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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 purposes of a homestead exemption; 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; amending 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 on
32 certain building permits; requiring the unit of
33 government collecting the surcharge to remit the funds
34 to the Department of Business and Professional
35 Regulation; requiring the unit of government
36 collecting the surcharge to retain a portion of the
37 funds to fund certain activities of building
38 departments; requiring that the remaining funds from
39 the surcharge be used to fund the Florida Homeowners'
40 Construction Recovery Fund and the Florida Building
41 Code Administrators and Inspectors Board; reducing the
42 amount of information that must be reported to the
43 Department of Business and Professional Regulation by
44 a unit of government responsible for collecting
45 certain permit fees; amending s. 468.83, F.S.;
46 providing for the creation of the home inspection
47 services licensing program within the Department of
48 Business and Professional Regulation; amending s.
49 468.8311, F.S.; revising the term "home inspection
50 services"; amending s. 468.8312, F.S.; deleting a fee
51 provision for certain certificates of authorization;
52 amending s. 468.8313, F.S.; revising examination
53 requirements for licensure as a home inspector;
54 providing fingerprinting requirements and procedures
55 for license applications; providing that the applicant
56 is responsible for certain costs; amending s.



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57 468.8318, F.S.; revising requirements and procedures
58 for certification of corporations and partnerships
59 offering home inspection services to the public;
60 deleting provisions relating to required certificates
61 of authorization; amending s. 468.8319, F.S.; delaying
62 the enforcement of a prohibition against performing
63 certain activities by a person who is not licensed as
64 a home inspector; revising certain prohibitions with
65 respect to providers of home inspection services;
66 amending s. 468.832, F.S.; providing an additional
67 ground for taking certain disciplinary actions;
68 amending s. 468.8324, F.S.; specifying additional
69 requirements for licensure as a home inspector;
70 creating s. 468.8325, F.S.; requiring the department
71 to adopt rules to administer part XV of ch. 468, F.S.,
72 relating to home inspectors; amending s. 468.84, F.S.;
73 providing for the creation of the mold-related
74 services licensing program within the Department of
75 Business and Professional Regulation; amending s.
76 468.8412, F.S.; deleting a fee provision for certain
77 biennial certificates of authorization renewal;
78 amending s. 468.8413, F.S.; revising examination
79 requirements and procedures for licensure as a mold
80 assessor or mold remediator; providing fingerprinting
81 requirements and procedures for license applications;
82 providing that the applicant is responsible for
83 certain costs; amending s. 468.8414, F.S.; specifying
84 an additional applicant qualification criterion for
85 licensure by endorsement; amending s. 468.8418, F.S.;



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86 revising requirements and procedures for certification
87 of corporations and partnerships offering mold
88 assessment or mold remediation services to the public;
89 deleting provisions relating to required certificates
90 of authorization; amending s. 468.8419, F.S.; delaying
91 the enforcement of a prohibition against performing
92 certain activities by a person who is not licensed as
93 a mold assessor; amending s. 468.842, F.S.; providing
94 an additional ground for taking certain disciplinary
95 actions; amending s. 468.8421, F.S.; specifying an
96 insurance coverage requirement for mold assessors;
97 amending s. 468.8423, F.S.; specifying additional
98 requirements for licensure as a mold assessor or mold
99 remediator; creating s. 468.8424, F.S.; requiring the
100 Department of Business and Professional Regulation to
101 adopt rules to administer part XVI of ch. 468, F.S.,
102 relating to mold-related services; amending s.
103 489.103, F.S.; conforming a cross-reference; amending
104 s. 489.5335, F.S.; deleting certain core curriculum
105 requirements that a person holding a journeyman
106 license in the electrical trade must satisfy in order
107 to work in more than one county or municipality;
108 amending s. 553.37, F.S.; authorizing manufacturers to
109 pay inspection fees directly to the provider of
110 inspection services; providing requirements for rules
111 of the Department of Business and Professional
112 Regulation regarding the schedule of fees; authorizing
113 the department to enter into contracts for the
114 performance of certain administrative duties; revising



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115 inspection requirements for certain custom
116 manufactured buildings; amending s. 553.375, F.S.;
117 revising the requirement for recertification of
118 manufactured buildings prior to relocation; amending
119 s. 553.509, F.S.; deleting certain requirements for
120 alternate power sources for elevators for purposes of
121 operating during an emergency; amending s. 553.512,
122 F.S.; requiring the Florida Building Commission to
123 establish by rule a fee for certain waiver requests;
124 amending s. 553.721, F.S.; revising the amount of a
125 surcharge on certain building permits; requiring the
126 unit of government collecting the surcharge to
127 electronically remit the funds to the Department of
128 Community Affairs; requiring the unit of government
129 collecting the surcharge to retain a portion of the
130 funds to fund certain activities of building
131 departments; requiring the remaining funds from the
132 surcharge to be used to fund the Florida Building
133 Commission and the Department of Community Affairs;
134 amending s. 553.73, F.S.; conforming cross-references;
135 authorizing counties and municipalities to adopt by
136 ordinance administrative or technical amendments to
137 the Florida Building Code for certain flood-related
138 purposes; specifying requirements and procedures;
139 revising foundation code adoption requirements;
140 authorizing the Florida Building Commission to approve
141 amendments relating to equivalency of standards;
142 exempting certain mausoleums from the requirements of
143 the Florida Building Code; exempting certain temporary



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144 housing provided by the Department of Corrections from
145 the requirements of the Florida Building Code;
146 restricting the code, code enforcement agencies, and
147 local governments from imposing requirements on
148 certain mechanical equipment on roofs; requiring that
149 the Florida Building Code contain certain requirements
150 regarding illumination in classroom units; requiring
151 that classroom units be designed to provide and
152 maintain an average of 40 foot-candles of light at
153 each desktop; requiring that public educational
154 facilities consider using light-emitting diode
155 lighting before considering other lighting sources;
156 amending s. 553.74, F.S.; specifying absence of
157 impermissible conflicts of interest for certain
158 committee or workgroup members while representing
159 clients under certain circumstances; specifying
160 certain prohibited activities for such members;
161 amending s. 553.76, F.S.; authorizing the Florida
162 Building Commission to adopt rules related to
163 consensus-based decisionmaking; amending s. 553.775,
164 F.S.; conforming a cross-reference; authorizing the
165 commission to charge a fee for filing certain requests
166 and for nonbinding interpretations; limiting fees for
167 nonbinding interpretations; amending s. 553.79, F.S.;
168 requiring certain inspection services to be performed
169 under the alternative process for plan review and
170 inspection or by a local governmental entity;
171 reenacting s. 553.80(1), F.S., relating to the
172 enforcement of the Florida Building Code, to



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173 incorporate the amendments made to s. 553.79, F.S., in
174 a reference thereto; amending s. 553.80, F.S.;

175 specifying nonapplicability of certain exemptions from
176 the Florida Building Code granted by certain
177 enforcement entities under certain circumstances;

178 revising requirements for review of facility plans and
179 construction surveyed for certain hospitals and health
180 care facilities; amending s. 553.841, F.S.; deleting
181 provisions requiring that the Department of Community
182 Affairs maintain, update, develop, or cause to be
183 developed a core curriculum for persons who enforce
184 the Florida Building Code; amending s. 553.842, F.S.;

185 authorizing rules requiring the payment of product
186 evaluation fees directly to the administrator of the
187 product evaluation and approval system; specifying the
188 use of such fees; authorizing the Florida Building
189 Commission to provide by rule for editorial revisions
190 to certain approvals and charge certain fees;

191 providing requirements for the approval of
192 applications for state approval of a product;

193 providing for certain approved products to be
194 immediately added to the list of state-approved
195 products; requiring that the commission's oversight
196 committee review approved products; revising the list
197 of approved evaluation entities; deleting obsolete
198 provisions governing evaluation entities; amending s.
199 553.844, F.S.; providing an exemption from the
200 requirements regarding protections for certain exposed
201 mechanical equipment or appliances; providing for



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202 future expiration; amending s. 553.885, F.S.; revising
203 requirements for carbon monoxide alarms; providing an
204 exception for buildings undergoing alterations or
205 repairs; defining the term "addition" as it relates to
206 the requirement of a carbon monoxide alarm; amending
207 s. 553.9061, F.S.; revising the energy-efficiency
208 performance options and elements identified by the
209 commission for purposes of meeting certain goals;
210 amending s. 553.909, F.S.; revising a compliance
211 criterion for certain swimming pool pumps or water
212 heaters; revising requirements for residential
213 swimming pool pumps and pump motors; amending s.
214 553.912, F.S.; providing requirements for replacement
215 air-conditioning systems; amending s. 627.711, F.S.;
216 eliminating the requirement that a uniform mitigation
217 verification form be certified by the Department of
218 Financial Services; eliminating provisions authorizing
219 hurricane mitigation inspectors certified by the My
220 Safe Florida Home Program to sign a valid uniform
221 mitigation verification form; requiring a person to
222 personally perform an inspection in order to sign a
223 mitigation verification form; authorizing an insurer
224 to accept a form from a person possessing
225 qualifications and experience acceptable to the
226 insurer; requiring a person to personally perform an
227 inspection in order to sign a mitigation verification
228 form; defining the term "misconduct" for purposes of
229 performing an inspection and completing the mitigation
230 verification form; providing for sanctions to be



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231 imposed against a person who commits misconduct in
232 performing inspections or completing the mitigation
233 verification form; requiring that evidence of fraud in
234 the completion of the mitigation verification form be
235 reported to the Division of Insurance Fraud; requiring
236 the division, if it finds that probable cause of
237 misconduct exists, to send a copy of its report to the
238 agency responsible for the licensure of the inspector
239 who signed the report; providing that insurers need
240 not accept a mitigation verification form that is
241 signed by a person against whom probable cause of
242 misconduct was found; amending s. 633.021, F.S. ;
243 providing additional definitions for fire equipment
244 dealers; revising the definition of the term
245 "preengineered systems"; amending s. 633.0215, F.S. ;
246 providing guidelines for the State Fire Marshal to
247 apply when issuing an expedited declaratory statement;
248 requiring that the State Fire Marshal issue an
249 expedited declaratory statement under certain
250 circumstances; providing requirements for a petition
251 requesting an expedited declaratory statement;
252 exempting certain condominiums from installing manual
253 fire alarm systems; amending s. 633.0245, F.S. ;
254 conforming cross-references; amending s. 633.025,
255 F.S. ; providing that a single-family dwelling unit is
256 not required to have fire sprinklers; amending s.
257 633.026, F.S. ; providing legislative intent; revising
258 the authority of the State Fire Marshal to contract
259 with and refer interpretive issues to certain



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260 entities; providing for the establishment of the Fire
261 Code Interpretation Committee; providing for the
262 membership of the committee and requirements for
263 membership; requiring that nonbinding interpretations
264 of the Florida Fire Prevention Code be issued within a
265 specified period after a request is received;
266 providing for the waiver of such requirement under
267 certain conditions; requiring that the Division of
268 State Fire Marshal charge a fee for nonbinding
269 interpretations; providing that fees may be paid
270 directly to a contract provider; providing
271 requirements for requesting a nonbinding
272 interpretation; requiring that the Division of State
273 Fire Marshal develop a form for submitting a petition
274 for a nonbinding interpretation; providing for a
275 formal interpretation by the State Fire Marshal;
276 requiring that an interpretation of the Florida Fire
277 Prevention Code be published on the division's website
278 and in the Florida Administrative Weekly; amending s.
279 626.061, F.S.; authorizing certain fire equipment
280 dealer licensees to maintain inactive license status
281 under certain circumstances; providing requirements;
282 providing for a renewal fee; revising certain
283 continuing education requirements; revising an
284 applicant licensure qualification requirement;
285 amending s. 633.081, F.S.; requiring that the State
286 Fire Marshal inspect a building when the State Fire
287 Marshal, rather than the Department of Financial
288 Services, has cause to believe a violation has



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289 occurred; providing exceptions for requirements that
290 certain firesafety inspections be conducted by
291 firesafety inspectors; requiring that the Division of
292 State Fire Marshal and the Florida Building Code
293 Administrators and Inspectors Board enter into a
294 reciprocity agreement for purposes of recertifying
295 building code inspectors, plan inspectors, building
296 code administrators, and firesafety inspectors;
297 requiring that the State Fire Marshal develop by rule
298 an advanced training and certification program for
299 firesafety inspectors who have fire code management
300 responsibilities; requiring that the program be
301 consistent with certain standards and establish
302 minimum training, education, and experience levels for
303 such firesafety inspectors; amending s. 633.082, F.S.;
304 authorizing alternative inspection procedures for
305 certain fire hydrants; requiring periodic testing or
306 operation of certain equipment; prohibiting an agency
307 having jurisdiction from requiring the removal of a
308 nonmandatory sprinkler system; amending s. 633.352,
309 F.S.; providing an exception to requirements for
310 recertification as a firefighter; amending s. 633.521,
311 F.S.; revising requirements for certification as a
312 fire protection system contractor; revising the
313 prerequisites for taking the certification
314 examination; authorizing the State Fire Marshal to
315 accept more than one source of professional
316 certification; revising legislative intent; amending
317 s. 633.524, F.S.; authorizing the State Fire Marshal



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318 to enter into contracts for examination services;
319 providing for the direct payment of examination fees
320 to contract providers; amending s. 633.537, F.S.;
321 revising the continuing education requirements for
322 certain permitholders; amending 633.72, F.S.; revising
323 the terms of service for members of the Fire Code
324 Advisory Council; repealing s. 718.113(6), F.S.,
325 relating to requirements for 5-year inspections of
326 certain condominium improvements; directing the
327 Florida Building Commission to conform provisions of
328 the Florida Building Code with revisions made by the
329 act relating to the operation of elevators; requiring
330 the Department of Management Services to consider the
331 energy efficiency of buildings owned or operated by a
332 state agency; requiring the Department of Management
333 Services to lease buildings and facilities having
334 high-efficiency lighting and consider energy
335 efficiency when leasing buildings when feasible;
336 requiring the Department of Management Services to
337 adopt rules requiring state agencies to install high-
338 efficiency lamps when replacing an existing lamp or
339 installing a new lamp in a building owned by a state
340 agency; providing effective dates.

341
342 Be It Enacted by the Legislature of the State of Florida:

343
344 Section 1. Subsection (6) of section 196.031, Florida
345 Statutes, is amended to read:

346 196.031 Exemption of homesteads.—



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

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

367 399.02 General requirements.—

368 (6) (a) The department is empowered to carry out all of the
369 provisions of this chapter relating to the inspection and
370 regulation of elevators and to enforce the provisions of the
371 Florida Building Code.

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



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376 (8) The division may grant variances for undue hardship
377 pursuant to s. 120.542 and the rules adopted under this section.
378 Such rules must include a process for requests for variances.
379 The division may not grant a request for a variance unless it
380 finds that the variance will not adversely affect the safety of
381 the public.

382 (9) Updates to the Safety Code for Existing Elevators and
383 Escalators, ASME A17.1 and A17.3, which require Phase II
384 Firefighters' Service on elevators may not be enforced until
385 July 1, 2015, or until the elevator is replaced or requires
386 major modification, whichever occurs first, on elevators in
387 condominiums or multifamily residential buildings, including
388 those that are part of a continuing care facility licensed under
389 chapter 651, or similar retirement community with apartments,
390 having a certificate of occupancy by the local building
391 authority which was issued before July 1, 2008. This exception
392 does not prevent an elevator owner from requesting a variance
393 from the applicable codes before or after July 1, 2015. This
394 subsection does not prohibit the division from granting
395 variances pursuant to s.120.542 and subsection (8). The
396 division shall adopt rules to administer this subsection.

397 Section 3. Present subsection (7) of section 399.15,
398 Florida Statutes, is renumbered as subsection (8), and a new
399 subsection (7) is added to that section to read:

400 399.15 Regional emergency elevator access.-

401 (7) As an alternative to complying with the requirements of
402 subsection (1), each building in this state which is required to
403 meet the provisions of subsections (1) and (2) may instead
404 provide for the installation of a uniform lock box that contains



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405 the keys to all elevators in the building allowing public
406 access, including service and freight elevators. The uniform
407 lock box must be keyed to allow all uniform lock boxes in each
408 of the seven state emergency response regions to operate in fire
409 emergency situations using one master key. The master key for
410 the uniform lock shall be issued only to the fire department.
411 The Division of State Fire Marshal of the Department of
412 Financial Services shall enforce this subsection. The Department
413 of Financial Services shall select the provider of the uniform
414 lock box to be installed in each building in which the
415 requirements of this subsection are implemented.

416 Section 4. Section 455.2122, Florida Statutes, is created
417 to read:

418 455.2122 Education.—A board, or the department where there
419 is no board, shall approve distance learning courses as an
420 alternative to classroom courses to satisfy prelicensure or
421 postlicensure education requirements provided for in part VIII
422 of chapter 468 or part I of chapter 475. A board, or the
423 department when there is no board, may not require centralized
424 examinations for completion of prelicensure or postlicensure
425 education requirements for those professions licensed under part
426 VIII of chapter 468 or part I of chapter 475.

427 Section 5. Section 455.2123, Florida Statutes, is amended
428 to read:

429 455.2123 Continuing education.—A board, or the department
430 when there is no board, may provide by rule that distance
431 learning may be used to satisfy continuing education
432 requirements. A board, or the department when there is no board,
433 shall approve distance learning courses as an alternative to



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434 classroom courses to satisfy continuing education requirements
435 provided for in part VIII, part XV, or part XVI of chapter 468
436 or part I or part II of chapter 475 and may not require
437 centralized examinations for completion of continuing education
438 requirements for the professions licensed under part VIII, part
439 XV, or part XVI of chapter 468 or part I or part II of chapter
440 475.

441 Section 6. Effective October 1, 2010, section 468.631,
442 Florida Statutes, is amended to read:

443 468.631 Building Code Administrators and Inspectors Fund.—

444 (1) This part shall be funded through a surcharge, to be
445 assessed pursuant to s. 125.56~~(4)~~ or s. 166.201 at the rate of
446 1.5 percent of all permit fees associated with enforcement of
447 the Florida Building Code as defined by the uniform account
448 criteria and specifically the uniform account code for building
449 permits adopted for local government financial reporting
450 pursuant to s. 218.32 ~~one-half cent per square foot of under-~~
451 roof floor space permitted, including new construction,
452 renovations, alterations, and additions. The minimum amount
453 collected on any permit issued shall be \$2. The unit of
454 government responsible for collecting permit fees pursuant to s.
455 125.56~~(4)~~ or s. 166.201 shall collect such surcharge and shall
456 remit the funds to the department on a quarterly calendar basis
457 beginning not later than December 31, 2010 ~~1993~~, for the
458 preceding quarter, and continuing each third month thereafter;
459 and such unit of government shall ~~may~~ retain ~~an amount up to~~ 10
460 percent of the surcharge collected to fund the participation of
461 building departments in the national and state building code
462 promulgation processes and to provide education related to



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463 ~~enforcement of the Florida Building Code projects and activities~~
464 ~~intended to improve the quality of building code enforcement.~~

465 There is created within the Professional Regulation Trust Fund a
466 separate account to be known as the Building Code Administrators
467 and Inspectors Fund, which shall deposit and disburse funds as
468 necessary for the implementation of this part. The proceeds from
469 this surcharge shall be allocated equally to fund the Florida
470 Homeowners' Construction Recovery Fund established by s. 489.140
471 and the functions of the Building Code Administrators and
472 Inspectors Board. ~~The department shall annually establish the~~
473 ~~amount needed to fund the certification and regulation of~~
474 ~~building code administrators, plans examiners, and building code~~
475 ~~inspectors. Any funds collected in excess of the amount needed~~
476 ~~to adequately fund the certification and regulation of building~~
477 ~~code administrators, plans examiners, and building code~~
478 ~~inspectors shall be deposited into the Florida Homeowners'~~
479 ~~Construction Recovery Fund established by s. 489.140. If the~~
480 ~~Florida Homeowners' Construction Recovery Fund is fully funded~~
481 ~~as provided by s. 489.140, any remaining funds shall be~~
482 ~~distributed to the Construction Industry Licensing Board for use~~
483 ~~in the regulation of certified and registered contractors.~~

484 (2) The unit of government responsible for collecting
485 permit fees under this section shall report to the department
486 quarterly the number of permits issued for under-roof floor
487 space during the quarter, ~~the total square footage for the~~
488 ~~number of permits issued for under-roof floor space during the~~
489 ~~quarter,~~ and the calculation of the amount of funds being
490 remitted to the department. The report shall be attested to by
491 the officer in charge of collecting permit fees.



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492 Section 7. Section 468.83, Florida Statutes, is amended to
493 read:

494 468.83 Home inspection services licensing program;
495 purpose.-

496 (1) There is created within the department the home
497 inspection services licensing program.

498 (2) The Legislature recognizes that there is a need to
499 require the licensing of home inspectors and to ensure that
500 consumers of home inspection services can rely on the competence
501 of home inspectors, as determined by educational and experience
502 requirements and testing. Therefore, the Legislature deems it
503 necessary in the interest of the public welfare to regulate home
504 inspectors in this state.

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

507 468.8311 Definitions.-As used in this part, the term:

508 (4) "Home inspection services" means a limited visual
509 examination of ~~one or more of~~ the following readily accessible
510 installed systems and components of a home: the structure,
511 electrical system, HVAC system, roof covering, plumbing system,
512 interior components, exterior components, and site conditions
513 that affect the structure, for the purposes of providing a
514 written professional opinion of the condition of the home.

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

517 468.8312 Fees.-

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

520 (4)(5) The biennial renewal fee shall not exceed \$200.



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521 (5)~~(6)~~ The fee for licensure by endorsement shall not
522 exceed \$200.

523 (6)~~(7)~~ The fee for application for inactive status or for
524 reactivation of an inactive license shall not exceed \$200.

525 (7)~~(8)~~ The fee for applications from providers of
526 continuing education may not exceed \$500.

527 Section 10. Subsections (1) and (2) of section 468.8313,
528 Florida Statutes, are amended, present subsection (6) of that
529 section is renumbered as subsection (7) and amended, and a new
530 subsection (6) is added to that section, to read:

531 468.8313 Examinations.—

532 (1) A person desiring to be licensed as a home inspector
533 must shall apply to the department after he or she satisfies the
534 examination requirements of this part to take a licensure
535 examination.

536 (2) An applicant may ~~shall be entitled to take the~~
537 ~~licensure examination for the purpose of determining whether he~~
538 ~~or she is qualified to practice in this state as a home~~
539 ~~inspector if~~ he or she passes the required examination, the
540 ~~applicant~~ is of good moral character, and completes has
541 ~~completed~~ a course of study of at least ~~no less than~~ 120 hours
542 that covers all of the following components of a home:
543 structure, electrical system, HVAC system, roof covering,
544 plumbing system, interior components, exterior components, and
545 site conditions that affect the structure.

546 (6) An applicant for a license shall submit, together with
547 the application, a complete set of electronic fingerprints to
548 the department. The department shall submit the fingerprints to
549 the Department of Law Enforcement for state processing, and the



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550 Department of Law Enforcement shall forward them to the Federal
551 Bureau of Investigation for national processing, to determine
552 whether the applicant has a criminal history record. The
553 department shall review the background results to determine if
554 an applicant meets licensure requirements. The applicant is
555 responsible for the cost associated with processing the
556 fingerprints. The authorized agencies or vendors shall collect
557 such fees and pay the processing costs due to the Department of
558 Law Enforcement.

559 ~~(7)(6) The department may adopt rules pursuant to ss.~~
560 ~~120.536(1) and 120.54 to implement the provisions of this~~
561 ~~section.~~

562 Section 11. Section 468.8318, Florida Statutes, is amended
563 to read:

564 468.8318 Certification of corporations and partnerships.—

565 ~~(1) The department shall issue a certificate of~~
566 ~~authorization to a corporation or partnership offering home~~
567 ~~inspection services to the public if the corporation or~~
568 ~~partnership satisfies all of the requirements of this part.~~

569 ~~(2) The practice of or the offer to practice home~~
570 ~~inspection services by licensees through a corporation or~~
571 ~~partnership offering home inspection services to the public, or~~
572 ~~by a corporation or partnership offering such services to the~~
573 ~~public through licensees under this part as agents, employees,~~
574 ~~officers, or partners, is permitted subject to the provisions of~~
575 ~~this part, provided that all personnel of the corporation or~~
576 ~~partnership who act in its behalf as home inspectors in this~~
577 ~~state are licensed as provided by this part; and further~~
578 ~~provided that the corporation or partnership has been issued a~~



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579 ~~certificate of authorization by the department as provided in~~
580 ~~this section.~~ Nothing in this section shall be construed to
581 allow a corporation to hold a license to practice home
582 inspection services. No corporation or partnership shall be
583 relieved of responsibility for the conduct or acts of its
584 agents, employees, or officers by reason of its compliance with
585 this section, nor shall any individual practicing home
586 inspection services be relieved of responsibility for
587 professional services performed by reason of his or her
588 employment or relationship with a corporation or partnership.

589 ~~(3) For the purposes of this section, a certificate of~~
590 ~~authorization shall be required for a corporation, partnership,~~
591 ~~association, or person practicing under a fictitious name and~~
592 ~~offering home inspection services to the public; however, when~~
593 ~~an individual is practicing home inspection services in his or~~
594 ~~her own given name, he or she shall not be required to register~~
595 ~~under this section.~~

596 ~~(4) Each certificate of authorization shall be renewed~~
597 ~~every 2 years. Each partnership and corporation certified under~~
598 ~~this section shall notify the department within 1 month of any~~
599 ~~change in the information contained in the application upon~~
600 ~~which the certification is based.~~

601 ~~(5) Disciplinary action against a corporation or~~
602 ~~partnership shall be administered in the same manner and on the~~
603 ~~same grounds as disciplinary action against a licensed home~~
604 ~~inspector.~~

605 Section 12. Section 468.8319, Florida Statutes, is amended
606 to read:

607 468.8319 Prohibitions; penalties.-



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608 (1) A person ~~home inspector, a company that employs a home~~
609 ~~inspector, or a company that is controlled by a company that~~
610 ~~also has a financial interest in a company employing a home~~
611 ~~inspector~~ may not:

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

615 (b) Effective July 1, 2011, use the name or title
616 "certified home inspector," "registered home inspector,"
617 "licensed home inspector," "home inspector," "professional home
618 inspector," or any combination thereof unless the person has
619 complied with the provisions of this part;

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

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

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

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

631 (g) Inspect ~~for a fee~~ any property in which the inspector
632 or the inspector's company has any financial or transfer
633 interest;

634 (h) Offer or deliver any compensation, inducement, or
635 reward to any broker or agent therefor for the referral of the
636 owner of the inspected property to the inspector or the



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637 inspection company; or

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

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

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

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

650 468.832 Disciplinary proceedings.—

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

653 (a) Violation of any provision of this part or s.
654 455.227(1).†

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

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

661 (d) Being convicted or found guilty of, or entering a plea
662 of nolo contendere to, regardless of adjudication, a crime in
663 any jurisdiction that directly relates to the practice of home
664 inspection services or the ability to practice home inspection
665 services.†



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666 (e) Making or filing a report or record that the licensee
667 knows to be false, willfully failing to file a report or record
668 required by state or federal law, willfully impeding or
669 obstructing such filing, or inducing another person to impede or
670 obstruct such filing. Such reports or records shall include only
671 those that are signed in the capacity of a licensed home
672 inspector.†

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

675 (g) Engaging in fraud or deceit, or negligence,
676 incompetency, or misconduct, in the practice of home inspection
677 services.†

678 (h) Failing to perform any statutory or legal obligation
679 placed upon a licensed home inspector; violating any provision
680 of this chapter, a rule of the department, or a lawful order of
681 the department previously entered in a disciplinary hearing; or
682 failing to comply with a lawfully issued subpoena of the
683 department.†~~or~~

684 (i) Practicing on a revoked, suspended, inactive, or
685 delinquent license.

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

688 Section 14. Section 468.8324, Florida Statutes, is amended
689 to read:

690 468.8324 Grandfather clause.—

691 (1) A person who performs home inspection services as
692 defined in this part may qualify for licensure ~~to be licensed~~ by
693 the department as a home inspector if the person submits an
694 application to the department postmarked on or before March 1,



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695 2011, which shows that the applicant: meets the licensure
696 requirements of this part by July 1, 2010.

697 (a) Is certified as a home inspector by a state or national
698 association that requires, for such certification, successful
699 completion of a proctored examination on home inspection
700 services and completes at least 14 hours of verifiable education
701 on such services; or

702 (b) Has at least 3 years of experience as a home inspector
703 at the time of application and has completed 14 hours of
704 verifiable education on home inspection services. To establish
705 the 3 years of experience, an applicant must submit at least 120
706 home inspection reports prepared by the applicant.

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

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

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

722 Section 15. Section 468.8325, Florida Statutes, is created
723 to read:



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724 468.8325 Rulemaking authority.—The department shall adopt
725 rules to administer this part.

726 Section 16. Section 468.84, Florida Statutes, is amended to
727 read:

728 468.84 Mold-related services licensing program; legislative
729 purpose.—

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

732 (2) The Legislature finds it necessary in the interest of
733 the public safety and welfare, to prevent damage to real and
734 personal property, to avert economic injury to the residents of
735 this state, and to regulate persons and companies that hold
736 themselves out to the public as qualified to perform mold-
737 related services.

738 Section 17. Subsections (6) through (10) of section
739 468.8412, Florida Statutes, are amended to read:

740 468.8412 Fees.—

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

743 (6)~~(7)~~ The fee for licensure by endorsement shall not
744 exceed \$200.

745 (7)~~(8)~~ The fee for application for inactive status shall
746 not exceed \$100.

747 (8)~~(9)~~ The fee for reactivation of an inactive license
748 shall not exceed \$200.

749 (9)~~(10)~~ The fee for applications from providers of
750 continuing education may not exceed \$500.

751 Section 18. Subsections (1) and (2) of section 468.8413,
752 Florida Statutes, are amended, and subsection (6) is added to



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753 that section, to read:

754 468.8413 Examinations.—

755 (1) A person desiring to be licensed as a mold assessor or
756 mold remediator must ~~shall~~ apply to the department after
757 satisfying the examination requirements of this part ~~to take a~~
758 ~~licensure examination.~~

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

764 (a)1. For a mold remediator, at least a 2-year associate of
765 arts degree, or the equivalent, with at least 30 semester hours
766 in microbiology, engineering, architecture, industrial hygiene,
767 occupational safety, or a related field of science from an
768 accredited institution and a minimum of 1 year of documented
769 field experience in a field related to mold remediation; or

770 2. A high school diploma or the equivalent with a minimum
771 of 4 years of documented field experience in a field related to
772 mold remediation.

773 (b)1. For a mold assessor, at least a 2-year associate of
774 arts degree, or the equivalent, with at least 30 semester hours
775 in microbiology, engineering, architecture, industrial hygiene,
776 occupational safety, or a related field of science from an
777 accredited institution and a minimum of 1 year of documented
778 field experience in conducting microbial sampling or
779 investigations; or

780 2. A high school diploma or the equivalent with a minimum
781 of 4 years of documented field experience in conducting



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782 microbial sampling or investigations.

783 (6) An applicant for a license shall submit, together with
784 the application, a complete set of electronic fingerprints to
785 the department. The department shall submit the fingerprints to
786 the Department of Law Enforcement for state processing, and the
787 Department of Law Enforcement shall forward them to the Federal
788 Bureau of Investigation for national processing, to determine
789 whether the applicant has a criminal history record. The
790 department shall review the background results to determine if
791 an applicant meets licensure requirements. The applicant is
792 responsible for the cost associated with processing the
793 fingerprints. The authorized agencies or vendors shall collect
794 such fees and pay the processing costs due to the Department of
795 Law Enforcement.

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

798 468.8414 Licensure.—

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

802 (a) Is qualified to take the examination as set forth in s.
803 468.8413 and has passed a certification examination offered by a
804 nationally recognized organization that certifies persons in the
805 specialty of mold assessment or mold remediation that has been
806 approved by the department as substantially equivalent to the
807 requirements of this part and s. 455.217; or

808 (b) Holds a valid license to practice mold assessment or
809 mold remediation issued by another state or territory of the
810 United States if the criteria for issuance of the license were



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811 substantially the same as the licensure criteria that is
812 established by this part as determined by the department.

813 Section 20. Section 468.8418, Florida Statutes, is amended
814 to read:

815 468.8418 Certification of partnerships and corporations.-

816 ~~(1) The department shall issue a certificate of~~
817 ~~authorization to a corporation or partnership offering mold~~
818 ~~assessment or mold remediation services to the public if the~~
819 ~~corporation or partnership satisfies all of the requirements of~~
820 ~~this part.~~

821 ~~(2) The practice of or the offer to practice mold~~
822 ~~assessment or mold remediation by licensees through a~~
823 ~~corporation or partnership offering mold assessment or mold~~
824 ~~remediation to the public, or by a corporation or partnership~~
825 ~~offering such services to the public through licensees under~~
826 ~~this part as agents, employees, officers, or partners, is~~
827 ~~permitted subject to the provisions of this part, provided that~~
828 ~~the corporation or partnership has been issued a certificate of~~
829 ~~authorization by the department as provided in this section.~~
830 Nothing in this section shall be construed to allow a
831 corporation to hold a license to practice mold assessment or
832 mold remediation. No corporation or partnership shall be
833 relieved of responsibility for the conduct or acts of its
834 agents, employees, or officers by reason of its compliance with
835 this section, nor shall any individual practicing mold
836 assessment or mold remediation be relieved of responsibility for
837 professional services performed by reason of his or her
838 employment or relationship with a corporation or partnership.

839 ~~(3) For the purposes of this section, a certificate of~~



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840 ~~authorization shall be required for a corporation, partnership,~~
841 ~~association, or person practicing under a fictitious name,~~
842 ~~offering mold assessment or mold remediation; however, when an~~
843 ~~individual is practicing mold assessment or mold remediation~~
844 ~~under his or her own given name, he or she shall not be required~~
845 ~~to register under this section.~~

846 ~~(4) Each certificate of authorization shall be renewed~~
847 ~~every 2 years. Each partnership and corporation certified under~~
848 ~~this section shall notify the department within 1 month of any~~
849 ~~change in the information contained in the application upon~~
850 ~~which the certification is based.~~

851 ~~(5) Disciplinary action against a corporation or~~
852 ~~partnership shall be administered in the same manner and on the~~
853 ~~same grounds as disciplinary action against a licensed mold~~
854 ~~assessor or mold remediator.~~

855 Section 21. Subsection (1) of section 468.8419, Florida
856 Statutes, is amended, and subsection (4) is added to that
857 section, to read:

858 468.8419 Prohibitions; penalties.-

859 (1) A person ~~mold assessor, a company that employs a mold~~
860 ~~assessor, or a company that is controlled by a company that also~~
861 ~~has a financial interest in a company employing a mold assessor~~
862 may not:

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

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



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869 (c) Use the name or title "certified mold assessor,"
870 "registered mold assessor," "licensed mold assessor," "mold
871 assessor," "professional mold assessor," or any combination
872 thereof unless the person has complied with the provisions of
873 this part.

874 (d) Perform or offer to perform any mold remediation to a
875 structure on which the mold assessor or the mold assessor's
876 company provided a mold assessment within the last 12 months.

877 (e) Inspect for a fee any property in which the assessor or
878 the assessor's company has any financial or transfer interest.

879 (f) Accept any compensation, inducement, or reward from a
880 mold remediator or mold remediator's company for the referral of
881 any business to the mold remediator or the mold remediator's
882 company.

883 (g) Offer any compensation, inducement, or reward to a mold
884 remediator or mold remediator's company for the referral of any
885 business from the mold remediator or the mold remediator's
886 company.

887 (h) Accept an engagement to make an omission of the
888 assessment or conduct an assessment in which the assessment
889 itself, or the fee payable for the assessment, is contingent
890 upon the conclusions of the assessment.

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

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

896 468.842 Disciplinary proceedings.-

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



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

899 (a) Violation of any provision of this part or s.
900 455.227(1).~~†~~

901 (b) Attempting to procure a license to practice mold
902 assessment or mold remediation by bribery or fraudulent
903 misrepresentations.~~†~~

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

908 (d) Being convicted or found guilty of, or entering a plea
909 of nolo contendere to, regardless of adjudication, a crime in
910 any jurisdiction that directly relates to the practice of mold
911 assessment or mold remediation or the ability to practice mold
912 assessment or mold remediation.~~†~~

913 (e) Making or filing a report or record that the licensee
914 knows to be false, willfully failing to file a report or record
915 required by state or federal law, willfully impeding or
916 obstructing such filing, or inducing another person to impede or
917 obstruct such filing. Such reports or records shall include only
918 those that are signed in the capacity of a registered mold
919 assessor or mold remediator.~~†~~

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

922 (g) Engaging in fraud or deceit, or negligence,
923 incompetency, or misconduct, in the practice of mold assessment
924 or mold remediation.~~†~~

925 (h) Failing to perform any statutory or legal obligation
926 placed upon a licensed mold assessor or mold remediator;



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927 violating any provision of this chapter, a rule of the
928 department, or a lawful order of the department previously
929 entered in a disciplinary hearing; or failing to comply with a
930 lawfully issued subpoena of the department. ~~or~~

931 (i) Practicing on a revoked, suspended, inactive, or
932 delinquent license.

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

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

937 468.8421 Insurance.—

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

942 Section 24. Section 468.8423, Florida Statutes, is amended
943 to read:

944 468.8423 Grandfather clause.—

945 (1) A person who performs mold assessment or mold
946 remediation as defined in this part may qualify to be licensed
947 by the department as a mold assessor or mold remediator if the
948 person submits his or her application to the department by March
949 1, 2011, whether postmarked or delivered by that date, and if
950 the person: ~~meets the licensure requirements of this part by~~
951 July 1, 2010.

952 (a) Is certified as a mold assessor or mold remediator by a
953 state or national association that requires, for such
954 certification, successful completion of a proctored examination
955 on mold assessment or mold remediation, as applicable, and



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956 completes at least 60 hours of education on mold assessment or
957 at least 30 hours of education on mold remediation, as
958 applicable; or

959 (b) At the time of application, has at least 3 years of
960 experience as a mold assessor or mold remediator. To establish
961 the 3 years of experience, an applicant must submit at least 40
962 mold assessments or remediation invoices prepared by the
963 applicant.

964 (2) The department may investigate the validity of a mold
965 assessment or remediation invoice submitted under paragraph
966 (1)(b) and, if the applicant submits a false assessment or
967 invoice, may take disciplinary action against the applicant
968 under s. 468.842(1)(e) or (g).

969 (3) An applicant may not qualify for licensure under this
970 section if he or she has had a mold assessor or mold remediator
971 license or a license in any related field revoked at any time or
972 suspended within the previous 5 years or has been assessed a
973 fine that exceeds \$500 within the previous 5 years. For purposes
974 of this subsection, a license in a related field includes, but
975 is not limited to, licensure in real estate, construction, home
976 inspection, building code administration or inspection, or
977 indoor air quality.

978 (4) An applicant for licensure under this section must
979 comply with the good moral character and insurance requirements
980 of this part.

981 Section 25. Section 468.8424, Florida Statutes, is created
982 to read:

983 468.8424 Rulemaking authority.—The department shall adopt
984 rules to administer this part.



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

987 489.103 Exemptions.—This part does not apply to:

988 (22) A person licensed pursuant to s. 633.061(1)(d) or
989 ~~(3)~~~~(2)~~(b) performing work authorized by such license.

990 Section 27. Subsection (1) of section 489.5335, Florida
991 Statutes, is amended to read:

992 489.5335 Journeyman; reciprocity; standards.—

993 (1) An individual who holds a valid, active journeyman
994 license in the electrical trade issued by any county or
995 municipality in this state may work as a journeyman in any other
996 county or municipality of this state without taking an
997 additional examination or paying an additional license fee, if
998 he or she:

999 (a) Has scored at least 70 percent, or after October 1,
1000 1997, at least 75 percent, on a proctored journeyman Block and
1001 Associates examination or other proctored examination approved
1002 by the board for the electrical trade;

1003 (b) Has completed an apprenticeship program registered with
1004 the Department of Labor and Employment Security and demonstrates
1005 4 years' verifiable practical experience in the electrical
1006 trade, or demonstrates 6 years' verifiable practical experience
1007 in the electrical trade;

1008 (c) Has satisfactorily completed specialized and advanced
1009 module coursework approved by the Florida Building Commission,
1010 as part of the building code training program established in s.
1011 553.841, specific to the discipline, ~~and successfully completed~~
1012 ~~the program's core curriculum courses or passed an equivalency~~
1013 ~~test in lieu of taking the core curriculum courses and provided~~



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1014 ~~proof of completion of such curriculum courses or examination~~
1015 ~~and obtained a certificate from the board pursuant to this part~~
1016 ~~or,~~ pursuant to authorization by the certifying authority,
1017 provides proof of completion of such curriculum or coursework
1018 within 6 months after such certification; and

1019 (d) Has not had a license suspended or revoked within the
1020 last 5 years.

1021 Section 28. Subsections (2), (8), and (9) of section
1022 553.37, Florida Statutes, are amended, and subsection (12) is
1023 added to that section, to read:

1024 553.37 Rules; inspections; and insignia.—

1025 (2) The department shall adopt rules to address:

1026 (a) Procedures and qualifications for approval of third-
1027 party plan review and inspection agencies and of those who
1028 perform inspections and plan reviews.

1029 (b) Investigation of consumer complaints of noncompliance
1030 of manufactured buildings with the Florida Building Code and the
1031 Florida Fire Prevention Code.

1032 (c) Issuance, cancellation, and revocation of any insignia
1033 issued by the department and procedures for auditing and
1034 accounting for disposition of them.

1035 (d) Monitoring the manufacturers', inspection agencies',
1036 and plan review agencies' compliance with this part and the
1037 Florida Building Code. Monitoring may include, but is not
1038 limited to, performing audits of plans, inspections of
1039 manufacturing facilities and observation of the manufacturing
1040 and inspection process, and onsite inspections of buildings.

1041 (e) The performance by the department and its designees and
1042 contractors of any other functions required by this part.



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1043 (8) The department, by rule, shall establish a schedule of
1044 fees to pay the cost of the administration and enforcement of
1045 this part. The rule may provide for manufacturers to pay fees to
1046 the administrator directly via the Building Code Information
1047 System.

1048 (9) The department may delegate its enforcement authority
1049 to a state department having building construction
1050 responsibilities or a local government, and may enter into
1051 contracts for the performance of its administrative duties under
1052 this part. The department may delegate its plan review and
1053 inspection authority to one or more of the following in any
1054 combination:

1055 (a) A state department having building construction
1056 responsibilities;

1057 (b) A local government;

1058 (c) An approved inspection agency;

1059 (d) An approved plan review agency; or

1060 (e) An agency of another state.

1061 (12) Custom or one-of-a-kind prototype manufactured
1062 buildings are not required to have state approval, but must be
1063 in compliance with all local requirements of the governmental
1064 agency having jurisdiction at the installation site.

1065 Section 29. Section 553.375, Florida Statutes, is amended
1066 to read:

1067 553.375 Recertification of manufactured buildings.—Prior to
1068 the relocation to a site that has a higher design wind speed,
1069 modification, or change of occupancy of a manufactured building
1070 within the state, the manufacturer, dealer, or owner thereof may
1071 apply to the department for recertification of that manufactured



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1072 building. The department shall, by rule, provide what
1073 information the applicant must submit for recertification and
1074 for plan review and inspection of such manufactured buildings
1075 and shall establish fees for recertification. Upon a
1076 determination by the department that the manufactured building
1077 complies with the applicable building codes, the department
1078 shall issue a recertification insignia. A manufactured building
1079 that bears recertification insignia does not require any
1080 additional approval by an enforcement jurisdiction in which the
1081 building is sold or installed, and is considered to comply with
1082 all applicable codes. As an alternative to recertification by
1083 the department, the manufacturer, dealer, or owner of a
1084 manufactured building may seek appropriate permitting and a
1085 certificate of occupancy from the local jurisdiction in
1086 accordance with procedures generally applicable under the
1087 Florida Building Code.

1088 Section 30. Section 553.509, Florida Statutes, is amended
1089 to read:

1090 553.509 Vertical accessibility.—

1091 (1) Nothing in ss. 553.501-553.513 or the guidelines shall
1092 be construed to relieve the owner of any building, structure, or
1093 facility governed by those sections from the duty to provide
1094 vertical accessibility to all levels above and below the
1095 occupiable grade level, regardless of whether the guidelines
1096 require an elevator to be installed in such building, structure,
1097 or facility, except for:

1098 (a) Elevator pits, elevator penthouses, mechanical rooms,
1099 piping or equipment catwalks, and automobile lubrication and
1100 maintenance pits and platforms;



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1101 (b) Unoccupiable spaces, such as rooms, enclosed spaces,
1102 and storage spaces that are not designed for human occupancy,
1103 for public accommodations, or for work areas; and

1104 (c) Occupiable spaces and rooms that are not open to the
1105 public and that house no more than five persons, including, but
1106 not limited to, equipment control rooms and projection booths.

1107 ~~(2) (a) Any person, firm, or corporation that owns, manages,~~
1108 ~~or operates a residential multifamily dwelling, including a~~
1109 ~~condominium, that is at least 75 feet high and contains a public~~
1110 ~~elevator, as described in s. 399.035(2) and (3) and rules~~
1111 ~~adopted by the Florida Building Commission, shall have at least~~
1112 ~~one public elevator that is capable of operating on an alternate~~
1113 ~~power source for emergency purposes. Alternate power shall be~~
1114 ~~available for the purpose of allowing all residents access for a~~
1115 ~~specified number of hours each day over a 5-day period following~~
1116 ~~a natural disaster, manmade disaster, emergency, or other civil~~
1117 ~~disturbance that disrupts the normal supply of electricity. The~~
1118 ~~alternate power source that controls elevator operations must~~
1119 ~~also be capable of powering any connected fire alarm system in~~
1120 ~~the building.~~

1121 ~~(b) At a minimum, the elevator must be appropriately~~
1122 ~~prewired and prepared to accept an alternate power source and~~
1123 ~~must have a connection on the line side of the main disconnect,~~
1124 ~~pursuant to National Electric Code Handbook, Article 700. In~~
1125 ~~addition to the required power source for the elevator and~~
1126 ~~connected fire alarm system in the building, the alternate power~~
1127 ~~supply must be sufficient to provide emergency lighting to the~~
1128 ~~interior lobbies, hallways, and other portions of the building~~
1129 ~~used by the public. Residential multifamily dwellings must have~~



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1130 ~~an available generator and fuel source on the property or have~~
1131 ~~proof of a current contract posted in the elevator machine room~~
1132 ~~or other place conspicuous to the elevator inspector affirming a~~
1133 ~~current guaranteed service contract for such equipment and fuel~~
1134 ~~source to operate the elevator on an on-call basis within 24~~
1135 ~~hours after a request. By December 31, 2006, any person, firm or~~
1136 ~~corporation that owns, manages, or operates a residential~~
1137 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
1138 ~~the local building inspection agency verification of engineering~~
1139 ~~plans for residential multifamily dwellings that provide for the~~
1140 ~~capability to generate power by alternate means. Compliance with~~
1141 ~~installation requirements and operational capability~~
1142 ~~requirements must be verified by local building inspectors and~~
1143 ~~reported to the county emergency management agency by December~~
1144 ~~31, 2007.~~

1145 ~~(c) Each newly constructed residential multifamily~~
1146 ~~dwelling, including a condominium, that is at least 75 feet high~~
1147 ~~and contains a public elevator, as described in s. 399.035(2)~~
1148 ~~and (3) and rules adopted by the Florida Building Commission,~~
1149 ~~must have at least one public elevator that is capable of~~
1150 ~~operating on an alternate power source for the purpose of~~
1151 ~~allowing all residents access for a specified number of hours~~
1152 ~~each day over a 5-day period following a natural disaster,~~
1153 ~~manmade disaster, emergency, or other civil disturbance that~~
1154 ~~disrupts the normal supply of electricity. The alternate power~~
1155 ~~source that controls elevator operations must be capable of~~
1156 ~~powering any connected fire alarm system in the building. In~~
1157 ~~addition to the required power source for the elevator and~~
1158 ~~connected fire alarm system, the alternate power supply must be~~



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1159 ~~sufficient to provide emergency lighting to the interior~~
1160 ~~lobbies, hallways, and other portions of the building used by~~
1161 ~~the public. Engineering plans and verification of operational~~
1162 ~~capability must be provided by the local building inspector to~~
1163 ~~the county emergency management agency before occupancy of the~~
1164 ~~newly constructed building.~~

1165 ~~(d) Each person, firm, or corporation that is required to~~
1166 ~~maintain an alternate power source under this subsection shall~~
1167 ~~maintain a written emergency operations plan that details the~~
1168 ~~sequence of operations before, during, and after a natural or~~
1169 ~~manmade disaster or other emergency situation. The plan must~~
1170 ~~include, at a minimum, a lifesafety plan for evacuation,~~
1171 ~~maintenance of the electrical and lighting supply, and~~
1172 ~~provisions for the health, safety, and welfare of the residents.~~
1173 ~~In addition, the owner, manager, or operator of the residential~~
1174 ~~multifamily dwelling must keep written records of any contracts~~
1175 ~~for alternative power generation equipment. Also, quarterly~~
1176 ~~inspection records of lifesafety equipment and alternate power~~
1177 ~~generation equipment must be posted in the elevator machine room~~
1178 ~~or other place conspicuous to the elevator inspector, which~~
1179 ~~confirm that such equipment is properly maintained and in good~~
1180 ~~working condition, and copies of contracts for alternate power~~
1181 ~~generation equipment shall be maintained on site for~~
1182 ~~verification. The written emergency operations plan and~~
1183 ~~inspection records shall also be open for periodic inspection by~~
1184 ~~local and state government agencies as deemed necessary. The~~
1185 ~~owner or operator must keep a generator key in a lockbox posted~~
1186 ~~at or near any installed generator unit.~~

1187 ~~(e) Multistory affordable residential dwellings for persons~~



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1188 ~~age 62 and older that are financed or insured by the United~~
1189 ~~States Department of Housing and Urban Development must make~~
1190 ~~every effort to obtain grant funding from the Federal Government~~
1191 ~~or the Florida Housing Finance Corporation to comply with this~~
1192 ~~subsection. If an owner of such a residential dwelling cannot~~
1193 ~~comply with the requirements of this subsection, the owner must~~
1194 ~~develop a plan with the local emergency management agency to~~
1195 ~~ensure that residents are evacuated to a place of safety in the~~
1196 ~~event of a power outage resulting from a natural or manmade~~
1197 ~~disaster or other emergency situation that disrupts the normal~~
1198 ~~supply of electricity for an extended period of time. A place of~~
1199 ~~safety may include, but is not limited to, relocation to an~~
1200 ~~alternative site within the building or evacuation to a local~~
1201 ~~shelter.~~

1202 ~~(f) As a part of the annual elevator inspection required~~
1203 ~~under s. 399.061, certified elevator inspectors shall confirm~~
1204 ~~that all installed generators required by this chapter are in~~
1205 ~~working order, have current inspection records posted in the~~
1206 ~~elevator machine room or other place conspicuous to the elevator~~
1207 ~~inspector, and that the required generator key is present in the~~
1208 ~~lockbox posted at or near the installed generator. If a building~~
1209 ~~does not have an installed generator, the inspector shall~~
1210 ~~confirm that the appropriate rewiring and switching~~
1211 ~~capabilities are present and that a statement is posted in the~~
1212 ~~elevator machine room or other place conspicuous to the elevator~~
1213 ~~inspector affirming a current guaranteed contract exists for~~
1214 ~~contingent services for alternate power is current for the~~
1215 ~~operating period.~~

1216 (2) Notwithstanding any provision of subsection (1)



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1217 ~~However~~, buildings, structures, and facilities must, at ~~as~~ a
1218 minimum, comply with the requirements in the Americans with
1219 Disabilities Act Accessibility Guidelines.

1220 Section 31. Subsection (1) of section 553.512, Florida
1221 Statutes, is amended to read:

1222 553.512 Modifications and waivers; advisory council.-

1223 (1) The Florida Building Commission shall provide by
1224 regulation criteria for granting individual modifications of, or
1225 exceptions from, the literal requirements of this part upon a
1226 determination of unnecessary, unreasonable, or extreme hardship,
1227 provided such waivers shall not violate federal accessibility
1228 laws and regulations and shall be reviewed by the Accessibility
1229 Advisory Council. The commission shall establish by rule a fee
1230 to be paid upon submitting a request for a waiver as provided in
1231 this section. Notwithstanding any other provision of this
1232 subsection, if an applicant for a waiver demonstrates economic
1233 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver
1234 shall be granted. The commission may not consider waiving any of
1235 the requirements of s. 553.5041 unless the applicant first
1236 demonstrates that she or he has applied for and been denied
1237 waiver or variance from all local government zoning, subdivision
1238 regulations, or other ordinances that prevent compliance
1239 therewith. Further, the commission may not waive the requirement
1240 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
1241 accessible routes and minimum width of accessible parking
1242 spaces.

1243 Section 32. Effective October 1, 2010, section 553.721,
1244 Florida Statutes, is amended to read:

1245 553.721 Surcharge.-



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1246 ~~(1)~~ In order for the Department of Community Affairs to
1247 administer and carry out the purposes of this part and related
1248 activities, there is hereby created a surcharge, to be assessed
1249 at the rate of 1.5 percent of all permit fees associated with
1250 enforcement of the Florida Building Code as defined by the
1251 uniform account criteria and specifically the uniform account
1252 code for building permits adopted for local government financial
1253 reporting pursuant to s. 218.32. The minimum amount collected on
1254 any permit issued shall be \$2 ~~one-half cent per square foot~~
1255 ~~under roof floor space permitted pursuant to s. 125.56(4) or s.~~
1256 ~~166.201. However, for additions, alterations, or renovations to~~
1257 ~~existing buildings, the surcharge shall be computed on the basis~~
1258 ~~of the square footage being added, altered, or renovated. The~~
1259 unit of government responsible for collecting a permit fee
1260 pursuant to s. 125.56~~(4)~~ or s. 166.201 shall collect such
1261 surcharge and electronically remit the funds collected to the
1262 department on a quarterly calendar basis beginning not later
1263 than December 31, 2010, for the preceding quarter, and
1264 continuing each third month thereafter, and such unit of
1265 government shall ~~may~~ retain 10 ~~an amount up to 5~~ percent of the
1266 surcharge collected to fund the participation of building
1267 departments in the national and state building code promulgation
1268 processes and to provide education related to enforcement of the
1269 Florida Building Code ~~cover costs associated with the collection~~
1270 ~~and remittance of such surcharge.~~ All funds remitted to the
1271 department pursuant to this subsection shall be deposited in the
1272 Operating Trust Fund. Funds collected from such surcharge shall
1273 be used exclusively for the duties of the Florida Building
1274 Commission and the Department of Community Affairs ~~not be used~~



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1275 ~~to fund research on techniques for mitigation of radon in~~
1276 ~~existing buildings. Funds used by the department as well as~~
1277 ~~funds to be transferred to the Department of Health shall be as~~
1278 ~~prescribed in the annual General Appropriations Act. The~~
1279 department shall adopt rules governing the collection and
1280 remittance of surcharges in accordance with chapter 120.

1281 ~~(2) Notwithstanding subsection (1), and for the 2008-2009~~
1282 ~~fiscal year only, the amount transferred from the Operating~~
1283 ~~Trust Fund to the Grants and Donations Trust Fund of the~~
1284 ~~Department of Community Affairs pursuant to the General~~
1285 ~~Appropriations Act for the 2008-2009 fiscal year shall be used~~
1286 ~~for the regional planning councils, civil legal assistance, and~~
1287 ~~the Front Porch Florida Initiative.~~

1288 Section 33. Subsections (2) and (3) and paragraph (b) of
1289 subsection (4) of section 553.73, Florida Statutes, are amended,
1290 present subsections (5) through (13) of that section are
1291 renumbered as subsections (6) through (14), respectively, a new
1292 subsection (5) is added to that section, paragraph (a) of
1293 present subsection (6) and present subsections (7) and (9) of
1294 that section are amended, and subsections (15) and (16) are
1295 added to that section, to read:

1296 553.73 Florida Building Code.—

1297 (2) The Florida Building Code shall contain provisions or
1298 requirements for public and private buildings, structures, and
1299 facilities relative to structural, mechanical, electrical,
1300 plumbing, energy, and gas systems, existing buildings,
1301 historical buildings, manufactured buildings, elevators, coastal
1302 construction, lodging facilities, food sales and food service
1303 facilities, health care facilities, including assisted living



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1304 facilities, adult day care facilities, hospice residential and
1305 inpatient facilities and units, and facilities for the control
1306 of radiation hazards, public or private educational facilities,
1307 swimming pools, and correctional facilities and enforcement of
1308 and compliance with such provisions or requirements. Further,
1309 the Florida Building Code must provide for uniform
1310 implementation of ss. 515.25, 515.27, and 515.29 by including
1311 standards and criteria for residential swimming pool barriers,
1312 pool covers, latching devices, door and window exit alarms, and
1313 other equipment required therein, which are consistent with the
1314 intent of s. 515.23. Technical provisions to be contained within
1315 the Florida Building Code are restricted to requirements related
1316 to the types of materials used and construction methods and
1317 standards employed in order to meet criteria specified in the
1318 Florida Building Code. Provisions relating to the personnel,
1319 supervision or training of personnel, or any other professional
1320 qualification requirements relating to contractors or their
1321 workforce may not be included within the Florida Building Code,
1322 and subsections (4), ~~(5)~~, (6), (7), ~~and~~ (8), and (9) are not to
1323 be construed to allow the inclusion of such provisions within
1324 the Florida Building Code by amendment. This restriction applies
1325 to both initial development and amendment of the Florida
1326 Building Code.

1327 (3) The commission shall select from available national or
1328 international model building codes, or other available building
1329 codes and standards currently recognized by the laws of this
1330 state, to form the foundation for the Florida Building Code. The
1331 commission may modify the selected model codes and standards as
1332 needed to accommodate the specific needs of this state.



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1333 Standards or criteria referenced by the selected model codes
1334 shall be similarly incorporated by reference. If a referenced
1335 standard or criterion requires amplification or modification to
1336 be appropriate for use in this state, only the amplification or
1337 modification shall be specifically set forth in the Florida
1338 Building Code. The Florida Building Commission may approve
1339 technical amendments to the code, subject to the requirements of
1340 subsections (8) ~~(7)~~ and (9) ~~(8)~~, after the amendments have been
1341 subject to the following conditions:

1342 (a) The proposed amendment has been published on the
1343 commission's website for a minimum of 45 days and all the
1344 associated documentation has been made available to any
1345 interested party before any consideration by any Technical
1346 Advisory Committee;

1347 (b) In order for a Technical Advisory Committee to make a
1348 favorable recommendation to the commission, the proposal must
1349 receive a three-fourths vote of the members present at the
1350 Technical Advisory Committee meeting and at least half of the
1351 regular members must be present in order to conduct a meeting;

1352 (c) After Technical Advisory Committee consideration and a
1353 recommendation for approval of any proposed amendment, the
1354 proposal must be published on the commission's website for not
1355 less than 45 days before any consideration by the commission;
1356 and

1357 (d) Any proposal may be modified by the commission based on
1358 public testimony and evidence from a public hearing held in
1359 accordance with chapter 120.

1360
1361 The commission shall incorporate within sections of the Florida



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1362 Building Code provisions which address regional and local
1363 concerns and variations. The commission shall make every effort
1364 to minimize conflicts between the Florida Building Code, the
1365 Florida Fire Prevention Code, and the Life Safety Code.

1366 (4)

1367 (b) Local governments may, subject to the limitations of
1368 this section, adopt amendments to the technical provisions of
1369 the Florida Building Code which apply solely within the
1370 jurisdiction of such government and which provide for more
1371 stringent requirements than those specified in the Florida
1372 Building Code, not more than once every 6 months. A local
1373 government may adopt technical amendments that address local
1374 needs if:

1375 1. The local governing body determines, following a public
1376 hearing which has been advertised in a newspaper of general
1377 circulation at least 10 days before the hearing, that there is a
1378 need to strengthen the requirements of the Florida Building
1379 Code. The determination must be based upon a review of local
1380 conditions by the local governing body, which review
1381 demonstrates by evidence or data that the geographical
1382 jurisdiction governed by the local governing body exhibits a
1383 local need to strengthen the Florida Building Code beyond the
1384 needs or regional variation addressed by the Florida Building
1385 Code, that the local need is addressed by the proposed local
1386 amendment, and that the amendment is no more stringent than
1387 necessary to address the local need.

1388 2. Such additional requirements are not discriminatory
1389 against materials, products, or construction techniques of
1390 demonstrated capabilities.



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1391 3. Such additional requirements may not introduce a new
1392 subject not addressed in the Florida Building Code.

1393 4. The enforcing agency shall make readily available, in a
1394 usable format, all amendments adopted pursuant to this section.

1395 5. Any amendment to the Florida Building Code shall be
1396 transmitted within 30 days by the adopting local government to
1397 the commission. The commission shall maintain copies of all such
1398 amendments in a format that is usable and obtainable by the
1399 public. Local technical amendments shall not become effective
1400 until 30 days after the amendment has been received and
1401 published by the commission.

1402 6. Any amendment to the Florida Building Code adopted by a
1403 local government pursuant to this paragraph shall be effective
1404 only until the adoption by the commission of the new edition of
1405 the Florida Building Code every third year. At such time, the
1406 commission shall review such amendment for consistency with the
1407 criteria in paragraph (9) ~~(8)~~ (a) and adopt such amendment as part
1408 of the Florida Building Code or rescind the amendment. The
1409 commission shall immediately notify the respective local
1410 government of the rescission of any amendment. After receiving
1411 such notice, the respective local government may readopt the
1412 rescinded amendment pursuant to the provisions of this
1413 paragraph.

1414 7. Each county and municipality desiring to make local
1415 technical amendments to the Florida Building Code shall by
1416 interlocal agreement establish a countywide compliance review
1417 board to review any amendment to the Florida Building Code,
1418 adopted by a local government within the county pursuant to this
1419 paragraph, that is challenged by any substantially affected



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1420 party for purposes of determining the amendment's compliance
1421 with this paragraph. If challenged, the local technical
1422 amendments shall not become effective until time for filing an
1423 appeal pursuant to subparagraph 8. has expired or, if there is
1424 an appeal, until the commission issues its final order
1425 determining the adopted amendment is in compliance with this
1426 subsection.

1427 8. If the compliance review board determines such amendment
1428 is not in compliance with this paragraph, the compliance review
1429 board shall notify such local government of the noncompliance
1430 and that the amendment is invalid and unenforceable until the
1431 local government corrects the amendment to bring it into
1432 compliance. The local government may appeal the decision of the
1433 compliance review board to the commission. If the compliance
1434 review board determines such amendment to be in compliance with
1435 this paragraph, any substantially affected party may appeal such
1436 determination to the commission. Any such appeal shall be filed
1437 with the commission within 14 days of the board's written
1438 determination. The commission shall promptly refer the appeal to
1439 the Division of Administrative Hearings for the assignment of an
1440 administrative law judge. The administrative law judge shall
1441 conduct the required hearing within 30 days, and shall enter a
1442 recommended order within 30 days of the conclusion of such
1443 hearing. The commission shall enter a final order within 30 days
1444 thereafter. The provisions of chapter 120 and the uniform rules
1445 of procedure shall apply to such proceedings. The local
1446 government adopting the amendment that is subject to challenge
1447 has the burden of proving that the amendment complies with this
1448 paragraph in proceedings before the compliance review board and



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1449 the commission, as applicable. Actions of the commission are
1450 subject to judicial review pursuant to s. 120.68. The compliance
1451 review board shall determine whether its decisions apply to a
1452 respective local jurisdiction or apply countywide.

1453 9. An amendment adopted under this paragraph shall include
1454 a fiscal impact statement which documents the costs and benefits
1455 of the proposed amendment. Criteria for the fiscal impact
1456 statement shall include the impact to local government relative
1457 to enforcement, the impact to property and building owners, as
1458 well as to industry, relative to the cost of compliance. The
1459 fiscal impact statement may not be used as a basis for
1460 challenging the amendment for compliance.

1461 10. In addition to subparagraphs 7. and 9., the commission
1462 may review any amendments adopted pursuant to this subsection
1463 and make nonbinding recommendations related to compliance of
1464 such amendments with this subsection.

1465 (5) Notwithstanding subsection (4), counties and
1466 municipalities may adopt by ordinance an administrative or
1467 technical amendment to the Florida Building Code relating to
1468 flood resistance in order to implement the National Flood
1469 Insurance Program or incentives. Specifically, an administrative
1470 amendment may assign the duty to enforce all or portions of
1471 flood-related code provisions to the appropriate agencies of the
1472 local government and adopt procedures for variances and
1473 exceptions from flood-related code provisions other than
1474 provisions for structures seaward of the coastal construction
1475 control line consistent with the requirements in 44 C.F.R. s.
1476 60.6. A technical amendment is authorized to the extent that it
1477 is more stringent than the code. A technical amendment is not



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1478 subject to the requirements of subsection (4) and may not be
1479 rendered void when the code is updated if the amendment is
1480 adopted for the purpose of participating in the Community Rating
1481 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment
1482 had already been adopted by local ordinance prior to July 1,
1483 2010, or the amendment requires a design flood elevation above
1484 the base flood elevation. Any amendment adopted pursuant to this
1485 subsection shall be transmitted to the commission within 30 days
1486 after adoption.

1487 (7)(6)(a) The commission, by rule adopted pursuant to ss.
1488 120.536(1) and 120.54, shall update the Florida Building Code
1489 every 3 years. When updating the Florida Building Code, the
1490 commission shall select the most current version of the
1491 International Building Code, the International Fuel Gas Code,
1492 the International Mechanical Code, the International Plumbing
1493 Code, and the International Residential Code, all of which are
1494 adopted by the International Code Council, and the National
1495 Electrical Code, which is adopted by the National Fire
1496 Protection Association, to form the foundation codes of the
1497 updated Florida Building Code, if the version has been adopted
1498 by the applicable model code entity ~~and made available to the~~
1499 ~~public at least 6 months prior to its selection by the~~
1500 ~~commission~~. The commission shall select the most current version
1501 of the International Energy Conservation Code (IECC) as a
1502 foundation code; however, the IECC shall be modified by the
1503 commission to maintain the efficiencies of the Florida Energy
1504 Efficiency Code for Building Construction adopted and amended
1505 pursuant to s. 553.901.

1506 (8)(7) Notwithstanding the provisions of subsection (3) or



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1507 subsection (7) ~~(6)~~, the commission may address issues identified
1508 in this subsection by amending the code pursuant only to the
1509 rule adoption procedures contained in chapter 120. Provisions of
1510 the Florida Building Code, including those contained in
1511 referenced standards and criteria, relating to wind resistance
1512 or the prevention of water intrusion may not be amended pursuant
1513 to this subsection to diminish those construction requirements;
1514 however, the commission may, subject to conditions in this
1515 subsection, amend the provisions to enhance those construction
1516 requirements. Following the approval of any amendments to the
1517 Florida Building Code by the commission and publication of the
1518 amendments on the commission's website, authorities having
1519 jurisdiction to enforce the Florida Building Code may enforce
1520 the amendments. The commission may approve amendments that are
1521 needed to address:

1522 (a) Conflicts within the updated code;

1523 (b) Conflicts between the updated code and the Florida Fire
1524 Prevention Code adopted pursuant to chapter 633;

1525 (c) The omission of previously adopted Florida-specific
1526 amendments to the updated code if such omission is not supported
1527 by a specific recommendation of a technical advisory committee
1528 or particular action by the commission;

1529 (d) Unintended results from the integration of previously
1530 adopted Florida-specific amendments with the model code;

1531 (e) Equivalency of standards;

1532 (f) ~~(e)~~ Changes to or inconsistencies with federal or state
1533 law; or

1534 (g) ~~(f)~~ Adoption of an updated edition of the National
1535 Electrical Code if the commission finds that delay of



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1536 implementing the updated edition causes undue hardship to
1537 stakeholders or otherwise threatens the public health, safety,
1538 and welfare.

1539 (10)~~(9)~~ The following buildings, structures, and facilities
1540 are exempt from the Florida Building Code as provided by law,
1541 and any further exemptions shall be as determined by the
1542 Legislature and provided by law:

1543 (a) Buildings and structures specifically regulated and
1544 preempted by the Federal Government.

1545 (b) Railroads and ancillary facilities associated with the
1546 railroad.

1547 (c) Nonresidential farm buildings on farms.

1548 (d) Temporary buildings or sheds used exclusively for
1549 construction purposes.

1550 (e) Mobile or modular structures used as temporary offices,
1551 except that the provisions of part II relating to accessibility
1552 by persons with disabilities shall apply to such mobile or
1553 modular structures.

1554 (f) Those structures or facilities of electric utilities,
1555 as defined in s. 366.02, which are directly involved in the
1556 generation, transmission, or distribution of electricity.

1557 (g) Temporary sets, assemblies, or structures used in
1558 commercial motion picture or television production, or any
1559 sound-recording equipment used in such production, on or off the
1560 premises.

1561 (h) Storage sheds that are not designed for human
1562 habitation and that have a floor area of 720 square feet or less
1563 are not required to comply with the mandatory wind-borne-debris-
1564 impact standards of the Florida Building Code.



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1565 (i) Chickees constructed by the Miccosukee Tribe of Indians
1566 of Florida or the Seminole Tribe of Florida. As used in this
1567 paragraph, the term "chickee" means an open-sided wooden hut
1568 that has a thatched roof of palm or palmetto or other
1569 traditional materials, and that does not incorporate any
1570 electrical, plumbing, or other nonwood features.

1571 (j) Family mausoleums not exceeding 250 square feet in area
1572 which are prefabricated and assembled on site or preassembled
1573 and delivered on site and have walls, roofs, and a floor
1574 constructed of granite, marble, or reinforced concrete.

1575
1576 With the exception of paragraphs (a), (b), (c), and (f), in
1577 order to preserve the health, safety, and welfare of the public,
1578 the Florida Building Commission may, by rule adopted pursuant to
1579 chapter 120, provide for exceptions to the broad categories of
1580 buildings exempted in this section, including exceptions for
1581 application of specific sections of the code or standards
1582 adopted therein. The Department of Agriculture and Consumer
1583 Services shall have exclusive authority to adopt by rule,
1584 pursuant to chapter 120, exceptions to nonresidential farm
1585 buildings exempted in paragraph (c) when reasonably necessary to
1586 preserve public health, safety, and welfare. The exceptions must
1587 be based upon specific criteria, such as under-roof floor area,
1588 aggregate electrical service capacity, HVAC system capacity, or
1589 other building requirements. Further, the commission may
1590 recommend to the Legislature additional categories of buildings,
1591 structures, or facilities which should be exempted from the
1592 Florida Building Code, to be provided by law. The Florida
1593 Building Code does not apply to temporary housing provided by



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1594 the Department of Corrections to any prisoner in the state
1595 correctional system.

1596 (15) An agency or local government may not require that
1597 existing mechanical equipment on the surface of a roof be
1598 installed in compliance with the requirements of the Florida
1599 Building Code until the equipment is required to be removed or
1600 replaced.

1601 (16) The Florida Building Code must require that the
1602 illumination in classroom units be designed to provide and
1603 maintain an average of 40 foot-candles of light at each desktop.
1604 Public educational facilities must consider using light-emitting
1605 diode lighting before considering other lighting sources.

1606 Section 34. Subsection (5) is added to section 553.74,
1607 Florida Statutes, to read:

1608 553.74 Florida Building Commission.—

1609 (5) Notwithstanding s. 112.313 or any other provision of
1610 law, a member of any of the commission's technical advisory
1611 committees, or a member of any other advisory committee or
1612 workgroup of the commission, does not have an impermissible
1613 conflict of interest when representing clients before the
1614 commission or one of its committees or workgroups. However, the
1615 member, in his or her capacity as a member of the committee or
1616 workgroup, may not take part in any discussion regarding or take
1617 action on any matter in which he or she has a direct financial
1618 interest.

1619 Section 35. Subsection (2) of section 553.76, Florida
1620 Statutes, is amended to read:

1621 553.76 General powers of the commission.—The commission is
1622 authorized to:



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1623 (2) Issue memoranda of procedure for its internal
1624 management and control. The commission may adopt rules related
1625 to its consensus-based decisionmaking process, including, but
1626 not limited to, super majority voting requirements for
1627 commission actions relating to the adoption of the Florida
1628 Building Code or amendments to the code.

1629 Section 36. Subsections (2) and (4) of section 553.775,
1630 Florida Statutes, are amended to read:

1631 553.775 Interpretations.—

1632 (2) Local enforcement agencies, local building officials,
1633 state agencies, and the commission shall interpret provisions of
1634 the Florida Building Code in a manner that is consistent with
1635 declaratory statements and interpretations entered by the
1636 commission, except that conflicts between the Florida Fire
1637 Prevention Code and the Florida Building Code shall be resolved
1638 in accordance with s. 553.73~~(11)~~~~(10)~~(c) and (d).

1639 (4) In order to administer this section, the commission may
1640 adopt by rule and impose a fee for filing requests for
1641 declaratory statements and binding and nonbinding
1642 interpretations to recoup the cost of the proceedings which may
1643 not exceed \$125 for each request for a nonbinding interpretation
1644 and \$250 for each request for a binding review or
1645 interpretation. For proceedings conducted by or in coordination
1646 with a third-party, the rule may provide that payment be made
1647 directly to the third party, who shall remit to the department
1648 that portion of the fee necessary to cover the costs of the
1649 department.

1650 Section 37. Subsection (9) of section 553.79, Florida
1651 Statutes, is amended to read:



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1652 553.79 Permits; applications; issuance; inspections.-
1653 (9) Any state agency whose enabling legislation authorizes
1654 it to enforce provisions of the Florida Building Code may enter
1655 into an agreement with any other unit of government to delegate
1656 its responsibility to enforce those provisions and may expend
1657 public funds for permit and inspection fees, which fees may be
1658 no greater than the fees charged others. Inspection services
1659 that are not required to be performed by a state agency under a
1660 federal delegation of responsibility or by a state agency under
1661 the Florida Building Code must be performed under the
1662 alternative plans review and inspection process created in s.
1663 553.791 or by a local governmental entity having authority to
1664 enforce the Florida Building Code.

1665 Section 38. For the purpose of incorporating the amendment
1666 made by this act to section 553.79, Florida Statutes, in a
1667 reference thereto, subsection (1) of section 553.80, Florida
1668 Statutes, is reenacted, and paragraph (c) of subsection (1) and
1669 subsection (3) of that section are amended, to read:

1670 553.80 Enforcement.-

1671 (1) Except as provided in paragraphs (a)-(g), each local
1672 government and each legally constituted enforcement district
1673 with statutory authority shall regulate building construction
1674 and, where authorized in the state agency's enabling
1675 legislation, each state agency shall enforce the Florida
1676 Building Code required by this part on all public or private
1677 buildings, structures, and facilities, unless such
1678 responsibility has been delegated to another unit of government
1679 pursuant to s. 553.79(9).

1680 (a) Construction regulations relating to correctional



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1681 facilities under the jurisdiction of the Department of
1682 Corrections and the Department of Juvenile Justice are to be
1683 enforced exclusively by those departments.

1684 (b) Construction regulations relating to elevator equipment
1685 under the jurisdiction of the Bureau of Elevators of the
1686 Department of Business and Professional Regulation shall be
1687 enforced exclusively by that department.

1688 (c) In addition to the requirements of s. 553.79 and this
1689 section, facilities subject to the provisions of chapter 395 and
1690 parts ~~part~~ II and VIII of chapter 400 shall have facility plans
1691 reviewed and construction surveyed by the state agency
1692 authorized to do so under the requirements of chapter 395 and
1693 parts ~~part~~ II and VIII of chapter 400 and the certification
1694 requirements of the Federal Government. Facilities subject to
1695 the provisions of part IV of chapter 400 may have facility plans
1696 reviewed and shall have construction surveyed by the state
1697 agency authorized to do so under the requirements of part IV of
1698 chapter 400 and the certification requirements of the Federal
1699 Government.

1700 (d) Building plans approved under s. 553.77(3) and state-
1701 approved manufactured buildings, including buildings
1702 manufactured and assembled offsite and not intended for
1703 habitation, such as lawn storage buildings and storage sheds,
1704 are exempt from local code enforcing agency plan reviews except
1705 for provisions of the code relating to erection, assembly, or
1706 construction at the site. Erection, assembly, and construction
1707 at the site are subject to local permitting and inspections.
1708 Lawn storage buildings and storage sheds bearing the insignia of
1709 approval of the department are not subject to s. 553.842. Such



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1710 buildings that do not exceed 400 square feet may be delivered
1711 and installed without need of a contractor's or specialty
1712 license.

1713 (e) Construction regulations governing public schools,
1714 state universities, and community colleges shall be enforced as
1715 provided in subsection (6).

1716 (f) The Florida Building Code as it pertains to toll
1717 collection facilities under the jurisdiction of the turnpike
1718 enterprise of the Department of Transportation shall be enforced
1719 exclusively by the turnpike enterprise.

1720 (g) Construction regulations relating to secure mental
1721 health treatment facilities under the jurisdiction of the
1722 Department of Children and Family Services shall be enforced
1723 exclusively by the department in conjunction with the Agency for
1724 Health Care Administration's review authority under paragraph
1725 (c).

1726

1727 The governing bodies of local governments may provide a schedule
1728 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
1729 section, for the enforcement of the provisions of this part.

1730 Such fees shall be used solely for carrying out the local
1731 government's responsibilities in enforcing the Florida Building
1732 Code. The authority of state enforcing agencies to set fees for
1733 enforcement shall be derived from authority existing on July 1,
1734 1998. However, nothing contained in this subsection shall
1735 operate to limit such agencies from adjusting their fee schedule
1736 in conformance with existing authority.

1737 (3) (a) Each enforcement district shall be governed by a
1738 board, the composition of which shall be determined by the



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1739 affected localities.

1740 (b)1. At its own option, each enforcement district or local
1741 enforcement agency may adopt ~~promulgate~~ rules granting to the
1742 owner of a single-family residence one or more exemptions from
1743 the Florida Building Code relating to:

1744 a. ~~(a)~~ Addition, alteration, or repairs performed by the
1745 property owner upon his or her own property, provided any
1746 addition or alteration shall not exceed 1,000 square feet or the
1747 square footage of the primary structure, whichever is less.

1748 b. ~~(b)~~ Addition, alteration, or repairs by a nonowner within
1749 a specific cost limitation set by rule, provided the total cost
1750 shall not exceed \$5,000 within any 12-month period.

1751 c. ~~(c)~~ Building and inspection fees.

1752 2. However, the exemptions under subparagraph 1. do not
1753 apply to single-family residences that are located in mapped
1754 flood hazard areas, as defined in the code, unless the
1755 enforcement district or local enforcement agency has determined
1756 that the work, which is otherwise exempt, does not constitute a
1757 substantial improvement, including the repair of substantial
1758 damage, of such single-family residences.

1759 3. Each code exemption, as defined in sub-subparagraphs
1760 1.a., b., and c. paragraphs (a), (b), and (c), shall be
1761 certified to the local board 10 days prior to implementation and
1762 shall only be effective in the territorial jurisdiction of the
1763 enforcement district or local enforcement agency implementing
1764 it.

1765 Section 39. Subsections (4) through (9) of section 553.841,
1766 Florida Statutes, are amended to read:

1767 553.841 Building code compliance and mitigation program.—



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1768 (4) ~~The department,~~ In administering the Florida Building
1769 Code Compliance and Mitigation Program, the department shall
1770 maintain, update, develop, or cause to be developed:

1771 ~~(a) A core curriculum that is prerequisite to the advanced~~
1772 ~~module coursework.~~

1773 ~~(b) advanced modules designed for use by each profession.~~

1774 ~~(c) The core curriculum developed under this subsection~~
1775 ~~must be submitted to the Department of Business and Professional~~
1776 ~~Regulation for approval. Advanced modules developed under this~~
1777 ~~paragraph must be approved by the commission and submitted to~~
1778 ~~the respective boards for approval.~~

1779 ~~(5) The core curriculum shall cover the information~~
1780 ~~required to have all categories of participants appropriately~~
1781 ~~informed as to their technical and administrative~~
1782 ~~responsibilities in the effective execution of the code process~~
1783 ~~by all individuals currently licensed under part XII of chapter~~
1784 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
1785 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
1786 ~~prerequisite to the advanced module coursework for all licensees~~
1787 ~~and shall be completed by individuals licensed in all categories~~
1788 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
1789 ~~chapter 489 within the first 2-year period after initial~~
1790 ~~licensure. Core course hours taken by licensees to complete this~~
1791 ~~requirement shall count toward fulfillment of required~~
1792 ~~continuing education units under part XII of chapter 468,~~
1793 ~~chapter 471, chapter 481, or chapter 489.~~

1794 (5)~~(6)~~ Each biennium, upon receipt of funds by the
1795 Department of Community Affairs from the Construction Industry
1796 Licensing Board and the Electrical Contractors' Licensing Board



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1797 provided under ss. 489.109(3) and 489.509(3), the department
1798 shall determine the amount of funds available for the Florida
1799 Building Code Compliance and Mitigation Program.

1800 ~~(6)(7)~~ If the projects provided through the Florida
1801 Building Code Compliance and Mitigation Program in any state
1802 fiscal year do not require the use of all available funds, the
1803 unused funds shall be carried forward and allocated for use
1804 during the following fiscal year.

1805 ~~(7)(8)~~ The Florida Building Commission shall provide by
1806 rule for the accreditation of courses related to the Florida
1807 Building Code by accreditors approved by the commission. The
1808 commission shall establish qualifications of accreditors and
1809 criteria for the accreditation of courses by rule. The
1810 commission may revoke the accreditation of a course by an
1811 accreditor if the accreditation is demonstrated to violate this
1812 part or the rules of the commission.

1813 ~~(8)(9)~~ This section does not prohibit or limit the subject
1814 areas or development of continuing education or training on the
1815 Florida Building Code by any qualified entity.

1816 Section 40. Subsections (1), (5), (8), and (17) of section
1817 553.842, Florida Statutes, are amended to read:

1818 553.842 Product evaluation and approval.—

1819 (1) The commission shall adopt rules under ss. 120.536(1)
1820 and 120.54 to develop and implement a product evaluation and
1821 approval system that applies statewide to operate in
1822 coordination with the Florida Building Code. The commission may
1823 enter into contracts to provide for administration of the
1824 product evaluation and approval system. The commission's rules
1825 and any applicable contract may provide that the payment of fees



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1826 related to approvals be made directly to the administrator. Any
1827 fee paid by a product manufacturer shall be used only for
1828 funding the product evaluation and approval system. The product
1829 evaluation and approval system shall provide:

1830 (a) Appropriate promotion of innovation and new
1831 technologies.

1832 (b) Processing submittals of products from manufacturers in
1833 a timely manner.

1834 (c) Independent, third-party qualified and accredited
1835 testing and laboratory facilities, product evaluation entities,
1836 quality assurance agencies, certification agencies, and
1837 validation entities.

1838 (d) An easily accessible product acceptance list to
1839 entities subject to the Florida Building Code.

1840 (e) Development of stringent but reasonable testing
1841 criteria based upon existing consensus standards, when
1842 available, for products.

1843 (f) Long-term approvals, where feasible. State and local
1844 approvals will be valid until the requirements of the code on
1845 which the approval is based change, the product changes in a
1846 manner affecting its performance as required by the code, or the
1847 approval is revoked. However, the commission may authorize by
1848 rule editorial revisions to approvals and charge a fee as
1849 provided in this section.

1850 (g) Criteria for revocation of a product approval.

1851 (h) Cost-effectiveness.

1852 (5) Statewide approval of products, methods, or systems of
1853 construction may be achieved by one of the following methods.
1854 One of these methods must be used by the commission to approve



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1855 the following categories of products: panel walls, exterior
1856 doors, roofing, skylights, windows, shutters, and structural
1857 components as established by the commission by rule.

1858 (a) Products for which the code establishes standardized
1859 testing or comparative or rational analysis methods shall be
1860 approved by submittal and validation of one of the following
1861 reports or listings indicating that the product or method or
1862 system of construction was evaluated to be in compliance with
1863 the Florida Building Code and that the product or method or
1864 system of construction is, for the purpose intended, at least
1865 equivalent to that required by the Florida Building Code:

1866 1. A certification mark or listing of an approved
1867 certification agency, which may be used only for products for
1868 which the code designates standardized testing;

1869 2. A test report from an approved testing laboratory;

1870 3. A product evaluation report based upon testing or
1871 comparative or rational analysis, or a combination thereof, from
1872 an approved product evaluation entity; or

1873 4. A product evaluation report based upon testing or
1874 comparative or rational analysis, or a combination thereof,
1875 developed and signed and sealed by a professional engineer or
1876 architect, licensed in this state.

1877
1878 A product evaluation report or a certification mark or listing
1879 of an approved certification agency which demonstrates that the
1880 product or method or system of construction complies with the
1881 Florida Building Code for the purpose intended shall be
1882 equivalent to a test report and test procedure as referenced in
1883 the Florida Building Code. An application for state approval of



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1884 a product under subparagraph 1. must be approved by the
1885 department after the commission staff or a designee verifies
1886 that the application and related documentation are complete.
1887 This verification must be completed within 10 business days
1888 after receipt of the application. Upon approval by the
1889 department, the product shall be immediately added to the list
1890 of state-approved products maintained under subsection (13).
1891 Approvals by the department shall be reviewed and ratified by
1892 the commission's program oversight committee except for a
1893 showing of good cause that a review by the full commission is
1894 necessary. The commission shall adopt rules providing a means to
1895 cure deficiencies identified within submittals for products
1896 approved under this paragraph.

1897 (b) Products, methods, or systems of construction for which
1898 there are no specific standardized testing or comparative or
1899 rational analysis methods established in the code may be
1900 approved by submittal and validation of one of the following:

1901 1. A product evaluation report based upon testing or
1902 comparative or rational analysis, or a combination thereof, from
1903 an approved product evaluation entity indicating that the
1904 product or method or system of construction was evaluated to be
1905 in compliance with the intent of the Florida Building Code and
1906 that the product or method or system of construction is, for the
1907 purpose intended, at least equivalent to that required by the
1908 Florida Building Code; or

1909 2. A product evaluation report based upon testing or
1910 comparative or rational analysis, or a combination thereof,
1911 developed and signed and sealed by a professional engineer or
1912 architect, licensed in this state, who certifies that the



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1913 product or method or system of construction is, for the purpose
1914 intended, at least equivalent to that required by the Florida
1915 Building Code.

1916 (8) The commission may adopt rules to approve the following
1917 types of entities that produce information on which product
1918 approvals are based. All of the following entities, including
1919 engineers and architects, must comply with a nationally
1920 recognized standard demonstrating independence or no conflict of
1921 interest:

1922 (a) Evaluation entities approved pursuant to this paragraph
1923 ~~that meet the criteria for approval adopted by the commission by~~
1924 ~~rule.~~ The commission shall specifically approve the National
1925 Evaluation Service, the International Association of Plumbing
1926 and Mechanical Officials Evaluation Service ~~the International~~
1927 ~~Conference of Building Officials Evaluation Services,~~ the
1928 International Code Council Evaluation Services, ~~the Building~~
1929 ~~Officials and Code Administrators International Evaluation~~
1930 ~~Services,~~ ~~the Southern Building Code Congress International~~
1931 ~~Evaluation Services,~~ and the Miami-Dade County Building Code
1932 Compliance Office Product Control. Architects and engineers
1933 licensed in this state are also approved to conduct product
1934 evaluations as provided in subsection (5).

1935 (b) Testing laboratories accredited by national
1936 organizations, such as A2LA and the National Voluntary
1937 Laboratory Accreditation Program, laboratories accredited by
1938 evaluation entities approved under paragraph (a), and
1939 laboratories that comply with other guidelines for testing
1940 laboratories selected by the commission and adopted by rule.

1941 (c) Quality assurance entities approved by evaluation



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1942 entities approved under paragraph (a) and by certification
1943 agencies approved under paragraph (d) and other quality
1944 assurance entities that comply with guidelines selected by the
1945 commission and adopted by rule.

1946 (d) Certification agencies accredited by nationally
1947 recognized accreditors and other certification agencies that
1948 comply with guidelines selected by the commission and adopted by
1949 rule.

1950 (e) Validation entities that comply with accreditation
1951 standards established by the commission by rule.

1952 ~~(17) (a) The Florida Building Commission shall review the~~
1953 ~~list of evaluation entities in subsection (8) and, in the annual~~
1954 ~~report required under s. 553.77, shall either recommend~~
1955 ~~amendments to the list to add evaluation entities the commission~~
1956 ~~determines should be authorized to perform product evaluations~~
1957 ~~or shall report on the criteria adopted by rule or to be adopted~~
1958 ~~by rule allowing the commission to approve evaluation entities~~
1959 ~~that use the commission's product evaluation process. If the~~
1960 ~~commission adopts criteria by rule, the rulemaking process must~~
1961 ~~be completed by July 1, 2009.~~

1962 ~~(b) Notwithstanding paragraph (8) (a), the International~~
1963 ~~Association of Plumbing and Mechanical Officials Evaluation~~
1964 ~~Services is approved as an evaluation entity until October 1,~~
1965 ~~2009. If the association does not obtain permanent approval by~~
1966 ~~the commission as an evaluation entity by October 1, 2009,~~
1967 ~~products approved on the basis of an association evaluation must~~
1968 ~~be substituted by an alternative, approved entity by December~~
1969 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
1970 ~~the commission based on an association evaluation is void.~~



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1971 Section 41. Subsection (4) is added to section 553.844,
1972 Florida Statutes, to read:

1973 553.844 Windstorm loss mitigation; requirements for roofs
1974 and opening protection.—

1975 (4) Notwithstanding the provisions of this section, exposed
1976 mechanical equipment or appliances fastened to a roof or
1977 installed on the ground in compliance with the code using rated
1978 stands, platforms, curbs, slabs, or other means are deemed to
1979 comply with the wind-resistance requirements of the 2007 Florida
1980 Building Code, as amended. Further support or enclosure of such
1981 mechanical equipment or appliances may not be required by a
1982 state or local official having authority to enforce the Florida
1983 Building Code. This subsection expires on the effective date of
1984 the 2010 Florida Building Code.

1985 Section 42. Section 553.885, Florida Statutes, is amended
1986 to read:

1987 553.885 Carbon monoxide alarm required.—

1988 (1) Every separate building or addition to an existing
1989 building, other than a hospital, an inpatient hospice facility,
1990 or a nursing home facility licensed by the Agency for Health
1991 Care Administration, constructed for which a building permit is
1992 issued for new construction on or after July 1, 2008, and having
1993 a fossil-fuel-burning heater or appliance, a fireplace, or an
1994 attached garage, or other feature, fixture, or element that
1995 emits carbon monoxide as a byproduct of combustion shall have an
1996 approved operational carbon monoxide alarm installed within 10
1997 feet of each room used for sleeping purposes in the new building
1998 or addition, or at such other locations as required by the
1999 Florida Building Code. The requirements of this subsection may



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2000 be satisfied with the installation of a hard-wired or battery-
2001 powered carbon monoxide alarm or a hard-wired or battery-powered
2002 combination carbon monoxide and smoke alarm. For a new hospital,
2003 an inpatient hospice facility, ~~or~~ a nursing home facility
2004 licensed by the Agency for Health Care Administration, or a new
2005 state correctional institution, an approved operational carbon
2006 monoxide detector shall be installed inside or directly outside
2007 of each room or area within the hospital or facility where a
2008 fossil-fuel-burning heater, engine, or appliance is located.
2009 This detector shall be connected to the fire alarm system of the
2010 hospital or facility as a supervisory signal. This subsection
2011 does not apply to existing buildings that are undergoing
2012 alterations or repairs unless the alteration is an addition as
2013 defined in subsection (3).

2014 (2) The Florida Building Commission shall adopt rules to
2015 administer this section and shall incorporate such requirements
2016 into its next revision of the Florida Building Code.

2017 (3) As used in this section, the term:

2018 (a) "Carbon monoxide alarm" means a device that is meant
2019 for the purpose of detecting carbon monoxide, that produces a
2020 distinct audible alarm, and that meets the requirements of and
2021 is approved by the Florida Building Commission.

2022 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases, or
2023 other petroleum or hydrocarbon product that emits carbon
2024 monoxide as a by-product of combustion.

2025 (c) "Addition" means an extension or increase in floor
2026 area, number of stories, or height of a building or structure.

2027 Section 43. Subsection (2) of section 553.9061, Florida
2028 Statutes, is amended to read:



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2029 553.9061 Scheduled increases in thermal efficiency
2030 standards.—

2031 (2) The Florida Building Commission shall identify within
2032 code support and compliance documentation the specific building
2033 options and elements available to meet the energy performance
2034 goals established in subsection (1). Energy efficiency
2035 performance options and elements include, but are not limited
2036 to:

2037 (a) Energy-efficient water heating systems, including solar
2038 water heating.

2039 (b) Energy-efficient appliances.

2040 (c) Energy-efficient windows, doors, and skylights.

2041 (d) Low solar-absorption roofs, also known as "cool roofs."

2042 (e) Enhanced ceiling and wall insulation.

2043 (f) Reduced-leak duct systems and energy-saving devices and
2044 features installed within duct systems.

2045 (g) Programmable thermostats.

2046 (h) Energy-efficient lighting systems.

2047 (i) Energy-saving quality installation procedures for
2048 replacement air-conditioning systems, including, but not limited
2049 to, equipment sizing analysis and duct inspection.

2050 (j) Shading devices, sunscreening materials, and overhangs.

2051 (k) Weatherstripping, caulking, and sealing of exterior
2052 openings and penetrations.

2053 (l) Energy-efficient centralized computer data centers in
2054 office buildings.

2055 Section 44. Subsections (3) and (4) of section 553.909,
2056 Florida Statutes, are amended to read:

2057 553.909 Setting requirements for appliances; exceptions.—



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2058 (3) Commercial or residential swimming pool pumps or water
2059 heaters manufactured on or ~~sold~~ after July 1, 2011, shall comply
2060 with the requirements of this subsection.

2061 (a) Natural gas pool heaters shall not be equipped with
2062 constantly burning pilots.

2063 (b) Heat pump pool heaters shall have a coefficient of
2064 performance at low temperature of not less than 4.0.

2065 (c) The thermal efficiency of gas-fired pool heaters and
2066 oil-fired pool heaters shall not be less than 78 percent.

2067 (d) All pool heaters shall have a readily accessible on-off
2068 switch that is mounted outside the heater and that allows
2069 shutting off the heater without adjusting the thermostat
2070 setting.

2071 (4) (a) Residential swimming pool filtration pumps and pump
2072 motors manufactured on or after July 1, 2011, must comply with
2073 the requirements in this subsection.

2074 (b) Residential filtration pool pump motors shall not be
2075 split-phase, shaded-pole, or capacitor start-induction run
2076 types.

2077 (c) Residential filtration pool pumps and pool pump motors
2078 with a total horsepower of 1 HP or more shall have the
2079 capability of operating at two or more speeds with a low speed
2080 having a rotation rate that is no more than one-half of the
2081 motor's maximum rotation rate.

2082 (d) Residential filtration pool pump motor controls shall
2083 have the capability of operating the pool pump at a minimum of
2084 two speeds. The default circulation speed shall be the
2085 residential filtration speed, with a higher speed override
2086 capability being for a temporary period not to exceed one normal



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2087 cycle or 24 hours ~~120 minutes~~, whichever is less; except that
2088 circulation speed for solar pool heating systems shall be
2089 permitted to run at higher speeds during periods of usable solar
2090 heat gain.

2091 Section 45. Section 553.912, Florida Statutes, is amended
2092 to read:

2093 553.912 Air conditioners.—All air conditioners that ~~which~~
2094 are sold or installed in the state shall meet the minimum
2095 efficiency ratings of the Florida Energy Efficiency Code for
2096 Building Construction. These efficiency ratings shall be
2097 minimums and may be updated in the Florida Energy Efficiency
2098 Code for Building Construction by the department in accordance
2099 with s. 553.901, following its determination that more cost-
2100 effective energy-saving equipment and techniques are available.
2101 It is the intent of the Legislature that all replacement air-
2102 conditioning systems should be installed using energy-saving,
2103 quality installation procedures, including, but not limited to,
2104 equipment sizing analysis and duct inspection.

2105 Section 46. Section 627.711, Florida Statutes, is amended
2106 to read:

2107 627.711 Notice of premium discounts for hurricane loss
2108 mitigation; uniform mitigation verification inspection form.—

2109 (1) Using a form prescribed by the Office of Insurance
2110 Regulation, the insurer shall clearly notify the applicant or
2111 policyholder of any personal lines residential property
2112 insurance policy, at the time of the issuance of the policy and
2113 at each renewal, of the availability and the range of each
2114 premium discount, credit, other rate differential, or reduction
2115 in deductibles, and combinations of discounts, credits, rate



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2116 differentials, or reductions in deductibles, for properties on
2117 which fixtures or construction techniques demonstrated to reduce
2118 the amount of loss in a windstorm can be or have been installed
2119 or implemented. The prescribed form shall describe generally
2120 what actions the policyholders may be able to take to reduce
2121 their windstorm premium. The prescribed form and a list of such
2122 ranges approved by the office for each insurer licensed in the
2123 state and providing such discounts, credits, other rate
2124 differentials, or reductions in deductibles for properties
2125 described in this subsection shall be available for electronic
2126 viewing and download from the Department of Financial Services'
2127 or the Office of Insurance Regulation's Internet website. The
2128 Financial Services Commission may adopt rules to implement this
2129 subsection.

2130 (2) ~~By July 1, 2007,~~ The Financial Services Commission
2131 shall develop by rule a uniform mitigation verification
2132 inspection form that shall be used by all insurers when
2133 submitted by policyholders for the purpose of factoring
2134 discounts for wind insurance. In developing the form, the
2135 commission shall seek input from insurance, construction, and
2136 building code representatives. Further, the commission shall
2137 provide guidance as to the length of time the inspection results
2138 are valid. An insurer shall accept as valid a uniform mitigation
2139 verification form ~~certified by the Department of Financial~~
2140 ~~Services or~~ signed by:

2141 ~~(a) A hurricane mitigation inspector certified by the My~~
2142 ~~Safe Florida Home program;~~

2143 ~~(a)(b)~~ A building code inspector certified under s.
2144 468.607;



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2145 (b)~~(e)~~ A general, building, or residential contractor
2146 licensed under s. 489.111;

2147 (c)~~(d)~~ A professional engineer licensed under s. 471.015
2148 who has passed the appropriate equivalency test of the building
2149 code training program as required by s. 553.841; or

2150 (d)~~(e)~~ A professional architect licensed under s. 481.213.~~+~~
2151 ~~or~~

2152 ~~(f) Any other individual or entity recognized by the~~
2153 ~~insurer as possessing the necessary qualifications to properly~~
2154 ~~complete a uniform mitigation verification form.~~

2155
2156 An insurer may, but is not required to, accept a form from any
2157 other person possessing qualifications and experience acceptable
2158 to the insurer.

2159 (3) A person who is authorized to sign a mitigation
2160 verification form must inspect the structures referenced by the
2161 form personally, not through employees or other persons, and
2162 must certify or attest to personal inspection of the structures
2163 referenced by the form.

2164 (4) An individual or entity that signs a uniform mitigation
2165 form may not commit misconduct in performing hurricane
2166 mitigation inspections or in completing a uniform mitigation
2167 form which causes financial harm to a customer or their insurer
2168 or jeopardizes an insured's health and safety. Misconduct occurs
2169 when an authorized mitigation inspector signs a uniform
2170 mitigation verification form that:

2171 (a) Falsely indicates that he or she personally inspected
2172 the structures referenced by the form;

2173 (b) Falsely indicates the existence of a feature that



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2174 entitles an insured to a mitigation discount that the inspector
2175 knows does not exist or did not personally inspect;

2176 (c) Contains erroneous information due to the gross
2177 negligence of the inspector; or

2178 (d) Contains demonstrably false information regarding the
2179 existence of mitigation features that could give an insured a
2180 false evaluation of the ability of the structure to withstand
2181 major damage from a hurricane endangering the safety of the
2182 insured's life and property.

2183 (5) The licensing board of an authorized mitigation
2184 inspector that violates subsection (4) may commence disciplinary
2185 proceedings and impose administrative fines and other sanctions
2186 authorized under the inspector's licensing act.

2187 (6) An insurer, person, or other entity that obtains
2188 evidence of fraud or evidence that an inspector has made false
2189 statements in the completion of a mitigation inspection form
2190 shall file a report with the Division of Insurance Fraud, along
2191 with all of the evidence in its possession which supports the
2192 allegation of fraud or falsity. An insurer, person, or other
2193 entity making the report is immune from liability, pursuant to
2194 s. 626.989(4), for any statements made in the report, during the
2195 investigation, or in connection with the report. The Division of
2196 Insurance Fraud shall issue an investigative report if it finds
2197 that probable cause exists to believe that the inspector made
2198 intentionally false or fraudulent statements in the inspection
2199 form. Upon conclusion of the investigation and a finding of
2200 probable cause that a violation has occurred, the Division of
2201 Insurance Fraud shall send a copy of the investigative report to
2202 the office and a copy to the agency responsible for the



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2203 professional licensure of the inspector, whether or not a
2204 prosecutor takes action based upon the report.

2205 (7)~~(3)~~ An individual or entity who knowingly provides or
2206 utters a false or fraudulent mitigation verification form with
2207 the intent to obtain or receive a discount on an insurance
2208 premium to which the individual or entity is not entitled
2209 commits a misdemeanor of the first degree, punishable as
2210 provided in s. 775.082 or s. 775.083.

2211 Section 47. Subsections (7) through (28) of section
2212 633.021, Florida Statutes, are renumbered as subsections (8)
2213 through (29), respectively, a new subsection (7) is added to
2214 that section, and present subsection (20) of that section is
2215 amended, to read:

2216 633.021 Definitions.—As used in this chapter:

2217 (7) (a) "Fire equipment dealer Class A" means a licensed
2218 fire equipment dealer whose business is limited to servicing,
2219 recharging, repairing, installing, or inspecting all types of
2220 fire extinguishers and conducting hydrostatic tests on all types
2221 of fire extinguishers.

2222 (b) "Fire equipment dealer Class B" means a licensed fire
2223 equipment dealer whose business is limited to servicing,
2224 recharging, repairing, installing, or inspecting all types of
2225 fire extinguishers, including recharging carbon dioxide units
2226 and conducting hydrostatic tests on all types of fire
2227 extinguishers, except carbon dioxide units.

2228 (c) "Fire equipment dealer Class C" means a licensed fire
2229 equipment dealer whose business is limited to servicing,
2230 recharging, repairing, installing, or inspecting all types of
2231 fire extinguishers, except recharging carbon dioxide units, and



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2232 conducting hydrostatic tests on all types of fire extinguishers,
2233 except carbon dioxide units.

2234 (d) "Fire equipment dealer Class D" means a licensed fire
2235 equipment dealer whose business is limited to servicing,
2236 recharging, repairing, installing, hydrotesting, or inspecting
2237 of all types of preengineered fire extinguishing systems.

2238 (21) (a) ~~(20)~~ A "preengineered system" is a fire suppression
2239 system that ~~which~~:

2240 1. ~~(a)~~ Uses any of a variety of extinguishing agents.

2241 2. ~~(b)~~ Is designed to protect specific hazards.

2242 3. ~~(c)~~ Must be installed according to pretested limitations
2243 and configurations specified by the manufacturer and applicable
2244 National Fire Protection Association (NFPA) standards. Only
2245 those chapters within the National Fire Protection Association
2246 standards which pertain to servicing, recharging, repairing,
2247 installing, hydrotesting, or inspecting any type of
2248 preengineered fire extinguishing system may be used.

2249 4. ~~(d)~~ Must be installed using components specified by the
2250 manufacturer or components that are listed as equal parts by a
2251 nationally recognized testing laboratory such as Underwriters
2252 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

2253 5. ~~(e)~~ Must be listed by a nationally recognized testing
2254 laboratory.

2255 (b) Preengineered systems consist of and include all of the
2256 components and parts providing fire suppression protection, but
2257 do not include the equipment being protected, and may
2258 incorporate special nozzles, flow rates, methods of application,
2259 pressurization levels, and quantities of agents designed by the
2260 manufacturer for specific hazards.



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2261 Section 48. Paragraph (b) of subsection (3) of section
2262 633.0215, Florida Statutes, is amended, and subsections (13) and
2263 (14) are added to that section, to read:

2264 633.0215 Florida Fire Prevention Code.—

2265 (3) No later than 180 days before the triennial adoption of
2266 the Florida Fire Prevention Code, the State Fire Marshal shall
2267 notify each municipal, county, and special district fire
2268 department of the triennial code adoption and steps necessary
2269 for local amendments to be included within the code. No later
2270 than 120 days before the triennial adoption of the Florida Fire
2271 Prevention Code, each local jurisdiction shall provide the State
2272 Fire Marshal with copies of its local fire code amendments. The
2273 State Fire Marshal has the option to process local fire code
2274 amendments that are received less than 120 days before the
2275 adoption date of the Florida Fire Prevention Code.

2276 (b) Any local amendment to the Florida Fire Prevention Code
2277 adopted by a local government shall be effective only until the
2278 adoption of the new edition of the Florida Fire Prevention Code,
2279 which shall be every third year. At such time, the State Fire
2280 Marshal shall adopt such amendment as part of the Florida Fire
2281 Prevention Code or rescind the amendment. The State Fire Marshal
2282 shall immediately notify the respective local government of the
2283 rescission of the amendment and the reason for the rescission.
2284 After receiving such notice, the respective local government may
2285 readopt the rescinded amendment. Incorporation of local
2286 amendments as regional and local concerns and variations shall
2287 be considered as adoption of an amendment pursuant to this
2288 section part.

2289 (13) (a) The State Fire Marshal shall issue an expedited



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2290 declaratory statement relating to interpretations of provisions
2291 of the Florida Fire Prevention Code according to the following
2292 guidelines:

2293 1. The declaratory statement shall be rendered in
2294 accordance with s. 120.565, except that a final decision must be
2295 issued by the State Fire Marshal within 45 days after the
2296 division's receipt of a petition seeking an expedited
2297 declaratory statement. The State Fire Marshal shall give notice
2298 of the petition and the expedited declaratory statement or the
2299 denial of the petition in the next available issue of the
2300 Florida Administrative Weekly after the petition is filed and
2301 after the statement or denial is rendered.

2302 2. The petitioner must be the owner of the disputed project
2303 or the owner's representative.

2304 3. The petition for an expedited declaratory statement must
2305 be:

2306 a. Related to an active project that is under construction
2307 or must have been submitted for a permit.

2308 b. The subject of a written notice citing a specific
2309 provision of the Florida Fire Prevention Code which is in
2310 dispute.

2311 c. Limited to a single question that is capable of being
2312 answered with a "yes" or "no" response.

2313 (b) A petition for a declaratory statement which does not
2314 meet all of the requirements of this subsection must be denied
2315 without prejudice. This subsection does not affect the right of
2316 the petitioner as a substantially affected person to seek a
2317 declaratory statement under s. 633.01(6).

2318 (14) A condominium that is one or two stories in height and



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2319 has an exterior corridor providing a means of egress is exempt
2320 from installing a manual fire alarm system as required in s. 9.6
2321 of the most recent edition of the Life Safety Code adopted in
2322 the Florida Fire Prevention Code.

2323 Section 49. Subsections (2) and (10) of section 633.0245,
2324 Florida Statutes, are amended to read:

2325 633.0245 State Fire Marshal Nursing Home Fire Protection
2326 Loan Guarantee Program.—

2327 (2) The State Fire Marshal may enter into limited loan
2328 guarantee agreements with one or more financial institutions
2329 qualified as public depositories in this state. Such agreements
2330 shall provide a limited guarantee by the State of Florida
2331 covering no more than 50 percent of the principal sum loaned by
2332 such financial institution to an eligible nursing home, as
2333 defined in subsection (10), for the sole purpose of the initial
2334 installation at such nursing home of a fire protection system,
2335 as defined in s. 633.021(10)(9), approved by the State Fire
2336 Marshal as being in compliance with the provisions of s. 633.022
2337 and rules adopted thereunder.

2338 (10) For purposes of this section, "eligible nursing home"
2339 means a nursing home facility that provides nursing services as
2340 defined in chapter 464, is licensed under part II of chapter
2341 400, and is certified by the Agency for Health Care
2342 Administration to lack an installed fire protection system as
2343 defined in s. 633.021(10)(9).

2344 Section 50. Subsection (10) of section 633.025, Florida
2345 Statutes, is amended to read:

2346 633.025 Minimum firesafety standards.—

2347 (10)(a) Before imposing a fire sprinkler requirement on any



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2348 one- or two-family dwelling, a local government must provide the
2349 owner of any one- or two-family dwelling a letter documenting
2350 specific infrastructure or other tax or fee allowances and
2351 waivers that are listed in but not limited to those described in
2352 subsection (9) for the dwelling. The documentation must show
2353 that the cost savings reasonably approximate the cost of the
2354 purchase and installation of a fire protection system.

2355 (b) Notwithstanding any other provision of law, ordinance,
2356 or rule, a single-family dwelling unit is not required to have
2357 fire sprinklers irrespective of the use or occupancy category of
2358 that unit.

2359 Section 51. Section 633.026, Florida Statutes, is amended
2360 to read:

2361 633.026 Legislative intent; informal interpretations of the
2362 Florida Fire Prevention Code.—It is the intent of the
2363 Legislature that the Florida Fire Prevention Code be interpreted
2364 by fire officials and local enforcement agencies in a manner
2365 that reasonably and cost-effectively protects the public safety,
2366 health, and welfare, ensures uniform interpretations throughout
2367 this state, and provides just and expeditious processes for
2368 resolving disputes regarding such interpretations. It is the
2369 further intent of the Legislature that such processes provide
2370 for the expeditious resolution of the issues presented and that
2371 the resulting interpretation of such issues be published on the
2372 website of the Division of State Fire Marshal.

2373 (1) The Division of State Fire Marshal shall by rule
2374 establish an informal process of rendering nonbinding
2375 interpretations of the Florida Fire Prevention Code. The
2376 Division of State Fire Marshal may contract with and refer



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2377 interpretive issues to a third party, selected based upon cost-
2378 effectiveness, quality of services to be performed, and other
2379 performance-based criteria, which nonprofit organization that
2380 has experience in interpreting and enforcing the Florida Fire
2381 Prevention Code. ~~The Division of State Fire Marshal shall~~
2382 ~~immediately implement the process prior to the completion of~~
2383 ~~formal rulemaking.~~ It is the intent of the Legislature that the
2384 Division of State Fire Marshal establish ~~create~~ a Fire Code
2385 Interpretation Committee composed of seven persons and seven
2386 alternates, equally representing each area of the state ~~process~~
2387 ~~to refer questions to a small group of individuals certified~~
2388 ~~under s. 633.081(2), to which a party can pose questions~~
2389 regarding the interpretation of the Florida Fire Prevention Code
2390 provisions.

2391 (2) Each member and alternate member of the Fire Code
2392 Interpretation Committee must be certified as a firesafety
2393 inspector pursuant to s. 633.081(2) and must have a minimum of 5
2394 years of experience interpreting and enforcing the Florida Fire
2395 Prevention Code and the Life Safety Code. Each member and
2396 alternate member must be approved by the Division of State Fire
2397 Marshal and deemed by the division to have met these
2398 requirements for at least 30 days before participating in a
2399 review of a nonbinding interpretation. ~~It is the intent of the~~
2400 ~~Legislature that the process provide for the expeditious~~
2401 ~~resolution of the issues presented and publication of the~~
2402 ~~resulting interpretation on the website of the Division of State~~
2403 ~~Fire Marshal. It is the intent of the Legislature that this~~
2404 ~~program be similar to the program established by the Florida~~
2405 ~~Building Commission in s. 553.775(3)(g).~~



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2406 (3) Each nonbinding interpretation of code provisions must
2407 be provided within 10 business days after receipt of a request
2408 for interpretation. The response period established in this
2409 subsection may be waived only with the written consent of the
2410 party requesting the nonbinding interpretation and the Division
2411 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
2412 advisory only and nonbinding on the parties or the State Fire
2413 Marshal.

2414 (4) In order to administer this section, the Division of
2415 State Fire Marshal shall charge ~~department may adopt by rule and~~
2416 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
2417 ~~directly to the third party~~. The fee may not exceed \$150 for
2418 each request for a review or interpretation. The division may
2419 authorize payment of fees directly to the nonprofit organization
2420 under contract pursuant to subsection (1).

2421 (5) A party requesting a nonbinding interpretation who
2422 disagrees with the interpretation issued under this section may
2423 apply for a formal interpretation from the State Fire Marshal
2424 pursuant to s. 633.01(6).

2425 (6) The Division of State Fire Marshal shall issue or cause
2426 to be issued a nonbinding interpretation of the Florida Fire
2427 Prevention Code pursuant to this section when requested to do so
2428 upon submission of a petition by a fire official or by the owner
2429 or owner's representative or the contractor or contractor's
2430 representative of a project in dispute. The division shall adopt
2431 a petition form by rule and the petition form must be published
2432 on the State Fire Marshal's website. The form shall, at a
2433 minimum, require:

2434 (a) The name and address of the local fire official,



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2435 including the address of the county, municipality, or special
2436 district.

2437 (b) The name and address of the owner or owner's
2438 representative or the contractor or contractor's representative.

2439 (c) A statement of the specific sections of the Florida
2440 Fire Prevention Code being interpreted by the local fire
2441 official.

2442 (d) An explanation of how the petitioner's substantial
2443 interests are being affected by the local interpretation of the
2444 Florida Fire Prevention Code.

2445 (e) A statement of the interpretation of the specific
2446 sections of the Florida Fire Prevention Code by the local fire
2447 official.

2448 (f) A statement of the interpretation that the petitioner
2449 contends should be given to the specific sections of the Florida
2450 Fire Prevention Code and a statement supporting the petitioner's
2451 interpretation.

2452 (7) Upon receipt of a petition that meets the requirements
2453 of subsection (6), the Division of State Fire Marshal shall
2454 immediately provide copies of the petition to the Fire Code
2455 Interpretation Committee, and shall publish the petition and any
2456 response submitted by the local fire official on the State Fire
2457 Marshal's website.

2458 (8) The committee shall conduct proceedings as necessary to
2459 resolve the issues and give due regard to the petition, the
2460 facts of the matter at issue, specific code sections cited, and
2461 any statutory implications affecting the Florida Fire Prevention
2462 Code. The committee shall issue an interpretation regarding the
2463 provisions of the Florida Fire Prevention Code within 10 days



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2464 after the filing of a petition. The committee shall issue an
2465 interpretation based upon the Florida Fire Prevention Code or,
2466 if the code is ambiguous, the intent of the code. The
2467 committee's interpretation shall be provided to the petitioner
2468 and shall include a notice that if the petitioner disagrees with
2469 the interpretation, the petitioner may file a request for formal
2470 interpretation by the State Fire Marshal under s. 633.01(6). The
2471 committee's interpretation shall be provided to the State Fire
2472 Marshal, and the division shall publish the interpretation on
2473 the State Fire Marshal's website and in the Florida
2474 Administrative Weekly.

2475 Section 52. Present subsections (2) through (10) of section
2476 633.061, Florida Statutes, are renumbered as subsections (3)
2477 through (11), respectively, a new subsection (2) is added to
2478 that section, and paragraphs (a) and (c) of present subsection
2479 (3) of that section are amended, to read:

2480 633.061 Fire suppression equipment; license to install or
2481 maintain.—

2482 (2) A person who holds a valid fire equipment dealer
2483 license may maintain such license in an inactive status during
2484 which time he or she may not engage in any work under the
2485 definition of the license held. An inactive status license shall
2486 be void after 2 years or at the time that the license is
2487 renewed, whichever comes first. The biennial renewal fee for an
2488 inactive status license shall be \$75. An inactive status license
2489 may not be reactivated unless the continuing education
2490 requirements of this chapter have been fulfilled.

2491 (4)~~(3)~~(a) Such licenses and permits shall be issued by the
2492 State Fire Marshal for 2 years beginning January 1, 2000, and



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2493 each 2-year period thereafter and expiring December 31 of the
2494 second year. All licenses or permits issued will expire on
2495 December 31 of each odd-numbered year. The failure to renew a
2496 license or permit by December 31 of the second year will cause
2497 the license or permit to become inoperative. The holder of an
2498 inoperative license or permit shall not engage in any activities
2499 for which a license or permit is required by this section. A
2500 license or permit which is inoperative because of the failure to
2501 renew it shall be restored upon payment of the applicable fee
2502 plus a penalty equal to the applicable fee, if the application
2503 for renewal is filed no later than the following March 31. If
2504 the application for restoration is not made before the March
2505 31st deadline, the fee for restoration shall be equal to the
2506 original application fee and the penalty provided for herein,
2507 and, in addition, the State Fire Marshal shall require
2508 reexamination of the applicant. The fee for a license or permit
2509 issued for 1 year or less shall be prorated at 50 percent of the
2510 applicable fee for a biennial license or permit. After initial
2511 licensure, each licensee or permittee must ~~shall~~ successfully
2512 complete a course or courses of continuing education for fire
2513 equipment technicians of at least 16 ~~32~~ hours. A license or
2514 permit may not be renewed unless the licensee or permittee
2515 produces documentation of the completion of at least 16 hours of
2516 continuing education for fire equipment technicians during the
2517 biennial licensure period within 4 years of initial issuance of
2518 a license or permit and within each 4-year period thereafter or
2519 no such license or permit shall be renewed. A person who is both
2520 a licensee and a permittee shall be required to complete 16 ~~32~~
2521 hours of continuing education during each renewal per 4-year



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2522 period. Each licensee shall ensure that all permittees in his or
2523 her employment meet their continuing education requirements. The
2524 State Fire Marshal shall adopt rules describing the continuing
2525 education requirements and shall have the authority upon
2526 reasonable belief, to audit a fire equipment dealer to determine
2527 compliance with continuing education requirements.

2528 (c) A license of any class shall not be issued or renewed
2529 by the State Fire Marshal and a license of any class shall not
2530 remain operative unless:

2531 1. The applicant has submitted to the State Fire Marshal
2532 evidence of registration as a Florida corporation or evidence of
2533 compliance with s. 865.09.

2534 2. The State Fire Marshal or his or her designee has by
2535 inspection determined that the applicant possesses the equipment
2536 required for the class of license sought. The State Fire Marshal
2537 shall give an applicant a reasonable opportunity to correct any
2538 deficiencies discovered by inspection. A fee of \$50, payable to
2539 the State Fire Marshal, shall be required for any subsequent
2540 reinspection.

2541 3. The applicant has submitted to the State Fire Marshal
2542 proof of insurance providing coverage for comprehensive general
2543 liability for bodily injury and property damage, products
2544 liability, completed operations, and contractual liability. The
2545 State Fire Marshal shall adopt rules providing for the amounts
2546 of such coverage, but such amounts shall not be less than
2547 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
2548 licenses, and \$100,000 for Class C licenses; and the total
2549 coverage for any class of license held in conjunction with a
2550 Class D license shall not be less than \$300,000. The State Fire



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2551 Marshal may, at any time after the issuance of a license or its
2552 renewal, require upon demand, and in no event more than 30 days
2553 after notice of such demand, the licensee to provide proof of
2554 insurance, on a form provided by the State Fire Marshal,
2555 containing confirmation of insurance coverage as required by
2556 this chapter. Failure, for any length of time, to provide proof
2557 of insurance coverage as required shall result in the immediate
2558 suspension of the license until proof of proper insurance is
2559 provided to the State Fire Marshal. An insurer which provides
2560 such coverage shall notify the State Fire Marshal of any change
2561 in coverage or of any termination, cancellation, or nonrenewal
2562 of any coverage.

2563 4. The applicant applies to the State Fire Marshal,
2564 provides proof of experience, and successfully completes a
2565 prescribed training course offered by the State Fire College or
2566 an equivalent course approved by the State Fire Marshal. This
2567 subparagraph does not apply to any holder of or applicant for a
2568 permit under paragraph (f) or to a business organization or a
2569 governmental entity seeking initial licensure or renewal of an
2570 existing license solely for the purpose of inspecting,
2571 servicing, repairing, marking, recharging, and maintaining fire
2572 extinguishers used and located on the premises of and owned by
2573 such organization or entity.

2574 5. The applicant has a current retestor identification
2575 number that is appropriate for the license for which the
2576 applicant is applying and that is listed with the United States
2577 Department of Transportation.

2578 6. The applicant has passed, with a grade of at least 70
2579 percent, a written examination testing his or her knowledge of



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2580 the rules and statutes regulating the activities authorized by
2581 the license and demonstrating his or her knowledge and ability
2582 to perform those tasks in a competent, lawful, and safe manner.
2583 Such examination shall be developed and administered by the
2584 State Fire Marshal, or his or her designee in accordance with
2585 policies and procedures of the State Fire Marshal. An applicant
2586 shall pay a nonrefundable examination fee of \$50 for each
2587 examination or reexamination scheduled. No reexamination shall
2588 be scheduled sooner than 30 days after any administration of an
2589 examination to an applicant. No applicant shall be permitted to
2590 take an examination for any level of license more than a total
2591 of four times during 1 year, regardless of the number of
2592 applications submitted. As a prerequisite to licensure of the
2593 applicant:

- 2594 a. Must be at least 18 years of age.
- 2595 b. Must have 4 years of proven experience as a fire
2596 equipment permittee at a level equal to or greater than the
2597 level of license applied for or have a combination of education
2598 and experience determined to be equivalent thereto by the State
2599 Fire Marshal. Having held a permit at the appropriate level for
2600 the required period constitutes the required experience.
- 2601 c. Must not have been convicted of, or pled nolo contendere
2602 to, any felony. If an applicant has been convicted of any such
2603 felony, the applicant must comply with s. 112.011(1)(b).

2604

2605 This subparagraph does not apply to any holder of or applicant
2606 for a permit under paragraph (f) or to a business organization
2607 or a governmental entity seeking initial licensure or renewal of
2608 an existing license solely for the purpose of inspecting,



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2609 servicing, repairing, marking, recharging, hydrotesting, and
2610 maintaining fire extinguishers used and located on the premises
2611 of and owned by such organization or entity.

2612 Section 53. Section 633.081, Florida Statutes, is amended
2613 to read:

2614 633.081 Inspection of buildings and equipment; orders;
2615 firesafety inspection training requirements; certification;
2616 disciplinary action.—The State Fire Marshal and her or his
2617 agents shall, at any reasonable hour, when the State Fire
2618 Marshal department has reasonable cause to believe that a
2619 violation of this chapter or s. 509.215, or a rule promulgated
2620 thereunder, or a minimum firesafety code adopted by a local
2621 authority, may exist, inspect any and all buildings and
2622 structures which are subject to the requirements of this chapter
2623 or s. 509.215 and rules promulgated thereunder. The authority to
2624 inspect shall extend to all equipment, vehicles, and chemicals
2625 which are located within the premises of any such building or
2626 structure.

2627 (1) Each county, municipality, and special district that
2628 has firesafety enforcement responsibilities shall employ or
2629 contract with a firesafety inspector. Except as provided in s.
2630 633.082(2), the firesafety inspector must conduct all firesafety
2631 inspections that are required by law. The governing body of a
2632 county, municipality, or special district that has firesafety
2633 enforcement responsibilities may provide a schedule of fees to
2634 pay only the costs of inspections conducted pursuant to this
2635 subsection and related administrative expenses. Two or more
2636 counties, municipalities, or special districts that have
2637 firesafety enforcement responsibilities may jointly employ or



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2638 contract with a firesafety inspector.

2639 (2) Except as provided in s. 633.082(2), every firesafety
2640 inspection conducted pursuant to state or local firesafety
2641 requirements shall be by a person certified as having met the
2642 inspection training requirements set by the State Fire Marshal.
2643 Such person shall:

2644 (a) Be a high school graduate or the equivalent as
2645 determined by the department;

2646 (b) Not have been found guilty of, or having pleaded guilty
2647 or nolo contendere to, a felony or a crime punishable by
2648 imprisonment of 1 year or more under the law of the United
2649 States, or of any state thereof, which involves moral turpitude,
2650 without regard to whether a judgment of conviction has been
2651 entered by the court having jurisdiction of such cases;

2652 (c) Have her or his fingerprints on file with the
2653 department or with an agency designated by the department;

2654 (d) Have good moral character as determined by the
2655 department;

2656 (e) Be at least 18 years of age;

2657 (f) Have satisfactorily completed the firesafety inspector
2658 certification examination as prescribed by the department; and

2659 (g)1. Have satisfactorily completed, as determined by the
2660 department, a firesafety inspector training program of not less
2661 than 200 hours established by the department and administered by
2662 agencies and institutions approved by the department for the
2663 purpose of providing basic certification training for firesafety
2664 inspectors; or

2665 2. Have received in another state training which is
2666 determined by the department to be at least equivalent to that



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2667 required by the department for approved firesafety inspector
2668 education and training programs in this state.

2669 (3) Each special state firesafety inspection which is
2670 required by law and is conducted by or on behalf of an agency of
2671 the state must be performed by an individual who has met the
2672 provision of subsection (2), except that the duration of the
2673 training program shall not exceed 120 hours of specific training
2674 for the type of property that such special state firesafety
2675 inspectors are assigned to inspect.

2676 (4) A firefighter certified pursuant to s. 633.35 may
2677 conduct firesafety inspections, under the supervision of a
2678 certified firesafety inspector, while on duty as a member of a
2679 fire department company conducting inservice firesafety
2680 inspections without being certified as a firesafety inspector,
2681 if such firefighter has satisfactorily completed an inservice
2682 fire department company inspector training program of at least
2683 24 hours' duration as provided by rule of the department.

2684 (5) Every firesafety inspector or special state firesafety
2685 inspector certificate is valid for a period of 3 years from the
2686 date of issuance. Renewal of certification shall be subject to
2687 the affected person's completing proper application for renewal
2688 and meeting all of the requirements for renewal as established
2689 under this chapter or by rule promulgated thereunder, which
2690 shall include completion of at least 40 hours during the
2691 preceding 3-year period of continuing education as required by
2692 the rule of the department or, in lieu thereof, successful
2693 passage of an examination as established by the department.

2694 (6) The State Fire Marshal may deny, refuse to renew,
2695 suspend, or revoke the certificate of a firesafety inspector or



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2696 special state firesafety inspector if it finds that any of the
2697 following grounds exist:

2698 (a) Any cause for which issuance of a certificate could
2699 have been refused had it then existed and been known to the
2700 State Fire Marshal.

2701 (b) Violation of this chapter or any rule or order of the
2702 State Fire Marshal.

2703 (c) Falsification of records relating to the certificate.

2704 (d) Having been found guilty of or having pleaded guilty or
2705 nolo contendere to a felony, whether or not a judgment of
2706 conviction has been entered.

2707 (e) Failure to meet any of the renewal requirements.

2708 (f) Having been convicted of a crime in any jurisdiction
2709 which directly relates to the practice of fire code inspection,
2710 plan review, or administration.

2711 (g) Making or filing a report or record that the
2712 certificateholder knows to be false, or knowingly inducing
2713 another to file a false report or record, or knowingly failing
2714 to file a report or record required by state or local law, or
2715 knowingly impeding or obstructing such filing, or knowingly
2716 inducing another person to impede or obstruct such filing.

2717 (h) Failing to properly enforce applicable fire codes or
2718 permit requirements within this state which the
2719 certificateholder knows are applicable by committing willful
2720 misconduct, gross negligence, gross misconduct, repeated
2721 negligence, or negligence resulting in a significant danger to
2722 life or property.

2723 (i) Accepting labor, services, or materials at no charge or
2724 at a noncompetitive rate from any person who performs work that



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2725 is under the enforcement authority of the certificateholder and
2726 who is not an immediate family member of the certificateholder.
2727 For the purpose of this paragraph, the term "immediate family
2728 member" means a spouse, child, parent, sibling, grandparent,
2729 aunt, uncle, or first cousin of the person or the person's
2730 spouse or any person who resides in the primary residence of the
2731 certificateholder.

2732 (7) The Division of State Fire Marshal and the Florida
2733 Building Code Administrators and Inspectors Board, established
2734 pursuant to under s. 468.605, shall enter into a reciprocity
2735 agreement to facilitate joint recognition of continuing
2736 education recertification hours for certificateholders licensed
2737 under s. 468.609 and firesafety inspectors certified under
2738 subsection (2).

2739 (8) The State Fire Marshal shall develop by rule an
2740 advanced training and certification program for firesafety
2741 inspectors having fire code management responsibilities. The
2742 program must be consistent with the appropriate provisions of
2743 NFPA 1037, or similar standards adopted by the division, and
2744 establish minimum training, education, and experience levels for
2745 firesafety inspectors having fire code management
2746 responsibilities.

2747 (9)~~(7)~~ The department shall provide by rule for the
2748 certification of firesafety inspectors.

2749 Section 54. Subsections (2) and (3) of section 633.082,
2750 Florida Statutes, are amended to read:

2751 633.082 Inspection of fire control systems, fire hydrants,
2752 and fire protection systems.-

2753 (2) Fire hydrants and fire protection systems installed in



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2754 public and private properties, except one-family or two-family
2755 dwellings, ~~in this state~~ shall be inspected following procedures
2756 established in the nationally recognized inspection, testing,
2757 and maintenance standards publications NFPA-24 and NFPA-25 as
2758 set forth in the edition adopted by the State Fire Marshal.
2759 Quarterly, annual, 3-year, and 5-year inspections consistent
2760 with the contractual provisions with the owner shall be
2761 conducted by the certificateholder or permittees employed by the
2762 certificateholder pursuant to s. 633.521, except that:

2763 (a) Public fire hydrants owned by a governmental entity
2764 shall be inspected following procedures established in the
2765 inspection, testing, and maintenance standards adopted by the
2766 State Fire Marshal or equivalent standards such as those
2767 contained in the latest edition of the American Water Works
2768 Association's Manual M17, "Installation, Field Testing, and
2769 Maintenance of Fire Hydrants."

2770 (b) County, municipal, and special district utilities may
2771 perform fire hydrant inspections required by this section using
2772 designated employees. Such designated employees need not be
2773 certified under this chapter. However, counties, municipalities,
2774 or special districts that use designated employees are
2775 responsible for ensuring that the designated employees are
2776 qualified to perform such inspections.

2777 (3) The inspecting contractor shall provide to the building
2778 owner or hydrant owner and the local authority having
2779 jurisdiction a copy of the applicable inspection report
2780 established under this chapter. The maintenance of fire hydrant
2781 and fire protection systems as well as corrective actions on
2782 deficient systems is the responsibility of the owner of the



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2783 system or hydrant. Equipment requiring periodic testing or
2784 operation to ensure its maintenance shall be tested or operated
2785 as specified in the Fire Prevention Code, Life Safety Code,
2786 National Fire Protection Association standards, or as directed
2787 by the agency having jurisdiction, provided that such agency
2788 shall not require a sprinkler system not required by the Fire
2789 Prevention Code, Life Safety Code or National Fire Protection
2790 Association Standards to be removed regardless of its condition.

2791 This section does not prohibit governmental entities from
2792 inspecting and enforcing firesafety codes.

2793 Section 55. Section 633.352, Florida Statutes, is amended
2794 to read:

2795 633.352 Retention of firefighter certification.—Any
2796 certified firefighter who has not been active as a firefighter,
2797 or as a volunteer firefighter with an organized fire department,
2798 for a period of 3 years shall be required to retake the
2799 practical portion of the minimum standards state examination
2800 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
2801 Administrative Code, in order to maintain her or his
2802 certification as a firefighter; however, this requirement does
2803 not apply to state-certified firefighters who are certified and
2804 employed as full-time firesafety inspectors or firesafety
2805 instructors, regardless of the firefighter's employment status
2806 as determined by the division. The 3-year period begins on the
2807 date the certificate of compliance is issued or upon termination
2808 of service with an organized fire department.

2809 Section 56. Paragraph (e) of subsection (2) and subsections
2810 (3), (10), and (11) of section 633.521, Florida Statutes, are
2811 amended to read:



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2812 633.521 Certificate application and issuance; permit
2813 issuance; examination and investigation of applicant.-

2814 (2)

2815 (e) An applicant may not be examined more than four times
2816 during 1 year for certification as a contractor pursuant to this
2817 section unless the person is or has been certified and is taking
2818 the examination to change classifications. If an applicant does
2819 not pass one or more parts of the examination, she or he may
2820 take any part of the examination three more times during the 1-
2821 year period beginning upon the date she or he originally filed
2822 an application to take the examination. If the applicant does
2823 not pass the examination within that 1-year period, she or he
2824 must file a new application and pay the application and
2825 examination fees in order to take the examination or a part of
2826 the examination again. However, the applicant may not file a new
2827 application sooner than 6 months after the date of her or his
2828 last examination. An applicant who passes the examination but
2829 does not meet the remaining qualifications as provided in
2830 applicable statutes and rules within 1 year after the
2831 application date must file a new application, pay the
2832 application and examination fee, successfully complete a
2833 prescribed training course approved by the State Fire College or
2834 an equivalent course approved by the State Fire Marshal, and
2835 retake and pass the written examination.

2836 (3) (a) As a prerequisite to taking the examination for
2837 certification as a Contractor I, ~~Contractor II, or Contractor~~
2838 ~~III~~, the applicant must be at least 18 years of age, be of good
2839 moral character, and ~~shall~~ possess 4 years' proven experience in
2840 the employment of a fire protection system Contractor I,



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2841 ~~Contractor II, or Contractor III~~ or a combination of equivalent
2842 education and experience in both water-based and chemical fire
2843 suppression systems.

2844 (b) As a prerequisite to taking the examination for
2845 certification as a Contractor II, the applicant must be at least
2846 18 years of age, be of good moral character, and have 4 years of
2847 verifiable employment experience with a fire protection system
2848 as a Contractor I or Contractor II, or a combination of
2849 equivalent education and experience in water-based fire
2850 suppression systems.

2851 (c) Required education and experience for certification as
2852 a Contractor I, Contractor II, Contractor III, or Contractor IV
2853 includes training and experience in both installation and system
2854 layout as defined in s. 633.021.

2855 (d) As a prerequisite to taking the examination for
2856 certification as a Contractor III, the applicant must be at
2857 least 18 years of age, be of good moral character, and have 4
2858 years of verifiable employment experience with a fire protection
2859 system as a Contractor I or Contractor II, or a combination of
2860 equivalent education and experience in chemical fire suppression
2861 systems.

2862 (e) As a prerequisite to taking the examination for
2863 certification as a Contractor IV, the applicant ~~must~~ shall be at
2864 least 18 years old, be of good moral character, be licensed as a
2865 certified plumbing contractor under chapter 489, and
2866 successfully complete a training program acceptable to the State
2867 Fire Marshal of not less than 40 contact hours regarding the
2868 applicable installation standard used by the Contractor IV as
2869 described in NFPA 13D. The State Fire Marshal may adopt rules to



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2870 administer this subsection ~~have at least 2 years' proven~~
2871 ~~experience in the employment of a fire protection system~~
2872 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
2873 ~~combination of equivalent education and experience which~~
2874 ~~combination need not include experience in the employment of a~~
2875 ~~fire protection system contractor.~~

2876 (f) As a prerequisite to taking the examination for
2877 certification as a Contractor V, the applicant must ~~shall~~ be at
2878 least 18 years old, be of good moral character, and have been
2879 licensed as a certified underground utility and excavation
2880 contractor or certified plumbing contractor pursuant to chapter
2881 489, have verification by an individual who is licensed as a
2882 certified utility contractor or certified plumbing contractor
2883 pursuant to chapter 489 that the applicant has 4 years' proven
2884 experience in the employ of a certified underground utility and
2885 excavation contractor or certified plumbing contractor, or have
2886 a combination of education and experience equivalent to 4 years'
2887 proven experience in the employ of a certified underground
2888 utility and excavation contractor or certified plumbing
2889 contractor.

2890 (g) Within 30 days after the date of the examination, the
2891 State Fire Marshal shall inform the applicant in writing whether
2892 she or he has qualified or not and, if the applicant has
2893 qualified, that she or he is ready to issue a certificate of
2894 competency, subject to compliance with the requirements of
2895 subsection (4).

2896 (10) ~~Effective July 1, 2008,~~ The State Fire Marshal shall
2897 require the National Institute of Certification in Engineering
2898 Technologies (NICET), Sub-field of Inspection and Testing of



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2899 Fire Protection Systems Level II or equivalent training and
2900 education as determined by the division as proof that the
2901 permitholders are knowledgeable about nationally accepted
2902 standards for the inspection of fire protection systems. ~~It is~~
2903 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
2904 ~~to accept continuing education of all certificateholders'~~
2905 ~~employees who perform inspection functions which specifically~~
2906 ~~prepares the permitholder to qualify for NICET II certification.~~

2907 (11) It is intended that a certificateholder, or a
2908 permitholder who is employed by a certificateholder, conduct
2909 inspections required by this chapter. It is understood that
2910 after July 1, 2008, employee turnover may result in a depletion
2911 of personnel who are certified under the NICET Sub-field of
2912 Inspection and Testing of Fire Protection Systems Level II or
2913 equivalent training and education as required by the Division of
2914 State Fire Marshal which is required for permitholders. The
2915 extensive training and experience necessary to achieve NICET
2916 Level II certification is recognized. A certificateholder may
2917 ~~therefore~~ obtain a provisional permit with an endorsement for
2918 inspection, testing, and maintenance of water-based fire
2919 extinguishing systems for an employee if the employee has
2920 initiated procedures for obtaining Level II certification from
2921 the National Institute for Certification in Engineering
2922 Technologies Sub-field of Inspection and Testing of Fire
2923 Protection Systems and achieved Level I certification or an
2924 equivalent level as determined by the State Fire Marshal through
2925 verification of experience, training, and examination. The State
2926 Fire Marshal may establish rules to administer this subsection.
2927 After 2 years of provisional certification, the employee must



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2928 have achieved NICET Level II certification or obtain equivalent
2929 training and education as determined by the division, or cease
2930 performing inspections requiring Level II certification. The
2931 provisional permit is valid only for the 2 calendar years after
2932 the date of issuance, may not be extended, and is not renewable.
2933 After the initial 2-year provisional permit expires, the
2934 certificateholder must wait 2 additional years before a new
2935 provisional permit may be issued. The intent is to prohibit the
2936 certificateholder from using employees who never reach NICET
2937 Level II status, or equivalent training and education as
2938 determined by the division, by continuously obtaining
2939 provisional permits.

2940 Section 57. Subsection (3) is added to section 633.524,
2941 Florida Statutes, to read:

2942 633.524 Certificate and permit fees; use and deposit of
2943 collected funds.—

2944 (3) The State Fire Marshal may enter into a contract with
2945 any qualified public entity or private company in accordance
2946 with chapter 287 to provide examinations for any applicant for
2947 any examination administered under the jurisdiction of the State
2948 Fire Marshal. The State Fire Marshal may direct payments from
2949 each applicant for each examination directly to such contracted
2950 entity or company.

2951 Section 58. Subsection (4) of section 633.537, Florida
2952 Statutes, is amended to read:

2953 633.537 Certificate; expiration; renewal; inactive
2954 certificate; continuing education.—

2955 (4) The renewal period for the permit class is the same as
2956 that for the employing certificateholder. The continuing



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2957 education requirements for permitholders are what is required to
2958 maintain NICET Sub-field of Inspection and Testing of Fire
2959 Protection Systems Level II, equivalent training and education
2960 as determined by the division, or higher certification plus 8
2961 contact hours of continuing education approved by the State Fire
2962 Marshal during each biennial renewal period thereafter. ~~The~~
2963 ~~continuing education curriculum from July 1, 2005, until July 1,~~
2964 ~~2008, shall be the preparatory curriculum for NICET II~~
2965 ~~certification; after July 1, 2008, the technical curriculum is~~
2966 ~~at the discretion of the State Fire Marshal and may be used to~~
2967 ~~meet the maintenance of NICET Level II certification and 8~~
2968 ~~contact hours of continuing education requirements.~~ It is the
2969 responsibility of the permitholder to maintain NICET II
2970 certification or equivalent training and education as determined
2971 by the division as a condition of permit renewal after July 1,
2972 2008.

2973 Section 59. Subsection (4) of section 633.72, Florida
2974 Statutes, is amended to read:

2975 633.72 Florida Fire Code Advisory Council.-

2976 (4) Each appointee shall serve a 4-year term. No member
2977 shall serve more than two consecutive terms ~~one term~~. No member
2978 of the council shall be paid a salary as such member, but each
2979 shall receive travel and expense reimbursement as provided in s.
2980 112.061.

2981 Section 60. Subsection (6) of section 718.113, Florida
2982 Statutes, is repealed.

2983 Section 61. The Florida Building Commission shall revise
2984 the Florida Building Code in order to make it consistent with
2985 the revisions made by this act to s. 399.02, Florida Statutes.



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2986 Section 62. (1) The Department of Management Services shall
2987 consider the energy efficiency of all materials used in the
2988 construction, alteration, repair, or rebuilding of a building or
2989 facility owned or operated by a state agency. Whenever feasible,
2990 the department shall lease a building or facility that has high-
2991 efficiency lighting.

2992 (2) The Department of Management Services shall adopt rules
2993 requiring a state agency to install high-efficiency lamps when
2994 replacing an existing lamp or installing a new lamp in a
2995 building owned by the state agency.

2996 Section 63. Except as otherwise expressly provided in this
2997 act, this act shall take effect July 1, 2010.