendment to the Florida Building Code regarding flood
696 resistance in order to implement the National Flood Insurance
697 Program or incentives. Specifically, an administrative amendment
698 may assign the duty to enforce all or portions of flood-related
699 code provisions to the appropriate agencies of the local
700 government and adopt procedures for variances and exceptions
701 from flood-related code provisions other than provisions for
702 structures seaward of the Coastal Construction Control Line
703 consistent with the requirements in 44 C.F.R. s. 60.6. A
704 technical amendment is authorized to the extent that it is more
705 stringent than the code. A technical amendment is not subject to
706 the requirements in subsection (4) and may not be rendered void
707 when the code is updated, if the amendment is adopted for the
708 purpose of participating in the Community Rating System



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709 promulgated pursuant to 42 U.S.C. s. 4022. Any amendment adopted
710 pursuant to this subsection shall be transmitted to the
711 commission within 30 days after the amendment is adopted.

712 (7)(6)(a) The commission, by rule adopted pursuant to ss.
713 120.536(1) and 120.54, shall update the Florida Building Code
714 every 3 years. When updating the Florida Building Code, the
715 commission shall select the most current version of the
716 International Building Code, the International Fuel Gas Code,
717 the International Mechanical Code, the International Plumbing
718 Code, and the International Residential Code, all of which are
719 adopted by the International Code Council, and the National
720 Electrical Code, which is adopted by the National Fire
721 Protection Association, to form the foundation codes of the
722 updated Florida Building Code, if the version has been adopted
723 by the applicable model code entity ~~and made available to the~~
724 ~~public at least 6 months prior to its selection by the~~
725 ~~commission~~. The commission shall select the most current version
726 of the International Energy Conservation Code (IECC) as a
727 foundation code; however, the IECC shall be modified by the
728 commission to maintain the efficiencies of the Florida Energy
729 Efficiency Code for Building Construction adopted and amended
730 pursuant to s. 553.901.

731 (8)(7) Notwithstanding the provisions of subsection (3) or
732 subsection (7) (6), the commission may address issues identified
733 in this subsection by amending the code pursuant only to the
734 rule adoption procedures contained in chapter 120. Provisions of
735 the Florida Building Code, including those contained in
736 referenced standards and criteria, relating to wind resistance
737 or the prevention of water intrusion may not be amended pursuant



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738 to this subsection to diminish those construction requirements;
739 however, the commission may, subject to conditions in this
740 subsection, amend the provisions to enhance those construction
741 requirements. Following the approval of any amendments to the
742 Florida Building Code by the commission and publication of the
743 amendments on the commission's website, authorities having
744 jurisdiction to enforce the Florida Building Code may enforce
745 the amendments. The commission may approve amendments that are
746 needed to address:

747 (a) Conflicts within the updated code;

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

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

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

756 (e) Equivalency of standards;

757 (f) The specific needs of state agencies when agency rules
758 must be updated to reflect federal requirements relating to
759 design criteria for public educational facilities and state-
760 licensed facilities;

761 (g) ~~(e)~~ Changes to or inconsistencies with federal or state
762 law; or

763 (h) ~~(f)~~ Adoption of an updated edition of the National
764 Electrical Code if the commission finds that delay of
765 implementing the updated edition causes undue hardship to
766 stakeholders or otherwise threatens the public health, safety,



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767 and welfare.

768 ~~(10)(9)~~ The following buildings, structures, and facilities
769 are exempt from the Florida Building Code as provided by law,
770 and any further exemptions shall be as determined by the
771 Legislature and provided by law:

772 (a) Buildings and structures specifically regulated and
773 preempted by the Federal Government.

774 (b) Railroads and ancillary facilities associated with the
775 railroad.

776 (c) Nonresidential farm buildings on farms.

777 (d) Temporary buildings or sheds used exclusively for
778 construction purposes.

779 (e) Mobile or modular structures used as temporary offices,
780 except that the provisions of part II relating to accessibility
781 by persons with disabilities shall apply to such mobile or
782 modular structures.

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

786 (g) Temporary sets, assemblies, or structures used in
787 commercial motion picture or television production, or any
788 sound-recording equipment used in such production, on or off the
789 premises.

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

794 (i) Chickees constructed by the Miccosukee Tribe of Indians
795 of Florida or the Seminole Tribe of Florida. As used in this



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796 paragraph, the term "chickee" means an open-sided wooden hut
797 that has a thatched roof of palm or palmetto or other
798 traditional materials, and that does not incorporate any
799 electrical, plumbing, or other nonwood features.

800 (j) Family mausoleums not exceeding 250 square feet in area
801 which are prefabricated and assembled on site or preassembled
802 and delivered on site and have walls, roofs, and a floor
803 constructed of granite, marble, or reinforced concrete.

804
805 With the exception of paragraphs (a), (b), (c), and (f), in
806 order to preserve the health, safety, and welfare of the public,
807 the Florida Building Commission may, by rule adopted pursuant to
808 chapter 120, provide for exceptions to the broad categories of
809 buildings exempted in this section, including exceptions for
810 application of specific sections of the code or standards
811 adopted therein. The Department of Agriculture and Consumer
812 Services shall have exclusive authority to adopt by rule,
813 pursuant to chapter 120, exceptions to nonresidential farm
814 buildings exempted in paragraph (c) when reasonably necessary to
815 preserve public health, safety, and welfare. The exceptions must
816 be based upon specific criteria, such as under-roof floor area,
817 aggregate electrical service capacity, HVAC system capacity, or
818 other building requirements. Further, the commission may
819 recommend to the Legislature additional categories of buildings,
820 structures, or facilities which should be exempted from the
821 Florida Building Code, to be provided by law. The Florida
822 Building Code does not apply to temporary housing provided by
823 the Department of Corrections to any prisoner in the state
824 correctional system.



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825 (15) The Florida Building Code or any agency or local
826 government may not require that existing mechanical equipment on
827 the surface of a roof be installed in compliance with the
828 requirements in the code until the reroofing of the structure or
829 the mechanical equipment is replaced.

830 (16) The Florida Building Code must require that the
831 illumination in classroom units be designed to provide and
832 maintain an average of 40 foot-candles of light at each desktop.
833 Public educational facilities must consider using light-emitting
834 diode lighting before considering other lighting sources.

835 Section 27. Subsection (5) is added to section 553.74,
836 Florida Statutes, to read:

837 553.74 Florida Building Commission.—

838 (5) Notwithstanding s. 112.313 or any other provision of
839 law, a member of any of commission's technical advisory
840 committees or a member of other advisory committees or
841 workgroups, shall not be considered to have an impermissible
842 conflict of interest when representing clients before the
843 commission or one of its committees or workgroups. However, the
844 member, in his or her capacity as member of the committee or
845 workgroup, may not take part in any discussion on or take action
846 on any matter in which he or she has a direct financial
847 interest.

848 Section 28. Subsection (2) of section 553.76, Florida
849 Statutes, is amended to read:

850 553.76 General powers of the commission.—The commission is
851 authorized to:

852 (2) Issue memoranda of procedure for its internal
853 management and control. The commission may adopt rules related



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854 to its consensus-based decisionmaking process, including, but
855 not limited to, super majority voting requirements for
856 commission actions relating to the adoption of the Florida
857 Building Code or amendments to the code.

858 Section 29. Subsections (2) and (4) of section 553.775,
859 Florida Statutes, are amended to read:

860 553.775 Interpretations.—

861 (2) Local enforcement agencies, local building officials,
862 state agencies, and the commission shall interpret provisions of
863 the Florida Building Code in a manner that is consistent with
864 declaratory statements and interpretations entered by the
865 commission, except that conflicts between the Florida Fire
866 Prevention Code and the Florida Building Code shall be resolved
867 in accordance with s. 553.73(11)(c) ~~s. 553.73(10)(e)~~ and (d).

868 (4) In order to administer this section, the commission may
869 adopt by rule and impose a fee for filing requests for
870 declaratory statements and binding and nonbinding
871 interpretations to recoup the cost of the proceedings which may
872 not exceed \$250 for each request for a review or interpretation.
873 For proceedings conducted by or in coordination with a third-
874 party, the rule may provide that payment be made directly to the
875 third party, who shall remit to the department that portion of
876 the fee necessary to cover the costs of the department.

877 Section 30. Subsection (9) of section 553.79, Florida
878 Statutes, is amended to read:

879 553.79 Permits; applications; issuance; inspections.—

880 (9) Any state agency whose enabling legislation authorizes
881 it to enforce provisions of the Florida Building Code may enter
882 into an agreement with any other unit of government to delegate



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883 its responsibility to enforce those provisions and may expend
884 public funds for permit and inspection fees, which fees may be
885 no greater than the fees charged others. Inspection services
886 that are not required to be performed by a state agency under a
887 federal delegation of responsibility or by a state agency under
888 the Florida Building Code must be performed under the
889 alternative plans review and inspection process created in s.
890 553.791 or by a local governmental entity having authority to
891 enforce the Florida Building Code.

892 Section 31. For the purpose of incorporating the amendment
893 made by this act to section 553.79, Florida Statutes, in a
894 reference thereto, subsection (1) of section 553.80, Florida
895 Statutes, is reenacted, and subsection (3) of that section is
896 amended, to read:

897 553.80 Enforcement.—

898 (1) Except as provided in paragraphs (a)-(g), each local
899 government and each legally constituted enforcement district
900 with statutory authority shall regulate building construction
901 and, where authorized in the state agency's enabling
902 legislation, each state agency shall enforce the Florida
903 Building Code required by this part on all public or private
904 buildings, structures, and facilities, unless such
905 responsibility has been delegated to another unit of government
906 pursuant to s. 553.79(9).

907 (a) Construction regulations relating to correctional
908 facilities under the jurisdiction of the Department of
909 Corrections and the Department of Juvenile Justice are to be
910 enforced exclusively by those departments.

911 (b) Construction regulations relating to elevator equipment



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912 under the jurisdiction of the Bureau of Elevators of the
913 Department of Business and Professional Regulation shall be
914 enforced exclusively by that department.

915 (c) In addition to the requirements of s. 553.79 and this
916 section, facilities subject to the provisions of chapter 395 and
917 part II of chapter 400 shall have facility plans reviewed and
918 construction surveyed by the state agency authorized to do so
919 under the requirements of chapter 395 and part II of chapter 400
920 and the certification requirements of the Federal Government.

921 (d) Building plans approved under s. 553.77(3) and state-
922 approved manufactured buildings, including buildings
923 manufactured and assembled offsite and not intended for
924 habitation, such as lawn storage buildings and storage sheds,
925 are exempt from local code enforcing agency plan reviews except
926 for provisions of the code relating to erection, assembly, or
927 construction at the site. Erection, assembly, and construction
928 at the site are subject to local permitting and inspections.
929 Lawn storage buildings and storage sheds bearing the insignia of
930 approval of the department are not subject to s. 553.842. Such
931 buildings that do not exceed 400 square feet may be delivered
932 and installed without need of a contractor's or specialty
933 license.

934 (e) Construction regulations governing public schools,
935 state universities, and community colleges shall be enforced as
936 provided in subsection (6).

937 (f) The Florida Building Code as it pertains to toll
938 collection facilities under the jurisdiction of the turnpike
939 enterprise of the Department of Transportation shall be enforced
940 exclusively by the turnpike enterprise.



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941 (g) Construction regulations relating to secure mental
942 health treatment facilities under the jurisdiction of the
943 Department of Children and Family Services shall be enforced
944 exclusively by the department in conjunction with the Agency for
945 Health Care Administration's review authority under paragraph
946 (c).

947
948 The governing bodies of local governments may provide a schedule
949 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
950 section, for the enforcement of the provisions of this part.
951 Such fees shall be used solely for carrying out the local
952 government's responsibilities in enforcing the Florida Building
953 Code. The authority of state enforcing agencies to set fees for
954 enforcement shall be derived from authority existing on July 1,
955 1998. However, nothing contained in this subsection shall
956 operate to limit such agencies from adjusting their fee schedule
957 in conformance with existing authority.

958 (3) Each enforcement district shall be governed by a board,
959 the composition of which shall be determined by the affected
960 localities. At its own option each enforcement district or local
961 enforcement agency may promulgate rules granting to the owner of
962 a single-family residence one or more exemptions from the
963 Florida Building Code; however, the exemptions do not apply to
964 single-family residences that are located in mapped flood hazard
965 areas, as defined in the code, unless the enforcement district
966 or local enforcement agency has determined that the work, which
967 is otherwise exempt, does not constitute a substantial
968 improvement, including the repair of substantial damage, of such
969 single-family residences, relating to:



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970 (a) Addition, alteration, or repairs performed by the
971 property owner upon his or her own property, provided any
972 addition or alteration shall not exceed 1,000 square feet or the
973 square footage of the primary structure, whichever is less.

974 (b) Addition, alteration, or repairs by a nonowner within a
975 specific cost limitation set by rule, provided the total cost
976 shall not exceed \$5,000 within any 12-month period.

977 (c) Building and inspection fees.

978
979 Each code exemption, as defined in paragraphs (a), (b), and (c),
980 shall be certified to the local board 10 days prior to
981 implementation and shall only be effective in the territorial
982 jurisdiction of the enforcement district or local enforcement
983 agency implementing it.

984 Section 32. Subsections (4) and (5) of section 553.841,
985 Florida Statutes, are amended, and present subsections (6)
986 through (9) of that section are redesignated as subsections (5)
987 through (8), respectively, to read:

988 553.841 Building code compliance and mitigation program.—

989 (4) ~~The department,~~ In administering the Florida Building
990 Code Compliance and Mitigation Program, the department shall
991 maintain, update, develop, or cause to be developed:

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

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

995 ~~(c) The core curriculum developed under this subsection~~
996 ~~must be submitted to the Department of Business and Professional~~
997 ~~Regulation for approval. Advanced modules developed under this~~
998 ~~paragraph must be approved by the commission and submitted to~~



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999 ~~the respective boards for approval.~~

1000 ~~(5) The core curriculum shall cover the information~~
1001 ~~required to have all categories of participants appropriately~~
1002 ~~informed as to their technical and administrative~~
1003 ~~responsibilities in the effective execution of the code process~~
1004 ~~by all individuals currently licensed under part XII of chapter~~
1005 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
1006 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
1007 ~~prerequisite to the advanced module coursework for all licensees~~
1008 ~~and shall be completed by individuals licensed in all categories~~
1009 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
1010 ~~chapter 489 within the first 2-year period after initial~~
1011 ~~licensure. Core course hours taken by licensees to complete this~~
1012 ~~requirement shall count toward fulfillment of required~~
1013 ~~continuing education units under part XII of chapter 468,~~
1014 ~~chapter 471, chapter 481, or chapter 489.~~

1015 Section 33. Subsections (1), (5), (8), and (17) of section
1016 553.842, Florida Statutes, are amended to read:

1017 553.842 Product evaluation and approval.-

1018 (1) The commission shall adopt rules under ss. 120.536(1)
1019 and 120.54 to develop and implement a product evaluation and
1020 approval system that applies statewide to operate in
1021 coordination with the Florida Building Code. The commission may
1022 enter into contracts to provide for administration of the
1023 product evaluation and approval system. The commission's rules
1024 and any applicable contract may provide that the payment of fees
1025 related to approvals be made directly to the administrator. Any
1026 fee paid by product manufacturers shall be used only for funding
1027 the state product approval system. The product evaluation and



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1028 approval system shall provide:

1029 (a) Appropriate promotion of innovation and new
1030 technologies.

1031 (b) Processing submittals of products from manufacturers in
1032 a timely manner.

1033 (c) Independent, third-party qualified and accredited
1034 testing and laboratory facilities, product evaluation entities,
1035 quality assurance agencies, certification agencies, and
1036 validation entities.

1037 (d) An easily accessible product acceptance list to
1038 entities subject to the Florida Building Code.

1039 (e) Development of stringent but reasonable testing
1040 criteria based upon existing consensus standards, when
1041 available, for products.

1042 (f) Long-term approvals, where feasible. State and local
1043 approvals will be valid until the requirements of the code on
1044 which the approval is based change, the product changes in a
1045 manner affecting its performance as required by the code, or the
1046 approval is revoked; however, the commission may allow by rule
1047 editorial revisions to approvals and charge a fee as provided in
1048 this section.

1049 (g) Criteria for revocation of a product approval.

1050 (h) Cost-effectiveness.

1051 (5) Statewide approval of products, methods, or systems of
1052 construction may be achieved by one of the following methods.
1053 One of these methods must be used by the commission to approve
1054 the following categories of products: panel walls, exterior
1055 doors, roofing, skylights, windows, shutters, and structural
1056 components as established by the commission by rule.



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1057 (a) Products for which the code establishes standardized
1058 testing or comparative or rational analysis methods shall be
1059 approved by submittal and validation of one of the following
1060 reports or listings indicating that the product or method or
1061 system of construction was evaluated to be in compliance with
1062 the Florida Building Code and that the product or method or
1063 system of construction is, for the purpose intended, at least
1064 equivalent to that required by the Florida Building Code:
1065 1. A certification mark or listing of an approved
1066 certification agency, which may be used only for products for
1067 which the code designates standardized testing;
1068 2. A test report from an approved testing laboratory;
1069 3. A product evaluation report based upon testing or
1070 comparative or rational analysis, or a combination thereof, from
1071 an approved product evaluation entity; or
1072 4. A product evaluation report based upon testing or
1073 comparative or rational analysis, or a combination thereof,
1074 developed and signed and sealed by a professional engineer or
1075 architect, licensed in this state.
1076
1077 A product evaluation report or a certification mark or listing
1078 of an approved certification agency which demonstrates that the
1079 product or method or system of construction complies with the
1080 Florida Building Code for the purpose intended shall be
1081 equivalent to a test report and test procedure as referenced in
1082 the Florida Building Code. An application for state approval of
1083 a product under subparagraph 1. must be approved by the
1084 department after the commission staff or a designee verifies
1085 that the application and related documentation are complete.



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1086 This verification must be completed within 10 business days
1087 after receipt of the application. Upon approval by the
1088 department, the product shall be immediately added to the list
1089 of state-approved products maintained under subsection (13).
1090 Approvals by the department shall be reviewed and ratified by
1091 the commission's program oversight committee except for a
1092 showing of good cause that a review by the full commission is
1093 necessary.

1094 (b) Products, methods, or systems of construction for which
1095 there are no specific standardized testing or comparative or
1096 rational analysis methods established in the code may be
1097 approved by submittal and validation of one of the following:

1098 1. A product evaluation report based upon testing or
1099 comparative or rational analysis, or a combination thereof, from
1100 an approved product evaluation entity indicating that the
1101 product or method or system of construction was evaluated to be
1102 in compliance with the intent of the Florida Building Code and
1103 that the product or method or system of construction is, for the
1104 purpose intended, at least equivalent to that required by the
1105 Florida Building Code; or

1106 2. A product evaluation report based upon testing or
1107 comparative or rational analysis, or a combination thereof,
1108 developed and signed and sealed by a professional engineer or
1109 architect, licensed in this state, who certifies that the
1110 product or method or system of construction is, for the purpose
1111 intended, at least equivalent to that required by the Florida
1112 Building Code.

1113 (8) The commission may adopt rules to approve the following
1114 types of entities that produce information on which product



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1115 | approvals are based. All of the following entities, including
1116 | engineers and architects, must comply with a nationally
1117 | recognized standard demonstrating independence or no conflict of
1118 | interest:

1119 | (a) Evaluation entities that meet the criteria for approval
1120 | adopted by the commission by rule. The commission shall
1121 | specifically approve the National Evaluation Service, the
1122 | International Association of Plumbing and Mechanical Officials
1123 | Evaluation Service ~~the International Conference of Building~~
1124 | ~~Officials Evaluation Services~~, the International Code Council
1125 | Evaluation Services, ~~the Building Officials and Code~~
1126 | ~~Administrators International Evaluation Services~~, ~~the Southern~~
1127 | ~~Building Code Congress International Evaluation Services~~, and
1128 | the Miami-Dade County Building Code Compliance Office Product
1129 | Control. Architects and engineers licensed in this state are
1130 | also approved to conduct product evaluations as provided in
1131 | subsection (5).

1132 | (b) Testing laboratories accredited by national
1133 | organizations, such as A2LA and the National Voluntary
1134 | Laboratory Accreditation Program, laboratories accredited by
1135 | evaluation entities approved under paragraph (a), and
1136 | laboratories that comply with other guidelines for testing
1137 | laboratories selected by the commission and adopted by rule.

1138 | (c) Quality assurance entities approved by evaluation
1139 | entities approved under paragraph (a) and by certification
1140 | agencies approved under paragraph (d) and other quality
1141 | assurance entities that comply with guidelines selected by the
1142 | commission and adopted by rule.

1143 | (d) Certification agencies accredited by nationally



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1144 recognized accreditors and other certification agencies that
1145 comply with guidelines selected by the commission and adopted by
1146 rule.

1147 (e) Validation entities that comply with accreditation
1148 standards established by the commission by rule.

1149 ~~(17) (a) The Florida Building Commission shall review the~~
1150 ~~list of evaluation entities in subsection (8) and, in the annual~~
1151 ~~report required under s. 553.77, shall either recommend~~
1152 ~~amendments to the list to add evaluation entities the commission~~
1153 ~~determines should be authorized to perform product evaluations~~
1154 ~~or shall report on the criteria adopted by rule or to be adopted~~
1155 ~~by rule allowing the commission to approve evaluation entities~~
1156 ~~that use the commission's product evaluation process. If the~~
1157 ~~commission adopts criteria by rule, the rulemaking process must~~
1158 ~~be completed by July 1, 2009.~~

1159 ~~(b) Notwithstanding paragraph (8) (a), the International~~
1160 ~~Association of Plumbing and Mechanical Officials Evaluation~~
1161 ~~Services is approved as an evaluation entity until October 1,~~
1162 ~~2009. If the association does not obtain permanent approval by~~
1163 ~~the commission as an evaluation entity by October 1, 2009,~~
1164 ~~products approved on the basis of an association evaluation must~~
1165 ~~be substituted by an alternative, approved entity by December~~
1166 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
1167 ~~the commission based on an association evaluation is void.~~

1168 Section 34. Subsection (4) is added to section 553.844,
1169 Florida Statutes, to read:

1170 553.844 Windstorm loss mitigation; requirements for roofs
1171 and opening protection.-

1172 (4) Notwithstanding the provisions of this section, exposed



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1173 mechanical equipment or appliances fastened to rated stands,
1174 platforms, curbs, or slabs are deemed to comply with the wind
1175 resistance requirements for wind-borne debris regions as defined
1176 in s. 1609.2, Buildings Volume, 2007 Florida Building Code, as
1177 amended. Further support or enclosure of such mechanical
1178 equipment or appliances is not required by a state or local
1179 official having authority to enforce the Florida Building Code.
1180 This subsection expires December 31, 2012.

1181 Section 35. Section 553.885, Florida Statutes, is amended
1182 to read:

1183 553.885 Carbon monoxide alarm required.-

1184 (1) Every separate building or addition to an existing
1185 building, other than a hospital, an inpatient hospice facility,
1186 or a nursing home facility licensed by the Agency for Health
1187 Care Administration, constructed for which a building permit is
1188 issued for new construction on or after July 1, 2008, and having
1189 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an
1190 attached garage, or other feature, fixture, or element that
1191 emits carbon monoxide as a byproduct of combustion shall have an
1192 approved operational carbon monoxide alarm installed within 10
1193 feet of each room used for sleeping purposes in the new building
1194 or addition, or at such other locations as required by the
1195 Florida Building Code. The requirements of this subsection may
1196 be satisfied with the installation of a battery-powered carbon
1197 monoxide alarm or a battery-powered combination carbon monoxide
1198 and smoke alarm. For a new hospital, an inpatient hospice
1199 facility, or a nursing home facility licensed by the Agency for
1200 Health Care Administration, an approved operational carbon
1201 monoxide detector shall be installed inside or directly outside



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1202 of each room or area within the hospital or facility where a
1203 fossil-fuel-burning heater, engine, or appliance is located.
1204 This detector shall be connected to the fire alarm system of the
1205 hospital or facility as a supervisory signal. This subsection
1206 does not apply to existing buildings that are undergoing
1207 alterations or repairs unless the alteration is an addition as
1208 defined in subsection (3).

1209 (2) The Florida Building Commission shall adopt rules to
1210 administer this section and shall incorporate such requirements
1211 into its next revision of the Florida Building Code.

1212 (3) As used in this section, the term:

1213 (a) "Carbon monoxide alarm" means a device that is meant
1214 for the purpose of detecting carbon monoxide, that produces a
1215 distinct audible alarm, and that meets the requirements of and
1216 is approved by the Florida Building Commission.

1217 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases, or
1218 other petroleum or hydrocarbon product that emits carbon
1219 monoxide as a by-product of combustion.

1220 (c) "Addition" means an extension or increase in floor
1221 area, number of stories, or height of a building or structure.

1222 Section 36. Subsection (2) of section 553.9061, Florida
1223 Statutes, is amended to read:

1224 553.9061 Scheduled increases in thermal efficiency
1225 standards.—

1226 (2) The Florida Building Commission shall identify within
1227 code support and compliance documentation the specific building
1228 options and elements available to meet the energy performance
1229 goals established in subsection (1). Energy efficiency
1230 performance options and elements include, but are not limited



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1231 to:

1232 (a) Energy-efficient water heating systems, including solar
1233 water heating.

1234 (b) Energy-efficient appliances.

1235 (c) Energy-efficient windows, doors, and skylights.

1236 (d) Low solar-absorption roofs, also known as "cool roofs."

1237 (e) Enhanced ceiling and wall insulation.

1238 (f) Reduced-leak duct systems and energy-saving devices and
1239 features installed within duct systems.

1240 (g) Programmable thermostats.

1241 (h) Energy-efficient lighting systems.

1242 (i) Energy-saving quality installation procedures for
1243 replacement air conditioning systems, including, but not limited
1244 to, equipment sizing analysis and duct inspection.

1245 (j) Shading devices, sunscreening materials, and overhangs.

1246 (k) Weatherstripping, caulking, and sealing of exterior
1247 openings and penetrations.

1248 (l) Energy-efficient centralized computer data centers in
1249 office buildings.

1250 Section 37. Subsections (3) and (4) of section 553.909,
1251 Florida Statutes, are amended to read:

1252 553.909 Setting requirements for appliances; exceptions.—

1253 (3) Commercial or residential swimming pool ~~pumps or~~ water
1254 heaters manufactured on or sold after July 1, 2011, shall comply
1255 with the requirements of this subsection.

1256 (a) Natural gas pool heaters shall not be equipped with
1257 constantly burning pilots.

1258 (b) Heat pump pool heaters shall have a coefficient of
1259 performance at low temperature of not less than 4.0.



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1260 (c) The thermal efficiency of gas-fired pool heaters and
1261 oil-fired pool heaters shall not be less than 78 percent.

1262 (d) All pool heaters shall have a readily accessible on-off
1263 switch that is mounted outside the heater and that allows
1264 shutting off the heater without adjusting the thermostat
1265 setting.

1266 (4) Residential swimming pool pumps and pump motors
1267 manufactured on or after July 1, 2011, shall comply with the
1268 requirements in this subsection.

1269 (a) Residential pool pump motors shall not be split-phase,
1270 shaded-pole, or capacitor start-induction run types.

1271 (b) Residential pool pumps and pool pump motors with a
1272 total horsepower of 1 HP or more shall have the capability of
1273 operating at two or more speeds with a low speed having a
1274 rotation rate that is no more than one-half of the motor's
1275 maximum rotation rate.

1276 (c) Residential pool pump motor controls shall have the
1277 capability of operating the pool pump at a minimum of two
1278 speeds. The default circulation speed shall be the residential
1279 filtration speed, with a higher speed override capability being
1280 for a temporary period not to exceed one normal cycle or 24
1281 hours ~~120 minutes~~, whichever is less; except that circulation
1282 speed for solar pool heating systems shall be permitted to run
1283 at higher speeds during periods of usable solar heat gain.

1284 Section 38. Section 553.912, Florida Statutes, is amended
1285 to read:

1286 553.912 Air conditioners.—All air conditioners that ~~which~~
1287 are sold or installed in the state shall meet the minimum
1288 efficiency ratings of the Florida Energy Efficiency Code for



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1289 Building Construction. These efficiency ratings shall be
1290 minimums and may be updated in the Florida Energy Efficiency
1291 Code for Building Construction by the department in accordance
1292 with s. 553.901, following its determination that more cost-
1293 effective energy-saving equipment and techniques are available.
1294 All replacement air-conditioning systems shall be installed
1295 using energy-saving quality installation procedures, including,
1296 but not limited to, equipment sizing analysis and duct
1297 inspection.

1298 Section 39. Subsection (2) of section 627.711, Florida
1299 Statutes, is amended to read:

1300 627.711 Notice of premium discounts for hurricane loss
1301 mitigation; uniform mitigation verification inspection form.—

1302 (2) By July 1, 2007, the Financial Services Commission
1303 shall develop by rule a uniform mitigation verification
1304 inspection form that shall be used by all insurers when
1305 submitted by policyholders for the purpose of factoring
1306 discounts for wind insurance. In developing the form, the
1307 commission shall seek input from insurance, construction, and
1308 building code representatives. Further, the commission shall
1309 provide guidance as to the length of time the inspection results
1310 are valid. An insurer shall accept as valid a uniform mitigation
1311 verification form certified by the Department of Financial
1312 Services or signed by:

1313 (a) A hurricane mitigation inspector certified by the My
1314 Safe Florida Home program;

1315 (b) A building code inspector certified under s. 468.607;

1316 (c) A general, building, or residential contractor licensed
1317 under s. 489.111;



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1318 (d) A professional engineer licensed under s. 471.015 ~~who~~
1319 ~~has passed the appropriate equivalency test of the Building Code~~
1320 ~~Training Program as required by s. 553.841;~~

1321 (e) A professional architect licensed under s. 481.213; or

1322 (f) Any other individual or entity recognized by the
1323 insurer as possessing the necessary qualifications to properly
1324 complete a uniform mitigation verification form.

1325 Section 40. Present subsections (7) through (28) of section
1326 633.021, Florida Statutes, are redesignated as subsections (8)
1327 through (29), respectively, a new subsection (7) is added to
1328 that section, and present subsection (20) of that section is
1329 amended, to read:

1330 633.021 Definitions.—As used in this chapter:

1331 (7) (a) "Fire equipment dealer Class A" means a licensed
1332 fire equipment dealer whose business is limited to servicing,
1333 recharging, repairing, installing, or inspecting all types of
1334 fire extinguishers and conducting hydrostatic tests on all types
1335 of fire extinguishers.

1336 (b) "Fire equipment dealer Class B" means a licensed fire
1337 equipment dealer whose business is limited to servicing,
1338 recharging, repairing, installing, or inspecting all types of
1339 fire extinguishers, including recharging carbon dioxide units
1340 and conducting hydrostatic tests on all types of fire
1341 extinguishers, except carbon dioxide units.

1342 (c) "Fire equipment dealer Class C" means a licensed fire
1343 equipment dealer whose business is limited to servicing,
1344 recharging, repairing, installing, or inspecting all types of
1345 fire extinguishers, except recharging carbon dioxide units, and
1346 conducting hydrostatic tests on all types of fire extinguishers,



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1347 except carbon dioxide units.

1348 (d) "Fire equipment dealer Class D" means a licensed fire
1349 equipment dealer whose business is limited to servicing,
1350 recharging, repairing, installing, hydrotesting, or inspecting
1351 of all types of preengineered fire extinguishing systems.

1352 (21)-(20) A "preengineered system" is a fire suppression
1353 system which:

1354 (a) Uses any of a variety of extinguishing agents.

1355 (b) Is designed to protect specific hazards.

1356 (c) Must be installed according to pretested limitations
1357 and configurations specified by the manufacturer and applicable
1358 National Fire Protection Association (NFPA) standards. Only
1359 those chapters within the NFPA standards which pertain to
1360 servicing, recharging, repairing, installing, hydrotesting, or
1361 inspecting any type of preengineered fire extinguishing system
1362 shall be used.

1363 (d) Must be installed using components specified by the
1364 manufacturer or components that are listed as equal parts by a
1365 nationally recognized testing laboratory such as Underwriters
1366 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

1367 (e) Must be listed by a nationally recognized testing
1368 laboratory.

1369
1370 Preengineered systems consist of and include all of the
1371 components and parts providing fire suppression protection, but
1372 do not include the equipment being protected, and may
1373 incorporate special nozzles, flow rates, methods of application,
1374 pressurization levels, and quantities of agents designed by the
1375 manufacturer for specific hazards.



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1376 Section 41. Paragraph (b) of subsection (3) of section
1377 633.0215, Florida Statutes, is amended, and subsections (13) and
1378 (14) are added to that section, to read:

1379 633.0215 Florida Fire Prevention Code.-

1380 (3) No later than 180 days before the triennial adoption of
1381 the Florida Fire Prevention Code, the State Fire Marshal shall
1382 notify each municipal, county, and special district fire
1383 department of the triennial code adoption and steps necessary
1384 for local amendments to be included within the code. No later
1385 than 120 days before the triennial adoption of the Florida Fire
1386 Prevention Code, each local jurisdiction shall provide the State
1387 Fire Marshal with copies of its local fire code amendments. The
1388 State Fire Marshal has the option to process local fire code
1389 amendments that are received less than 120 days before the
1390 adoption date of the Florida Fire Prevention Code.

1391 (b) Any local amendment to the Florida Fire Prevention Code
1392 adopted by a local government shall be effective only until the
1393 adoption of the new edition of the Florida Fire Prevention Code,
1394 which shall be every third year. At such time, the State Fire
1395 Marshal shall adopt such amendment as part of the Florida Fire
1396 Prevention Code or rescind the amendment. The State Fire Marshal
1397 shall immediately notify the respective local government of the
1398 rescission of the amendment and the reason for the rescission.
1399 After receiving such notice, the respective local government may
1400 readopt the rescinded amendment. Incorporation of local
1401 amendments as regional and local concerns and variations shall
1402 be considered as adoption of an amendment pursuant to this
1403 section part.

1404 (13) The State Fire Marshal shall issue an expedited



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1405 declaratory statement relating to interpretations of provisions
1406 of the Florida Fire Prevention Code according to the following
1407 guidelines:

1408 (a) The declaratory statement shall be rendered in
1409 accordance with s. 120.565, except that a final decision must be
1410 issued by the State Fire Marshal within 45 days after the
1411 division's receipt of a petition seeking an expedited
1412 declaratory statement. The State Fire Marshal shall give notice
1413 of the petition and the expedited declaratory statement or the
1414 denial of the petition in the next available issue of the
1415 Florida Administrative Weekly after the petition is filed and
1416 after the statement or denial is rendered.

1417 (b) The petitioner must be the owner of the disputed
1418 project or the owner's representative.

1419 (c) The petition for an expedited declaratory statement
1420 must be:

1421 1. Related to an active project that is under construction
1422 or must have been submitted for a permit;

1423 2. The subject of a written notice citing a specific
1424 provision of the Florida Fire Prevention Code which is in
1425 dispute; and

1426 3. Limited to a single question that is capable of being
1427 answered with a "yes" or "no" response.

1428
1429 A petition for a declaratory statement which does not meet all
1430 of the requirements of this subsection must be denied without
1431 prejudice. This subsection does not affect the right of the
1432 petitioner as a substantially affected person to seek a
1433 declaratory statement under s. 633.01(6).



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1434 (13) A condominium that is one or two stories in height and
1435 has an exterior means of egress corridor is exempt from
1436 installing a manual fire alarm system as required in s. 9.6 of
1437 the most recent edition of the Life Safety Code adopted in the
1438 Florida Fire Prevention Code.

1439 Section 42. Subsections (2) and (10) of section 633.0245,
1440 Florida Statutes, are amended to read:

1441 633.0245 State Fire Marshal Nursing Home Fire Protection
1442 Loan Guarantee Program.—

1443 (2) The State Fire Marshal may enter into limited loan
1444 guarantee agreements with one or more financial institutions
1445 qualified as public depositories in this state. Such agreements
1446 shall provide a limited guarantee by the State of Florida
1447 covering no more than 50 percent of the principal sum loaned by
1448 such financial institution to an eligible nursing home, as
1449 defined in subsection (10), for the sole purpose of the initial
1450 installation at such nursing home of a fire protection system,
1451 as defined in s. 633.021(10) ~~s. 633.021(9)~~, approved by the
1452 State Fire Marshal as being in compliance with the provisions of
1453 s. 633.022 and rules adopted thereunder.

1454 (10) For purposes of this section, "eligible nursing home"
1455 means a nursing home facility that provides nursing services as
1456 defined in chapter 464, is licensed under part II of chapter
1457 400, and is certified by the Agency for Health Care
1458 Administration to lack an installed fire protection system as
1459 defined in s. 633.021(10) ~~s. 633.021(9)~~.

1460 Section 43. Section 633.026, Florida Statutes, is amended
1461 to read:

1462 633.026 Legislative intent; informal interpretations of the



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1463 Florida Fire Prevention Code.—It is the intent of the
1464 Legislature that the Florida Fire Prevention Code be interpreted
1465 by fire officials and local enforcement agencies in a manner
1466 that protects the public safety, health, and welfare by ensuring
1467 uniform interpretations throughout this state and by providing
1468 just and expeditious processes for resolving disputes regarding
1469 such interpretations. It is the intent of the Legislature that
1470 such processes provide for the expeditious resolution of the
1471 issues presented and that the resulting interpretation of such
1472 issues be published on the website of the Division of State Fire
1473 Marshal.

1474 (1) The Division of State Fire Marshal shall by rule
1475 establish an informal process of rendering nonbinding
1476 interpretations of the Florida Fire Prevention Code. The
1477 Division of State Fire Marshal may contract with and refer
1478 interpretive issues to a nonprofit organization that has
1479 experience in interpreting and enforcing the Florida Fire
1480 Prevention Code. ~~The Division of State Fire Marshal shall~~
1481 ~~immediately implement the process prior to the completion of~~
1482 ~~formal rulemaking.~~ It is the intent of the Legislature that the
1483 Division of State Fire Marshal establish ~~create~~ a Fire Code
1484 Interpretation Committee composed of seven persons and seven
1485 alternates, equally representing each area of the state ~~process~~
1486 ~~to refer questions to a small group of individuals certified~~
1487 ~~under s. 633.081(2), to which a party can pose questions~~
1488 regarding the interpretation of the Florida Fire Prevention Code
1489 provisions.

1490 (2) Each member and alternate member of the Fire Code
1491 Interpretation Committee must be certified as a firesafety



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1492 inspector pursuant to s. 633.081(2) and must have a minimum of 5
1493 years of experience interpreting and enforcing the Florida Fire
1494 Prevention Code and the Life Safety Code. Each member and
1495 alternate member must be approved by the Division of State Fire
1496 Marshal and deemed by the division to have met these
1497 requirements for at least 30 days before participating in a
1498 review of a nonbinding interpretation. It is the intent of the
1499 ~~Legislature that the process provide for the expeditious~~
1500 ~~resolution of the issues presented and publication of the~~
1501 ~~resulting interpretation on the website of the Division of State~~
1502 ~~Fire Marshal. It is the intent of the Legislature that this~~
1503 ~~program be similar to the program established by the Florida~~
1504 ~~Building Commission in s. 553.775(3)(g).~~

1505 (3) Each nonbinding interpretation of code provisions must
1506 be provided within 10 business days after receipt of a request
1507 for interpretation. The response period established in this
1508 subsection may be waived only with the written consent of the
1509 party requesting the nonbinding interpretation and the Division
1510 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
1511 advisory only and nonbinding on the parties or the State Fire
1512 Marshal.

1513 (4) In order to administer this section, the Division of
1514 State Fire Marshal shall charge ~~department may adopt by rule and~~
1515 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
1516 ~~directly to the third party.~~ The fee may not exceed \$150 for
1517 each request for a review or interpretation. The division may
1518 authorize payment of fees directly to the nonprofit organization
1519 under contract pursuant to subsection (1).

1520 (5) A party requesting a nonbinding interpretation who



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1521 disagrees with the interpretation issued under this section may
1522 apply for a formal interpretation from the State Fire Marshal
1523 pursuant to s. 633.01(6).

1524 (6) The Division of State Fire Marshal shall issue or cause
1525 to be issued a nonbinding interpretation of the Florida Fire
1526 Prevention Code pursuant to this section when requested to do so
1527 upon submission of a petition by a fire official or by the owner
1528 or owner's representative or the contractor or contractor's
1529 representative of a project in dispute. The division shall adopt
1530 a petition form by rule and the petition form must be published
1531 on the State Fire Marshal's website. The form shall, at a
1532 minimum, require:

1533 (a) The name and address of the local fire official,
1534 including the address of the county, municipality, or special
1535 district.

1536 (b) The name and address of the owner or owner's
1537 representative or the contractor or contractor's representative.

1538 (c) A statement of the specific sections of the Florida
1539 Fire Prevention Code being interpreted by the local fire
1540 official.

1541 (d) An explanation of how the petitioner's substantial
1542 interests are being affected by the local interpretation of the
1543 Florida Fire Prevention Code.

1544 (e) A statement of the interpretation of the specific
1545 sections of the Florida Fire Prevention Code by the local fire
1546 official.

1547 (f) A statement of the interpretation that the petitioner
1548 contends should be given to the specific sections of the Florida
1549 Fire Prevention Code and a statement supporting the petitioner's



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1550 interpretation.

1551 (7) Upon receipt of a petition that meets the requirements
1552 of subsection (6), the Division of State Fire Marshal shall
1553 immediately provide copies of the petition to the Fire Code
1554 Interpretation Committee, and shall publish the petition and any
1555 response submitted by the local fire official on the State Fire
1556 Marshal's website.

1557 (8) The committee shall conduct proceedings as necessary to
1558 resolve the issues and give due regard to the petition, the
1559 facts of the matter at issue, specific code sections cited, and
1560 any statutory implications affecting the Florida Fire Prevention
1561 Code. The committee shall issue an interpretation regarding the
1562 provisions of the Florida Fire Prevention Code within 10 days
1563 after the filing of a petition. The committee shall issue an
1564 interpretation based upon the Florida Fire Prevention Code or,
1565 if the code is ambiguous, the intent of the code. The
1566 committee's interpretation shall be provided to the petitioner
1567 and shall include a notice that if the petitioner disagrees with
1568 the interpretation, the petitioner may file a request for formal
1569 interpretation by the State Fire Marshal under s. 633.01(6). The
1570 committee's interpretation shall be provided to the State Fire
1571 Marshal, and the division shall publish the interpretation on
1572 the State Fire Marshal's website and in the Florida
1573 Administrative Weekly.

1574 Section 44. Present subsections (2) through (10) of section
1575 633.061, Florida Statutes, are redesignated as subsections (3)
1576 through (11), respectively, a new subsection (2) is added to
1577 that section, and paragraph (c) of present subsection (3) of
1578 that section is amended, to read:



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1579 633.061 Fire suppression equipment; license to install or
1580 maintain.—

1581 (2) A person who holds a valid fire equipment dealer
1582 license may maintain such license in an inactive status during
1583 which time he or she may not engage in any work under the
1584 definition of license held. An inactive status license shall be
1585 void after 2 years or at the time that the license is renewed,
1586 whichever comes first. The biennial renewal fee for an inactive
1587 status license shall be \$75. An inactive status license may be
1588 reactivated upon application to the State Fire Marshal and
1589 payment of the initial application fee. An inactive status
1590 license may not be reactivated until the continuing education
1591 requirements of this chapter have been fulfilled.

1592 (4) ~~(3)~~

1593 (c) A license of any class shall not be issued or renewed
1594 by the State Fire Marshal and a license of any class shall not
1595 remain operative unless:

1596 1. The applicant has submitted to the State Fire Marshal
1597 evidence of registration as a Florida corporation or evidence of
1598 compliance with s. 865.09.

1599 2. The State Fire Marshal or his or her designee has by
1600 inspection determined that the applicant possesses the equipment
1601 required for the class of license sought. The State Fire Marshal
1602 shall give an applicant a reasonable opportunity to correct any
1603 deficiencies discovered by inspection. A fee of \$50, payable to
1604 the State Fire Marshal, shall be required for any subsequent
1605 reinspection.

1606 3. The applicant has submitted to the State Fire Marshal
1607 proof of insurance providing coverage for comprehensive general



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1608 liability for bodily injury and property damage, products
1609 liability, completed operations, and contractual liability. The
1610 State Fire Marshal shall adopt rules providing for the amounts
1611 of such coverage, but such amounts shall not be less than
1612 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
1613 licenses, and \$100,000 for Class C licenses; and the total
1614 coverage for any class of license held in conjunction with a
1615 Class D license shall not be less than \$300,000. The State Fire
1616 Marshal may, at any time after the issuance of a license or its
1617 renewal, require upon demand, and in no event more than 30 days
1618 after notice of such demand, the licensee to provide proof of
1619 insurance, on a form provided by the State Fire Marshal,
1620 containing confirmation of insurance coverage as required by
1621 this chapter. Failure, for any length of time, to provide proof
1622 of insurance coverage as required shall result in the immediate
1623 suspension of the license until proof of proper insurance is
1624 provided to the State Fire Marshal. An insurer which provides
1625 such coverage shall notify the State Fire Marshal of any change
1626 in coverage or of any termination, cancellation, or nonrenewal
1627 of any coverage.

1628 ~~4. The applicant applies to the State Fire Marshal and~~
1629 ~~successfully completes a prescribed training course offered by~~
1630 ~~the State Fire College or an equivalent course approved by the~~
1631 ~~State Fire Marshal. This subparagraph does not apply to any~~
1632 ~~holder of or applicant for a permit under paragraph (f) or to a~~
1633 ~~business organization or a governmental entity seeking initial~~
1634 ~~licensure or renewal of an existing license solely for the~~
1635 ~~purpose of inspecting, servicing, repairing, marking,~~
1636 ~~recharging, and maintaining fire extinguishers used and located~~



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1637 ~~on the premises of and owned by such organization or entity.~~

1638 ~~4.5.~~ The applicant has a current retestor identification
1639 number that is appropriate for the license for which the
1640 applicant is applying and that is listed with the United States
1641 Department of Transportation.

1642 ~~5.6.~~ The applicant has passed, with a grade of at least 70
1643 percent, a written examination testing his or her knowledge of
1644 the rules and statutes regulating the activities authorized by
1645 the license and demonstrating his or her knowledge and ability
1646 to perform those tasks in a competent, lawful, and safe manner.
1647 Such examination shall be developed and administered by the
1648 State Fire Marshal, or his or her designee in accordance with
1649 policies and procedures of the State Fire Marshal. An applicant
1650 shall pay a nonrefundable examination fee of \$50 for each
1651 examination or reexamination scheduled. No reexamination shall
1652 be scheduled sooner than 30 days after any administration of an
1653 examination to an applicant. No applicant shall be permitted to
1654 take an examination for any level of license more than a total
1655 of four times during 1 year, regardless of the number of
1656 applications submitted. As a prerequisite to licensure of the
1657 applicant:

1658 a. Must be at least 18 years of age.

1659 b. Must have 4 years of proven experience as a fire
1660 equipment permittee at a level equal to or greater than the
1661 level of license applied for or have a combination of education
1662 and experience determined to be equivalent thereto by the State
1663 Fire Marshal. Having held a permit at the appropriate level for
1664 the required period constitutes the required experience.

1665 c. Must not have been convicted of, or pled nolo contendere



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1666 to, any felony. If an applicant has been convicted of any such
1667 felony, the applicant must comply with s. 112.011(1)(b).

1668
1669 This subparagraph does not apply to any holder of or applicant
1670 for a permit under paragraph (f) or to a business organization
1671 or a governmental entity seeking initial licensure or renewal of
1672 an existing license solely for the purpose of inspecting,
1673 servicing, repairing, marking, recharging, hydrotesting, and
1674 maintaining fire extinguishers used and located on the premises
1675 of and owned by such organization or entity.

1676 Section 45. Section 633.081, Florida Statutes, is amended
1677 to read:

1678 633.081 Inspection of buildings and equipment; orders;
1679 firesafety inspection training requirements; certification;
1680 disciplinary action.—The State Fire Marshal and her or his
1681 agents shall, at any reasonable hour, when the State Fire
1682 Marshal department has reasonable cause to believe that a
1683 violation of this chapter or s. 509.215, or a rule promulgated
1684 thereunder, or a minimum firesafety code adopted by a local
1685 authority, may exist, inspect any and all buildings and
1686 structures which are subject to the requirements of this chapter
1687 or s. 509.215 and rules promulgated thereunder. The authority to
1688 inspect shall extend to all equipment, vehicles, and chemicals
1689 which are located within the premises of any such building or
1690 structure.

1691 (1) Each county, municipality, and special district that
1692 has firesafety enforcement responsibilities shall employ or
1693 contract with a firesafety inspector. The firesafety inspector
1694 must conduct all firesafety inspections that are required by



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1695 law. The governing body of a county, municipality, or special
1696 district that has firesafety enforcement responsibilities may
1697 provide a schedule of fees to pay only the costs of inspections
1698 conducted pursuant to this subsection and related administrative
1699 expenses. Two or more counties, municipalities, or special
1700 districts that have firesafety enforcement responsibilities may
1701 jointly employ or contract with a firesafety inspector.

1702 (2) Every firesafety inspection conducted pursuant to state
1703 or local firesafety requirements shall be by a person certified
1704 as having met the inspection training requirements set by the
1705 State Fire Marshal. Such person shall:

1706 (a) Be a high school graduate or the equivalent as
1707 determined by the department;

1708 (b) Not have been found guilty of, or having pleaded guilty
1709 or nolo contendere to, a felony or a crime punishable by
1710 imprisonment of 1 year or more under the law of the United
1711 States, or of any state thereof, which involves moral turpitude,
1712 without regard to whether a judgment of conviction has been
1713 entered by the court having jurisdiction of such cases;

1714 (c) Have her or his fingerprints on file with the
1715 department or with an agency designated by the department;

1716 (d) Have good moral character as determined by the
1717 department;

1718 (e) Be at least 18 years of age;

1719 (f) Have satisfactorily completed the firesafety inspector
1720 certification examination as prescribed by the department; and

1721 (g)1. Have satisfactorily completed, as determined by the
1722 department, a firesafety inspector training program of not less
1723 than 200 hours established by the department and administered by



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1724 agencies and institutions approved by the department for the
1725 purpose of providing basic certification training for firesafety
1726 inspectors; or

1727 2. Have received in another state training which is
1728 determined by the department to be at least equivalent to that
1729 required by the department for approved firesafety inspector
1730 education and training programs in this state.

1731 (3) Each special state firesafety inspection which is
1732 required by law and is conducted by or on behalf of an agency of
1733 the state must be performed by an individual who has met the
1734 provision of subsection (2), except that the duration of the
1735 training program shall not exceed 120 hours of specific training
1736 for the type of property that such special state firesafety
1737 inspectors are assigned to inspect.

1738 (4) A firefighter certified pursuant to s. 633.35 may
1739 conduct firesafety inspections, under the supervision of a
1740 certified firesafety inspector, while on duty as a member of a
1741 fire department company conducting inservice firesafety
1742 inspections without being certified as a firesafety inspector,
1743 if such firefighter has satisfactorily completed an inservice
1744 fire department company inspector training program of at least
1745 24 hours' duration as provided by rule of the department.

1746 (5) Every firesafety inspector or special state firesafety
1747 inspector certificate is valid for a period of 3 years from the
1748 date of issuance. Renewal of certification shall be subject to
1749 the affected person's completing proper application for renewal
1750 and meeting all of the requirements for renewal as established
1751 under this chapter or by rule promulgated thereunder, which
1752 shall include completion of at least 40 hours during the



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1753 preceding 3-year period of continuing education as required by
1754 the rule of the department or, in lieu thereof, successful
1755 passage of an examination as established by the department.

1756 (6) The State Fire Marshal may deny, refuse to renew,
1757 suspend, or revoke the certificate of a firesafety inspector or
1758 special state firesafety inspector if it finds that any of the
1759 following grounds exist:

1760 (a) Any cause for which issuance of a certificate could
1761 have been refused had it then existed and been known to the
1762 State Fire Marshal.

1763 (b) Violation of this chapter or any rule or order of the
1764 State Fire Marshal.

1765 (c) Falsification of records relating to the certificate.

1766 (d) Having been found guilty of or having pleaded guilty or
1767 nolo contendere to a felony, whether or not a judgment of
1768 conviction has been entered.

1769 (e) Failure to meet any of the renewal requirements.

1770 (f) Having been convicted of a crime in any jurisdiction
1771 which directly relates to the practice of fire code inspection,
1772 plan review, or administration.

1773 (g) Making or filing a report or record that the
1774 certificateholder knows to be false, or knowingly inducing
1775 another to file a false report or record, or knowingly failing
1776 to file a report or record required by state or local law, or
1777 knowingly impeding or obstructing such filing, or knowingly
1778 inducing another person to impede or obstruct such filing.

1779 (h) Failing to properly enforce applicable fire codes or
1780 permit requirements within this state which the
1781 certificateholder knows are applicable by committing willful



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1782 misconduct, gross negligence, gross misconduct, repeated
1783 negligence, or negligence resulting in a significant danger to
1784 life or property.

1785 (i) Accepting labor, services, or materials at no charge or
1786 at a noncompetitive rate from any person who performs work that
1787 is under the enforcement authority of the certificateholder and
1788 who is not an immediate family member of the certificateholder.
1789 For the purpose of this paragraph, the term "immediate family
1790 member" means a spouse, child, parent, sibling, grandparent,
1791 aunt, uncle, or first cousin of the person or the person's
1792 spouse or any person who resides in the primary residence of the
1793 certificateholder.

1794 (7) The Division of State Fire Marshal and the Florida
1795 Building Code Administrator and Inspectors Board, established
1796 pursuant to under s. 468.605, shall enter into a reciprocity
1797 agreement to facilitate joint recognition of continuing
1798 education recertification hours for certificateholders licensed
1799 under s. 468.609 and firesafety inspectors certified under
1800 subsection (2).

1801 (8) The State Fire Marshal shall develop by rule an
1802 advanced training and certification program for firesafety
1803 inspectors having fire code management responsibilities. The
1804 program must be consistent with the appropriate provisions of
1805 NFPA 1037, or similar standards adopted by the division, and
1806 establish minimum training, education, and experience levels for
1807 firesafety inspectors having fire code management
1808 responsibilities.

1809 (9)~~(7)~~ The department shall provide by rule for the
1810 certification of firesafety inspectors.



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1811 Section 46. Section 633.352, Florida Statutes, is amended
1812 to read:

1813 633.352 Retention of firefighter certification.—Any
1814 certified firefighter who has not been active as a firefighter,
1815 or as a volunteer firefighter with an organized fire department,
1816 for a period of 3 years shall be required to retake the
1817 practical portion of the minimum standards state examination
1818 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
1819 Administrative Code, in order to maintain her or his
1820 certification as a firefighter; however, this requirement does
1821 not apply to state-certified firefighters who are certified and
1822 employed as full-time firesafety inspectors or firesafety
1823 instructors, regardless of the firefighter's employment status
1824 as determined by the division. The 3-year period begins on the
1825 date the certificate of compliance is issued or upon termination
1826 of service with an organized fire department.

1827 Section 47. Paragraph (e) of subsection (2) and subsections
1828 (3), (10), and (11) of section 633.521, Florida Statutes, are
1829 amended to read:

1830 633.521 Certificate application and issuance; permit
1831 issuance; examination and investigation of applicant.—

1832 (2)

1833 (e) An applicant may not be examined more than four times
1834 during 1 year for certification as a contractor pursuant to this
1835 section unless the person is or has been certified and is taking
1836 the examination to change classifications. If an applicant does
1837 not pass one or more parts of the examination, she or he may
1838 take any part of the examination three more times during the 1-
1839 year period beginning upon the date she or he originally filed



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1840 an application to take the examination. If the applicant does
1841 not pass the examination within that 1-year period, she or he
1842 must file a new application and pay the application and
1843 examination fees in order to take the examination or a part of
1844 the examination again. However, the applicant may not file a new
1845 application sooner than 6 months after the date of her or his
1846 last examination. An applicant who passes the examination but
1847 does not meet the remaining qualifications as provided in
1848 applicable statutes and rules within 1 year after the
1849 application date must file a new application, pay the
1850 application and examination fee, successfully complete a
1851 prescribed training course approved by the State Fire College or
1852 an equivalent court approved by the State Fire Marshal, and
1853 retake and pass the written examination.

1854 (3) (a) As a prerequisite to taking the examination for
1855 certification as a Contractor I, ~~Contractor II, or Contractor~~
1856 ~~III~~, the applicant must be at least 18 years of age, be of good
1857 moral character, and ~~shall~~ possess 4 years' proven experience in
1858 the employment of a fire protection system Contractor I ~~or~~
1859 ~~Contractor II, or Contractor III~~ or a combination of equivalent
1860 education and experience in both water-based and chemical fire
1861 suppression systems.

1862 (b) As a prerequisite to taking the examination for
1863 certification as a Contractor II, the applicant must be at least
1864 18 years of age, be of good moral character, and have 4 years of
1865 verifiable employment experience with a fire protection system
1866 as a Contractor I or Contractor II, or a combination of
1867 equivalent education and experience in water-based fire
1868 suppression systems.



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1869 (c) Required education and experience for certification as
1870 a Contractor I, Contractor II, Contractor III, or Contractor IV
1871 includes training and experience in both installation and system
1872 layout as defined in s. 633.021.

1873 (d) As a prerequisite to taking the examination for
1874 certification as a Contractor III, the applicant must be at
1875 least 18 years of age, be of good moral character, and have 4
1876 years of verifiable employment experience with a fire protection
1877 system as a Contractor I or Contractor II, or a combination of
1878 equivalent education and experience in chemical fire suppression
1879 systems.

1880 (e) As a prerequisite to taking the examination for
1881 certification as a Contractor IV, the applicant ~~must shall~~ be at
1882 least 18 years old, be of good moral character, ~~be licensed as a~~
1883 certified plumbing contractor under chapter 489, and
1884 successfully complete a training program acceptable to the State
1885 Fire Marshal of not less than 40 contact hours regarding the
1886 applicable installation standard used by the Contractor IV as
1887 described in NFPA 13D. The State Fire Marshal may adopt rules to
1888 administer this subsection ~~have at least 2 years' proven~~
1889 ~~experience in the employment of a fire protection system~~
1890 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
1891 ~~combination of equivalent education and experience which~~
1892 ~~combination need not include experience in the employment of a~~
1893 ~~fire protection system contractor.~~

1894 (f) As a prerequisite to taking the examination for
1895 certification as a Contractor V, the applicant ~~must shall~~ be at
1896 least 18 years old, be of good moral character, and have been
1897 licensed as a certified underground utility and excavation



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1898 contractor or certified plumbing contractor pursuant to chapter
1899 489, have verification by an individual who is licensed as a
1900 certified utility contractor or certified plumbing contractor
1901 pursuant to chapter 489 that the applicant has 4 years' proven
1902 experience in the employ of a certified underground utility and
1903 excavation contractor or certified plumbing contractor, or have
1904 a combination of education and experience equivalent to 4 years'
1905 proven experience in the employ of a certified underground
1906 utility and excavation contractor or certified plumbing
1907 contractor.

1908 (g) Within 30 days after the date of the examination, the
1909 State Fire Marshal shall inform the applicant in writing whether
1910 she or he has qualified or not and, if the applicant has
1911 qualified, that she or he is ready to issue a certificate of
1912 competency, subject to compliance with the requirements of
1913 subsection (4).

1914 (10) Effective July 1, 2008, the State Fire Marshal shall
1915 require the National Institute of Certification in Engineering
1916 Technologies (NICET), Sub-field of Inspection and Testing of
1917 Fire Protection Systems Level II or equivalent training and
1918 education as determined by the division as proof that the
1919 permitholders are knowledgeable about nationally accepted
1920 standards for the inspection of fire protection systems. ~~It is~~
1921 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
1922 ~~to accept continuing education of all certificateholders'~~
1923 ~~employees who perform inspection functions which specifically~~
1924 ~~prepares the permitholder to qualify for NICET II certification.~~

1925 (11) It is intended that a certificateholder, or a
1926 permitholder who is employed by a certificateholder, conduct



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1927 inspections required by this chapter. It is understood that
1928 after July 1, 2008, employee turnover may result in a depletion
1929 of personnel who are certified under the NICET Sub-field of
1930 Inspection and Testing of Fire Protection Systems Level II or
1931 equivalent training and education as required by the Division of
1932 State Fire Marshal ~~which is required for permitholders. The~~
1933 ~~extensive training and experience necessary to achieve NICET~~
1934 ~~Level II certification is recognized.~~ A certificateholder may
1935 ~~therefore~~ obtain a provisional permit with an endorsement for
1936 inspection, testing, and maintenance of water-based fire
1937 extinguishing systems for an employee if the employee has
1938 initiated procedures for obtaining Level II certification from
1939 the National Institute for Certification in Engineering
1940 Technologies Sub-field of Inspection and Testing of Fire
1941 Protection Systems and achieved Level I certification or an
1942 equivalent level as determined by the State Fire Marshal through
1943 verification of experience, training, and examination. The State
1944 Fire Marshal may establish rules to administer this subsection.
1945 After 2 years of provisional certification, the employee must
1946 have achieved NICET Level II certification or obtain equivalent
1947 training and education as determined by the division, or cease
1948 performing inspections requiring Level II certification. The
1949 provisional permit is valid only for the 2 calendar years after
1950 the date of issuance, may not be extended, and is not renewable.
1951 After the initial 2-year provisional permit expires, the
1952 certificateholder must wait 2 additional years before a new
1953 provisional permit may be issued. The intent is to prohibit the
1954 certificateholder from using employees who never reach NICET
1955 Level II status, or equivalent training and education as



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1956 determined by the division, by continuously obtaining
1957 provisional permits.

1958 Section 48. Subsection (3) is added to section 633.524,
1959 Florida Statutes, to read:

1960 633.524 Certificate and permit fees; use and deposit of
1961 collected funds.—

1962 (3) The State Fire Marshal may enter into a contract with
1963 any qualified public entity or private company in accordance
1964 with chapter 287 to provide examinations for any applicant for
1965 any examination administered under the jurisdiction of the State
1966 Fire Marshal. The State Fire Marshal may direct payments from
1967 each applicant for each examination directly to such contracted
1968 entity or company.

1969 Section 49. Subsection (4) of section 633.537, Florida
1970 Statutes, is amended to read:

1971 633.537 Certificate; expiration; renewal; inactive
1972 certificate; continuing education.—

1973 (4) The renewal period for the permit class is the same as
1974 that for the employing certificateholder. The continuing
1975 education requirements for permit holders are what is required to
1976 maintain NICET Sub-field of Inspection and Testing of Fire
1977 Protection Systems Level II, equivalent training and education
1978 as determined by the division, or higher certification plus 8
1979 contact hours of continuing education approved by the State Fire
1980 Marshal during each biennial renewal period thereafter. ~~The~~
1981 ~~continuing education curriculum from July 1, 2005, until July 1,~~
1982 ~~2008, shall be the preparatory curriculum for NICET II~~
1983 ~~certification; after July 1, 2008, the technical curriculum is~~
1984 ~~at the discretion of the State Fire Marshal and may be used to~~



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1985 ~~meet the maintenance of NICET Level II certification and 8~~
1986 ~~contact hours of continuing education requirements.~~ It is the
1987 responsibility of the permit holder to maintain NICET II
1988 certification or equivalent training and education as determined
1989 by the division as a condition of permit renewal after July 1,
1990 2008.

1991 Section 50. Subsection (4) of section 633.72, Florida
1992 Statutes, is amended to read:

1993 633.72 Florida Fire Code Advisory Council.—

1994 (4) Each appointee shall serve a 4-year term. No member
1995 shall serve more than two consecutive terms ~~one term~~. No member
1996 of the council shall be paid a salary as such member, but each
1997 shall receive travel and expense reimbursement as provided in s.
1998 112.061.

1999 Section 51. Subsection (6) of section 718.113, Florida
2000 Statutes, is repealed.

2001 Section 52. The Florida Building Commission shall revise
2002 the Florida Building Code in order to make it consistent with
2003 the revisions made by this act to s. 399.02, Florida Statutes.

2004 Section 53. Except as otherwise expressly provided in this
2005 act, this act shall take effect July 1, 2010.

2006
2007 ===== T I T L E A M E N D M E N T =====

2008 And the title is amended as follows:

2009 Delete everything before the enacting clause
2010 and insert:

2011 A bill to be entitled
2012 An act relating to building safety; amending s.
2013 399.02, F.S.; exempting certain elevators from



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2014 provisions requiring modifications to heat sensors and
2015 electronic controls; amending s. 399.15, F.S.;

2016 providing an alternative method to allow access to
2017 regional emergency elevators; providing for a uniform
2018 lock box; providing for a master key; providing the
2019 Division of State Fire Marshal with enforcement
2020 authority; directing the Department of Financial
2021 Services to select the provider of the uniform lock
2022 box; amending s. 468.8311, F.S.; revising the term
2023 "home inspection services" to include the visual
2024 examination of additional components; amending s.
2025 468.8312, F.S.; deleting a provision that provides the
2026 threshold amount of a fee for a certificate of
2027 authorization; amending s. 468.8313, F.S.; revising
2028 provisions relating to licensure examinations for home
2029 inspectors; requiring that a person pass the
2030 examination before becoming licensed as a home
2031 inspector; requiring that an applicant for such
2032 license submit fingerprints along with the
2033 application; requiring that the Department of Law
2034 Enforcement submit the fingerprints to the Federal
2035 Bureau of Investigation for a level 2 background
2036 check; requiring that the applicant pay the costs
2037 associated with processing the fingerprints; amending
2038 s. 468.8318, F.S.; deleting provisions regarding the
2039 issuance of a certificate of authorization to
2040 providers of home inspection services; amending s.
2041 468.8319, F.S.; revising certain prohibitions with
2042 respect to providers of home inspection services;



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2043 conforming provisions to changes made by the act;
2044 providing that the prohibitions and penalties for home
2045 inspectors in s. 468.8319(1), F.S., remain in effect
2046 until a specified date, notwithstanding s. 4 of ch.
2047 2007-235, Laws of Florida; amending s. 468.832, F.S.;
2048 authorizing the Department of Business and
2049 Professional Regulation to impose penalties against a
2050 licensee found guilty of certain violations; amending
2051 s. 468.8324, F.S.; providing additional requirements
2052 for licensure as a home inspector; creating s.
2053 468.8325, F.S., requiring that the department adopt
2054 rules relating to home inspectors; amending s.
2055 468.8412, F.S.; deleting a provision that provides a
2056 threshold amount for a fee to renew a biennial
2057 certificate of authorization as a mold assessor or
2058 mold remediator; amending s. 468.8413, F.S.; providing
2059 additional requirements for a license as a mold
2060 assessor or mold remediator; amending s. 468.8414,
2061 F.S.; requiring that an applicant for such license
2062 possess certain liability insurance; amending s.
2063 468.8418, F.S.; deleting provisions to conform to
2064 changes made by the act; providing that the
2065 prohibitions and penalties for mold assessors and mold
2066 remediators in s. 468.8419(1)(a) and (b), F.S., remain
2067 in effect until a specified date, notwithstanding s. 4
2068 of ch. 2007-235, Laws of Florida; amending s. 468.842,
2069 F.S.; authorizing the Department of Business and
2070 Professional Regulation to impose penalties against a
2071 licensee found guilty of certain violations; amending



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2072 s. 468.8421, F.S.; requiring that a mold assessor
2073 maintain insurance to cover preliminary and
2074 postremediation activities; amending s. 468.8423,
2075 F.S.; providing additional application requirements
2076 for a person performing mold assessment or mold
2077 remediation; creating s. 468.8424, F.S., requiring
2078 that the department adopt rules regarding mold-related
2079 services; amending s. 489.103, F.S.; conforming a
2080 cross-reference; amending s. 553.37, F.S.; authorizing
2081 manufacturers to pay inspection fees directly to the
2082 provider of inspection services; providing
2083 requirements for department rules regarding the
2084 schedule of fees; authorizing the department to enter
2085 into contracts for the performance of certain
2086 administrative duties; revising inspection
2087 requirements for certain custom manufactured
2088 buildings; amending s. 553.375, F.S.; revising the
2089 requirement for recertification of manufactured
2090 buildings prior to relocation; amending s. 553.509,
2091 F.S.; deleting requirements for alternate power
2092 sources for elevators for purposes of operating during
2093 an emergency; amending s. 553.512, F.S.; requiring
2094 that the Florida Building Commission establish by rule
2095 a fee for waivers of certain requirements; amending s.
2096 553.73, F.S.; authorizing the commission to approve
2097 amendments relating to equivalency of standards;
2098 authorizing the commission to approve amendments
2099 necessary to accommodate state agency rules to meet
2100 federal requirements for design criteria relating to



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2101 public educational facilities and state-licensed
2102 facilities; exempting certain mausoleums from the
2103 requirements of the Florida Building Code; exempting
2104 certain temporary housing provided by the Department
2105 of Corrections from the requirements of the Florida
2106 Building Code; restricting the code or a code
2107 enforcement agency from imposing requirements on
2108 existing mechanical equipment on the surface of a
2109 roof; requiring that the Florida Building Code contain
2110 certain requirements regarding illumination in
2111 classroom units; requiring that classroom units be
2112 designed to provide and maintain an average of 40
2113 foot-candles of light at each desktop; requiring that
2114 public educational facilities consider using light-
2115 emitting diode lighting before considering other
2116 lighting sources; amending s. 553.74, F.S.; providing
2117 that a member of a Florida Building Commission
2118 technical advisory committee or other advisory
2119 committee or workgroup does not have a conflict of
2120 interest when representing clients before the
2121 commission or one of the commission's committees or
2122 workgroups, except if the member has a direct
2123 financial interest; amending s. 553.76, F.S.;
2124 authorizing the Florida Building Commission to adopt
2125 rules related to consensus-building decisionmaking;
2126 amending s. 553.775, F.S.; authorizing the commission
2127 to charge a fee for nonbinding interpretations;
2128 amending s. 553.79, F.S.; requiring that state
2129 agencies enter into contracts for inspection services



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2130 under the alternative plans review and inspection
2131 process or with a local governmental entity;
2132 reenacting and amending s. 553.80(1) and (3), F.S.,
2133 relating to the enforcement of the Florida Building
2134 Code, to incorporate the amendments made to s. 553.79,
2135 F.S., in a reference thereto; restricting the
2136 application of exemptions for certain single-family
2137 residences; amending s. 553.841, F.S.; deleting
2138 provisions requiring that the Department of Community
2139 Affairs maintain, update, develop, or cause to be
2140 developed a core curriculum for persons who enforce
2141 the Florida Building Code; amending s. 553.842, F.S.;
2142 authorizing rules requiring the payment of product
2143 evaluation fees directly to the administrator of the
2144 product evaluation and approval system; requiring that
2145 the provider remit a portion of the fees to the
2146 department to cover its costs; providing requirements
2147 for the approval of applications for state approval of
2148 a product; providing for certain approved products to
2149 be immediately added to the list of state-approved
2150 products; requiring that the commission's oversight
2151 committee review approved products; revising the list
2152 of approved evaluation entities; deleting obsolete
2153 provisions governing evaluation entities; amending s.
2154 553.844, F.S.; providing an exemption from the
2155 requirements regarding roof and opening protections
2156 for certain exposed mechanical equipment or
2157 appliances; providing for future expiration; amending
2158 s. 553.885, F.S.; revising requirements for carbon



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2159 monoxide alarms; providing an exception for buildings
2160 undergoing alterations or repairs; defining the term
2161 "addition" as it relates to the requirement of a
2162 carbon monoxide alarm; amending s. 553.9061, F.S.;
2163 revising the energy-efficiency performance options and
2164 elements identified by the commission for purposes of
2165 meeting certain goals; amending s. 553.909, F.S.;
2166 revising requirements for pool pump motors to conform
2167 to federal law; amending s. 553.912, F.S.; requiring
2168 that replacement air-conditioning systems be installed
2169 using energy-saving quality installation procedures;
2170 amending s. 627.711, F.S.; conforming provisions to
2171 changes made by the act in which core curriculum
2172 courses relating to the Florida Building Code are
2173 deleted; amending s. 633.021, F.S.; providing
2174 definitions; revising the definition of the term
2175 "preengineered system"; amending s. 633.0215, F.S.;
2176 providing guidelines for the State Fire Marshal to
2177 apply when issuing an expedited declaratory statement;
2178 requiring that the State Fire Marshal issue an
2179 expedited declaratory statement under certain
2180 circumstances; providing requirements for a petition
2181 requesting an expedited declaratory statement;
2182 providing an exemption for certain condominiums from
2183 installing a manual fire alarm system; amending s.
2184 633.0245, F.S.; conforming cross-references; amending
2185 s. 633.026, F.S.; providing legislative intent;
2186 providing for the establishment of the Fire Code
2187 Interpretation Committee; providing for the membership



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2188 of the committee and requirements for membership;
2189 requiring that nonbinding interpretations of the
2190 Florida Fire Prevention Code be issued within a
2191 specified period after a request is received;
2192 providing for the waiver of such requirement under
2193 certain conditions; requiring that the Division of
2194 State Fire Marshal charge a fee for nonbinding
2195 interpretations; providing that fees may be paid
2196 directly to a contract provider; providing
2197 requirements for requesting a nonbinding
2198 interpretation; requiring that the Division of State
2199 Fire Marshal develop a form for submitting a petition
2200 for a nonbinding interpretation; providing for a
2201 formal interpretation by the State Fire Marshal;
2202 requiring that an interpretation of the Florida Fire
2203 Prevention Code be published on the division's website
2204 and in the Florida Administrative Weekly; amending s.
2205 633.061, F.S.; providing that a person who holds a
2206 valid fire equipment dealer license may maintain such
2207 license in an inactive status; providing for a fee;
2208 deleting provisions to conform to changes made by the
2209 act; amending s. 633.081, F.S.; requiring that the
2210 State Fire Marshal inspect a building when the State
2211 Fire Marshal, rather than the Department of Financial
2212 Services, has cause to believe a violation has
2213 occurred; requiring that the Division of State Fire
2214 Marshal and the Florida Building Code Administrator
2215 and Inspectors Board enter into a reciprocity
2216 agreement for purposes of recertifying building code



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2217 inspectors, plan inspectors, building code
2218 administrators, and firesafety inspectors; requiring
2219 that the State Fire Marshal develop by rule an
2220 advanced training and certification program for
2221 firesafety inspectors who have fire code management
2222 responsibilities; requiring that the program be
2223 consistent with certain standards and establish
2224 minimum training, education, and experience levels for
2225 such firesafety inspectors; amending s. 633.352, F.S.;
2226 providing an exception to requirements for
2227 recertification as a firefighter; amending s. 633.521,
2228 F.S.; revising requirements for certification as a
2229 fire protection system contractor; revising the
2230 prerequisites for taking the certification
2231 examination; authorizing the State Fire Marshal to
2232 accept more than one source of professional
2233 certification; revising legislative intent; amending
2234 s. 633.524, F.S.; authorizing the State Fire Marshal
2235 to enter into contracts for examination services;
2236 providing for the direct payment of examination fees
2237 to contract providers; amending s. 633.537, F.S.;
2238 revising the continuing education requirements for
2239 certain permitholders; amending 633.72, F.S.; revising
2240 the terms of service for members of the Fire Code
2241 Advisory Council; repealing s. 718.113(6), F.S.,
2242 relating to requirements for 5-year inspections of
2243 certain condominium improvements; directing the
2244 Florida Building Commission to conform provisions of
2245 the Florida Building Code with revisions made by the



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act relating to the operation of elevators; providing
effective dates.