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Proposed Committee Substitute by the Committee on Community
Affairs

1 A bill to be entitled
2 An act relating to building safety; amending s.
3 196.031, F.S.; specifying an additional condition that
4 constitutes an abandonment of homestead property for
5 homestead exemption purposes; amending s. 399.02,
6 F.S.; authorizing the Division of Hotels and
7 Restaurants of the Department of Business and
8 Professional Regulation to have access to places in
9 which a conveyance and equipment are located;
10 authorizing the division to grant variances from
11 certain rules for undue hardship; prohibiting the
12 enforcement of Phase II Firefighters Service on
13 certain elevators for a specified period; amending s.
14 399.15, F.S.; providing an alternative method to allow
15 access to regional emergency elevators; providing for
16 a uniform lock box; providing for a master key;
17 providing the Division of State Fire Marshal with
18 enforcement authority; directing the Department of
19 Financial Services to select the provider of the
20 uniform lock box; creating s. 455.2122, F.S.;
21 authorizing distance learning courses as an
22 alternative to classroom instruction for certain
23 licenses; prohibiting the department or regulatory
24 board from requiring centralized licensing
25 examinations for certain licenses; creating s.
26 455.2123, F.S.; authorizing distance learning courses
27 as an alternative to classroom instruction for certain



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28 licenses; prohibiting the department or a regulatory
29 board from requiring centralized licensing
30 examinations for certain licenses; amending s.
31 468.631, F.S.; revising the amount of a surcharge and
32 imposing the surcharge on certain building permits;
33 requiring the unit of government collecting the
34 surcharge to electronically remit the funds to the
35 Department of Business and Professional Regulation;
36 requiring the unit of government collecting the
37 surcharge to retain a portion of the funds to fund
38 certain activities of building departments; requiring
39 that the remaining funds from the surcharge be used to
40 fund the Florida Homeowners' Construction Recovery
41 Fund and the Building Code Administrator's Board;
42 amending s. 468.83, F.S.; providing for the creation
43 of the home inspection services licensing program
44 within the Department of Business and Professional
45 Regulation; amending s. 468.8311, F.S.; revising the
46 term "home inspection services"; amending s. 468.8312,
47 F.S.; deleting a fee provision for certain
48 certificates of authorization; amending s. 468.8313,
49 F.S.; revising examination requirements for licensure
50 as a home inspector; providing fingerprinting
51 requirements and procedures for license applications;
52 providing that the applicant is responsible for
53 certain costs; amending s. 468.8318, F.S.; revising
54 requirements and procedures for certification of
55 corporations and partnerships offering home inspection
56 services to the public; deleting provisions relating



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57 to required certificates of authorization; amending s.
58 468.8319, F.S.; delaying the enforcement of a
59 prohibition against performing certain activities by a
60 person who is not licensed as a home inspector;
61 revising certain prohibitions with respect to
62 providers of home inspection services; amending s.
63 468.832, F.S.; providing an additional ground for
64 taking certain disciplinary actions; amending s.
65 468.8324, F.S.; specifying additional requirements for
66 licensure as a home inspector; creating s. 468.8325,
67 F.S.; requiring the department to adopt rules to
68 administer part XV of ch. 468, F.S., relating to home
69 inspectors; amending s. 468.84, F.S.; providing for
70 the creation of the mold-related services licensing
71 program within the Department of Business and
72 Professional Regulation; amending s. 468.8412, F.S.;
73 deleting a fee provision for certain biennial
74 certificates of authorization renewal; amending s.
75 468.8413, F.S.; revising examination requirements and
76 procedures for licensure as a mold assessor or mold
77 remediator; providing fingerprinting requirements and
78 procedures for license applications; providing that
79 the applicant is responsible for certain costs;
80 amending s. 468.8414, F.S.; specifying an additional
81 applicant qualification criterion for licensure by
82 endorsement; amending s. 468.8418, F.S.; revising
83 requirements and procedures for certification of
84 corporations and partnerships offering mold assessment
85 or mold remediation services to the public; deleting



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86 provisions relating to required certificates of
87 authorization; amending s. 468.8419, F.S.; delaying
88 the enforcement of a prohibition against performing
89 certain activities by a person who is not licensed as
90 a mold assessor; amending s. 468.842, F.S.; providing
91 an additional ground for taking certain disciplinary
92 actions; amending s. 468.8421, F.S.; specifying an
93 insurance coverage requirement for mold assessors;
94 amending s. 468.8423, F.S.; specifying additional
95 requirements for licensure as a mold assessor or mold
96 remediator; creating s. 468.8424, F.S.; requiring the
97 Department of Business and Professional Regulation to
98 adopt rules to administer part XVI of ch. 468, F.S.,
99 relating to mold-related services; amending s.
100 489.103, F.S.; conforming a cross-reference; amending
101 s. 553.37, F.S.; authorizing manufacturers to pay
102 inspection fees directly to the provider of inspection
103 services; providing requirements for rules of the
104 Department of Business and Professional Regulation
105 regarding the schedule of fees; authorizing the
106 department to enter into contracts for the performance
107 of certain administrative duties; revising inspection
108 requirements for certain custom manufactured
109 buildings; amending s. 553.375, F.S.; revising the
110 requirement for recertification of manufactured
111 buildings prior to relocation; amending s. 553.509,
112 F.S.; deleting certain requirements for alternate
113 power sources for elevators for purposes of operating
114 during an emergency; amending s. 553.512, F.S.;



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115 requiring the Florida Building Commission to establish
116 by rule a fee for certain waiver requests; amending s.
117 553.721, F.S.; revising the amount of a surcharge and
118 imposing the surcharge on certain building permits;
119 requiring the unit of government collecting the
120 surcharge to electronically remit the funds to the
121 Department of Community Affairs; requiring the unit of
122 government collecting the surcharge to retain a
123 portion of the funds to fund certain activities of
124 building departments; requiring the remaining funds
125 from the surcharge to be used to fund the Florida
126 Building Commission and the Department of Community
127 Affairs; amending s. 553.73, F.S.; conforming cross-
128 references; authorizing counties and municipalities to
129 adopt by ordinance administrative or technical
130 amendments to the Florida Building Code for certain
131 flood-related purposes; specifying requirements and
132 procedures; revising foundation code adoption
133 requirements; authorizing the Florida Building
134 Commission to approve amendments relating to
135 equivalency of standards; exempting certain mausoleums
136 from the requirements of the Florida Building Code;
137 exempting certain temporary housing provided by the
138 Department of Corrections from the requirements of the
139 Florida Building Code; restricting the code, code
140 enforcement agencies, and local governments from
141 imposing requirements on certain mechanical equipment
142 on roofs; amending s. 553.74, F.S.; specifying absence
143 of impermissible conflicts of interest for certain



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144 committee or workgroup members while representing
145 clients under certain circumstances; specifying
146 certain prohibited activities for such members;
147 amending s. 553.76, F.S.; authorizing the Florida
148 Building Commission to adopt rules related to
149 consensus-building decisionmaking; amending s.
150 553.775, F.S.; conforming a cross-reference;
151 authorizing the commission to charge a fee for filing
152 certain requests and for nonbinding interpretations;
153 limiting fees for nonbinding interpretations; amending
154 s. 553.79, F.S.; requiring certain inspection services
155 to be performed under the alternative plans review and
156 inspection process or by a local governmental entity;
157 reenacting s. 553.80(1), F.S., relating to the
158 enforcement of the Florida Building Code, to
159 incorporate the amendments made to s. 553.79, F.S., in
160 a reference thereto; amending s. 553.80, F.S.;
161 specifying nonapplicability of certain exemptions from
162 the Florida Building Code granted by certain
163 enforcement entities under certain circumstances;
164 revising requirements for review of facility plans and
165 construction surveyed for certain hospitals and health
166 care facilities; amending s. 553.841, F.S.; deleting
167 provisions requiring that the Department of Community
168 Affairs maintain, update, develop, or cause to be
169 developed a core curriculum for persons who enforce
170 the Florida Building Code; amending s. 553.842, F.S.;
171 authorizing rules requiring the payment of product
172 evaluation fees directly to the administrator of the



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173 product evaluation and approval system; specifying the
174 use of such fees; authorizing the Florida Building
175 Commission to provide by rule for editorial revisions
176 to certain approvals and charge certain fees;
177 providing requirements for the approval of
178 applications for state approval of a product;
179 providing for certain approved products to be
180 immediately added to the list of state-approved
181 products; requiring that the commission's oversight
182 committee review approved products; revising the list
183 of approved evaluation entities; deleting obsolete
184 provisions governing evaluation entities; amending s.
185 553.844, F.S.; providing an exemption from the
186 requirements regarding roof and opening protections
187 for certain exposed mechanical equipment or
188 appliances; providing for future expiration; amending
189 s. 553.885, F.S.; revising requirements for carbon
190 monoxide alarms; providing an exception for buildings
191 undergoing alterations or repairs; defining the term
192 "addition" as it relates to the requirement of a
193 carbon monoxide alarm; amending s. 553.9061, F.S.;
194 revising the energy-efficiency performance options and
195 elements identified by the commission for purposes of
196 meeting certain goals; amending s. 553.909, F.S.;
197 revising a compliance criterion for certain swimming
198 pool pumps or water heaters; revising requirements for
199 residential swimming pool pumps and pump motors;
200 amending s. 553.912, F.S.; providing requirements for
201 replacement air-conditioning systems; amending s.



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202 627.711, F.S.; conforming provisions to changes made
203 by the act in which core curriculum courses relating
204 to the Florida Building Code are deleted; revising the
205 list of persons qualified to sign certain mitigation
206 verification forms for certain purposes; amending s.
207 633.021, F.S.; providing additional definitions for
208 fire equipment dealers; revising the definition of the
209 term "preengineered systems"; amending s. 633.0215,
210 F.S.; providing guidelines for the State Fire Marshal
211 to apply when issuing an expedited declaratory
212 statement; requiring that the State Fire Marshal issue
213 an expedited declaratory statement under certain
214 circumstances; providing requirements for a petition
215 requesting an expedited declaratory statement;
216 exempting certain condominiums from installing manual
217 fire alarm systems; amending s. 633.0245, F.S.;
218 conforming cross-references; amending s. 633.026,
219 F.S.; providing legislative intent; revising authority
220 of the State Fire Marshal to contract with and refer
221 interpretive issues to certain entities; providing for
222 the establishment of the Fire Code Interpretation
223 Committee; providing for the membership of the
224 committee and requirements for membership; requiring
225 that nonbinding interpretations of the Florida Fire
226 Prevention Code be issued within a specified period
227 after a request is received; providing for the waiver
228 of such requirement under certain conditions;
229 requiring that the Division of State Fire Marshal
230 charge a fee for nonbinding interpretations; providing



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231 that fees may be paid directly to a contract provider;
232 providing requirements for requesting a nonbinding
233 interpretation; requiring that the Division of State
234 Fire Marshal develop a form for submitting a petition
235 for a nonbinding interpretation; providing for a
236 formal interpretation by the State Fire Marshal;
237 requiring that an interpretation of the Florida Fire
238 Prevention Code be published on the division's website
239 and in the Florida Administrative Weekly; amending s.
240 626.061, F.S.; authorizing certain fire equipment
241 dealer licensees to maintain inactive license status
242 under certain circumstances; providing requirements;
243 providing for a renewal fee; revising certain
244 continuing education requirements; revising an
245 applicant licensure qualification requirement;
246 amending s. 633.081, F.S.; requiring that the State
247 Fire Marshal inspect a building when the State Fire
248 Marshal, rather than the Department of Financial
249 Services, has cause to believe a violation has
250 occurred; providing exceptions for requirements that
251 certain firesafety inspections be conducted by
252 firesafety inspectors; requiring that the Division of
253 State Fire Marshal and the Florida Building Code
254 Administrators and Inspectors Board enter into a
255 reciprocity agreement for purposes of recertifying
256 building code inspectors, plan inspectors, building
257 code administrators, and firesafety inspectors;
258 requiring that the State Fire Marshal develop by rule
259 an advanced training and certification program for



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260 firesafety inspectors who have fire code management
261 responsibilities; requiring that the program be
262 consistent with certain standards and establish
263 minimum training, education, and experience levels for
264 such firesafety inspectors; amending s. 633.082, F.S.;
265 authorizing alternative inspection procedures for
266 certain fire hydrants; amending s. 633.352, F.S.;
267 providing an exception to requirements for
268 recertification as a firefighter; amending s. 633.521,
269 F.S.; revising requirements for certification as a
270 fire protection system contractor; revising the
271 prerequisites for taking the certification
272 examination; authorizing the State Fire Marshal to
273 accept more than one source of professional
274 certification; revising legislative intent; amending
275 s. 633.524, F.S.; authorizing the State Fire Marshal
276 to enter into contracts for examination services;
277 providing for the direct payment of examination fees
278 to contract providers; amending s. 633.537, F.S.;
279 revising the continuing education requirements for
280 certain permitholders; amending 633.72, F.S.; revising
281 the terms of service for members of the Fire Code
282 Advisory Council; repealing s. 718.113(6), F.S.,
283 relating to requirements for 5-year inspections of
284 certain condominium improvements; directing the
285 Florida Building Commission to conform provisions of
286 the Florida Building Code with revisions made by the
287 act relating to the operation of elevators; providing
288 an effective date.



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

Section 1. Subsection (6) of section 196.031, Florida Statutes, is amended to read:

196.031 Exemption of homesteads.—

(6) When homestead property is damaged or destroyed by misfortune or calamity and the property is uninhabitable on January 1 after the damage or destruction occurs, the homestead exemption may be granted if the property is otherwise qualified and if the property owner notifies the property appraiser that he or she intends to repair or rebuild the property and live in the property as his or her primary residence after the property is repaired or rebuilt and does not claim a homestead exemption on any other property or otherwise violate this section. Failure by the property owner to commence the repair or rebuilding of the homestead property within 3 years after January 1 following the property's damage or destruction constitutes abandonment of the property as a homestead. After the 3-year period, the expiration, lapse, nonrenewal, or revocation of a building permit issued to the property owner for such repairs or rebuilding also constitutes abandonment of the property as homestead.

Section 2. Subsection (6) of section 399.02, Florida Statutes, is amended, and subsections (8) and (9) are added to that section, to read:

399.02 General requirements.—

(6) (a) The department is empowered to carry out all of the provisions of this chapter relating to the inspection and



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318 regulation of elevators and to enforce the provisions of the
319 Florida Building Code.

320 (b) In order to perform its duties and responsibilities
321 under this section, the division may enter and have reasonable
322 access to all buildings and rooms or spaces in which an existing
323 or newly installed conveyance and equipment are located.

324 (8) The division may grant variances for undue hardship
325 pursuant to s. 120.542 and the rules adopted under this section.
326 Such rules must include a process for requests for variances.
327 The division may not grant a request for a variance unless it
328 finds that the variance will not adversely affect the safety of
329 the public.

330 (9) Updates to the Safety Code for Existing Elevators and
331 Escalators, ASME A17.1 and A17.3 which require Phase II
332 Firefighters Service on elevators may not be enforced until July
333 1, 2015, or until the elevator is replaced or requires major
334 modification, whichever occurs first, on elevators in
335 condominiums or multifamily residential buildings, including
336 those that are part of a continuing care facility licensed under
337 chapter 651, or similar retirement community with apartments,
338 having a certificate of occupancy by the local building
339 authority that was issued before July 1, 2008. This exception
340 does not prevent an elevator owner from requesting a variance
341 from the applicable codes before or after July 1, 2015. This
342 subsection does not prohibit the division from granting
343 variances pursuant to s. 120.542 and subsection (8). The
344 division shall adopt rules to administer this subsection.

345 Section 3. Present subsection (7) of section 399.15,
346 Florida Statutes, is renumbered as subsection (8), and a new



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347 subsection (7) is added to that section, to read:

348 399.15 Regional emergency elevator access.—

349 (7) As an alternative to complying with the requirements of
350 subsection (1), each building in this state which is required to
351 meet the provisions of subsections (1) and (2) may instead
352 provide for the installation of a uniform lock box that contains
353 the keys to all elevators in the building allowing public
354 access, including service and freight elevators. The uniform
355 lock box must be keyed to allow all uniform lock boxes in each
356 of the seven state emergency response regions to operate in fire
357 emergency situations using one master key. The master key for
358 the uniform lock shall be issued only to the fire department.
359 The Division of State Fire Marshal of the Department of
360 Financial Services shall enforce this subsection. The Department
361 of Financial Services shall select the provider of the uniform
362 lock box to be installed in each building in which the
363 requirements of this subsection are implemented.

364 Section 4. Section 455.2122, Florida Statutes, is created
365 to read:

366 455.2122 Education.—A board, or the department where there
367 is no board, shall approve distance learning courses as an
368 alternative to classroom courses to satisfy prelicensure or
369 postlicensure education requirements provided for in part VIII
370 of chapter 468 or part I of chapter 475. A board, or the
371 department when there is no board, may not require centralized
372 examinations for completion of prelicensure or postlicensure
373 education requirements for those professions licensed under part
374 VIII of chapter 468 or part I of chapter 475.

375 Section 5. Section 455.2123, Florida Statutes, is amended



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376 to read:

377 455.2123 Continuing education.—A board, or the department
378 when there is no board, may provide by rule that distance
379 learning may be used to satisfy continuing education
380 requirements. A board, or the department when there is no board,
381 shall approve distance learning courses as an alternative to
382 classroom courses to satisfy continuing education requirements
383 provided for in part VIII, part XV, or part XVI of chapter 468
384 or part I or part II of chapter 475, and may not require
385 centralized examinations for completion of continuing education
386 requirements for the professions licensed under part VIII, part
387 XV, or part XVI of chapter 468 or part I or part II of chapter
388 475.

389 Section 6. Subsection (1) of section 468.631, Florida
390 Statutes, is amended to read:

391 468.631 Building Code Administrators and Inspectors Fund.—

392 (1) This part shall be funded through a surcharge, to be
393 assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of
394 1.5 percent of the permit fees associated with enforcement of
395 the Florida Building Code on any permits issued for ~~one-half~~
396 cent per square foot of under-roof floor space permitted,
397 including new construction, repairs, renovations, alterations,
398 and additions. This includes permits issued for electrical, gas,
399 mechanical, plumbing, and roofing work. The minimum amount
400 collected on any permit issued shall be \$2. The unit of
401 government responsible for collecting permit fees pursuant to s.
402 125.56(4) or s. 166.201 shall collect such surcharge and shall
403 electronically remit the funds to the department on a quarterly
404 calendar basis beginning not later than December 31, 1993, for



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405 the preceding quarter, and continuing each third month
406 thereafter; and such unit of government shall ~~may~~ retain ~~an~~
407 ~~amount up to~~ 10 percent of the surcharge collected to fund the
408 participation of building departments in the national and state
409 building code promulgation processes and to provide education
410 related to enforcement of the Florida Building Code projects and
411 activities intended to improve the quality of building code
412 enforcement. There is created within the Professional Regulation
413 Trust Fund a separate account to be known as the Building Code
414 Administrators and Inspectors Fund, which shall deposit and
415 disburse funds as necessary for the implementation of this part.
416 The proceeds from this surcharge shall be allocated equally to
417 fund the Florida Homeowners' Construction Recovery Fund
418 established by s. 489.140 and the functions of the Building Code
419 Administrators Board. ~~The department shall annually establish~~
420 ~~the amount needed to fund the certification and regulation of~~
421 ~~building code administrators, plans examiners, and building code~~
422 ~~inspectors. Any funds collected in excess of the amount needed~~
423 ~~to adequately fund the certification and regulation of building~~
424 ~~code administrators, plans examiners, and building code~~
425 ~~inspectors shall be deposited into the Florida Homeowners'~~
426 ~~Construction Recovery Fund established by s. 489.140. If the~~
427 ~~Florida Homeowners' Construction Recovery Fund is fully funded~~
428 ~~as provided by s. 489.140, any remaining funds shall be~~
429 ~~distributed to the Construction Industry Licensing Board for use~~
430 ~~in the regulation of certified and registered contractors.~~

431 Section 7. Section 468.83, Florida Statutes, is amended to
432 read:

433 468.83 Home inspection services licensing program;



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434 purpose.-

435 (1) There is created within the department the home
436 inspection services licensing program.

437 (2) The Legislature recognizes that there is a need to
438 require the licensing of home inspectors and to ensure that
439 consumers of home inspection services can rely on the competence
440 of home inspectors, as determined by educational and experience
441 requirements and testing. Therefore, the Legislature deems it
442 necessary in the interest of the public welfare to regulate home
443 inspectors in this state.

444 Section 8. Subsection (4) of section 468.8311, Florida
445 Statutes, is amended to read:

446 468.8311 Definitions.—As used in this part, the term:

447 (4) "Home inspection services" means a limited visual
448 examination of ~~one or more of~~ the following readily accessible
449 installed systems and components of a home: the structure,
450 electrical system, HVAC system, roof covering, plumbing system,
451 interior components, exterior components, and site conditions
452 that affect the structure, for the purposes of providing a
453 written professional opinion of the condition of the home.

454 Section 9. Subsections (4) through (8) of section 468.8312,
455 Florida Statutes, are amended to read:

456 468.8312 Fees.—

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

459 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

460 (5)~~(6)~~ The fee for licensure by endorsement shall not
461 exceed \$200.

462 (6)~~(7)~~ The fee for application for inactive status or for



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463 reactivation of an inactive license shall not exceed \$200.

464 ~~(7)-(8)~~ The fee for applications from providers of
465 continuing education may not exceed \$500.

466 Section 10. Subsections (1) and (2) of section 468.8313,
467 Florida Statutes, are amended, present subsection (6) of that
468 section is renumbered as subsection (7) and amended, and a new
469 subsection (6) is added to that section, to read:

470 468.8313 Examinations.—

471 (1) A person desiring to be licensed as a home inspector
472 must shall apply to the department after he or she satisfies the
473 examination requirements of this part to take a licensure
474 examination.

475 (2) An applicant may shall be entitled to take the
476 licensure examination for the purpose of determining whether he
477 or she is qualified to practice in this state as a home
478 inspector if he or she passes the required examination, the
479 applicant is of good moral character, and completes has
480 completed a course of study of at least no less than 120 hours
481 that covers all of the following components of a home:
482 structure, electrical system, HVAC system, roof covering,
483 plumbing system, interior components, exterior components, and
484 site conditions that affect the structure.

485 (6) An initial applicant must submit a complete set of his
486 or her fingerprints to the Department of Law Enforcement for a
487 statewide criminal history record check. The Department of Law
488 Enforcement shall forward the fingerprints to the Federal Bureau
489 of Investigation for a national criminal history record check.
490 The department shall review the results of the criminal history
491 record checks according to the level 2 screening standards set



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492 forth in s. 435.04 and determine whether the applicant meets the
493 licensure requirements. The costs of fingerprint processing
494 shall be borne by the applicant. If the applicant's fingerprints
495 are submitted through an authorized agency or vendor, the agency
496 or vendor shall collect the required processing fees and remit
497 the fees to the Department of Law Enforcement.

498 ~~(7)-(6) The department may adopt rules pursuant to ss.~~
499 ~~120.536(1) and 120.54 to implement the provisions of this~~
500 ~~section.~~

501 Section 11. Section 468.8318, Florida Statutes, is amended
502 to read:

503 468.8318 Certification of corporations and partnerships.-

504 ~~(1) The department shall issue a certificate of~~
505 ~~authorization to a corporation or partnership offering home~~
506 ~~inspection services to the public if the corporation or~~
507 ~~partnership satisfies all of the requirements of this part.~~

508 ~~(2) The practice of or the offer to practice home~~
509 ~~inspection services by licensees through a corporation or~~
510 ~~partnership offering home inspection services to the public, or~~
511 ~~by a corporation or partnership offering such services to the~~
512 ~~public through licensees under this part as agents, employees,~~
513 ~~officers, or partners, is permitted subject to the provisions of~~
514 ~~this part, provided that all personnel of the corporation or~~
515 ~~partnership who act in its behalf as home inspectors in this~~
516 ~~state are licensed as provided by this part; and further~~
517 ~~provided that the corporation or partnership has been issued a~~
518 ~~certificate of authorization by the department as provided in~~
519 ~~this section.~~ Nothing in this section shall be construed to
520 allow a corporation to hold a license to practice home



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521 inspection services. No corporation or partnership shall be
522 relieved of responsibility for the conduct or acts of its
523 agents, employees, or officers by reason of its compliance with
524 this section, nor shall any individual practicing home
525 inspection services be relieved of responsibility for
526 professional services performed by reason of his or her
527 employment or relationship with a corporation or partnership.

528 ~~(3) For the purposes of this section, a certificate of~~
529 ~~authorization shall be required for a corporation, partnership,~~
530 ~~association, or person practicing under a fictitious name and~~
531 ~~offering home inspection services to the public; however, when~~
532 ~~an individual is practicing home inspection services in his or~~
533 ~~her own given name, he or she shall not be required to register~~
534 ~~under this section.~~

535 ~~(4) Each certificate of authorization shall be renewed~~
536 ~~every 2 years. Each partnership and corporation certified under~~
537 ~~this section shall notify the department within 1 month of any~~
538 ~~change in the information contained in the application upon~~
539 ~~which the certification is based.~~

540 ~~(5) Disciplinary action against a corporation or~~
541 ~~partnership shall be administered in the same manner and on the~~
542 ~~same grounds as disciplinary action against a licensed home~~
543 ~~inspector.~~

544 Section 12. Section 468.8319, Florida Statutes, are amended
545 to read:

546 468.8319 Prohibitions; penalties.—

547 (1) A person ~~home inspector, a company that employs a home~~
548 ~~inspector, or a company that is controlled by a company that~~
549 ~~also has a financial interest in a company employing a home~~



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550 ~~inspector~~ may not:

551 (a) Effective July 1, 2011, practice or offer to practice
552 home inspection services unless the person has complied with the
553 provisions of this part;

554 (b) Effective July 1, 2011, use the name or title
555 "certified home inspector," "registered home inspector,"
556 "licensed home inspector," "home inspector," "professional home
557 inspector," or any combination thereof unless the person has
558 complied with the provisions of this part;

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

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

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

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

570 (g) Inspect ~~for a fee~~ any property in which the inspector
571 or the inspector's company has any financial or transfer
572 interest;

573 (h) Offer or deliver any compensation, inducement, or
574 reward to any broker or agent therefor for the referral of the
575 owner of the inspected property to the inspector or the
576 inspection company; or

577 (i) Accept an engagement to make an omission or prepare a
578 report in which the inspection itself, or the fee payable for



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579 the inspection, is contingent upon either the conclusions in the
580 report, preestablished findings, or the close of escrow.

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

584 (3) This section does not apply to unlicensed activity as
585 described in paragraph (1)(a), paragraph (1)(b), or s. 455.228
586 which occurs before July 1, 2011.

587 Section 13. Subsection (1) of section 468.832, Florida
588 Statutes, is amended to read:

589 468.832 Disciplinary proceedings.-

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

592 (a) Violation of any provision of this part or s.
593 455.227(1).†

594 (b) Attempting to procure a license to practice home
595 inspection services by bribery or fraudulent misrepresentation.†

596 (c) Having a license to practice home inspection services
597 revoked, suspended, or otherwise acted against, including the
598 denial of licensure, by the licensing authority of another
599 state, territory, or country.†

600 (d) Being convicted or found guilty of, or entering a plea
601 of nolo contendere to, regardless of adjudication, a crime in
602 any jurisdiction that directly relates to the practice of home
603 inspection services or the ability to practice home inspection
604 services.†

605 (e) Making or filing a report or record that the licensee
606 knows to be false, willfully failing to file a report or record
607 required by state or federal law, willfully impeding or



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608 obstructing such filing, or inducing another person to impede or
609 obstruct such filing. Such reports or records shall include only
610 those that are signed in the capacity of a licensed home
611 inspector.~~†~~

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

614 (g) Engaging in fraud or deceit, or negligence,
615 incompetency, or misconduct, in the practice of home inspection
616 services.~~†~~

617 (h) Failing to perform any statutory or legal obligation
618 placed upon a licensed home inspector; violating any provision
619 of this chapter, a rule of the department, or a lawful order of
620 the department previously entered in a disciplinary hearing; or
621 failing to comply with a lawfully issued subpoena of the
622 department.~~†~~~~or~~

623 (i) Practicing on a revoked, suspended, inactive, or
624 delinquent license.

625 (j) Failing to meet any standard of practice adopted by
626 rule of the department.

627 Section 14. Section 468.8324, Florida Statutes, is amended
628 to read:

629 468.8324 Grandfather clause.—A person who performs home
630 inspection services as defined in this part may qualify for
631 licensure ~~to be licensed~~ by the department as a home inspector
632 if the person submits an application to the department
633 postmarked on or before March 1, 2011, which shows that the
634 applicant: meets the licensure requirements of this part by July
635 1, 2010.

636 (1) (a) Is certified as a home inspector by a state or



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637 national association that requires, for such certification,
638 successful completion of a proctored examination on home
639 inspection services and completes at least 14 hours of
640 verifiable education on such services; or

641 (b) Has at least 3 years of experience as a home inspector
642 at the time of application and has completed 14 hours of
643 verifiable education on home inspection services. To establish
644 the 3 years of experience, an applicant must submit at least 120
645 home inspection reports prepared by the applicant.

646 (2) The department may investigate the validity of a home
647 inspection report submitted under paragraph (1)(b) and, if the
648 applicant submits a false report, may take disciplinary action
649 against the applicant under s. 468.832(1)(e) or (g).

650 (3) An applicant may not qualify for licensure under this
651 section if he or she has had a home inspector license or a
652 license in any related field revoked at any time or suspended
653 within the previous 5 years or has been assessed a fine that
654 exceeds \$500 within the previous 5 years. For purposes of this
655 subsection, a license in a related field includes, but is not
656 limited to, licensure in real estate, construction, mold-related
657 services, or building code administration or inspection.

658 (4) An applicant for licensure under this section must
659 comply with the criminal history, good moral character, and
660 insurance requirements of this part.

661 Section 15. Section 468.8325, Florida Statutes, is created
662 to read:

663 468.8325 Rulemaking.—The department shall adopt rules to
664 administer this part.

665 Section 16. Section 468.84, Florida Statutes, is amended to



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666 read:

667 468.84 Mold-related services licensing program; legislative
668 purpose.-

669 (1) There is created within the department the mold-related
670 services licensing program.

671 (2) The Legislature finds it necessary in the interest of
672 the public safety and welfare, to prevent damage to real and
673 personal property, to avert economic injury to the residents of
674 this state, and to regulate persons and companies that hold
675 themselves out to the public as qualified to perform mold-
676 related services.

677 Section 17. Subsections (6) through (10) of section
678 468.8412, Florida Statutes, are amended to read:

679 468.8412 Fees.-

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

682 (6)~~(7)~~ The fee for licensure by endorsement shall not
683 exceed \$200.

684 (7)~~(8)~~ The fee for application for inactive status shall
685 not exceed \$100.

686 (8)~~(9)~~ The fee for reactivation of an inactive license
687 shall not exceed \$200.

688 (9)~~(10)~~ The fee for applications from providers of
689 continuing education may not exceed \$500.

690 Section 18. Subsections (1) and (2) of section 468.8413,
691 Florida Statutes, are amended, and subsection (6) is added to
692 that section, to read:

693 468.8413 Examinations.-

694 (1) A person desiring to be licensed as a mold assessor or



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695 mold remediator must ~~shall~~ apply to the department after
696 satisfying the examination requirements of this part to take a
697 licensure examination.

698 (2) An applicant may ~~shall be entitled to take the~~
699 ~~licensure examination to~~ practice in this state as a mold
700 assessor or mold remediator if he or she passes the required
701 examination, the applicant is of good moral character, and
702 completes ~~has satisfied~~ one of the following requirements:

703 (a)1. For a mold remediator, at least a 2-year associate of
704 arts degree, or the equivalent, with at least 30 semester hours
705 in microbiology, engineering, architecture, industrial hygiene,
706 occupational safety, or a related field of science from an
707 accredited institution and a minimum of 1 year of documented
708 field experience in a field related to mold remediation; or

709 2. A high school diploma or the equivalent with a minimum
710 of 4 years of documented field experience in a field related to
711 mold remediation.

712 (b)1. For a mold assessor, at least a 2-year associate of
713 arts degree, or the equivalent, with at least 30 semester hours
714 in microbiology, engineering, architecture, industrial hygiene,
715 occupational safety, or a related field of science from an
716 accredited institution and a minimum of 1 year of documented
717 field experience in conducting microbial sampling or
718 investigations; or

719 2. A high school diploma or the equivalent with a minimum
720 of 4 years of documented field experience in conducting
721 microbial sampling or investigations.

722 (6) An initial applicant must submit a complete set of his
723 or her fingerprints to the Department of Law Enforcement for a



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724 statewide criminal history record check. The Department of Law
725 Enforcement shall forward the fingerprints to the Federal Bureau
726 of Investigation for a national criminal history record check.
727 The department shall review the results of the criminal history
728 record checks according to the level 2 screening standards set
729 forth in s. 435.04 and determine whether the applicant meets the
730 licensure requirements. The costs of fingerprint processing
731 shall be borne by the applicant. If the applicant's fingerprints
732 are submitted through an authorized agency or vendor, the agency
733 or vendor shall collect the required processing fees and remit
734 the fees to the Department of Law Enforcement.

735 Section 19. Subsection (3) of section 468.8414, Florida
736 Statutes, is amended to read:

737 468.8414 Licensure.—

738 (3) The department shall certify as qualified for a license
739 by endorsement an applicant who is of good moral character, who
740 has the insurance coverage required under s. 468.8421, and who:

741 (a) Is qualified to take the examination as set forth in s.
742 468.8413 and has passed a certification examination offered by a
743 nationally recognized organization that certifies persons in the
744 specialty of mold assessment or mold remediation that has been
745 approved by the department as substantially equivalent to the
746 requirements of this part and s. 455.217; or

747 (b) Holds a valid license to practice mold assessment or
748 mold remediation issued by another state or territory of the
749 United States if the criteria for issuance of the license were
750 substantially the same as the licensure criteria that is
751 established by this part as determined by the department.

752 Section 20. Section 468.8418, Florida Statutes, is amended



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753 to read:

754 468.8418 Certification of partnerships and corporations.—

755 ~~(1) The department shall issue a certificate of~~
756 ~~authorization to a corporation or partnership offering mold~~
757 ~~assessment or mold remediation services to the public if the~~
758 ~~corporation or partnership satisfies all of the requirements of~~
759 ~~this part.~~

760 ~~(2) The practice of or the offer to practice mold~~
761 ~~assessment or mold remediation by licensees through a~~
762 ~~corporation or partnership offering mold assessment or mold~~
763 ~~remediation to the public, or by a corporation or partnership~~
764 ~~offering such services to the public through licensees under~~
765 ~~this part as agents, employees, officers, or partners, is~~
766 ~~permitted subject to the provisions of this part, provided that~~
767 ~~the corporation or partnership has been issued a certificate of~~
768 ~~authorization by the department as provided in this section.~~
769 Nothing in this section shall be construed to allow a
770 corporation to hold a license to practice mold assessment or
771 mold remediation. No corporation or partnership shall be
772 relieved of responsibility for the conduct or acts of its
773 agents, employees, or officers by reason of its compliance with
774 this section, nor shall any individual practicing mold
775 assessment or mold remediation be relieved of responsibility for
776 professional services performed by reason of his or her
777 employment or relationship with a corporation or partnership.

778 ~~(3) For the purposes of this section, a certificate of~~
779 ~~authorization shall be required for a corporation, partnership,~~
780 ~~association, or person practicing under a fictitious name,~~
781 ~~offering mold assessment or mold remediation; however, when an~~



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782 ~~individual is practicing mold assessment or mold remediation~~
783 ~~under his or her own given name, he or she shall not be required~~
784 ~~to register under this section.~~

785 ~~(4) Each certificate of authorization shall be renewed~~
786 ~~every 2 years. Each partnership and corporation certified under~~
787 ~~this section shall notify the department within 1 month of any~~
788 ~~change in the information contained in the application upon~~
789 ~~which the certification is based.~~

790 ~~(5) Disciplinary action against a corporation or~~
791 ~~partnership shall be administered in the same manner and on the~~
792 ~~same grounds as disciplinary action against a licensed mold~~
793 ~~assessor or mold remediator.~~

794 Section 21. Paragraphs (a) and (b) of subsection (1) of
795 section 468.8419, Florida Statutes, are amended, and subsection
796 (4) is added to that section, to read:

797 468.8419 Prohibitions; penalties.-

798 (1) A person mold assessor, ~~a company that employs a mold~~
799 ~~assessor, or a company that is controlled by a company that also~~
800 ~~has a financial interest in a company employing a mold assessor~~
801 may not:

802 (a) Effective July 1, 2011, perform or offer to perform any
803 mold assessment unless the mold assessor has documented training
804 in water, mold, and respiratory protection under s. 468.8414(2).

805 (b) Effective July 1, 2011, perform or offer to perform any
806 mold assessment unless the person has complied with the
807 provisions of this part.

808 (4) This section does not apply to unlicensed activity as
809 described in paragraph (1)(a), paragraph (1)(b), or s. 455.228
810 which occurs before July 1, 2011.



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811 Section 22. Subsection (1) of section 468.842, Florida
812 Statutes, is amended to read:

813 468.842 Disciplinary proceedings.—

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

816 (a) Violation of any provision of this part or s.
817 455.227(1).†

818 (b) Attempting to procure a license to practice mold
819 assessment or mold remediation by bribery or fraudulent
820 misrepresentations.†

821 (c) Having a license to practice mold assessment or mold
822 remediation revoked, suspended, or otherwise acted against,
823 including the denial of licensure, by the licensing authority of
824 another state, territory, or country.†

825 (d) Being convicted or found guilty of, or entering a plea
826 of nolo contendere to, regardless of adjudication, a crime in
827 any jurisdiction that directly relates to the practice of mold
828 assessment or mold remediation or the ability to practice mold
829 assessment or mold remediation.†

830 (e) Making or filing a report or record that the licensee
831 knows to be false, willfully failing to file a report or record
832 required by state or federal law, willfully impeding or
833 obstructing such filing, or inducing another person to impede or
834 obstruct such filing. Such reports or records shall include only
835 those that are signed in the capacity of a registered mold
836 assessor or mold remediator.†

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

839 (g) Engaging in fraud or deceit, or negligence,



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840 incompetency, or misconduct, in the practice of mold assessment
841 or mold remediation.~~;~~

842 (h) Failing to perform any statutory or legal obligation
843 placed upon a licensed mold assessor or mold remediator;
844 violating any provision of this chapter, a rule of the
845 department, or a lawful order of the department previously
846 entered in a disciplinary hearing; or failing to comply with a
847 lawfully issued subpoena of the department.~~;~~ ~~or~~

848 (i) Practicing on a revoked, suspended, inactive, or
849 delinquent license.

850 (j) Failing to meet any standard of practice adopted by
851 rule of the department.

852 Section 23. Subsection (1) of section 468.8421, Florida
853 Statutes, is amended to read:

854 468.8421 Insurance.—

855 (1) A mold assessor shall maintain general liability and
856 errors and omissions for both preliminary and postremediation
857 mold assessment insurance coverage in an amount of at least \$1
858 million not less than \$1,000,000.

859 Section 24. Section 468.8423, Florida Statutes, is amended
860 to read:

861 468.8423 Grandfather clause.—A person who performs mold
862 assessment or mold remediation as defined in this part may
863 qualify to be licensed by the department as a mold assessor or
864 mold remediator if the person submits his or her application to
865 the department by March 1, 2011, whether postmarked or delivered
866 by that date, and if the person: meets the licensure
867 requirements of this part by July 1, 2010.

868 (a) Is certified as a mold assessor or mold remediator by a



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869 state or national association that requires, for such
870 certification, successful completion of a proctored examination
871 on mold assessment or mold remediation, as applicable, and
872 completes at least 60 hours of education on mold assessment or
873 at least 30 hours of education on mold remediation, as
874 applicable; or

875 (b) At the time of application, has at least 3 years of
876 experience as a mold assessor or mold remediator. To establish
877 the 3 years of experience, an applicant must submit at least 40
878 mold assessments or remediation invoices prepared by the
879 applicant.

880 (2) The department may investigate the validity of a mold
881 assessment or remediation invoice submitted under paragraph
882 (1)(b) and, if the applicant submits a false assessment or
883 invoice, may take disciplinary action against the applicant
884 under s. 468.842(1)(e) or (g).

885 (3) An applicant may not qualify for licensure under this
886 section if he or she has had a mold assessor or mold remediator
887 license or a license in any related field revoked at any time or
888 suspended within the previous 5 years or has been assessed a
889 fine that exceeds \$500 within the previous 5 years. For purposes
890 of this subsection, a license in a related field includes, but
891 is not limited to, licensure in real estate, construction, home
892 inspection, building code administration or inspection, or
893 indoor air quality.

894 (4) An applicant for licensure under this section must
895 comply with the good moral character and insurance requirements
896 of this part.

897 Section 25. Section 468.8424, Florida Statutes, is created



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898 to read:

899 468.8424 Rulemaking authority.—The department shall adopt
900 rules to administer this part.

901 Section 26. Subsection (22) of section 489.103, Florida
902 Statutes, is amended to read:

903 489.103 Exemptions.—This part does not apply to:

904 (22) A person licensed pursuant to s. 633.061(1)(d) or
905 (3)~~(2)~~(b) performing work authorized by such license.

906 Section 27. Subsections (2), (8), and (9) of section
907 553.37, Florida Statutes, are amended, and subsection (12) is
908 added to that section, to read:

909 553.37 Rules; inspections; and insignia.—

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

911 (a) Procedures and qualifications for approval of third-
912 party plan review and inspection agencies and of those who
913 perform inspections and plan reviews.

914 (b) Investigation of consumer complaints of noncompliance
915 of manufactured buildings with the Florida Building Code and the
916 Florida Fire Prevention Code.

917 (c) Issuance, cancellation, and revocation of any insignia
918 issued by the department and procedures for auditing and
919 accounting for disposition of them.

920 (d) Monitoring the manufacturers', inspection agencies',
921 and plan review agencies' compliance with this part and the
922 Florida Building Code. Monitoring may include, but is not
923 limited to, performing audits of plans, inspections of
924 manufacturing facilities and observation of the manufacturing
925 and inspection process, and onsite inspections of buildings.

926 (e) The performance by the department and its designees and



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927 contractors of any other functions required by this part.

928 (8) The department, by rule, shall establish a schedule of
929 fees to pay the cost of the administration and enforcement of
930 this part. The rule may provide for manufacturers to pay fees to
931 the administrator directly via the Building Code Information
932 System.

933 (9) The department may delegate its enforcement authority
934 to a state department having building construction
935 responsibilities or a local government and may enter into
936 contracts for the performance of its administrative duties under
937 this part. The department may delegate its plan review and
938 inspection authority to one or more of the following in any
939 combination:

940 (a) A state department having building construction
941 responsibilities;

942 (b) A local government;

943 (c) An approved inspection agency;

944 (d) An approved plan review agency; or

945 (e) An agency of another state.

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

950 Section 28. Section 553.375, Florida Statutes, is amended
951 to read:

952 553.375 Recertification of manufactured buildings.—Prior to
953 the relocation to a site that has a higher design wind speed,
954 modification, or change of occupancy of a manufactured building
955 within the state, the manufacturer, dealer, or owner thereof may



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956 apply to the department for recertification of that manufactured
957 building. The department shall, by rule, provide what
958 information the applicant must submit for recertification and
959 for plan review and inspection of such manufactured buildings
960 and shall establish fees for recertification. Upon a
961 determination by the department that the manufactured building
962 complies with the applicable building codes, the department
963 shall issue a recertification insignia. A manufactured building
964 that bears recertification insignia does not require any
965 additional approval by an enforcement jurisdiction in which the
966 building is sold or installed, and is considered to comply with
967 all applicable codes. As an alternative to recertification by
968 the department, the manufacturer, dealer, or owner of a
969 manufactured building may seek appropriate permitting and a
970 certificate of occupancy from the local jurisdiction in
971 accordance with procedures generally applicable under the
972 Florida Building Code.

973 Section 29. Section 553.509, Florida Statutes, is amended
974 to read:

975 553.509 Vertical accessibility.—

976 (1) Nothing in ss. 553.501-553.513 or the guidelines shall
977 be construed to relieve the owner of any building, structure, or
978 facility governed by those sections from the duty to provide
979 vertical accessibility to all levels above and below the
980 occupiable grade level, regardless of whether the guidelines
981 require an elevator to be installed in such building, structure,
982 or facility, except for:

983 (a) Elevator pits, elevator penthouses, mechanical rooms,
984 piping or equipment catwalks, and automobile lubrication and



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985 maintenance pits and platforms;

986 (b) Unoccupiable spaces, such as rooms, enclosed spaces,
987 and storage spaces that are not designed for human occupancy,
988 for public accommodations, or for work areas; and

989 (c) Occupiable spaces and rooms that are not open to the
990 public and that house no more than five persons, including, but
991 not limited to, equipment control rooms and projection booths.

992 ~~(2) (a) Any person, firm, or corporation that owns, manages,~~
993 ~~or operates a residential multifamily dwelling, including a~~
994 ~~condominium, that is at least 75 feet high and contains a public~~
995 ~~elevator, as described in s. 399.035(2) and (3) and rules~~
996 ~~adopted by the Florida Building Commission, shall have at least~~
997 ~~one public elevator that is capable of operating on an alternate~~
998 ~~power source for emergency purposes. Alternate power shall be~~
999 ~~available for the purpose of allowing all residents access for a~~
1000 ~~specified number of hours each day over a 5-day period following~~
1001 ~~a natural disaster, manmade disaster, emergency, or other civil~~
1002 ~~disturbance that disrupts the normal supply of electricity. The~~
1003 ~~alternate power source that controls elevator operations must~~
1004 ~~also be capable of powering any connected fire alarm system in~~
1005 ~~the building.~~

1006 ~~(b) At a minimum, the elevator must be appropriately~~
1007 ~~rewired and prepared to accept an alternate power source and~~
1008 ~~must have a connection on the line side of the main disconnect,~~
1009 ~~pursuant to National Electric Code Handbook, Article 700. In~~
1010 ~~addition to the required power source for the elevator and~~
1011 ~~connected fire alarm system in the building, the alternate power~~
1012 ~~supply must be sufficient to provide emergency lighting to the~~
1013 ~~interior lobbies, hallways, and other portions of the building~~



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1014 ~~used by the public. Residential multifamily dwellings must have~~
1015 ~~an available generator and fuel source on the property or have~~
1016 ~~proof of a current contract posted in the elevator machine room~~
1017 ~~or other place conspicuous to the elevator inspector affirming a~~
1018 ~~current guaranteed service contract for such equipment and fuel~~
1019 ~~source to operate the elevator on an on-call basis within 24~~
1020 ~~hours after a request. By December 31, 2006, any person, firm or~~
1021 ~~corporation that owns, manages, or operates a residential~~
1022 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
1023 ~~the local building inspection agency verification of engineering~~
1024 ~~plans for residential multifamily dwellings that provide for the~~
1025 ~~capability to generate power by alternate means. Compliance with~~
1026 ~~installation requirements and operational capability~~
1027 ~~requirements must be verified by local building inspectors and~~
1028 ~~reported to the county emergency management agency by December~~
1029 ~~31, 2007.~~

1030 ~~(c) Each newly constructed residential multifamily~~
1031 ~~dwelling, including a condominium, that is at least 75 feet high~~
1032 ~~and contains a public elevator, as described in s. 399.035(2)~~
1033 ~~and (3) and rules adopted by the Florida Building Commission,~~
1034 ~~must have at least one public elevator that is capable of~~
1035 ~~operating on an alternate power source for the purpose of~~
1036 ~~allowing all residents access for a specified number of hours~~
1037 ~~each day over a 5-day period following a natural disaster,~~
1038 ~~manmade disaster, emergency, or other civil disturbance that~~
1039 ~~disrupts the normal supply of electricity. The alternate power~~
1040 ~~source that controls elevator operations must be capable of~~
1041 ~~powering any connected fire alarm system in the building. In~~
1042 ~~addition to the required power source for the elevator and~~



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1043 ~~connected fire alarm system, the alternate power supply must be~~
1044 ~~sufficient to provide emergency lighting to the interior~~
1045 ~~lobbies, hallways, and other portions of the building used by~~
1046 ~~the public. Engineering plans and verification of operational~~
1047 ~~capability must be provided by the local building inspector to~~
1048 ~~the county emergency management agency before occupancy of the~~
1049 ~~newly constructed building.~~

1050 ~~(d) Each person, firm, or corporation that is required to~~
1051 ~~maintain an alternate power source under this subsection shall~~
1052 ~~maintain a written emergency operations plan that details the~~
1053 ~~sequence of operations before, during, and after a natural or~~
1054 ~~manmade disaster or other emergency situation. The plan must~~
1055 ~~include, at a minimum, a lifesafety plan for evacuation,~~
1056 ~~maintenance of the electrical and lighting supply, and~~
1057 ~~provisions for the health, safety, and welfare of the residents.~~
1058 ~~In addition, the owner, manager, or operator of the residential~~
1059 ~~multifamily dwelling must keep written records of any contracts~~
1060 ~~for alternative power generation equipment. Also, quarterly~~
1061 ~~inspection records of lifesafety equipment and alternate power~~
1062 ~~generation equipment must be posted in the elevator machine room~~
1063 ~~or other place conspicuous to the elevator inspector, which~~
1064 ~~confirm that such equipment is properly maintained and in good~~
1065 ~~working condition, and copies of contracts for alternate power~~
1066 ~~generation equipment shall be maintained on site for~~
1067 ~~verification. The written emergency operations plan and~~
1068 ~~inspection records shall also be open for periodic inspection by~~
1069 ~~local and state government agencies as deemed necessary. The~~
1070 ~~owner or operator must keep a generator key in a lockbox posted~~
1071 ~~at or near any installed generator unit.~~



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1072 ~~(e) Multistory affordable residential dwellings for persons~~
1073 ~~age 62 and older that are financed or insured by the United~~
1074 ~~States Department of Housing and Urban Development must make~~
1075 ~~every effort to obtain grant funding from the Federal Government~~
1076 ~~or the Florida Housing Finance Corporation to comply with this~~
1077 ~~subsection. If an owner of such a residential dwelling cannot~~
1078 ~~comply with the requirements of this subsection, the owner must~~
1079 ~~develop a plan with the local emergency management agency to~~
1080 ~~ensure that residents are evacuated to a place of safety in the~~
1081 ~~event of a power outage resulting from a natural or manmade~~
1082 ~~disaster or other emergency situation that disrupts the normal~~
1083 ~~supply of electricity for an extended period of time. A place of~~
1084 ~~safety may include, but is not limited to, relocation to an~~
1085 ~~alternative site within the building or evacuation to a local~~
1086 ~~shelter.~~

1087 ~~(f) As a part of the annual elevator inspection required~~
1088 ~~under s. 399.061, certified elevator inspectors shall confirm~~
1089 ~~that all installed generators required by this chapter are in~~
1090 ~~working order, have current inspection records posted in the~~
1091 ~~elevator machine room or other place conspicuous to the elevator~~
1092 ~~inspector, and that the required generator key is present in the~~
1093 ~~lockbox posted at or near the installed generator. If a building~~
1094 ~~does not have an installed generator, the inspector shall~~
1095 ~~confirm that the appropriate prewiring and switching~~
1096 ~~capabilities are present and that a statement is posted in the~~
1097 ~~elevator machine room or other place conspicuous to the elevator~~
1098 ~~inspector affirming a current guaranteed contract exists for~~
1099 ~~contingent services for alternate power is current for the~~
1100 ~~operating period.~~



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1101 (2) However, buildings, structures, and facilities must, at
1102 ~~as~~ a minimum, comply with the requirements in the Americans with
1103 Disabilities Act Accessibility Guidelines.

1104 Section 30. Subsection (1) of section 553.512, Florida
1105 Statutes, is amended to read:

1106 553.512 Modifications and waivers; advisory council.—

1107 (1) The Florida Building Commission shall provide by
1108 regulation criteria for granting individual modifications of, or
1109 exceptions from, the literal requirements of this part upon a
1110 determination of unnecessary, unreasonable, or extreme hardship,
1111 provided such waivers shall not violate federal accessibility
1112 laws and regulations and shall be reviewed by the Accessibility
1113 Advisory Council. The commission shall establish by rule a fee
1114 to be paid upon submitting a request for a waiver as provided in
1115 this section. Notwithstanding any other provision of this
1116 subsection, if an applicant for a waiver demonstrates economic
1117 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver
1118 shall be granted. The commission may not consider waiving any of
1119 the requirements of s. 553.5041 unless the applicant first
1120 demonstrates that she or he has applied for and been denied
1121 waiver or variance from all local government zoning, subdivision
1122 regulations, or other ordinances that prevent compliance
1123 therewith. Further, the commission may not waive the requirement
1124 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
1125 accessible routes and minimum width of accessible parking
1126 spaces.

1127 Section 31. Section 553.721, Florida Statutes, is amended
1128 to read:

1129 553.721 Surcharge.—



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1130 (1) In order for the Department of Community Affairs to
1131 administer and carry out the purposes of this part and related
1132 activities, there is hereby created a surcharge, to be assessed
1133 at the rate of 1.5 percent of the permit fees associated with
1134 enforcement of the Florida Building Code on any permits issued
1135 for new construction, repairs, renovations, alterations, and
1136 additions. This includes permits issued for electrical, gas,
1137 mechanical, plumbing, and roofing work. The minimum amount
1138 collected on any permit issued shall be \$2. ~~one-half cent per~~
1139 square foot under roof floor space permitted pursuant to s.
1140 ~~125.56(4) or s. 166.201. However, for additions, alterations, or~~
1141 ~~renovations to existing buildings, the surcharge shall be~~
1142 ~~computed on the basis of the square footage being added,~~
1143 ~~altered, or renovated.~~ The unit of government responsible for
1144 collecting a permit fee pursuant to s. 125.56(4) or s. 166.201
1145 shall collect such surcharge and electronically remit the funds
1146 collected to the department on a quarterly calendar basis, and
1147 such unit of government shall ~~may~~ retain 10 ~~an amount up to 5~~
1148 percent of the surcharge collected to fund the participation of
1149 building departments in the national and state building code
1150 adoption processes and to provide education related to
1151 enforcement of the Florida Building Code ~~cover costs associated~~
1152 ~~with the collection and remittance of such surcharge.~~ All funds
1153 remitted to the department pursuant to this subsection shall be
1154 deposited in the Operating Trust Fund. Funds collected from such
1155 surcharge shall be used exclusively for the duties of the
1156 Florida Building Commission and the Department of Community
1157 Affairs ~~not be used to fund research on techniques for~~
1158 ~~mitigation of radon in existing buildings. Funds used by the~~



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1159 ~~department as well as funds to be transferred to the Department~~
1160 ~~of Health shall be as prescribed in the annual General~~
1161 ~~Appropriations Act.~~ The department shall adopt rules governing
1162 the collection and remittance of surcharges in accordance with
1163 chapter 120.

1164 (2) Notwithstanding subsection (1), and for the 2008-2009
1165 fiscal year only, the amount transferred from the Operating
1166 Trust Fund to the Grants and Donations Trust Fund of the
1167 Department of Community Affairs pursuant to the General
1168 Appropriations Act for the 2008-2009 fiscal year shall be used
1169 for the regional planning councils, civil legal assistance, and
1170 the Front Porch Florida Initiative.

1171 Section 32. Subsections (2) and (3) and paragraph (b) of
1172 subsection (4) of section 553.73, Florida Statutes, are amended,
1173 present subsections (5) through (13) of that section are
1174 renumbered as subsections (6) through (14), respectively, a new
1175 subsection (5) is added to that section, paragraph (a) of
1176 present subsection (6) and present subsections (7) and (9) of
1177 that section are amended, and subsection (15) is added to that
1178 section, to read:

1179 553.73 Florida Building Code.—

1180 (2) The Florida Building Code shall contain provisions or
1181 requirements for public and private buildings, structures, and
1182 facilities relative to structural, mechanical, electrical,
1183 plumbing, energy, and gas systems, existing buildings,
1184 historical buildings, manufactured buildings, elevators, coastal
1185 construction, lodging facilities, food sales and food service
1186 facilities, health care facilities, including assisted living
1187 facilities, adult day care facilities, hospice residential and



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1188 inpatient facilities and units, and facilities for the control
1189 of radiation hazards, public or private educational facilities,
1190 swimming pools, and correctional facilities and enforcement of
1191 and compliance with such provisions or requirements. Further,
1192 the Florida Building Code must provide for uniform
1193 implementation of ss. 515.25, 515.27, and 515.29 by including
1194 standards and criteria for residential swimming pool barriers,
1195 pool covers, latching devices, door and window exit alarms, and
1196 other equipment required therein, which are consistent with the
1197 intent of s. 515.23. Technical provisions to be contained within
1198 the Florida Building Code are restricted to requirements related
1199 to the types of materials used and construction methods and
1200 standards employed in order to meet criteria specified in the
1201 Florida Building Code. Provisions relating to the personnel,
1202 supervision or training of personnel, or any other professional
1203 qualification requirements relating to contractors or their
1204 workforce may not be included within the Florida Building Code,
1205 and subsections (4), ~~(5)~~, (6), (7), ~~and (8)~~, and (9) are not to
1206 be construed to allow the inclusion of such provisions within
1207 the Florida Building Code by amendment. This restriction applies
1208 to both initial development and amendment of the Florida
1209 Building Code.

1210 (3) The commission shall select from available national or
1211 international model building codes, or other available building
1212 codes and standards currently recognized by the laws of this
1213 state, to form the foundation for the Florida Building Code. The
1214 commission may modify the selected model codes and standards as
1215 needed to accommodate the specific needs of this state.
1216 Standards or criteria referenced by the selected model codes



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1217 shall be similarly incorporated by reference. If a referenced
1218 standard or criterion requires amplification or modification to
1219 be appropriate for use in this state, only the amplification or
1220 modification shall be specifically set forth in the Florida
1221 Building Code. The Florida Building Commission may approve
1222 technical amendments to the code, subject to the requirements of
1223 subsections (8) ~~(7)~~ and (9) ~~(8)~~, after the amendments have been
1224 subject to the following conditions:

1225 (a) The proposed amendment has been published on the
1226 commission's website for a minimum of 45 days and all the
1227 associated documentation has been made available to any
1228 interested party before any consideration by any Technical
1229 Advisory Committee;

1230 (b) In order for a Technical Advisory Committee to make a
1231 favorable recommendation to the commission, the proposal must
1232 receive a three-fourths vote of the members present at the
1233 Technical Advisory Committee meeting and at least half of the
1234 regular members must be present in order to conduct a meeting;

1235 (c) After Technical Advisory Committee consideration and a
1236 recommendation for approval of any proposed amendment, the
1237 proposal must be published on the commission's website for not
1238 less than 45 days before any consideration by the commission;
1239 and

1240 (d) Any proposal may be modified by the commission based on
1241 public testimony and evidence from a public hearing held in
1242 accordance with chapter 120.

1243
1244 The commission shall incorporate within sections of the Florida
1245 Building Code provisions which address regional and local



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1246 concerns and variations. The commission shall make every effort
1247 to minimize conflicts between the Florida Building Code, the
1248 Florida Fire Prevention Code, and the Life Safety Code.

1249 (4)

1250 (b) Local governments may, subject to the limitations of
1251 this section, adopt amendments to the technical provisions of
1252 the Florida Building Code which apply solely within the
1253 jurisdiction of such government and which provide for more
1254 stringent requirements than those specified in the Florida
1255 Building Code, not more than once every 6 months. A local
1256 government may adopt technical amendments that address local
1257 needs if:

1258 1. The local governing body determines, following a public
1259 hearing which has been advertised in a newspaper of general
1260 circulation at least 10 days before the hearing, that there is a
1261 need to strengthen the requirements of the Florida Building
1262 Code. The determination must be based upon a review of local
1263 conditions by the local governing body, which review
1264 demonstrates by evidence or data that the geographical
1265 jurisdiction governed by the local governing body exhibits a
1266 local need to strengthen the Florida Building Code beyond the
1267 needs or regional variation addressed by the Florida Building
1268 Code, that the local need is addressed by the proposed local
1269 amendment, and that the amendment is no more stringent than
1270 necessary to address the local need.

1271 2. Such additional requirements are not discriminatory
1272 against materials, products, or construction techniques of
1273 demonstrated capabilities.

1274 3. Such additional requirements may not introduce a new



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1275 subject not addressed in the Florida Building Code.

1276 4. The enforcing agency shall make readily available, in a
1277 usable format, all amendments adopted pursuant to this section.

1278 5. Any amendment to the Florida Building Code shall be
1279 transmitted within 30 days by the adopting local government to
1280 the commission. The commission shall maintain copies of all such
1281 amendments in a format that is usable and obtainable by the
1282 public. Local technical amendments shall not become effective
1283 until 30 days after the amendment has been received and
1284 published by the commission.

1285 6. Any amendment to the Florida Building Code adopted by a
1286 local government pursuant to this paragraph shall be effective
1287 only until the adoption by the commission of the new edition of
1288 the Florida Building Code every third year. At such time, the
1289 commission shall review such amendment for consistency with the
1290 criteria in paragraph (9)~~(8)~~(a) and adopt such amendment as part
1291 of the Florida Building Code or rescind the amendment. The
1292 commission shall immediately notify the respective local
1293 government of the rescission of any amendment. After receiving
1294 such notice, the respective local government may readopt the
1295 rescinded amendment pursuant to the provisions of this
1296 paragraph.

1297 7. Each county and municipality desiring to make local
1298 technical amendments to the Florida Building Code shall by
1299 interlocal agreement establish a countywide compliance review
1300 board to review any amendment to the Florida Building Code,
1301 adopted by a local government within the county pursuant to this
1302 paragraph, that is challenged by any substantially affected
1303 party for purposes of determining the amendment's compliance



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1304 with this paragraph. If challenged, the local technical
1305 amendments shall not become effective until time for filing an
1306 appeal pursuant to subparagraph 8. has expired or, if there is
1307 an appeal, until the commission issues its final order
1308 determining the adopted amendment is in compliance with this
1309 subsection.

1310 8. If the compliance review board determines such amendment
1311 is not in compliance with this paragraph, the compliance review
1312 board shall notify such local government of the noncompliance
1313 and that the amendment is invalid and unenforceable until the
1314 local government corrects the amendment to bring it into
1315 compliance. The local government may appeal the decision of the
1316 compliance review board to the commission. If the compliance
1317 review board determines such amendment to be in compliance with
1318 this paragraph, any substantially affected party may appeal such
1319 determination to the commission. Any such appeal shall be filed
1320 with the commission within 14 days of the board's written
1321 determination. The commission shall promptly refer the appeal to
1322 the Division of Administrative Hearings for the assignment of an
1323 administrative law judge. The administrative law judge shall
1324 conduct the required hearing within 30 days, and shall enter a
1325 recommended order within 30 days of the conclusion of such
1326 hearing. The commission shall enter a final order within 30 days
1327 thereafter. The provisions of chapter 120 and the uniform rules
1328 of procedure shall apply to such proceedings. The local
1329 government adopting the amendment that is subject to challenge
1330 has the burden of proving that the amendment complies with this
1331 paragraph in proceedings before the compliance review board and
1332 the commission, as applicable. Actions of the commission are



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1333 subject to judicial review pursuant to s. 120.68. The compliance
1334 review board shall determine whether its decisions apply to a
1335 respective local jurisdiction or apply countywide.

1336 9. An amendment adopted under this paragraph shall include
1337 a fiscal impact statement which documents the costs and benefits
1338 of the proposed amendment. Criteria for the fiscal impact
1339 statement shall include the impact to local government relative
1340 to enforcement, the impact to property and building owners, as
1341 well as to industry, relative to the cost of compliance. The
1342 fiscal impact statement may not be used as a basis for
1343 challenging the amendment for compliance.

1344 10. In addition to subparagraphs 7. and 9., the commission
1345 may review any amendments adopted pursuant to this subsection
1346 and make nonbinding recommendations related to compliance of
1347 such amendments with this subsection.

1348 (5) Notwithstanding subsection (4), counties and
1349 municipalities may adopt by ordinance an administrative or
1350 technical amendment to the Florida Building Code relating to
1351 flood resistance in order to implement the National Flood
1352 Insurance Program or incentives. Specifically, an administrative
1353 amendment may assign the duty to enforce all or portions of
1354 flood-related code provisions to the appropriate agencies of the
1355 local government and adopt procedures for variances and
1356 exceptions from flood-related code provisions other than
1357 provisions for structures seaward of the coastal construction
1358 control line consistent with the requirements in 44 C.F.R. s.
1359 60.6. A technical amendment is authorized to the extent it is
1360 more stringent than the code. A technical amendment is not
1361 subject to the requirements of subsection (4) and may not be



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1362 rendered void when the code is updated if the amendment is
1363 adopted for the purpose of participating in the Community Rating
1364 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment
1365 had already been adopted by local ordinance prior to July 1,
1366 2010, or the amendment requires a design flood elevation above
1367 the base flood elevation. Any amendment adopted pursuant to this
1368 subsection shall be transmitted to the commission within 30 days
1369 after being adopted.

1370 (7)~~(6)~~(a) The commission, by rule adopted pursuant to ss.
1371 120.536(1) and 120.54, shall update the Florida Building Code
1372 every 3 years. When updating the Florida Building Code, the
1373 commission shall select the most current version of the
1374 International Building Code, the International Fuel Gas Code,
1375 the International Mechanical Code, the International Plumbing
1376 Code, and the International Residential Code, all of which are
1377 adopted by the International Code Council, and the National
1378 Electrical Code, which is adopted by the National Fire
1379 Protection Association, to form the foundation codes of the
1380 updated Florida Building Code, if the version has been adopted
1381 by the applicable model code entity ~~and made available to the~~
1382 ~~public at least 6 months prior to its selection by the~~
1383 ~~commission.~~ The commission shall select the most current version
1384 of the International Energy Conservation Code (IECC) as a
1385 foundation code; however, the IECC shall be modified by the
1386 commission to maintain the efficiencies of the Florida Energy
1387 Efficiency Code for Building Construction adopted and amended
1388 pursuant to s. 553.901.

1389 (8)~~(7)~~ Notwithstanding the provisions of subsection (3) or
1390 subsection (7) ~~(6)~~, the commission may address issues identified



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1391 in this subsection by amending the code pursuant only to the
1392 rule adoption procedures contained in chapter 120. Provisions of
1393 the Florida Building Code, including those contained in
1394 referenced standards and criteria, relating to wind resistance
1395 or the prevention of water intrusion may not be amended pursuant
1396 to this subsection to diminish those construction requirements;
1397 however, the commission may, subject to conditions in this
1398 subsection, amend the provisions to enhance those construction
1399 requirements. Following the approval of any amendments to the
1400 Florida Building Code by the commission and publication of the
1401 amendments on the commission's website, authorities having
1402 jurisdiction to enforce the Florida Building Code may enforce
1403 the amendments. The commission may approve amendments that are
1404 needed to address:

1405 (a) Conflicts within the updated code;

1406 (b) Conflicts between the updated code and the Florida Fire
1407 Prevention Code adopted pursuant to chapter 633;

1408 (c) The omission of previously adopted Florida-specific
1409 amendments to the updated code if such omission is not supported
1410 by a specific recommendation of a technical advisory committee
1411 or particular action by the commission;

1412 (d) Unintended results from the integration of previously
1413 adopted Florida-specific amendments with the model code;

1414 (e) Equivalency of standards;

1415 (f) ~~(e)~~ Changes to or inconsistencies with federal or state
1416 law; or

1417 (g) ~~(f)~~ Adoption of an updated edition of the National
1418 Electrical Code if the commission finds that delay of
1419 implementing the updated edition causes undue hardship to



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1420 stakeholders or otherwise threatens the public health, safety,
1421 and welfare.

1422 (10)~~(9)~~ The following buildings, structures, and facilities
1423 are exempt from the Florida Building Code as provided by law,
1424 and any further exemptions shall be as determined by the
1425 Legislature and provided by law:

1426 (a) Buildings and structures specifically regulated and
1427 preempted by the Federal Government.

1428 (b) Railroads and ancillary facilities associated with the
1429 railroad.

1430 (c) Nonresidential farm buildings on farms.

1431 (d) Temporary buildings or sheds used exclusively for
1432 construction purposes.

1433 (e) Mobile or modular structures used as temporary offices,
1434 except that the provisions of part II relating to accessibility
1435 by persons with disabilities shall apply to such mobile or
1436 modular structures.

1437 (f) Those structures or facilities of electric utilities,
1438 as defined in s. 366.02, which are directly involved in the
1439 generation, transmission, or distribution of electricity.

1440 (g) Temporary sets, assemblies, or structures used in
1441 commercial motion picture or television production, or any
1442 sound-recording equipment used in such production, on or off the
1443 premises.

1444 (h) Storage sheds that are not designed for human
1445 habitation and that have a floor area of 720 square feet or less
1446 are not required to comply with the mandatory wind-borne-debris-
1447 impact standards of the Florida Building Code.

1448 (i) Chickees constructed by the Miccosukee Tribe of Indians



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1449 of Florida or the Seminole Tribe of Florida. As used in this
1450 paragraph, the term "chickee" means an open-sided wooden hut
1451 that has a thatched roof of palm or palmetto or other
1452 traditional materials, and that does not incorporate any
1453 electrical, plumbing, or other nonwood features.

1454 (j) Family mausoleums not exceeding 250 square feet in area
1455 which are prefabricated and assembled on site or preassembled
1456 and delivered on site and have walls, roofs, and a floor
1457 constructed of granite, marble, or reinforced concrete.

1458
1459 With the exception of paragraphs (a), (b), (c), and (f), in
1460 order to preserve the health, safety, and welfare of the public,
1461 the Florida Building Commission may, by rule adopted pursuant to
1462 chapter 120, provide for exceptions to the broad categories of
1463 buildings exempted in this section, including exceptions for
1464 application of specific sections of the code or standards
1465 adopted therein. The Department of Agriculture and Consumer
1466 Services shall have exclusive authority to adopt by rule,
1467 pursuant to chapter 120, exceptions to nonresidential farm
1468 buildings exempted in paragraph (c) when reasonably necessary to
1469 preserve public health, safety, and welfare. The exceptions must
1470 be based upon specific criteria, such as under-roof floor area,
1471 aggregate electrical service capacity, HVAC system capacity, or
1472 other building requirements. Further, the commission may
1473 recommend to the Legislature additional categories of buildings,
1474 structures, or facilities which should be exempted from the
1475 Florida Building Code, to be provided by law. The Florida
1476 Building Code does not apply to temporary housing provided by
1477 the Department of Corrections to any prisoner in the state



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1478 correctional system.

1479 (15) An agency or local government may not require that
1480 existing mechanical equipment on the surface of a roof be
1481 installed in compliance with the requirements of the Florida
1482 Building Code until the equipment is required to be removed
1483 under the code.

1484 Section 33. Subsection (5) is added to section 553.74,
1485 Florida Statutes, to read:

1486 553.74 Florida Building Commission.—

1487 (5) Notwithstanding s. 112.313 or any other provision of
1488 law, a member of any of commission's technical advisory
1489 committees or a member of any other advisory committee or
1490 workgroup of the commission, does not have an impermissible
1491 conflict of interest when representing clients before the
1492 commission or one of its committees or workgroups. However, the
1493 member, in his or her capacity as member of the committee or
1494 workgroup, may not take part in any discussion on or take action
1495 on any matter in which he or she has a direct financial
1496 interest.

1497 Section 34. Subsection (2) of section 553.76, Florida
1498 Statutes, is amended to read:

1499 553.76 General powers of the commission.—The commission is
1500 authorized to:

1501 (2) Issue memoranda of procedure for its internal
1502 management and control. The commission may adopt rules related
1503 to its consensus-based decisionmaking process, including, but
1504 not limited to, super majority voting requirements for
1505 commission actions relating to the adoption of the Florida
1506 Building Code or amendments to the code.



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1507 Section 35. Subsections (2) and (4) of section 553.775,
1508 Florida Statutes, are amended to read:

1509 553.775 Interpretations.—

1510 (2) Local enforcement agencies, local building officials,
1511 state agencies, and the commission shall interpret provisions of
1512 the Florida Building Code in a manner that is consistent with
1513 declaratory statements and interpretations entered by the
1514 commission, except that conflicts between the Florida Fire
1515 Prevention Code and the Florida Building Code shall be resolved
1516 in accordance with s. 553.73(11)~~(10)~~(c) and (d).

1517 (4) In order to administer this section, the commission may
1518 adopt by rule and impose a fee for filing requests for
1519 declaratory statements and binding and nonbinding
1520 interpretations to recoup the cost of the proceedings which may
1521 not exceed \$125 for each request for a nonbinding interpretation
1522 and \$250 for each request for a binding review or
1523 interpretation. For proceedings conducted by or in coordination
1524 with a third-party, the rule may provide that payment be made
1525 directly to the third party, who shall remit to the department
1526 that portion of the fee necessary to cover the costs of the
1527 department.

1528 Section 36. Subsection (9) of section 553.79, Florida
1529 Statutes, is amended to read:

1530 553.79 Permits; applications; issuance; inspections.—

1531 (9) Any state agency whose enabling legislation authorizes
1532 it to enforce provisions of the Florida Building Code may enter
1533 into an agreement with any other unit of government to delegate
1534 its responsibility to enforce those provisions and may expend
1535 public funds for permit and inspection fees, which fees may be



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1536 no greater than the fees charged others. Inspection services
1537 that are not required to be performed by a state agency under a
1538 federal delegation of responsibility or by a state agency under
1539 the Florida Building Code must be performed under the
1540 alternative plans review and inspection process created in s.
1541 553.791 or by a local governmental entity having authority to
1542 enforce the Florida Building Code.

1543 Section 37. For the purpose of incorporating the amendment
1544 made by this act to section 553.79, Florida Statutes, in a
1545 reference thereto, subsection (1) of section 553.80, Florida
1546 Statutes, is reenacted, and paragraph (c) of subsection (1) and
1547 subsection (3) of that section are amended, to read:

1548 553.80 Enforcement.—

1549 (1) Except as provided in paragraphs (a)-(g), each local
1550 government and each legally constituted enforcement district
1551 with statutory authority shall regulate building construction
1552 and, where authorized in the state agency's enabling
1553 legislation, each state agency shall enforce the Florida
1554 Building Code required by this part on all public or private
1555 buildings, structures, and facilities, unless such
1556 responsibility has been delegated to another unit of government
1557 pursuant to s. 553.79(9).

1558 (a) Construction regulations relating to correctional
1559 facilities under the jurisdiction of the Department of
1560 Corrections and the Department of Juvenile Justice are to be
1561 enforced exclusively by those departments.

1562 (b) Construction regulations relating to elevator equipment
1563 under the jurisdiction of the Bureau of Elevators of the
1564 Department of Business and Professional Regulation shall be



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1565 enforced exclusively by that department.

1566 (c) In addition to the requirements of s. 553.79 and this
1567 section, facilities subject to the provisions of chapter 395 and
1568 parts ~~part~~ II and VIII of chapter 400 shall have facility plans
1569 reviewed and construction surveyed by the state agency
1570 authorized to do so under the requirements of chapter 395 and
1571 parts ~~part~~ II and VIII of chapter 400 and the certification
1572 requirements of the Federal Government. Facilities subject to
1573 the provisions of part IV of chapter 400 may have facility plans
1574 reviewed and shall have construction surveyed by the state
1575 agency authorized to do so under the requirements of part IV of
1576 chapter 400 and the certification requirements of the Federal
1577 Government.

1578 (d) Building plans approved under s. 553.77(3) and state-
1579 approved manufactured buildings, including buildings
1580 manufactured and assembled offsite and not intended for
1581 habitation, such as lawn storage buildings and storage sheds,
1582 are exempt from local code enforcing agency plan reviews except
1583 for provisions of the code relating to erection, assembly, or
1584 construction at the site. Erection, assembly, and construction
1585 at the site are subject to local permitting and inspections.
1586 Lawn storage buildings and storage sheds bearing the insignia of
1587 approval of the department are not subject to s. 553.842. Such
1588 buildings that do not exceed 400 square feet may be delivered
1589 and installed without need of a contractor's or specialty
1590 license.

1591 (e) Construction regulations governing public schools,
1592 state universities, and community colleges shall be enforced as
1593 provided in subsection (6).



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1594 (f) The Florida Building Code as it pertains to toll
1595 collection facilities under the jurisdiction of the turnpike
1596 enterprise of the Department of Transportation shall be enforced
1597 exclusively by the turnpike enterprise.

1598 (g) Construction regulations relating to secure mental
1599 health treatment facilities under the jurisdiction of the
1600 Department of Children and Family Services shall be enforced
1601 exclusively by the department in conjunction with the Agency for
1602 Health Care Administration's review authority under paragraph
1603 (c).

1604
1605 The governing bodies of local governments may provide a schedule
1606 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
1607 section, for the enforcement of the provisions of this part.
1608 Such fees shall be used solely for carrying out the local
1609 government's responsibilities in enforcing the Florida Building
1610 Code. The authority of state enforcing agencies to set fees for
1611 enforcement shall be derived from authority existing on July 1,
1612 1998. However, nothing contained in this subsection shall
1613 operate to limit such agencies from adjusting their fee schedule
1614 in conformance with existing authority.

1615 (3) (a) Each enforcement district shall be governed by a
1616 board, the composition of which shall be determined by the
1617 affected localities.

1618 (b)1. At its own option, each enforcement district or local
1619 enforcement agency may adopt ~~promulgate~~ rules granting to the
1620 owner of a single-family residence one or more exemptions from
1621 the Florida Building Code relating to:

1622 a. ~~(a)~~ Addition, alteration, or repairs performed by the



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1623 property owner upon his or her own property, provided any
1624 addition or alteration shall not exceed 1,000 square feet or the
1625 square footage of the primary structure, whichever is less.

1626 b.~~(b)~~ Addition, alteration, or repairs by a nonowner within
1627 a specific cost limitation set by rule, provided the total cost
1628 shall not exceed \$5,000 within any 12-month period.

1629 c.~~(e)~~ Building and inspection fees.

1630 2. However, the exemptions under subparagraph 1. do not
1631 apply to single-family residences that are located in mapped
1632 flood hazard areas, as defined in the code, unless the
1633 enforcement district or local enforcement agency has determined
1634 that the work, which is otherwise exempt, does not constitute a
1635 substantial improvement, including the repair of substantial
1636 damage, of such single-family residences.

1637 3. Each code exemption, as defined in sub-subparagraphs
1638 1.a, b., and c. paragraphs (a), (b), and (e), shall be certified
1639 to the local board 10 days prior to implementation and shall
1640 only be effective in the territorial jurisdiction of the
1641 enforcement district or local enforcement agency implementing
1642 it.

1643 Section 38. Subsections (4) through (8) of section 553.841,
1644 Florida Statutes, are amended to read:

1645 553.841 Building code compliance and mitigation program.—

1646 (4) ~~The department,~~ In administering the Florida Building
1647 Code Compliance and Mitigation Program, the department shall
1648 maintain, update, develop, or cause to be developed:

1649 ~~(a) A core curriculum that is prerequisite to the advanced~~
1650 ~~module coursework.~~

1651 ~~(b) advanced modules designed for use by each profession.~~



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1652 ~~(c) The core curriculum developed under this subsection~~
1653 ~~must be submitted to the Department of Business and Professional~~
1654 ~~Regulation for approval. Advanced modules developed under this~~
1655 ~~paragraph must be approved by the commission and submitted to~~
1656 ~~the respective boards for approval.~~

1657 ~~(5) The core curriculum shall cover the information~~
1658 ~~required to have all categories of participants appropriately~~
1659 ~~informed as to their technical and administrative~~
1660 ~~responsibilities in the effective execution of the code process~~
1661 ~~by all individuals currently licensed under part XII of chapter~~
1662 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
1663 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
1664 ~~prerequisite to the advanced module coursework for all licensees~~
1665 ~~and shall be completed by individuals licensed in all categories~~
1666 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
1667 ~~chapter 489 within the first 2-year period after initial~~
1668 ~~licensure. Core course hours taken by licensees to complete this~~
1669 ~~requirement shall count toward fulfillment of required~~
1670 ~~continuing education units under part XII of chapter 468,~~
1671 ~~chapter 471, chapter 481, or chapter 489.~~

1672 (5)~~(6)~~ Each biennium, upon receipt of funds by the
1673 Department of Community Affairs from the Construction Industry
1674 Licensing Board and the Electrical Contractors' Licensing Board
1675 provided under ss. 489.109(3) and 489.509(3), the department
1676 shall determine the amount of funds available for the Florida
1677 Building Code Compliance and Mitigation Program.

1678 (6)~~(7)~~ If the projects provided through the Florida
1679 Building Code Compliance and Mitigation Program in any state
1680 fiscal year do not require the use of all available funds, the



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1681 unused funds shall be carried forward and allocated for use
1682 during the following fiscal year.

1683 (7)~~(8)~~ The Florida Building Commission shall provide by
1684 rule for the accreditation of courses related to the Florida
1685 Building Code by accreditors approved by the commission. The
1686 commission shall establish qualifications of accreditors and
1687 criteria for the accreditation of courses by rule. The
1688 commission may revoke the accreditation of a course by an
1689 accreditor if the accreditation is demonstrated to violate this
1690 part or the rules of the commission.

1691 (8)~~(9)~~ This section does not prohibit or limit the subject
1692 areas or development of continuing education or training on the
1693 Florida Building Code by any qualified entity.

1694 Section 39. Subsections (1), (5), (8), and (17) of section
1695 553.842, Florida Statutes, are amended to read:

1696 553.842 Product evaluation and approval.—

1697 (1) The commission shall adopt rules under ss. 120.536(1)
1698 and 120.54 to develop and implement a product evaluation and
1699 approval system that applies statewide to operate in
1700 coordination with the Florida Building Code. The commission may
1701 enter into contracts to provide for administration of the
1702 product evaluation and approval system. The commission's rules
1703 and any applicable contract may provide that the payment of fees
1704 related to approvals be made directly to the administrator. Any
1705 fee paid by a product manufacturer shall be used only for
1706 funding the product evaluation and approval system. The product
1707 evaluation and approval system shall provide:

1708 (a) Appropriate promotion of innovation and new
1709 technologies.



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1710 (b) Processing submittals of products from manufacturers in
1711 a timely manner.

1712 (c) Independent, third-party qualified and accredited
1713 testing and laboratory facilities, product evaluation entities,
1714 quality assurance agencies, certification agencies, and
1715 validation entities.

1716 (d) An easily accessible product acceptance list to
1717 entities subject to the Florida Building Code.

1718 (e) Development of stringent but reasonable testing
1719 criteria based upon existing consensus standards, when
1720 available, for products.

1721 (f) Long-term approvals, where feasible. State and local
1722 approvals will be valid until the requirements of the code on
1723 which the approval is based change, the product changes in a
1724 manner affecting its performance as required by the code, or the
1725 approval is revoked. However, the commission may authorize by
1726 rule editorial revisions to approvals and charge a fee as
1727 provided in this section.

1728 (g) Criteria for revocation of a product approval.

1729 (h) Cost-effectiveness.

1730 (5) Statewide approval of products, methods, or systems of
1731 construction may be achieved by one of the following methods.
1732 One of these methods must be used by the commission to approve
1733 the following categories of products: panel walls, exterior
1734 doors, roofing, skylights, windows, shutters, and structural
1735 components as established by the commission by rule.

1736 (a) Products for which the code establishes standardized
1737 testing or comparative or rational analysis methods shall be
1738 approved by submittal and validation of one of the following



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1739 reports or listings indicating that the product or method or
1740 system of construction was evaluated to be in compliance with
1741 the Florida Building Code and that the product or method or
1742 system of construction is, for the purpose intended, at least
1743 equivalent to that required by the Florida Building Code:

1744 1. A certification mark or listing of an approved
1745 certification agency, which may be used only for products for
1746 which the code designates standardized testing;

1747 2. A test report from an approved testing laboratory;

1748 3. A product evaluation report based upon testing or
1749 comparative or rational analysis, or a combination thereof, from
1750 an approved product evaluation entity; or

1751 4. A product evaluation report based upon testing or
1752 comparative or rational analysis, or a combination thereof,
1753 developed and signed and sealed by a professional engineer or
1754 architect, licensed in this state.

1755

1756 A product evaluation report or a certification mark or listing
1757 of an approved certification agency which demonstrates that the
1758 product or method or system of construction complies with the
1759 Florida Building Code for the purpose intended shall be
1760 equivalent to a test report and test procedure as referenced in
1761 the Florida Building Code. An application for state approval of

1762 a product under subparagraph 1. must be approved by the
1763 department after the commission staff or a designee verifies
1764 that the application and related documentation are complete.

1765 This verification must be completed within 10 business days
1766 after receipt of the application. Upon approval by the
1767 department, the product shall be immediately added to the list



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1768 of state-approved products maintained under subsection (13).
1769 Approvals by the department shall be reviewed and ratified by
1770 the commission's program oversight committee except for a
1771 showing of good cause that a review by the full commission is
1772 necessary. The commission shall adopt rules providing means to
1773 cure deficiencies identified within submittals for products
1774 approved under this paragraph.

1775 (b) Products, methods, or systems of construction for which
1776 there are no specific standardized testing or comparative or
1777 rational analysis methods established in the code may be
1778 approved by submittal and validation of one of the following:

1779 1. A product evaluation report based upon testing or
1780 comparative or rational analysis, or a combination thereof, from
1781 an approved product evaluation entity indicating that the
1782 product or method or system of construction was evaluated to be
1783 in compliance with the intent of the Florida Building Code and
1784 that the product or method or system of construction is, for the
1785 purpose intended, at least equivalent to that required by the
1786 Florida Building Code; or

1787 2. A product evaluation report based upon testing or
1788 comparative or rational analysis, or a combination thereof,
1789 developed and signed and sealed by a professional engineer or
1790 architect, licensed in this state, who certifies that the
1791 product or method or system of construction is, for the purpose
1792 intended, at least equivalent to that required by the Florida
1793 Building Code.

1794 (8) The commission may adopt rules to approve the following
1795 types of entities that produce information on which product
1796 approvals are based. All of the following entities, including



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1797 engineers and architects, must comply with a nationally
1798 recognized standard demonstrating independence or no conflict of
1799 interest:

1800 (a) Evaluation entities that meet the criteria for approval
1801 adopted by the commission by rule. The commission shall
1802 specifically approve the National Evaluation Service, the
1803 International Association of Plumbing and Mechanical Officials
1804 Evaluation Service ~~the International Conference of Building~~
1805 ~~Officials Evaluation Services~~, the International Code Council
1806 Evaluation Services, ~~the Building Officials and Code~~
1807 ~~Administrators International Evaluation Services~~, ~~the Southern~~
1808 ~~Building Code Congress International Evaluation Services~~, and
1809 the Miami-Dade County Building Code Compliance Office Product
1810 Control. Architects and engineers licensed in this state are
1811 also approved to conduct product evaluations as provided in
1812 subsection (5).

1813 (b) Testing laboratories accredited by national
1814 organizations, such as A2LA and the National Voluntary
1815 Laboratory Accreditation Program, laboratories accredited by
1816 evaluation entities approved under paragraph (a), and
1817 laboratories that comply with other guidelines for testing
1818 laboratories selected by the commission and adopted by rule.

1819 (c) Quality assurance entities approved by evaluation
1820 entities approved under paragraph (a) and by certification
1821 agencies approved under paragraph (d) and other quality
1822 assurance entities that comply with guidelines selected by the
1823 commission and adopted by rule.

1824 (d) Certification agencies accredited by nationally
1825 recognized accreditors and other certification agencies that



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1826 comply with guidelines selected by the commission and adopted by
1827 rule.

1828 (e) Validation entities that comply with accreditation
1829 standards established by the commission by rule.

1830 ~~(17) (a) The Florida Building Commission shall review the~~
1831 ~~list of evaluation entities in subsection (8) and, in the annual~~
1832 ~~report required under s. 553.77, shall either recommend~~
1833 ~~amendments to the list to add evaluation entities the commission~~
1834 ~~determines should be authorized to perform product evaluations~~
1835 ~~or shall report on the criteria adopted by rule or to be adopted~~
1836 ~~by rule allowing the commission to approve evaluation entities~~
1837 ~~that use the commission's product evaluation process. If the~~
1838 ~~commission adopts criteria by rule, the rulemaking process must~~
1839 ~~be completed by July 1, 2009.~~

1840 ~~(b) Notwithstanding paragraph (8) (a), the International~~
1841 ~~Association of Plumbing and Mechanical Officials Evaluation~~
1842 ~~Services is approved as an evaluation entity until October 1,~~
1843 ~~2009. If the association does not obtain permanent approval by~~
1844 ~~the commission as an evaluation entity by October 1, 2009,~~
1845 ~~products approved on the basis of an association evaluation must~~
1846 ~~be substituted by an alternative, approved entity by December~~
1847 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
1848 ~~the commission based on an association evaluation is void.~~

1849 Section 40. Subsection (4) is added to section 553.844,
1850 Florida Statutes, to read:

1851 553.844 Windstorm loss mitigation; requirements for roofs
1852 and opening protection.—

1853 (4) Notwithstanding the provisions of this section, exposed
1854 mechanical equipment or appliances fastened to a roof in



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1855 compliance with the code using rated stands, platforms, curbs,
1856 slabs, or other means are deemed to comply with the wind
1857 resistance requirements of the 2007 Florida Building Code, as
1858 amended. Further support or enclosure of such mechanical
1859 equipment or appliances is not required by a state or local
1860 official having authority to enforce the Florida Building Code.
1861 This subsection expires on the effective date of the 2010
1862 Florida Building Code.

1863 Section 41. Section 553.885, Florida Statutes, is amended
1864 to read:

1865 553.885 Carbon monoxide alarm required.-

1866 (1) Every separate building or addition to an existing
1867 building, other than a hospital, an inpatient hospice facility,
1868 or a nursing home facility licensed by the Agency for Health
1869 Care Administration, constructed for which a building permit is
1870 issued for new construction on or after July 1, 2008, and having
1871 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an
1872 attached garage, or other feature, fixture, or element that
1873 emits carbon monoxide as a byproduct of combustion shall have an
1874 approved operational carbon monoxide alarm installed within 10
1875 feet of each room used for sleeping purposes in the new building
1876 or addition, or at such other locations as required by the
1877 Florida Building Code. The requirements of this subsection may
1878 be satisfied with the installation of a hard-wired battery-
1879 powered carbon monoxide alarm or a hard-wired battery-powered
1880 combination carbon monoxide and smoke alarm. For a new hospital,
1881 an inpatient hospice facility, or a nursing home facility
1882 licensed by the Agency for Health Care Administration, an
1883 approved operational carbon monoxide detector shall be installed



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1884 inside or directly outside of each room or area within the
1885 hospital or facility where a fossil-fuel-burning heater, engine,
1886 or appliance is located. This detector shall be connected to the
1887 fire alarm system of the hospital or facility as a supervisory
1888 signal. This subsection does not apply to existing buildings
1889 that are undergoing alterations or repairs unless the alteration
1890 is an addition as defined in subsection (3).

1891 (2) The Florida Building Commission shall adopt rules to
1892 administer this section and shall incorporate such requirements
1893 into its next revision of the Florida Building Code.

1894 (3) As used in this section, the term:

1895 (a) "Carbon monoxide alarm" means a device that is meant
1896 for the purpose of detecting carbon monoxide, that produces a
1897 distinct audible alarm, and that meets the requirements of and
1898 is approved by the Florida Building Commission.

1899 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases, or
1900 other petroleum or hydrocarbon product that emits carbon
1901 monoxide as a by-product of combustion.

1902 (c) "Addition" means an extension or increase in floor
1903 area, number of stories, or height of a building or structure.

1904 Section 42. Subsection (2) of section 553.9061, Florida
1905 Statutes, is amended to read:

1906 553.9061 Scheduled increases in thermal efficiency
1907 standards.—

1908 (2) The Florida Building Commission shall identify within
1909 code support and compliance documentation the specific building
1910 options and elements available to meet the energy performance
1911 goals established in subsection (1). Energy efficiency
1912 performance options and elements include, but are not limited



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1913 to:

1914 (a) Energy-efficient water heating systems, including solar
1915 water heating.

1916 (b) Energy-efficient appliances.

1917 (c) Energy-efficient windows, doors, and skylights.

1918 (d) Low solar-absorption roofs, also known as "cool roofs."

1919 (e) Enhanced ceiling and wall insulation.

1920 (f) Reduced-leak duct systems and energy-saving devices and
1921 features installed within duct systems.

1922 (g) Programmable thermostats.

1923 (h) Energy-efficient lighting systems.

1924 (i) Energy-saving quality installation procedures for
1925 replacement air-conditioning systems, including, but not limited
1926 to, equipment sizing analysis and duct inspection.

1927 (j) Shading devices, sunscreening materials, and overhangs.

1928 (k) Weatherstripping, caulking, and sealing of exterior
1929 openings and penetrations.

1930 (l) Energy-efficient centralized computer data centers in
1931 office buildings.

1932 Section 43. Subsections (3) and (4) of section 553.909,
1933 Florida Statutes, are amended to read:

1934 553.909 Setting requirements for appliances; exceptions.—

1935 (3) Commercial or residential swimming pool pumps or water
1936 heaters manufactured on or ~~sed~~ after July 1, 2011, shall comply
1937 with the requirements of this subsection.

1938 (a) Natural gas pool heaters shall not be equipped with
1939 constantly burning pilots.

1940 (b) Heat pump pool heaters shall have a coefficient of
1941 performance at low temperature of not less than 4.0.



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1942 (c) The thermal efficiency of gas-fired pool heaters and
1943 oil-fired pool heaters shall not be less than 78 percent.

1944 (d) All pool heaters shall have a readily accessible on-off
1945 switch that is mounted outside the heater and that allows
1946 shutting off the heater without adjusting the thermostat
1947 setting.

1948 (4) (a) Residential swimming pool pumps and pump motors
1949 manufactured on or after July 1, 2011, must comply with the
1950 requirements in this subsection.

1951 (b) Residential pool pump motors shall not be split-phase,
1952 shaded-pole, or capacitor start-induction run types.

1953 (c) Residential pool pumps and pool pump motors with a
1954 total horsepower of 1 HP or more shall have the capability of
1955 operating at two or more speeds with a low speed having a
1956 rotation rate that is no more than one-half of the motor's
1957 maximum rotation rate.

1958 (d) Residential pool pump motor controls shall have the
1959 capability of operating the pool pump at a minimum of two
1960 speeds. The default circulation speed shall be the residential
1961 filtration speed, with a higher speed override capability being
1962 for a temporary period not to exceed one normal cycle or 24
1963 hours ~~120 minutes~~, whichever is less; except that circulation
1964 speed for solar pool heating systems shall be permitted to run
1965 at higher speeds during periods of usable solar heat gain.

1966 Section 44. Section 553.912, Florida Statutes, is amended
1967 to read:

1968 553.912 Air conditioners.—All air conditioners that ~~which~~
1969 are sold or installed in the state shall meet the minimum
1970 efficiency ratings of the Florida Energy Efficiency Code for



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1971 Building Construction. These efficiency ratings shall be
1972 minimums and may be updated in the Florida Energy Efficiency
1973 Code for Building Construction by the department in accordance
1974 with s. 553.901, following its determination that more cost-
1975 effective energy-saving equipment and techniques are available.
1976 All replacement air-conditioning systems shall be installed
1977 using energy-saving, quality installation procedures, including,
1978 but not limited to, equipment sizing analysis and duct
1979 inspection.

1980 Section 45. Subsection (2) of section 627.711, Florida
1981 Statutes, is amended to read:

1982 627.711 Notice of premium discounts for hurricane loss
1983 mitigation; uniform mitigation verification inspection form.—

1984 (2) By July 1, 2007, the Financial Services Commission
1985 shall develop by rule a uniform mitigation verification
1986 inspection form that shall be used by all insurers when
1987 submitted by policyholders for the purpose of factoring
1988 discounts for wind insurance. In developing the form, the
1989 commission shall seek input from insurance, construction, and
1990 building code representatives. Further, the commission shall
1991 provide guidance as to the length of time the inspection results
1992 are valid. An insurer shall accept as valid a uniform mitigation
1993 verification form certified by the Department of Financial
1994 Services or signed by:

1995 (a) A hurricane mitigation inspector certified by the My
1996 Safe Florida Home program;

1997 (b) A building code inspector certified under s. 468.607;

1998 (c) A general, building, or residential contractor licensed
1999 under s. 489.111;



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2000 (d) A professional engineer licensed under s. 471.015 ~~who~~
2001 ~~has passed the appropriate equivalency test of the Building Code~~
2002 ~~Training Program as required by s. 553.841;~~

2003 (e) A professional architect licensed under s. 481.213; ~~or~~

2004 (f) A home inspector license under s. 468.8314 who has
2005 completed at least 2 hours of mitigation training; or

2006 (g) ~~(f)~~ Any other individual or entity recognized by the
2007 insurer as possessing the necessary qualifications to properly
2008 complete a uniform mitigation verification form.

2009 Section 46. Subsections (7) through (28) of section
2010 633.021, Florida Statutes, are renumbered as subsections (8)
2011 through (29), respectively, a new subsection (7) is added to
2012 that section, and present subsection (20) of that section is
2013 amended, to read:

2014 633.021 Definitions.—As used in this chapter:

2015 (7) (a) "Fire equipment dealer Class A" means a licensed
2016 fire equipment dealer whose business is limited to servicing,
2017 recharging, repairing, installing, or inspecting all types of
2018 fire extinguishers and conducting hydrostatic tests on all types
2019 of fire extinguishers.

2020 (b) "Fire equipment dealer Class B" means a licensed fire
2021 equipment dealer whose business is limited to servicing,
2022 recharging, repairing, installing, or inspecting all types of
2023 fire extinguishers, including recharging carbon dioxide units
2024 and conducting hydrostatic tests on all types of fire
2025 extinguishers, except carbon dioxide units.

2026 (c) "Fire equipment dealer Class C" means a licensed fire
2027 equipment dealer whose business is limited to servicing,
2028 recharging, repairing, installing, or inspecting all types of



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2029 fire extinguishers, except recharging carbon dioxide units, and
2030 conducting hydrostatic tests on all types of fire extinguishers,
2031 except carbon dioxide units.

2032 (d) "Fire equipment dealer Class D" means a licensed fire
2033 equipment dealer whose business is limited to servicing,
2034 recharging, repairing, installing, hydrotesting, or inspecting
2035 of all types of preengineered fire extinguishing systems.

2036 (21) (a) ~~(20)~~ A "preengineered system" is a fire suppression
2037 system which:

2038 1. ~~(a)~~ Uses any of a variety of extinguishing agents.

2039 2. ~~(b)~~ Is designed to protect specific hazards.

2040 3. ~~(c)~~ Must be installed according to pretested limitations
2041 and configurations specified by the manufacturer and applicable
2042 National Fire Protection Association (NFPA) standards. Only
2043 those chapters within the National Fire Protection Association
2044 standards that pertain to servicing, recharging, repairing,
2045 installing, hydrotesting, or inspecting any type of
2046 preengineered fire extinguishing system may be used.

2047 4. ~~(d)~~ Must be installed using components specified by the
2048 manufacturer or components that are listed as equal parts by a
2049 nationally recognized testing laboratory such as Underwriters
2050 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

2051 5. ~~(e)~~ Must be listed by a nationally recognized testing
2052 laboratory.

2053 (b) Preengineered systems consist of and include all of the
2054 components and parts providing fire suppression protection, but
2055 do not include the equipment being protected, and may
2056 incorporate special nozzles, flow rates, methods of application,
2057 pressurization levels, and quantities of agents designed by the



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2058 manufacturer for specific hazards.

2059 Section 47. Paragraph (b) of subsection (3) of section
2060 633.0215, Florida Statutes, is amended, and subsections (13) and
2061 (14) are added to that section, to read:

2062 633.0215 Florida Fire Prevention Code.—

2063 (3) No later than 180 days before the triennial adoption of
2064 the Florida Fire Prevention Code, the State Fire Marshal shall
2065 notify each municipal, county, and special district fire
2066 department of the triennial code adoption and steps necessary
2067 for local amendments to be included within the code. No later
2068 than 120 days before the triennial adoption of the Florida Fire
2069 Prevention Code, each local jurisdiction shall provide the State
2070 Fire Marshal with copies of its local fire code amendments. The
2071 State Fire Marshal has the option to process local fire code
2072 amendments that are received less than 120 days before the
2073 adoption date of the Florida Fire Prevention Code.

2074 (b) Any local amendment to the Florida Fire Prevention Code
2075 adopted by a local government shall be effective only until the
2076 adoption of the new edition of the Florida Fire Prevention Code,
2077 which shall be every third year. At such time, the State Fire
2078 Marshal shall adopt such amendment as part of the Florida Fire
2079 Prevention Code or rescind the amendment. The State Fire Marshal
2080 shall immediately notify the respective local government of the
2081 rescission of the amendment and the reason for the rescission.
2082 After receiving such notice, the respective local government may
2083 readopt the rescinded amendment. Incorporation of local
2084 amendments as regional and local concerns and variations shall
2085 be considered as adoption of an amendment pursuant to this
2086 section ~~part~~.



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2087 (13) (a) The State Fire Marshal shall issue an expedited
2088 declaratory statement relating to interpretations of provisions
2089 of the Florida Fire Prevention Code according to the following
2090 guidelines:

2091 1. The declaratory statement shall be rendered in
2092 accordance with s. 120.565, except that a final decision must be
2093 issued by the State Fire Marshal within 45 days after the
2094 division's receipt of a petition seeking an expedited
2095 declaratory statement. The State Fire Marshal shall give notice
2096 of the petition and the expedited declaratory statement or the
2097 denial of the petition in the next available issue of the
2098 Florida Administrative Weekly after the petition is filed and
2099 after the statement or denial is rendered.

2100 2. The petitioner must be the owner of the disputed project
2101 or the owner's representative.

2102 3. The petition for an expedited declaratory statement must
2103 be:

2104 a. Related to an active project that is under construction
2105 or must have been submitted for a permit.

2106 b. The subject of a written notice citing a specific
2107 provision of the Florida Fire Prevention Code which is in
2108 dispute.

2109 c. Limited to a single question that is capable of being
2110 answered with a "yes" or "no" response.

2111 (b) A petition for a declaratory statement which does not
2112 meet all of the requirements of this subsection must be denied
2113 without prejudice. This subsection does not affect the right of
2114 the petitioner as a substantially affected person to seek a
2115 declaratory statement under s. 633.01(6).



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2116 (14) A condominium that is one or two stories in height and
2117 has an exterior corridor providing a means of egress is exempt
2118 from installing a manual fire alarm system as required in s. 9.6
2119 of the most recent edition of the Life Safety Code adopted in
2120 the Florida Fire Prevention Code.

2121 Section 48. Subsections (2) and (10) of section 633.0245,
2122 Florida Statutes, are amended to read:

2123 633.0245 State Fire Marshal Nursing Home Fire Protection
2124 Loan Guarantee Program.—

2125 (2) The State Fire Marshal may enter into limited loan
2126 guarantee agreements with one or more financial institutions
2127 qualified as public depositories in this state. Such agreements
2128 shall provide a limited guarantee by the State of Florida
2129 covering no more than 50 percent of the principal sum loaned by
2130 such financial institution to an eligible nursing home, as
2131 defined in subsection (10), for the sole purpose of the initial
2132 installation at such nursing home of a fire protection system,
2133 as defined in s. 633.021~~(10)(9)~~, approved by the State Fire
2134 Marshal as being in compliance with the provisions of s. 633.022
2135 and rules adopted thereunder.

2136 (10) For purposes of this section, "eligible nursing home"
2137 means a nursing home facility that provides nursing services as
2138 defined in chapter 464, is licensed under part II of chapter
2139 400, and is certified by the Agency for Health Care
2140 Administration to lack an installed fire protection system as
2141 defined in s. 633.021~~(10)(9)~~.

2142 Section 49. Section 633.026, Florida Statutes, is amended
2143 to read:

2144 633.026 Legislative intent; informal interpretations of the



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2145 Florida Fire Prevention Code.—It is the intent of the
2146 Legislature that the Florida Fire Prevention Code be interpreted
2147 by fire officials and local enforcement agencies in a manner
2148 that reasonably and cost-effectively protects the public safety,
2149 health, and welfare, ensures uniform interpretations throughout
2150 this state, and provides just and expeditious processes for
2151 resolving disputes regarding such interpretations. It is the
2152 further intent of the Legislature that such processes provide
2153 for the expeditious resolution of the issues presented and that
2154 the resulting interpretation of such issues be published on the
2155 website of the Division of State Fire Marshal.

2156 (1) The Division of State Fire Marshal shall by rule
2157 establish an informal process of rendering nonbinding
2158 interpretations of the Florida Fire Prevention Code. The
2159 Division of State Fire Marshal may contract with and refer
2160 interpretive issues to a third party, selected based upon cost
2161 effectiveness, quality of services to be performed, and other
2162 performance-based criteria, which ~~nonprofit organization that~~
2163 has experience in interpreting and enforcing the Florida Fire
2164 Prevention Code. ~~The Division of State Fire Marshal shall~~
2165 ~~immediately implement the process prior to the completion of~~
2166 ~~formal rulemaking.~~ It is the intent of the Legislature that the
2167 Division of State Fire Marshal establish ~~create~~ a Fire Code
2168 Interpretation Committee composed of seven persons and seven
2169 alternates, equally representing each area of the state ~~process~~
2170 ~~to refer questions to a small group of individuals certified~~
2171 ~~under s. 633.081(2), to which a party can pose questions~~
2172 regarding the interpretation of the Florida Fire Prevention Code
2173 provisions.



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2174 (2) Each member and alternate member of the Fire Code
2175 Interpretation Committee must be certified as a firesafety
2176 inspector pursuant to s. 633.081(2) and must have a minimum of 5
2177 years of experience interpreting and enforcing the Florida Fire
2178 Prevention Code and the Life Safety Code. Each member and
2179 alternate member must be approved by the Division of State Fire
2180 Marshal and deemed by the division to have met these
2181 requirements for at least 30 days before participating in a
2182 review of a nonbinding interpretation. ~~It is the intent of the~~
2183 Legislature that the process provide for the expeditious
2184 resolution of the issues presented and publication of the
2185 resulting interpretation on the website of the Division of State
2186 Fire Marshal. ~~It is the intent of the Legislature that this~~
2187 program be similar to the program established by the Florida
2188 Building Commission in s. 553.775(3)(g).

2189 (3) Each nonbinding interpretation of code provisions must
2190 be provided within 10 business days after receipt of a request
2191 for interpretation. The response period established in this
2192 subsection may be waived only with the written consent of the
2193 party requesting the nonbinding interpretation and the Division
2194 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
2195 advisory only and nonbinding on the parties or the State Fire
2196 Marshal.

2197 (4) In order to administer this section, the Division of
2198 State Fire Marshal shall charge ~~department may adopt by rule and~~
2199 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
2200 ~~directly to the third party~~. The fee may not exceed \$150 for
2201 each request for a review or interpretation. The division may
2202 authorize payment of fees directly to the nonprofit organization



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2203 under contract pursuant to subsection (1).

2204 (5) A party requesting a nonbinding interpretation who
2205 disagrees with the interpretation issued under this section may
2206 apply for a formal interpretation from the State Fire Marshal
2207 pursuant to s. 633.01(6).

2208 (6) The Division of State Fire Marshal shall issue or cause
2209 to be issued a nonbinding interpretation of the Florida Fire
2210 Prevention Code pursuant to this section when requested to do so
2211 upon submission of a petition by a fire official or by the owner
2212 or owner's representative or the contractor or contractor's
2213 representative of a project in dispute. The division shall adopt
2214 a petition form by rule and the petition form must be published
2215 on the State Fire Marshal's website. The form shall, at a
2216 minimum, require:

2217 (a) The name and address of the local fire official,
2218 including the address of the county, municipality, or special
2219 district.

2220 (b) The name and address of the owner or owner's
2221 representative or the contractor or contractor's representative.

2222 (c) A statement of the specific sections of the Florida
2223 Fire Prevention Code being interpreted by the local fire
2224 official.

2225 (d) An explanation of how the petitioner's substantial
2226 interests are being affected by the local interpretation of the
2227 Florida Fire Prevention Code.

2228 (e) A statement of the interpretation of the specific
2229 sections of the Florida Fire Prevention Code by the local fire
2230 official.

2231 (f) A statement of the interpretation that the petitioner



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2232 contends should be given to the specific sections of the Florida
2233 Fire Prevention Code and a statement supporting the petitioner's
2234 interpretation.

2235 (7) Upon receipt of a petition that meets the requirements
2236 of subsection (6), the Division of State Fire Marshal shall
2237 immediately provide copies of the petition to the Fire Code
2238 Interpretation Committee, and shall publish the petition and any
2239 response submitted by the local fire official on the State Fire
2240 Marshal's website.

2241 (8) The committee shall conduct proceedings as necessary to
2242 resolve the issues and give due regard to the petition, the
2243 facts of the matter at issue, specific code sections cited, and
2244 any statutory implications affecting the Florida Fire Prevention
2245 Code. The committee shall issue an interpretation regarding the
2246 provisions of the Florida Fire Prevention Code within 10 days
2247 after the filing of a petition. The committee shall issue an
2248 interpretation based upon the Florida Fire Prevention Code or,
2249 if the code is ambiguous, the intent of the code. The
2250 committee's interpretation shall be provided to the petitioner
2251 and shall include a notice that if the petitioner disagrees with
2252 the interpretation, the petitioner may file a request for formal
2253 interpretation by the State Fire Marshal under s. 633.01(6). The
2254 committee's interpretation shall be provided to the State Fire
2255 Marshal, and the division shall publish the interpretation on
2256 the State Fire Marshal's website and in the Florida
2257 Administrative Weekly.

2258 Section 50. Subsections (2) through (10) of section
2259 633.061, Florida Statutes, are renumbered as subsections (3)
2260 through (11), respectively, a new subsection (2) is added to



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2261 that section, and paragraphs (a) and (c) of present subsection
2262 (3) of that section are amended, to read:

2263 633.061 Fire suppression equipment; license to install or
2264 maintain.—

2265 (2) A person who holds a valid fire equipment dealer
2266 license may maintain such license in an inactive status during
2267 which time he or she may not engage in any work under the
2268 definition of the license held. An inactive status license shall
2269 be void after 2 years or at the time that the license is
2270 renewed, whichever comes first. The biennial renewal fee for an
2271 inactive status license shall be \$75. An inactive status license
2272 may not be reactivated unless the continuing education
2273 requirements of this chapter have been fulfilled.

2274 (4) ~~(3)~~

2275 (a) Such licenses and permits shall be issued by the State
2276 Fire Marshal for 2 years beginning January 1, 2000, and each 2-
2277 year period thereafter and expiring December 31 of the second
2278 year. All licenses or permits issued will expire on December 31
2279 of each odd-numbered year. The failure to renew a license or
2280 permit by December 31 of the second year will cause the license
2281 or permit to become inoperative. The holder of an inoperative
2282 license or permit shall not engage in any activities for which a
2283 license or permit is required by this section. A license or
2284 permit which is inoperative because of the failure to renew it
2285 shall be restored upon payment of the applicable fee plus a
2286 penalty equal to the applicable fee, if the application for
2287 renewal is filed no later than the following March 31. If the
2288 application for restoration is not made before the March 31st
2289 deadline, the fee for restoration shall be equal to the original



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2290 application fee and the penalty provided for herein, and, in
2291 addition, the State Fire Marshal shall require reexamination of
2292 the applicant. The fee for a license or permit issued for 1 year
2293 or less shall be prorated at 50 percent of the applicable fee
2294 for a biennial license or permit. After initial licensure, each
2295 licensee or permittee must ~~shall~~ successfully complete a course
2296 or courses of continuing education for fire equipment
2297 technicians of at least 16 ~~32~~ hours. A license or permit may not
2298 be renewed unless the licensee or permittee produces
2299 documentation of the completion of at least 16 hours of
2300 continuing education for fire equipment technicians during the
2301 biennial licensure period ~~within 4 years of initial issuance of~~
2302 ~~a license or permit and within each 4-year period thereafter or~~
2303 ~~no such license or permit shall be renewed.~~ A person who is both
2304 a licensee and a permittee shall be required to complete 16 ~~32~~
2305 hours of continuing education during each renewal ~~per 4-year~~
2306 period. Each licensee shall ensure that all permittees in his or
2307 her employment meet their continuing education requirements. The
2308 State Fire Marshal shall adopt rules describing the continuing
2309 education requirements and shall have the authority upon
2310 reasonable belief, to audit a fire equipment dealer to determine
2311 compliance with continuing education requirements.

2312 (c) A license of any class shall not be issued or renewed
2313 by the State Fire Marshal and a license of any class shall not
2314 remain operative unless:

2315 1. The applicant has submitted to the State Fire Marshal
2316 evidence of registration as a Florida corporation or evidence of
2317 compliance with s. 865.09.

2318 2. The State Fire Marshal or his or her designee has by



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2319 inspection determined that the applicant possesses the equipment
2320 required for the class of license sought. The State Fire Marshal
2321 shall give an applicant a reasonable opportunity to correct any
2322 deficiencies discovered by inspection. A fee of \$50, payable to
2323 the State Fire Marshal, shall be required for any subsequent
2324 reinspection.

2325 3. The applicant has submitted to the State Fire Marshal
2326 proof of insurance providing coverage for comprehensive general
2327 liability for bodily injury and property damage, products
2328 liability, completed operations, and contractual liability. The
2329 State Fire Marshal shall adopt rules providing for the amounts
2330 of such coverage, but such amounts shall not be less than
2331 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
2332 licenses, and \$100,000 for Class C licenses; and the total
2333 coverage for any class of license held in conjunction with a
2334 Class D license shall not be less than \$300,000. The State Fire
2335 Marshal may, at any time after the issuance of a license or its
2336 renewal, require upon demand, and in no event more than 30 days
2337 after notice of such demand, the licensee to provide proof of
2338 insurance, on a form provided by the State Fire Marshal,
2339 containing confirmation of insurance coverage as required by
2340 this chapter. Failure, for any length of time, to provide proof
2341 of insurance coverage as required shall result in the immediate
2342 suspension of the license until proof of proper insurance is
2343 provided to the State Fire Marshal. An insurer which provides
2344 such coverage shall notify the State Fire Marshal of any change
2345 in coverage or of any termination, cancellation, or nonrenewal
2346 of any coverage.

2347 4. The applicant applies to the State Fire Marshal,



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2348 provides proof of experience, and successfully completes a
2349 prescribed training course offered by the State Fire College or
2350 an equivalent course approved by the State Fire Marshal. This
2351 subparagraph does not apply to any holder of or applicant for a
2352 permit under paragraph (f) or to a business organization or a
2353 governmental entity seeking initial licensure or renewal of an
2354 existing license solely for the purpose of inspecting,
2355 servicing, repairing, marking, recharging, and maintaining fire
2356 extinguishers used and located on the premises of and owned by
2357 such organization or entity.

2358 5. The applicant has a current retestor identification
2359 number that is appropriate for the license for which the
2360 applicant is applying and that is listed with the United States
2361 Department of Transportation.

2362 6. The applicant has passed, with a grade of at least 70
2363 percent, a written examination testing his or her knowledge of
2364 the rules and statutes regulating the activities authorized by
2365 the license and demonstrating his or her knowledge and ability
2366 to perform those tasks in a competent, lawful, and safe manner.
2367 Such examination shall be developed and administered by the
2368 State Fire Marshal, or his or her designee in accordance with
2369 policies and procedures of the State Fire Marshal. An applicant
2370 shall pay a nonrefundable examination fee of \$50 for each
2371 examination or reexamination scheduled. No reexamination shall
2372 be scheduled sooner than 30 days after any administration of an
2373 examination to an applicant. No applicant shall be permitted to
2374 take an examination for any level of license more than a total
2375 of four times during 1 year, regardless of the number of
2376 applications submitted. As a prerequisite to licensure of the



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2377 applicant:

2378 a. Must be at least 18 years of age.

2379 b. Must have 4 years of proven experience as a fire
2380 equipment permittee at a level equal to or greater than the
2381 level of license applied for or have a combination of education
2382 and experience determined to be equivalent thereto by the State
2383 Fire Marshal. Having held a permit at the appropriate level for
2384 the required period constitutes the required experience.

2385 c. Must not have been convicted of, or pled nolo contendere
2386 to, any felony. If an applicant has been convicted of any such
2387 felony, the applicant must comply with s. 112.011(1)(b).

2388
2389 This subparagraph does not apply to any holder of or applicant
2390 for a permit under paragraph (f) or to a business organization
2391 or a governmental entity seeking initial licensure or renewal of
2392 an existing license solely for the purpose of inspecting,
2393 servicing, repairing, marking, recharging, hydrotesting, and
2394 maintaining fire extinguishers used and located on the premises
2395 of and owned by such organization or entity.

2396 Section 51. Section 633.081, Florida Statutes, is amended
2397 to read:

2398 633.081 Inspection of buildings and equipment; orders;
2399 firesafety inspection training requirements; certification;
2400 disciplinary action.—The State Fire Marshal and her or his
2401 agents shall, at any reasonable hour, when the State Fire
2402 Marshal department has reasonable cause to believe that a
2403 violation of this chapter or s. 509.215, or a rule promulgated
2404 thereunder, or a minimum firesafety code adopted by a local
2405 authority, may exist, inspect any and all buildings and



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2406 structures which are subject to the requirements of this chapter
2407 or s. 509.215 and rules promulgated thereunder. The authority to
2408 inspect shall extend to all equipment, vehicles, and chemicals
2409 which are located within the premises of any such building or
2410 structure.

2411 (1) Each county, municipality, and special district that
2412 has firesafety enforcement responsibilities shall employ or
2413 contract with a firesafety inspector. Except as provided in s.
2414 633.082(2), the firesafety inspector must conduct all firesafety
2415 inspections that are required by law. The governing body of a
2416 county, municipality, or special district that has firesafety
2417 enforcement responsibilities may provide a schedule of fees to
2418 pay only the costs of inspections conducted pursuant to this
2419 subsection and related administrative expenses. Two or more
2420 counties, municipalities, or special districts that have
2421 firesafety enforcement responsibilities may jointly employ or
2422 contract with a firesafety inspector.

2423 (2) Except as provided in s. 633.082(2), every firesafety
2424 inspection conducted pursuant to state or local firesafety
2425 requirements shall be by a person certified as having met the
2426 inspection training requirements set by the State Fire Marshal.
2427 Such person shall:

2428 (a) Be a high school graduate or the equivalent as
2429 determined by the department;

2430 (b) Not have been found guilty of, or having pleaded guilty
2431 or nolo contendere to, a felony or a crime punishable by
2432 imprisonment of 1 year or more under the law of the United
2433 States, or of any state thereof, which involves moral turpitude,
2434 without regard to whether a judgment of conviction has been



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2435 entered by the court having jurisdiction of such cases;
2436 (c) Have her or his fingerprints on file with the
2437 department or with an agency designated by the department;
2438 (d) Have good moral character as determined by the
2439 department;
2440 (e) Be at least 18 years of age;
2441 (f) Have satisfactorily completed the firesafety inspector
2442 certification examination as prescribed by the department; and
2443 (g)1. Have satisfactorily completed, as determined by the
2444 department, a firesafety inspector training program of not less
2445 than 200 hours established by the department and administered by
2446 agencies and institutions approved by the department for the
2447 purpose of providing basic certification training for firesafety
2448 inspectors; or
2449 2. Have received in another state training which is
2450 determined by the department to be at least equivalent to that
2451 required by the department for approved firesafety inspector
2452 education and training programs in this state.
2453 (3) Each special state firesafety inspection which is
2454 required by law and is conducted by or on behalf of an agency of
2455 the state must be performed by an individual who has met the
2456 provision of subsection (2), except that the duration of the
2457 training program shall not exceed 120 hours of specific training
2458 for the type of property that such special state firesafety
2459 inspectors are assigned to inspect.
2460 (4) A firefighter certified pursuant to s. 633.35 may
2461 conduct firesafety inspections, under the supervision of a
2462 certified firesafety inspector, while on duty as a member of a
2463 fire department company conducting inservice firesafety



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2464 inspections without being certified as a firesafety inspector,
2465 if such firefighter has satisfactorily completed an inservice
2466 fire department company inspector training program of at least
2467 24 hours' duration as provided by rule of the department.

2468 (5) Every firesafety inspector or special state firesafety
2469 inspector certificate is valid for a period of 3 years from the
2470 date of issuance. Renewal of certification shall be subject to
2471 the affected person's completing proper application for renewal
2472 and meeting all of the requirements for renewal as established
2473 under this chapter or by rule promulgated thereunder, which
2474 shall include completion of at least 40 hours during the
2475 preceding 3-year period of continuing education as required by
2476 the rule of the department or, in lieu thereof, successful
2477 passage of an examination as established by the department.

2478 (6) The State Fire Marshal may deny, refuse to renew,
2479 suspend, or revoke the certificate of a firesafety inspector or
2480 special state firesafety inspector if it finds that any of the
2481 following grounds exist:

2482 (a) Any cause for which issuance of a certificate could
2483 have been refused had it then existed and been known to the
2484 State Fire Marshal.

2485 (b) Violation of this chapter or any rule or order of the
2486 State Fire Marshal.

2487 (c) Falsification of records relating to the certificate.

2488 (d) Having been found guilty of or having pleaded guilty or
2489 nolo contendere to a felony, whether or not a judgment of
2490 conviction has been entered.

2491 (e) Failure to meet any of the renewal requirements.

2492 (f) Having been convicted of a crime in any jurisdiction



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2493 which directly relates to the practice of fire code inspection,
2494 plan review, or administration.

2495 (g) Making or filing a report or record that the
2496 certificateholder knows to be false, or knowingly inducing
2497 another to file a false report or record, or knowingly failing
2498 to file a report or record required by state or local law, or
2499 knowingly impeding or obstructing such filing, or knowingly
2500 inducing another person to impede or obstruct such filing.

2501 (h) Failing to properly enforce applicable fire codes or
2502 permit requirements within this state which the
2503 certificateholder knows are applicable by committing willful
2504 misconduct, gross negligence, gross misconduct, repeated
2505 negligence, or negligence resulting in a significant danger to
2506 life or property.

2507 (i) Accepting labor, services, or materials at no charge or
2508 at a noncompetitive rate from any person who performs work that
2509 is under the enforcement authority of the certificateholder and
2510 who is not an immediate family member of the certificateholder.
2511 For the purpose of this paragraph, the term "immediate family
2512 member" means a spouse, child, parent, sibling, grandparent,
2513 aunt, uncle, or first cousin of the person or the person's
2514 spouse or any person who resides in the primary residence of the
2515 certificateholder.

2516 (7) The Division of State Fire Marshal and the Florida
2517 Building Code Administrators and Inspectors Board, established
2518 pursuant to under s. 468.605, shall enter into a reciprocity
2519 agreement to facilitate joint recognition of continuing
2520 education recertification hours for certificateholders licensed
2521 under s. 468.609 and firesafety inspectors certified under



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2522 subsection (2).

2523 (8) The State Fire Marshal shall develop by rule an
2524 advanced training and certification program for firesafety
2525 inspectors having fire code management responsibilities. The
2526 program must be consistent with the appropriate provisions of
2527 NFPA 1037, or similar standards adopted by the division, and
2528 establish minimum training, education, and experience levels for
2529 firesafety inspectors having fire code management
2530 responsibilities.

2531 (9)(7) The department shall provide by rule for the
2532 certification of firesafety inspectors.

2533 Section 52. Subsection (2) of section 633.082, Florida
2534 Statutes, is amended to read:

2535 633.082 Inspection of fire control systems, fire hydrants,
2536 and fire protection systems.—

2537 (2) Fire hydrants and fire protection systems installed in
2538 public and private properties, except one-family or two-family
2539 dwellings, ~~in this state~~ shall be inspected following procedures
2540 established in the nationally recognized inspection, testing,
2541 and maintenance standards publications NFPA-24 and NFPA-25 as
2542 set forth in the edition adopted by the State Fire Marshal.
2543 Quarterly, annual, 3-year, and 5-year inspections consistent
2544 with the contractual provisions with the owner shall be
2545 conducted by the certificateholder or permittees employed by the
2546 certificateholder pursuant to s. 633.521, except that:

2547 (a) Public fire hydrants owned by a governmental entity
2548 shall be inspected following procedures established in the
2549 inspection, testing, and maintenance standards adopted by the
2550 State Fire Marshal or equivalent standards such as those



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2551 contained in the latest edition of the American Water Works
2552 Association's Manual M17, "Installation, Field Testing, and
2553 Maintenance of Fire Hydrants."

2554 (b) County, municipal, and special district utilities may
2555 perform fire hydrant inspections required by this section using
2556 designated employees. Such designated employees need not be
2557 certified under this chapter. However, counties, municipalities,
2558 or special districts that use designated employees are
2559 responsible for ensuring that the designated employees are
2560 qualified to perform such inspections.

2561 Section 53. Section 633.352, Florida Statutes, is amended
2562 to read:

2563 633.352 Retention of firefighter certification.—Any
2564 certified firefighter who has not been active as a firefighter,
2565 or as a volunteer firefighter with an organized fire department,
2566 for a period of 3 years shall be required to retake the
2567 practical portion of the minimum standards state examination
2568 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
2569 Administrative Code, in order to maintain her or his
2570 certification as a firefighter; however, this requirement does
2571 not apply to state-certified firefighters who are certified and
2572 employed as full-time firesafety inspectors or firesafety
2573 instructors, regardless of the firefighter's employment status
2574 as determined by the division. The 3-year period begins on the
2575 date the certificate of compliance is issued or upon termination
2576 of service with an organized fire department.

2577 Section 54. Paragraph (e) of subsection (2) and subsections
2578 (3), (10), and (11) of section 633.521, Florida Statutes, are
2579 amended to read:



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2580 633.521 Certificate application and issuance; permit
2581 issuance; examination and investigation of applicant.-

2582 (2)

2583 (e) An applicant may not be examined more than four times
2584 during 1 year for certification as a contractor pursuant to this
2585 section unless the person is or has been certified and is taking
2586 the examination to change classifications. If an applicant does
2587 not pass one or more parts of the examination, she or he may
2588 take any part of the examination three more times during the 1-
2589 year period beginning upon the date she or he originally filed
2590 an application to take the examination. If the applicant does
2591 not pass the examination within that 1-year period, she or he
2592 must file a new application and pay the application and
2593 examination fees in order to take the examination or a part of
2594 the examination again. However, the applicant may not file a new
2595 application sooner than 6 months after the date of her or his
2596 last examination. An applicant who passes the examination but
2597 does not meet the remaining qualifications as provided in
2598 applicable statutes and rules within 1 year after the
2599 application date must file a new application, pay the
2600 application and examination fee, successfully complete a
2601 prescribed training course approved by the State Fire College or
2602 an equivalent course approved by the State Fire Marshal, and
2603 retake and pass the written examination.

2604 (3) (a) As a prerequisite to taking the examination for
2605 certification as a Contractor I, ~~Contractor II, or Contractor~~
2606 ~~III~~, the applicant must be at least 18 years of age, be of good
2607 moral character, and ~~shall~~ possess 4 years' proven experience in
2608 the employment of a fire protection system Contractor I,



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2609 ~~Contractor II, or Contractor III~~ or a combination of equivalent
2610 education and experience in both water-based and chemical fire
2611 suppression systems.

2612 (b) As a prerequisite to taking the examination for
2613 certification as a Contractor II, the applicant must be at least
2614 18 years of age, be of good moral character, and have 4 years of
2615 verifiable employment experience with a fire protection system
2616 as a Contractor I or Contractor II, or a combination of
2617 equivalent education and experience in water-based fire
2618 suppression systems.

2619 (c) Required education and experience for certification as
2620 a Contractor I, Contractor II, Contractor III, or Contractor IV
2621 includes training and experience in both installation and system
2622 layout as defined in s. 633.021.

2623 (d) As a prerequisite to taking the examination for
2624 certification as a Contractor III, the applicant must be at
2625 least 18 years of age, be of good moral character, and have 4
2626 years of verifiable employment experience with a fire protection
2627 system as a Contractor I or Contractor II, or a combination of
2628 equivalent education and experience in chemical fire suppression
2629 systems.

2630 (e) As a prerequisite to taking the examination for
2631 certification as a Contractor IV, the applicant ~~must~~ shall be at
2632 least 18 years old, be of good moral character, be licensed as a
2633 certified plumbing contractor under chapter 489, and
2634 successfully complete a training program acceptable to the State
2635 Fire Marshal of not less than 40 contact hours regarding the
2636 applicable installation standard used by the Contractor IV as
2637 described in NFPA 13D. The State Fire Marshal may adopt rules to



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2638 ~~administer this subsection have at least 2 years' proven~~
2639 ~~experience in the employment of a fire protection system~~
2640 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
2641 ~~combination of equivalent education and experience which~~
2642 ~~combination need not include experience in the employment of a~~
2643 ~~fire protection system contractor.~~

2644 (f) As a prerequisite to taking the examination for
2645 certification as a Contractor V, the applicant must ~~shall~~ be at
2646 least 18 years old, be of good moral character, and have been
2647 licensed as a certified underground utility and excavation
2648 contractor or certified plumbing contractor pursuant to chapter
2649 489, have verification by an individual who is licensed as a
2650 certified utility contractor or certified plumbing contractor
2651 pursuant to chapter 489 that the applicant has 4 years' proven
2652 experience in the employ of a certified underground utility and
2653 excavation contractor or certified plumbing contractor, or have
2654 a combination of education and experience equivalent to 4 years'
2655 proven experience in the employ of a certified underground
2656 utility and excavation contractor or certified plumbing
2657 contractor.

2658 (g) Within 30 days after the date of the examination, the
2659 State Fire Marshal shall inform the applicant in writing whether
2660 she or he has qualified or not and, if the applicant has
2661 qualified, that she or he is ready to issue a certificate of
2662 competency, subject to compliance with the requirements of
2663 subsection (4).

2664 (10) ~~Effective July 1, 2008,~~ The State Fire Marshal shall
2665 require the National Institute of Certification in Engineering
2666 Technologies (NICET), Sub-field of Inspection and Testing of



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2667 Fire Protection Systems Level II or equivalent training and
2668 education as determined by the division as proof that the
2669 permitholders are knowledgeable about nationally accepted
2670 standards for the inspection of fire protection systems. ~~It is~~
2671 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
2672 ~~to accept continuing education of all certificateholders'~~
2673 ~~employees who perform inspection functions which specifically~~
2674 ~~prepares the permitholder to qualify for NICET II certification.~~

2675 (11) It is intended that a certificateholder, or a
2676 permitholder who is employed by a certificateholder, conduct
2677 inspections required by this chapter. It is understood that
2678 after July 1, 2008, employee turnover may result in a depletion
2679 of personnel who are certified under the NICET Sub-field of
2680 Inspection and Testing of Fire Protection Systems Level II or
2681 equivalent training and education as required by the Division of
2682 State Fire Marshal ~~which is required for permitholders. The~~
2683 ~~extensive training and experience necessary to achieve NICET~~
2684 ~~Level II certification is recognized.~~ A certificateholder may
2685 ~~therefore~~ obtain a provisional permit with an endorsement for
2686 inspection, testing, and maintenance of water-based fire
2687 extinguishing systems for an employee if the employee has
2688 initiated procedures for obtaining Level II certification from
2689 the National Institute for Certification in Engineering
2690 Technologies Sub-field of Inspection and Testing of Fire
2691 Protection Systems and achieved Level I certification or an
2692 equivalent level as determined by the State Fire Marshal through
2693 verification of experience, training, and examination. The State
2694 Fire Marshal may establish rules to administer this subsection.
2695 After 2 years of provisional certification, the employee must



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2696 have achieved NICET Level II certification or obtain equivalent
2697 training and education as determined by the division, or cease
2698 performing inspections requiring Level II certification. The
2699 provisional permit is valid only for the 2 calendar years after
2700 the date of issuance, may not be extended, and is not renewable.
2701 After the initial 2-year provisional permit expires, the
2702 certificateholder must wait 2 additional years before a new
2703 provisional permit may be issued. The intent is to prohibit the
2704 certificateholder from using employees who never reach NICET
2705 Level II status, or equivalent training and education as
2706 determined by the division, by continuously obtaining
2707 provisional permits.

2708 Section 55. Subsection (3) is added to section 633.524,
2709 Florida Statutes, to read:

2710 633.524 Certificate and permit fees; use and deposit of
2711 collected funds.—

2712 (3) The State Fire Marshal may enter into a contract with
2713 any qualified public entity or private company in accordance
2714 with chapter 287 to provide examinations for any applicant for
2715 any examination administered under the jurisdiction of the State
2716 Fire Marshal. The State Fire Marshal may direct payments from
2717 each applicant for each examination directly to such contracted
2718 entity or company.

2719 Section 56. Subsection (4) of section 633.537, Florida
2720 Statutes, is amended to read:

2721 633.537 Certificate; expiration; renewal; inactive
2722 certificate; continuing education.—

2723 (4) The renewal period for the permit class is the same as
2724 that for the employing certificateholder. The continuing



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2725 education requirements for permitholders are what is required to
2726 maintain NICET Sub-field of Inspection and Testing of Fire
2727 Protection Systems Level II, equivalent training and education
2728 as determined by the division, or higher certification plus 8
2729 contact hours of continuing education approved by the State Fire
2730 Marshal during each biennial renewal period thereafter. ~~The~~
2731 ~~continuing education curriculum from July 1, 2005, until July 1,~~
2732 ~~2008, shall be the preparatory curriculum for NICET II~~
2733 ~~certification; after July 1, 2008, the technical curriculum is~~
2734 ~~at the discretion of the State Fire Marshal and may be used to~~
2735 ~~meet the maintenance of NICET Level II certification and 8~~
2736 ~~contact hours of continuing education requirements.~~ It is the
2737 responsibility of the permitholder to maintain NICET II
2738 certification or equivalent training and education as determined
2739 by the division as a condition of permit renewal after July 1,
2740 2008.

2741 Section 57. Subsection (4) of section 633.72, Florida
2742 Statutes, is amended to read:

2743 633.72 Florida Fire Code Advisory Council.—

2744 (4) Each appointee shall serve a 4-year term. No member
2745 shall serve more than two consecutive terms ~~one term~~. No member
2746 of the council shall be paid a salary as such member, but each
2747 shall receive travel and expense reimbursement as provided in s.
2748 112.061.

2749 Section 58. Subsection (6) of section 718.113, Florida
2750 Statutes, is repealed.

2751 Section 59. The Florida Building Commission shall revise
2752 the Florida Building Code in order to make it consistent with
2753 the revisions made by this act to s. 399.02, Florida Statutes.



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Section 60. This act shall take effect July 1, 2010.