

By Senator Bennett

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1 A bill to be entitled
2 An act relating to building safety; amending s.
3 399.02, F.S.; exempting certain elevators from
4 provisions requiring modifications to heat sensors and
5 electronic controls; amending s. 399.15, F.S.;
6 providing an alternative method to allow access to
7 regional emergency elevators; providing for a uniform
8 lock box; providing for a master key; providing the
9 Division of State Fire Marshal with enforcement
10 authority; directing the Department of Financial
11 Services to select the provider of the uniform lock
12 box; amending s. 468.8311, F.S.; revising the term
13 "home inspection services" to include the visual
14 examination of additional components; amending s.
15 468.8312, F.S.; providing for fee increases for home
16 inspection licenses; amending s. 468.8319, F.S.;
17 revising certain prohibitions with respect to
18 providers of home inspection services; amending s.
19 468.832, F.S.; authorizing the Department of Business
20 and Professional Regulation to impose penalties
21 against a licensee found guilty of certain violations;
22 amending s. 468.8324, F.S.; providing additional
23 requirements for licensure as a home inspector;
24 repealing ss. 481.215(5) and 481.313(5), F.S.,
25 relating to the renewal of licenses for interior
26 designers and landscape architects, respectively;
27 amending s. 553.37, F.S.; authorizing manufacturers to
28 pay inspection fees directly to the provider of
29 inspection services; providing requirements for

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30 department rules regarding the schedule of fees;
31 authorizing the department to enter into contracts for
32 the performance of certain administrative duties;
33 revising inspection requirements for certain custom
34 manufactured buildings; amending s. 553.375, F.S.;
35 revising the requirement for recertification of
36 manufactured buildings prior to relocation; amending
37 s. 553.509, F.S.; deleting requirements for alternate
38 power sources for elevators for purposes of operating
39 during an emergency; amending s. 553.73, F.S.;
40 authorizing the Florida Building Commission to approve
41 amendments relating to equivalency of standards;
42 authorizing the commission to approve amendments
43 necessary to accommodate state agency rules to meet
44 federal requirements for design criteria relating to
45 public educational facilities and state-licensed
46 facilities; exempting certain mausoleums from the
47 requirements of the Florida Building Code; exempting
48 certain temporary housing provided by the Department
49 of Corrections from the requirements of the Florida
50 Building Code; restricting the code or a code
51 enforcement agency from imposing requirements on
52 certain air conditioning systems; requiring that the
53 Florida Building Code contain certain requirements
54 regarding illumination in classroom units; requiring
55 that classroom units be designed to provide and
56 maintain an average of 40 foot-candles of light at
57 each desktop; requiring that public educational
58 facilities consider using light-emitting diode

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59 lighting before considering other lighting sources;
60 amending s. 553.76, F.S.; authorizing the Florida
61 Building Commission to adopt rules related to
62 consensus-building decisionmaking; amending s.
63 553.775, F.S.; authorizing the commission to charge a
64 fee for nonbinding interpretations; amending s.
65 553.79, F.S.; requiring that state agencies enter into
66 contracts for inspection services under the
67 alternative plans review and inspection process or
68 with a local governmental entity; reenacting s.
69 553.80(1), F.S., relating to the enforcement of the
70 Florida Building Code, to incorporate the amendments
71 made to s. 553.79, F.S., in a reference thereto;
72 amending s. 553.841, F.S.; deleting provisions
73 requiring that the Department of Community Affairs
74 maintain, update, develop, or cause to be developed a
75 core curriculum for persons who enforce the Florida
76 Building Code; amending s. 553.842, F.S.; authorizing
77 rules requiring the payment of product evaluation fees
78 directly to the administrator of the product
79 evaluation and approval system; requiring that the
80 provider remit a portion of the fees to the department
81 to cover its costs; providing requirements for the
82 approval of applications for state approval of a
83 product; providing for certain approved products to be
84 immediately added to the list of state-approved
85 products; requiring that the commission's oversight
86 committee review approved products; revising the list
87 of approved evaluation entities; deleting obsolete

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88 provisions governing evaluation entities; amending s.
89 553.844, F.S.; providing an exemption from the
90 requirements regarding roof and opening protections
91 for certain exposed mechanical equipment or
92 appliances; providing for future expiration; amending
93 s. 553.885, F.S.; revising requirements for carbon
94 monoxide alarms; providing an exception for buildings
95 undergoing alterations or repairs; defining the term
96 "addition" as it relates to the requirement of a
97 carbon monoxide alarm; amending s. 553.9061, F.S.;
98 revising the energy-efficiency performance options and
99 elements identified by the commission for purposes of
100 meeting certain goals; amending s. 553.909, F.S.;
101 revising requirements for pool pump motors to conform
102 to federal law; amending s. 627.711, F.S.; conforming
103 provisions to changes made by the act in which core
104 curriculum courses relating to the Florida Building
105 Code are deleted; amending s. 633.0215, F.S.;

106 providing guidelines for the State Fire Marshal to
107 apply when issuing an expedited declaratory statement;
108 requiring that the State Fire Marshal issue an
109 expedited declaratory statement under certain
110 circumstances; providing requirements for a petition
111 requesting an expedited declaratory statement;
112 amending s. 633.026, F.S.; providing legislative
113 intent; providing for the establishment of the Fire
114 Code Interpretation Committee; providing for the
115 membership of the committee and requirements for
116 membership; requiring that nonbinding interpretations

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117 of the Florida Fire Prevention Code be issued within a
118 specified period after a request is received;
119 providing for the waiver of such requirement under
120 certain conditions; requiring that the Division of
121 State Fire Marshal charge a fee for nonbinding
122 interpretations; providing that fees may be paid
123 directly to a contract provider; providing
124 requirements for requesting a nonbinding
125 interpretation; requiring that the Division of State
126 Fire Marshal develop a form for submitting a petition
127 for a nonbinding interpretation; providing for a
128 formal interpretation by the State Fire Marshal;
129 requiring that an interpretation of the Florida Fire
130 Prevention Code be published on the division's website
131 and in the Florida Administrative Weekly; amending s.
132 633.081, F.S.; requiring that the State Fire Marshal
133 inspect a building when the State Fire Marshal, rather
134 than the Department of Financial Services, has cause
135 to believe a violation has occurred; requiring that
136 the Division of State Fire Marshal and the Florida
137 Building Code Administrator and Inspectors Board enter
138 into a reciprocity agreement for purposes of
139 recertifying building code inspectors, plan
140 inspectors, building code administrators, and
141 firesafety inspectors; requiring that the State Fire
142 Marshal develop by rule an advanced training and
143 certification program for firesafety inspectors who
144 have fire code management responsibilities; requiring
145 that the program be consistent with certain standards

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146 and establish minimum training, education, and
147 experience levels for such firesafety inspectors;
148 amending s. 633.352, F.S.; providing an exception to
149 requirements for recertification as a firefighter;
150 amending s. 633.521, F.S.; revising requirements for
151 certification as a fire protection system contractor;
152 revising the prerequisites for taking the
153 certification examination; authorizing the State Fire
154 Marshal to accept more than one source of professional
155 certification; revising legislative intent; amending
156 s. 633.524, F.S.; authorizing the State Fire Marshal
157 to enter into contracts for examination services;
158 providing for the direct payment of examination fees
159 to contract providers; amending s. 633.537, F.S.;
160 revising the continuing education requirements for
161 certain permitholders; amending 633.72, F.S.; revising
162 the terms of service for members of the Fire Code
163 Advisory Council; repealing s. 718.113(6), F.S.,
164 relating to requirements for 5-year inspections of
165 certain condominium improvements; directing the
166 Florida Building Commission to conform provisions of
167 the Florida Building Code with revisions made by the
168 act relating to the operation of elevators; providing
169 effective dates.

170

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

172

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

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175 399.02 General requirements.—

176 (6) The department is empowered to carry out all of the
177 provisions of this chapter relating to the inspection and
178 regulation of elevators and to enforce the provisions of the
179 Florida Building Code, except that updates to the code requiring
180 modifications for heat sensors and electronic controls on
181 existing elevators, as amended into the Safety Code for Existing
182 Elevators and Escalators, ANSI/ASME A17.1 and A17.3, may not be
183 enforced on elevators issued a certificate of operation by the
184 department before July 1, 2009, until the elevator is replaced.
185 This exception does not apply to any building for which a
186 building permit was issued on or after July 1, 2009.

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

190 399.15 Regional emergency elevator access.—

191 (7) As an alternative to complying with the requirements of
192 subsection (1), each building in this state which is required to
193 meet the provisions of subsections (1) and (2) may instead
194 provide for the installation of a uniform lock box that contains
195 the keys to all elevators in the building allowing public
196 access, including service and freight elevators. The uniform
197 lock box must be keyed to allow all uniform lock boxes in each
198 of the seven state emergency response regions to operate in fire
199 emergency situations using one master key. The master key for
200 the uniform lock shall be issued only to the fire department.
201 The Division of State Fire Marshal of the Department of
202 Financial Services shall enforce this subsection. The Department
203 of Financial Services shall select the provider of the uniform

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204 lock box to be installed in each building in which the
205 requirements of this subsection are implemented.

206 Section 3. Effective July 1, 2011, subsection (4) of
207 section 468.8311, Florida Statutes, is amended to read:

208 468.8311 Definitions.—As used in this part, the term:

209 (4) "Home inspection services" means a limited visual
210 examination of one or more of the following readily accessible
211 installed systems and components of a home: the structure,
212 electrical system, HVAC system, roof covering, plumbing system,
213 interior components, windows, doors, walls, floors, ceilings,
214 exterior components, and site conditions that affect the
215 structure, for the purposes of providing a written professional
216 opinion of the condition of the home.

217 Section 4. Effective July 1, 2011, section 468.8312,
218 Florida Statutes, is amended to read:

219 468.8312 Fees.—

220 (1) The department, by rule, may establish fees to be paid
221 for applications, examination, reexamination, licensing and
222 renewal, inactive status application and reactivation of
223 inactive licenses, recordkeeping, and applications for providers
224 of continuing education. The department may also establish by
225 rule a delinquency fee. Fees shall be based on department
226 estimates of the revenue required to implement the provisions of
227 this part. All fees shall be remitted with the appropriate
228 application, examination, or license.

229 (2) The initial application and examination fee shall not
230 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the
231 department to purchase an examination, if the department chooses
232 to purchase the examination. The examination fee shall be in an

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233 amount that covers the cost of obtaining and administering the
234 examination and shall be refunded if the applicant is found
235 ineligible to sit for the examination. The application fee shall
236 be nonrefundable.

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

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

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

241 (6) The fee for licensure by endorsement shall not exceed
242 \$400 ~~\$200~~.

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

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

247 Section 5. Effective July 1, 2011, section 468.8319,
248 Florida Statutes, is amended to read:

249 468.8319 Prohibitions; penalties.—

250 (1) A person ~~A home inspector, a company that employs a~~
251 ~~home inspector, or a company that is controlled by a company~~
252 ~~that also has a financial interest in a company employing a home~~
253 ~~inspector~~ may not:

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

256 (b) Use the name or title "certified home inspector,"
257 "registered home inspector," "licensed home inspector," "home
258 inspector," "professional home inspector," or any combination
259 thereof unless the person has complied with the provisions of
260 this part;

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

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

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

266 (f) Perform or offer to perform, prior to closing, for any
267 additional fee, any repairs to a home on which the inspector or
268 the inspector's company has prepared a home inspection report.
269 This paragraph does not apply to a home warranty company that is
270 affiliated with or retains a home inspector to perform repairs
271 pursuant to a claim made under a home warranty contract;

272 (g) Inspect for a fee any property in which the inspector
273 or the inspector's company has any financial or transfer
274 interest;

275 (h) Offer or deliver any compensation, inducement, or
276 reward to any broker or agent therefor for the referral of the
277 owner of the inspected property to the inspector or the
278 inspection company; or

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

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

286 Section 6. Effective July 1, 2011, section 468.832, Florida
287 Statutes, is amended to read:

288 468.832 Disciplinary proceedings.—

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

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- 291 (a) Violation of any provision of this part or s.
292 455.227(1);
- 293 (b) Attempting to procure a license to practice home
294 inspection services by bribery or fraudulent misrepresentation;
- 295 (c) Having a license to practice home inspection services
296 revoked, suspended, or otherwise acted against, including the
297 denial of licensure, by the licensing authority of another
298 state, territory, or country;
- 299 (d) Being convicted or found guilty of, or entering a plea
300 of nolo contendere to, regardless of adjudication, a crime in
301 any jurisdiction that directly relates to the practice of home
302 inspection services or the ability to practice home inspection
303 services;
- 304 (e) Making or filing a report or record that the licensee
305 knows to be false, willfully failing to file a report or record
306 required by state or federal law, willfully impeding or
307 obstructing such filing, or inducing another person to impede or
308 obstruct such filing. Such reports or records shall include only
309 those that are signed in the capacity of a licensed home
310 inspector;
- 311 (f) Advertising goods or services in a manner that is
312 fraudulent, false, deceptive, or misleading in form or content;
- 313 (g) Engaging in fraud or deceit, or negligence,
314 incompetency, or misconduct, in the practice of home inspection
315 services;
- 316 (h) Failing to perform any statutory or legal obligation
317 placed upon a licensed home inspector; violating any provision
318 of this chapter, a rule of the department, or a lawful order of
319 the department previously entered in a disciplinary hearing; or

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320 failing to comply with a lawfully issued subpoena of the
321 department; or

322 (i) Practicing on a revoked, suspended, inactive, or
323 delinquent license.

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

327 (a) Denial of an application for licensure.

328 (b) Revocation or suspension of a license.

329 (c) Imposition of an administrative fine not to exceed
330 \$5,000 for each count or separate offense.

331 (d) Issuance of a reprimand.

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

335 (f) Restriction of the authorized scope of practice by the
336 home inspector.

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

341 Section 7. Section 468.8324, Florida Statutes, is amended
342 to read:

343 468.8324 Grandfather clause.—A person who performs home
344 inspection services as defined in this part before July 1, 2011,
345 may qualify to be licensed by the department as a home inspector
346 if the person meets the licensure requirements of this part, and
347 if the person has: ~~by July 1, 2010.~~

348 (1) Received compensation as a home inspector for not less

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349 than 1 year prior to July 1, 2011; or

350 (2) Performed no fewer than 50 home inspections and
351 received compensation for such inspections prior to July 1,
352 2011.

353 Section 8. Subsection (5) of section 481.215, Florida
354 Statutes, is repealed.

355 Section 9. Subsection (5) of section 481.313, Florida
356 Statutes, is repealed.

357 Section 10. Subsections (2), (8), and (9) of section
358 553.37, Florida Statutes, are amended, and subsection (12) is
359 added to that section, to read:

360 553.37 Rules; inspections; and insignia.—

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

362 (a) Procedures and qualifications for approval of third-
363 party plan review and inspection agencies and of those who
364 perform inspections and plan reviews.

365 (b) Investigation of consumer complaints of noncompliance
366 of manufactured buildings with the Florida Building Code and the
367 Florida Fire Prevention Code.

368 (c) Issuance, cancellation, and revocation of any insignia
369 issued by the department and procedures for auditing and
370 accounting for disposition of them.

371 (d) Monitoring the manufacturers', inspection agencies',
372 and plan review agencies' compliance with this part and the
373 Florida Building Code. Monitoring may include, but is not
374 limited to, performing audits of plans, inspections of
375 manufacturing facilities and observation of the manufacturing
376 and inspection process, and onsite inspections of buildings.

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

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378 contractors of any other functions required by this part. All
379 fees paid by product manufacturers shall be used for the sole
380 purpose of funding the state product approval system.

381 (8) The department, by rule, shall establish a schedule of
382 fees to pay the cost of the administration and enforcement of
383 this part. The rule may provide for manufacturers to pay fees,
384 including charges incurred for plan review and inspection
385 services, to the administrator directly via the Building Code
386 Information System and for the administrator to disburse the
387 funds as necessary.

388 (9) The department may delegate its enforcement authority
389 to a state department having building construction
390 responsibilities or a local government, and may enter into
391 contracts for the performance of its administrative duties under
392 this part. The department may delegate its plan review and
393 inspection authority to one or more of the following in any
394 combination:

395 (a) A state department having building construction
396 responsibilities;

397 (b) A local government;

398 (c) An approved inspection agency;

399 (d) An approved plan review agency; or

400 (e) An agency of another state.

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

405 Section 11. Section 553.375, Florida Statutes, is amended
406 to read:

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407 553.375 Recertification of manufactured buildings.—Prior to
408 the relocation to a site that has a higher design wind speed,
409 modification, or change of occupancy of a manufactured building
410 within the state, the manufacturer, dealer, or owner thereof may
411 apply to the department for recertification of that manufactured
412 building. The department shall, by rule, provide what
413 information the applicant must submit for recertification and
414 for plan review and inspection of such manufactured buildings
415 and shall establish fees for recertification. Upon a
416 determination by the department that the manufactured building
417 complies with the applicable building codes, the department
418 shall issue a recertification insignia. A manufactured building
419 that bears recertification insignia does not require any
420 additional approval by an enforcement jurisdiction in which the
421 building is sold or installed, and is considered to comply with
422 all applicable codes. As an alternative to recertification by
423 the department, the manufacturer, dealer, or owner of a
424 manufactured building may seek appropriate permitting and a
425 certificate of occupancy from the local jurisdiction in
426 accordance with procedures generally applicable under the
427 Florida Building Code.

428 Section 12. Section 553.509, Florida Statutes, is amended
429 to read:

430 553.509 Vertical accessibility.—

431 ~~(1)~~ Nothing in ss. 553.501-553.513 or the guidelines shall
432 be construed to relieve the owner of any building, structure, or
433 facility governed by those sections from the duty to provide
434 vertical accessibility to all levels above and below the
435 occupiable grade level, regardless of whether the guidelines

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436 require an elevator to be installed in such building, structure,
437 or facility, except for:

438 (1)~~(a)~~ Elevator pits, elevator penthouses, mechanical
439 rooms, piping or equipment catwalks, and automobile lubrication
440 and maintenance pits and platforms;

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

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

447 ~~(2) (a) Any person, firm, or corporation that owns, manages,~~
448 ~~or operates a residential multifamily dwelling, including a~~
449 ~~condominium, that is at least 75 feet high and contains a public~~
450 ~~elevator, as described in s. 399.035(2) and (3) and rules~~
451 ~~adopted by the Florida Building Commission, shall have at least~~
452 ~~one public elevator that is capable of operating on an alternate~~
453 ~~power source for emergency purposes. Alternate power shall be~~
454 ~~available for the purpose of allowing all residents access for a~~
455 ~~specified number of hours each day over a 5-day period following~~
456 ~~a natural disaster, manmade disaster, emergency, or other civil~~
457 ~~disturbance that disrupts the normal supply of electricity. The~~
458 ~~alternate power source that controls elevator operations must~~
459 ~~also be capable of powering any connected fire alarm system in~~
460 ~~the building.~~

461 ~~(b) At a minimum, the elevator must be appropriately~~
462 ~~prewired and prepared to accept an alternate power source and~~
463 ~~must have a connection on the line side of the main disconnect,~~
464 ~~pursuant to National Electric Code Handbook, Article 700. In~~

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465 ~~addition to the required power source for the elevator and~~
466 ~~connected fire alarm system in the building, the alternate power~~
467 ~~supply must be sufficient to provide emergency lighting to the~~
468 ~~interior lobbies, hallways, and other portions of the building~~
469 ~~used by the public. Residential multifamily dwellings must have~~
470 ~~an available generator and fuel source on the property or have~~
471 ~~proof of a current contract posted in the elevator machine room~~
472 ~~or other place conspicuous to the elevator inspector affirming a~~
473 ~~current guaranteed service contract for such equipment and fuel~~
474 ~~source to operate the elevator on an on-call basis within 24~~
475 ~~hours after a request. By December 31, 2006, any person, firm or~~
476 ~~corporation that owns, manages, or operates a residential~~
477 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
478 ~~the local building inspection agency verification of engineering~~
479 ~~plans for residential multifamily dwellings that provide for the~~
480 ~~capability to generate power by alternate means. Compliance with~~
481 ~~installation requirements and operational capability~~
482 ~~requirements must be verified by local building inspectors and~~
483 ~~reported to the county emergency management agency by December~~
484 ~~31, 2007.~~

485 ~~(c) Each newly constructed residential multifamily~~
486 ~~dwelling, including a condominium, that is at least 75 feet high~~
487 ~~and contains a public elevator, as described in s. 399.035(2)~~
488 ~~and (3) and rules adopted by the Florida Building Commission,~~
489 ~~must have at least one public elevator that is capable of~~
490 ~~operating on an alternate power source for the purpose of~~
491 ~~allowing all residents access for a specified number of hours~~
492 ~~each day over a 5-day period following a natural disaster,~~
493 ~~manmade disaster, emergency, or other civil disturbance that~~

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494 ~~disrupts the normal supply of electricity. The alternate power~~
495 ~~source that controls elevator operations must be capable of~~
496 ~~powering any connected fire alarm system in the building. In~~
497 ~~addition to the required power source for the elevator and~~
498 ~~connected fire alarm system, the alternate power supply must be~~
499 ~~sufficient to provide emergency lighting to the interior~~
500 ~~lobbies, hallways, and other portions of the building used by~~
501 ~~the public. Engineering plans and verification of operational~~
502 ~~capability must be provided by the local building inspector to~~
503 ~~the county emergency management agency before occupancy of the~~
504 ~~newly constructed building.~~

505 ~~(d) Each person, firm, or corporation that is required to~~
506 ~~maintain an alternate power source under this subsection shall~~
507 ~~maintain a written emergency operations plan that details the~~
508 ~~sequence of operations before, during, and after a natural or~~
509 ~~manmade disaster or other emergency situation. The plan must~~
510 ~~include, at a minimum, a lifesafety plan for evacuation,~~
511 ~~maintenance of the electrical and lighting supply, and~~
512 ~~provisions for the health, safety, and welfare of the residents.~~
513 ~~In addition, the owner, manager, or operator of the residential~~
514 ~~multifamily dwelling must keep written records of any contracts~~
515 ~~for alternative power generation equipment. Also, quarterly~~
516 ~~inspection records of lifesafety equipment and alternate power~~
517 ~~generation equipment must be posted in the elevator machine room~~
518 ~~or other place conspicuous to the elevator inspector, which~~
519 ~~confirm that such equipment is properly maintained and in good~~
520 ~~working condition, and copies of contracts for alternate power~~
521 ~~generation equipment shall be maintained on site for~~
522 ~~verification. The written emergency operations plan and~~

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523 ~~inspection records shall also be open for periodic inspection by~~
524 ~~local and state government agencies as deemed necessary. The~~
525 ~~owner or operator must keep a generator key in a lockbox posted~~
526 ~~at or near any installed generator unit.~~

527 ~~(c) Multistory affordable residential dwellings for persons~~
528 ~~age 62 and older that are financed or insured by the United~~
529 ~~States Department of Housing and Urban Development must make~~
530 ~~every effort to obtain grant funding from the Federal Government~~
531 ~~or the Florida Housing Finance Corporation to comply with this~~
532 ~~subsection. If an owner of such a residential dwelling cannot~~
533 ~~comply with the requirements of this subsection, the owner must~~
534 ~~develop a plan with the local emergency management agency to~~
535 ~~ensure that residents are evacuated to a place of safety in the~~
536 ~~event of a power outage resulting from a natural or manmade~~
537 ~~disaster or other emergency situation that disrupts the normal~~
538 ~~supply of electricity for an extended period of time. A place of~~
539 ~~safety may include, but is not limited to, relocation to an~~
540 ~~alternative site within the building or evacuation to a local~~
541 ~~shelter.~~

542 ~~(f) As a part of the annual elevator inspection required~~
543 ~~under s. 399.061, certified elevator inspectors shall confirm~~
544 ~~that all installed generators required by this chapter are in~~
545 ~~working order, have current inspection records posted in the~~
546 ~~elevator machine room or other place conspicuous to the elevator~~
547 ~~inspector, and that the required generator key is present in the~~
548 ~~lockbox posted at or near the installed generator. If a building~~
549 ~~does not have an installed generator, the inspector shall~~
550 ~~confirm that the appropriate prewiring and switching~~
551 ~~capabilities are present and that a statement is posted in the~~

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552 ~~elevator machine room or other place conspicuous to the elevator~~
553 ~~inspector affirming a current guaranteed contract exists for~~
554 ~~contingent services for alternate power is current for the~~
555 ~~operating period.~~

556

557 However, buildings, structures, and facilities must, at ~~as~~ a
558 minimum, comply with the requirements in the Americans with
559 Disabilities Act Accessibility Guidelines.

560 Section 13. Subsections (7) and (9) of section 553.73,
561 Florida Statutes, are amended, and subsections (14) and (15) are
562 added to that section, to read:

563 553.73 Florida Building Code.—

564 (7) Notwithstanding the provisions of subsection (3) or
565 subsection (6), the commission may address issues identified in
566 this subsection by amending the code pursuant only to the rule
567 adoption procedures contained in chapter 120. Provisions of the
568 Florida Building Code, including those contained in referenced
569 standards and criteria, relating to wind resistance or the
570 prevention of water intrusion may not be amended pursuant to
571 this subsection to diminish those construction requirements;
572 however, the commission may, subject to conditions in this
573 subsection, amend the provisions to enhance those construction
574 requirements. Following the approval of any amendments to the
575 Florida Building Code by the commission and publication of the
576 amendments on the commission's website, authorities having
577 jurisdiction to enforce the Florida Building Code may enforce
578 the amendments. The commission may approve amendments that are
579 needed to address:

580 (a) Conflicts within the updated code;

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

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

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

589 (e) Equivalency of standards;

590 (f) The specific needs of state agencies when agency rules
591 must be updated to reflect federal requirements relating to
592 design criteria for public educational facilities and state-
593 licensed facilities;

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

595 law; or
596 (h)-~~f~~) Adoption of an updated edition of the National
597 Electrical Code if the commission finds that delay of
598 implementing the updated edition causes undue hardship to
599 stakeholders or otherwise threatens the public health, safety,
600 and welfare.

601 (9) The following buildings, structures, and facilities are
602 exempt from the Florida Building Code as provided by law, and
603 any further exemptions shall be as determined by the Legislature
604 and provided by law:

605 (a) Buildings and structures specifically regulated and
606 preempted by the Federal Government.

607 (b) Railroads and ancillary facilities associated with the
608 railroad.

609 (c) Nonresidential farm buildings on farms.

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610 (d) Temporary buildings or sheds used exclusively for
611 construction purposes.

612 (e) Mobile or modular structures used as temporary offices,
613 except that the provisions of part II relating to accessibility
614 by persons with disabilities shall apply to such mobile or
615 modular structures.

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

619 (g) Temporary sets, assemblies, or structures used in
620 commercial motion picture or television production, or any
621 sound-recording equipment used in such production, on or off the
622 premises.

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

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

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

637
638 With the exception of paragraphs (a), (b), (c), and (f), in

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639 order to preserve the health, safety, and welfare of the public,
640 the Florida Building Commission may, by rule adopted pursuant to
641 chapter 120, provide for exceptions to the broad categories of
642 buildings exempted in this section, including exceptions for
643 application of specific sections of the code or standards
644 adopted therein. The Department of Agriculture and Consumer
645 Services shall have exclusive authority to adopt by rule,
646 pursuant to chapter 120, exceptions to nonresidential farm
647 buildings exempted in paragraph (c) when reasonably necessary to
648 preserve public health, safety, and welfare. The exceptions must
649 be based upon specific criteria, such as under-roof floor area,
650 aggregate electrical service capacity, HVAC system capacity, or
651 other building requirements. Further, the commission may
652 recommend to the Legislature additional categories of buildings,
653 structures, or facilities which should be exempted from the
654 Florida Building Code, to be provided by law. The Florida
655 Building Code does not apply to temporary housing provided by
656 the Department of Corrections to any prisoner in the state
657 correctional system.

658 (14) The Florida Building Code may not require that an
659 existing air conditioning system that was installed on the
660 surface of a roof before July 1, 2010, be raised 18 inches from
661 the surface on which it is installed until such time as the
662 system is replaced. An agency or local government having
663 authority to enforce the Florida Building Code or a local
664 building code may not require otherwise.

665 (15) The Florida Building Code must require that the
666 illumination in classroom units be designed to provide and
667 maintain an average of 40 foot-candles of light at each desktop.

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668 Public educational facilities must consider using light-emitting
669 diode lighting before considering other lighting sources.

670 Section 14. Subsection (2) of section 553.76, Florida
671 Statutes, is amended to read:

672 553.76 General powers of the commission.—The commission is
673 authorized to:

674 (2) Issue memoranda of procedure for its internal
675 management and control. The commission may adopt rules related
676 to its consensus-based decisionmaking process, including, but
677 not limited to, super majority voting requirements for
678 commission actions relating to the adoption of the Florida
679 Building Code or amendments to the code.

680 Section 15. Subsection (4) of section 553.775, Florida
681 Statutes, is amended to read:

682 553.775 Interpretations.—

683 (4) In order to administer this section, the commission may
684 adopt by rule and impose a fee for binding and nonbinding
685 interpretations to recoup the cost of the proceedings which may
686 not exceed \$250 for each request for a review or interpretation.
687 For proceedings conducted by or in coordination with a third-
688 party, the rule may provide that payment be made directly to the
689 third party, who shall remit to the department that portion of
690 the fee necessary to cover the costs of the department.

691 Section 16. Subsection (9) of section 553.79, Florida
692 Statutes, is amended to read:

693 553.79 Permits; applications; issuance; inspections.—

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

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697 its responsibility to enforce those provisions and may expend
698 public funds for permit and inspection fees, which fees may be
699 no greater than the fees charged others. Inspection services
700 that are not required to be performed by a state agency under a
701 federal delegation of responsibility or by a state agency under
702 the Florida Building Code must be performed under the
703 alternative plans review and inspection process created in s.
704 553.791 or by a local governmental entity having authority to
705 enforce the Florida Building Code.

706 Section 17. For the purpose of incorporating the amendment
707 made by this act to section 553.79, Florida Statutes, in a
708 reference thereto, subsection (1) of section 553.80, Florida
709 Statutes, is reenacted to read:

710 553.80 Enforcement.—

711 (1) Except as provided in paragraphs (a)-(g), each local
712 government and each legally constituted enforcement district
713 with statutory authority shall regulate building construction
714 and, where authorized in the state agency's enabling
715 legislation, each state agency shall enforce the Florida
716 Building Code required by this part on all public or private
717 buildings, structures, and facilities, unless such
718 responsibility has been delegated to another unit of government
719 pursuant to s. 553.79(9).

720 (a) Construction regulations relating to correctional
721 facilities under the jurisdiction of the Department of
722 Corrections and the Department of Juvenile Justice are to be
723 enforced exclusively by those departments.

724 (b) Construction regulations relating to elevator equipment
725 under the jurisdiction of the Bureau of Elevators of the

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726 Department of Business and Professional Regulation shall be
727 enforced exclusively by that department.

728 (c) In addition to the requirements of s. 553.79 and this
729 section, facilities subject to the provisions of chapter 395 and
730 part II of chapter 400 shall have facility plans reviewed and
731 construction surveyed by the state agency authorized to do so
732 under the requirements of chapter 395 and part II of chapter 400
733 and the certification requirements of the Federal Government.

734 (d) Building plans approved under s. 553.77(3) and state-
735 approved manufactured buildings, including buildings
736 manufactured and assembled offsite and not intended for
737 habitation, such as lawn storage buildings and storage sheds,
738 are exempt from local code enforcing agency plan reviews except
739 for provisions of the code relating to erection, assembly, or
740 construction at the site. Erection, assembly, and construction
741 at the site are subject to local permitting and inspections.
742 Lawn storage buildings and storage sheds bearing the insignia of
743 approval of the department are not subject to s. 553.842. Such
744 buildings that do not exceed 400 square feet may be delivered
745 and installed without need of a contractor's or specialty
746 license.

747 (e) Construction regulations governing public schools,
748 state universities, and community colleges shall be enforced as
749 provided in subsection (6).

750 (f) The Florida Building Code as it pertains to toll
751 collection facilities under the jurisdiction of the turnpike
752 enterprise of the Department of Transportation shall be enforced
753 exclusively by the turnpike enterprise.

754 (g) Construction regulations relating to secure mental

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755 health treatment facilities under the jurisdiction of the
756 Department of Children and Family Services shall be enforced
757 exclusively by the department in conjunction with the Agency for
758 Health Care Administration's review authority under paragraph
759 (c).

760

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

764 Such fees shall be used solely for carrying out the local
765 government's responsibilities in enforcing the Florida Building
766 Code. The authority of state enforcing agencies to set fees for
767 enforcement shall be derived from authority existing on July 1,
768 1998. However, nothing contained in this subsection shall
769 operate to limit such agencies from adjusting their fee schedule
770 in conformance with existing authority.

771 Section 18. Section 553.841, Florida Statutes, is amended
772 to read:

773 553.841 Building code compliance and mitigation program.—

774 (1) The Legislature finds that knowledge and understanding
775 by persons licensed in the design and construction industries of
776 the importance and need for complying with the Florida Building
777 Code is vital to the public health, safety, and welfare of this
778 state, especially for mitigating damage caused by hurricanes to
779 residents and visitors to the state. The Legislature further
780 finds that the Florida Building Code can be effective only if
781 all participants in the design and construction industries
782 maintain a thorough knowledge of the code and additions thereto
783 which improve construction standards to protect against storm

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784 and other damage. Consequently, the Legislature finds that there
785 is a need for a program to provide ongoing education and
786 outreach activities concerning compliance with the Florida
787 Building Code and hurricane mitigation.

788 (2) The Department of Community Affairs shall administer a
789 program, designated as the Florida Building Code Compliance and
790 Mitigation Program, to develop, coordinate, and maintain
791 education and outreach to persons required to comply with the
792 Florida Building Code and ensure consistent education, training,
793 and communication of the code's requirements, including, but not
794 limited to, methods for mitigation of storm-related damage. The
795 program shall also operate a clearinghouse through which design,
796 construction, and building code enforcement licensees,
797 suppliers, and consumers in this state may find others in order
798 to exchange information relating to mitigation and facilitate
799 repairs in the aftermath of a natural disaster.

800 (3) All services and materials under the Florida Building
801 Code Compliance and Mitigation Program must be provided by a
802 private, nonprofit corporation under contract with the
803 department. The term of the contract shall be for 4 years, with
804 the option of one 4-year renewal at the end of the contract
805 term. The initial contract must be in effect no later than
806 November 1, 2007. The private, nonprofit corporation must be an
807 organization whose membership includes trade and professional
808 organizations whose members consist primarily of persons and
809 entities that are required to comply with the Florida Building
810 Code and that are licensed under part XII of chapter 468,
811 chapter 471, chapter 481, or chapter 489. When selecting the
812 private, nonprofit corporation for the program, the department

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813 must give primary consideration to the corporation's
814 demonstrated experience and the ability to:

815 (a) Develop and deliver building code-related education,
816 training, and outreach;

817 (b) Directly access the majority of persons licensed in the
818 occupations of design, construction, and building code
819 enforcement individually and through established statewide trade
820 and professional association networks;

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

827 (d) Accept input from the Florida Building Commission,
828 licensing regulatory boards, local building departments, and the
829 design and construction industries in order to improve its
830 education and outreach programs; and

831 (e) Promote design and construction techniques and
832 materials for mitigating hurricane damage at a Florida-based
833 trade conference that includes participants from the broadest
834 possible range of design and construction trades and
835 professions, including from those private and public sector
836 entities having jurisdiction over building codes and design and
837 construction licensure.

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

841 ~~(a) A core curriculum that is prerequisite to the advanced~~

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842 ~~module coursework.~~

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

844 ~~(c) The core curriculum developed under this subsection~~
845 ~~must be submitted to the Department of Business and Professional~~
846 ~~Regulation for approval. Advanced modules developed under this~~
847 ~~paragraph must be approved by the commission and submitted to~~
848 ~~the respective boards for approval.~~

849 ~~(5) The core curriculum shall cover the information~~
850 ~~required to have all categories of participants appropriately~~
851 ~~informed as to their technical and administrative~~
852 ~~responsibilities in the effective execution of the code process~~
853 ~~by all individuals currently licensed under part XII of chapter~~
854 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
855 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
856 ~~prerequisite to the advanced module coursework for all licensees~~
857 ~~and shall be completed by individuals licensed in all categories~~
858 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
859 ~~chapter 489 within the first 2-year period after initial~~
860 ~~licensure. Core course hours taken by licensees to complete this~~
861 ~~requirement shall count toward fulfillment of required~~
862 ~~continuing education units under part XII of chapter 468,~~
863 ~~chapter 471, chapter 481, or chapter 489.~~

864 (5)~~(6)~~ Each biennium, upon receipt of funds by the
865 Department of Community Affairs from the Construction Industry
866 Licensing Board and the Electrical Contractors' Licensing Board
867 provided under ss. 489.109(3) and 489.509(3), the department
868 shall determine the amount of funds available for the Florida
869 Building Code Compliance and Mitigation Program.

870 (6)~~(7)~~ If the projects provided through the Florida

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871 Building Code Compliance and Mitigation Program in any state
872 fiscal year do not require the use of all available funds, the
873 unused funds shall be carried forward and allocated for use
874 during the following fiscal year.

875 ~~(7)(8)~~ The Florida Building Commission shall provide by
876 rule for the accreditation of courses related to the Florida
877 Building Code by accreditors approved by the commission. The
878 commission shall establish qualifications of accreditors and
879 criteria for the accreditation of courses by rule. The
880 commission may revoke the accreditation of a course by an
881 accreditor if the accreditation is demonstrated to violate this
882 part or the rules of the commission.

883 ~~(8)(9)~~ This section does not prohibit or limit the subject
884 areas or development of continuing education or training on the
885 Florida Building Code by any qualified entity.

886 Section 19. Subsections (1), (5), (8), and (17) of section
887 553.842, Florida Statutes, are amended to read:

888 553.842 Product evaluation and approval.—

889 (1) The commission shall adopt rules under ss. 120.536(1)
890 and 120.54 to develop and implement a product evaluation and
891 approval system that applies statewide to operate in
892 coordination with the Florida Building Code. The commission may
893 enter into contracts to provide for administration of the
894 product evaluation and approval system. The commission's rules
895 and any applicable contract may provide that payment of fees
896 related to approvals be made directly to the administrator, who
897 shall remit to the department that portion of the fee necessary
898 to cover the department's costs. The product evaluation and
899 approval system shall provide:

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900 (a) Appropriate promotion of innovation and new
901 technologies.

902 (b) Processing submittals of products from manufacturers in
903 a timely manner.

904 (c) Independent, third-party qualified and accredited
905 testing and laboratory facilities, product evaluation entities,
906 quality assurance agencies, certification agencies, and
907 validation entities.

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

910 (e) Development of stringent but reasonable testing
911 criteria based upon existing consensus standards, when
912 available, for products.

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

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

919 (h) Cost-effectiveness.

920 (5) Statewide approval of products, methods, or systems of
921 construction may be achieved by one of the following methods.
922 One of these methods must be used by the commission to approve
923 the following categories of products: panel walls, exterior
924 doors, roofing, skylights, windows, shutters, and structural
925 components as established by the commission by rule.

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

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929 reports or listings indicating that the product or method or
930 system of construction was evaluated to be in compliance with
931 the Florida Building Code and that the product or method or
932 system of construction is, for the purpose intended, at least
933 equivalent to that required by the Florida Building Code:

- 934 1. A certification mark or listing of an approved
935 certification agency, which may be used only for products for
936 which the code designates standardized testing;
- 937 2. A test report from an approved testing laboratory;
- 938 3. A product evaluation report based upon testing or
939 comparative or rational analysis, or a combination thereof, from
940 an approved product evaluation entity; or
- 941 4. A product evaluation report based upon testing or
942 comparative or rational analysis, or a combination thereof,
943 developed and signed and sealed by a professional engineer or
944 architect, licensed in this state.

945
946 A product evaluation report or a certification mark or listing
947 of an approved certification agency which demonstrates that the
948 product or method or system of construction complies with the
949 Florida Building Code for the purpose intended shall be
950 equivalent to a test report and test procedure as referenced in
951 the Florida Building Code. An application for state approval of
952 a product under subparagraph 1. must be approved by the
953 department after the commission staff or a designee verifies
954 that the application and related documentation are complete.
955 This verification must be completed within 10 days after receipt
956 of the application. Upon approval by the department, the product
957 shall be immediately added to the list of state-approved

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958 products maintained under subsection (13). Approvals by the
959 department shall be reviewed and ratified by the commission's
960 program oversight committee except for a showing of good cause
961 that a review by the full commission is necessary.

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

966 1. A product evaluation report based upon testing or
967 comparative or rational analysis, or a combination thereof, from
968 an approved product evaluation entity indicating that the
969 product or method or system of construction was evaluated to be
970 in compliance with the intent of the Florida Building Code and
971 that the product or method or system of construction is, for the
972 purpose intended, at least equivalent to that required by the
973 Florida Building Code; or

974 2. A product evaluation report based upon testing or
975 comparative or rational analysis, or a combination thereof,
976 developed and signed and sealed by a professional engineer or
977 architect, licensed in this state, who certifies that the
978 product or method or system of construction is, for the purpose
979 intended, at least equivalent to that required by the Florida
980 Building Code.

981 (8) The commission may adopt rules to approve the following
982 types of entities that produce information on which product
983 approvals are based. All of the following entities, including
984 engineers and architects, must comply with a nationally
985 recognized standard demonstrating independence or no conflict of
986 interest:

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987 (a) Evaluation entities that meet the criteria for approval
988 adopted by the commission by rule. The commission shall
989 specifically approve the National Evaluation Service, the
990 International Association of Plumbing and Mechanical Officials
991 Evaluation Service ~~the International Conference of Building~~
992 ~~Officials Evaluation Services~~, the International Code Council
993 Evaluation Services, ~~the Building Officials and Code~~
994 ~~Administrators International Evaluation Services~~, ~~the Southern~~
995 ~~Building Code Congress International Evaluation Services~~, and
996 the Miami-Dade County Building Code Compliance Office Product
997 Control. Architects and engineers licensed in this state are
998 also approved to conduct product evaluations as provided in
999 subsection (5).

1000 (b) Testing laboratories accredited by national
1001 organizations, such as A2LA and the National Voluntary
1002 Laboratory Accreditation Program, laboratories accredited by
1003 evaluation entities approved under paragraph (a), and
1004 laboratories that comply with other guidelines for testing
1005 laboratories selected by the commission and adopted by rule.

1006 (c) Quality assurance entities approved by evaluation
1007 entities approved under paragraph (a) and by certification
1008 agencies approved under paragraph (d) and other quality
1009 assurance entities that comply with guidelines selected by the
1010 commission and adopted by rule.

1011 (d) Certification agencies accredited by nationally
1012 recognized accreditors and other certification agencies that
1013 comply with guidelines selected by the commission and adopted by
1014 rule.

1015 (e) Validation entities that comply with accreditation

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standards established by the commission by rule.

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

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

Section 20. Subsection (4) is added to section 553.844, Florida Statutes, to read:

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

(4) Notwithstanding the provisions of this section, exposed mechanical equipment or appliances fastened to rated stands, platforms, curbs, or slabs are deemed to comply with the wind resistance requirements for wind-borne debris regions as defined in s. 1609.2, Buildings Volume, 2007 Florida Building Code, as

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1045 amended. Further support or enclosure of such mechanical
1046 equipment or appliances is not required by a state or local
1047 official having authority to enforce the Florida Building Code.
1048 This subsection expires December 31, 2012.

1049 Section 21. Section 553.885, Florida Statutes, is amended
1050 to read:

1051 553.885 Carbon monoxide alarm required.—

1052 (1) Every separate building or addition to an existing
1053 building, other than a hospital, an inpatient hospice facility,
1054 or a nursing home facility licensed by the Agency for Health
1055 Care Administration, constructed for which a building permit is
1056 issued for new construction on or after July 1, 2008, and having
1057 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an
1058 attached garage, or other feature, fixture, or element that
1059 emits carbon monoxide as a byproduct of combustion shall have an
1060 approved operational carbon monoxide alarm installed within 10
1061 feet of each room used for sleeping purposes in the new building
1062 or addition, or at such other locations as required by the
1063 Florida Building Code. The requirements of this subsection may
1064 be satisfied with the installation of a battery-powered carbon
1065 monoxide alarm or a battery-powered combination carbon monoxide
1066 and smoke alarm. For a new hospital, an inpatient hospice
1067 facility, or a nursing home facility licensed by the Agency for
1068 Health Care Administration, an approved operational carbon
1069 monoxide detector shall be installed inside or directly outside
1070 of each room or area within the hospital or facility where a
1071 fossil-fuel-burning heater, engine, or appliance is located.
1072 This detector shall be connected to the fire alarm system of the
1073 hospital or facility as a supervisory signal. This subsection

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1074 does not apply to existing buildings that are undergoing
1075 alterations or repairs unless the alteration is an addition as
1076 defined in subsection (3).

1077 (2) The Florida Building Commission shall adopt rules to
1078 administer this section and shall incorporate such requirements
1079 into its next revision of the Florida Building Code.

1080 (3) As used in this section, the term:

1081 (a) "Carbon monoxide alarm" means a device that is meant
1082 for the purpose of detecting carbon monoxide, that produces a
1083 distinct audible alarm, and that meets the requirements of and
1084 is approved by the Florida Building Commission.

1085 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases, or
1086 other petroleum or hydrocarbon product that emits carbon
1087 monoxide as a by-product of combustion.

1088 (c) "Addition" means an extension or increase in floor
1089 area, number of stories, or height of a building or structure.

1090 Section 22. Subsection (2) of section 553.9061, Florida
1091 Statutes, is amended to read:

1092 553.9061 Scheduled increases in thermal efficiency
1093 standards.—

1094 (2) The Florida Building Commission shall identify within
1095 code support and compliance documentation the specific building
1096 options and elements available to meet the energy performance
1097 goals established in subsection (1). Energy efficiency
1098 performance options and elements include, but are not limited
1099 to:

1100 (a) Energy-efficient water heating systems, including solar
1101 water heating.

1102 (b) Energy-efficient appliances.

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- 1103 (c) Energy-efficient windows, doors, and skylights.
- 1104 (d) Low solar-absorption roofs, also known as "cool roofs."
- 1105 (e) Enhanced ceiling and wall insulation.
- 1106 (f) Reduced-leak duct systems and energy-saving devices and
- 1107 features installed within duct systems.
- 1108 (g) Programmable thermostats.
- 1109 (h) Energy-efficient lighting systems.
- 1110 (i) Energy-saving quality installation procedures for
- 1111 replacement air conditioning systems, including, but not limited
- 1112 to, equipment sizing analysis and duct testing.
- 1113 (j) Shading devices, sunscreening materials, and overhangs.
- 1114 (k) Weatherstripping, caulking, and sealing of exterior
- 1115 openings and penetrations.

1116 Section 23. Subsection (4) of section 553.909, Florida

1117 Statutes, is amended to read:

1118 553.909 Setting requirements for appliances; exceptions.—

1119 (4) Pool pump motors shall not be split-phase, shaded-pole,

1120 or capacitor start-induction run types. Residential pool pumps

1121 and pool pump motors with a total horsepower of 1 HP or more

1122 shall have the capability of operating at two or more speeds

1123 with a low speed having a rotation rate that is no more than

1124 one-half of the motor's maximum rotation rate. Residential pool

1125 pump motor controls shall have the capability of operating the

1126 pool pump at a minimum of two speeds. The default circulation

1127 speed shall be the residential filtration speed, with a higher

1128 speed override capability being for a temporary period not to

1129 exceed one normal cycle or 24 hours ~~120 minutes~~, whichever is

1130 less; except that circulation speed for solar pool heating

1131 systems shall be permitted to run at higher speeds during

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1132 periods of usable solar heat gain.

1133 Section 24. Subsection (2) of section 627.711, Florida
1134 Statutes, is amended to read:

1135 627.711 Notice of premium discounts for hurricane loss
1136 mitigation; uniform mitigation verification inspection form.—

1137 (2) By July 1, 2007, the Financial Services Commission
1138 shall develop by rule a uniform mitigation verification
1139 inspection form that shall be used by all insurers when
1140 submitted by policyholders for the purpose of factoring
1141 discounts for wind insurance. In developing the form, the
1142 commission shall seek input from insurance, construction, and
1143 building code representatives. Further, the commission shall
1144 provide guidance as to the length of time the inspection results
1145 are valid. An insurer shall accept as valid a uniform mitigation
1146 verification form certified by the Department of Financial
1147 Services or signed by:

1148 (a) A hurricane mitigation inspector certified by the My
1149 Safe Florida Home program;

1150 (b) A building code inspector certified under s. 468.607;

1151 (c) A general, building, or residential contractor licensed
1152 under s. 489.111;

1153 (d) A professional engineer licensed under s. 471.015 ~~who~~
1154 ~~has passed the appropriate equivalency test of the Building Code~~
1155 ~~Training Program as required by s. 553.841;~~

1156 (e) A professional architect licensed under s. 481.213; or

1157 (f) Any other individual or entity recognized by the
1158 insurer as possessing the necessary qualifications to properly
1159 complete a uniform mitigation verification form.

1160 Section 25. Paragraph (b) of subsection (3) of section

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1161 633.0215, Florida Statutes, is amended, and subsection (13) is
1162 added to that section, to read:

1163 633.0215 Florida Fire Prevention Code.—

1164 (3) No later than 180 days before the triennial adoption of
1165 the Florida Fire Prevention Code, the State Fire Marshal shall
1166 notify each municipal, county, and special district fire
1167 department of the triennial code adoption and steps necessary
1168 for local amendments to be included within the code. No later
1169 than 120 days before the triennial adoption of the Florida Fire
1170 Prevention Code, each local jurisdiction shall provide the State
1171 Fire Marshal with copies of its local fire code amendments. The
1172 State Fire Marshal has the option to process local fire code
1173 amendments that are received less than 120 days before the
1174 adoption date of the Florida Fire Prevention Code.

1175 (b) Any local amendment to the Florida Fire Prevention Code
1176 adopted by a local government shall be effective only until the
1177 adoption of the new edition of the Florida Fire Prevention Code,
1178 which shall be every third year. At such time, the State Fire
1179 Marshal shall adopt such amendment as part of the Florida Fire
1180 Prevention Code or rescind the amendment. The State Fire Marshal
1181 shall immediately notify the respective local government of the
1182 rescission of the amendment and the reason for the rescission.
1183 After receiving such notice, the respective local government may
1184 readopt the rescinded amendment. Incorporation of local
1185 amendments as regional and local concerns and variations shall
1186 be considered as adoption of an amendment pursuant to this
1187 section part.

1188 (13) The State Fire Marshal shall issue an expedited
1189 declaratory statement relating to interpretations of provisions

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1190 of the Florida Fire Prevention Code according to the following
1191 guidelines:

1192 (a) The declaratory statement shall be rendered in
1193 accordance with s. 120.565, except that a final decision must be
1194 issued by the State Fire Marshal within 45 days after the
1195 division's receipt of a petition seeking an expedited
1196 declaratory statement. The State Fire Marshal shall give notice
1197 of the petition and the expedited declaratory statement or the
1198 denial of the petition in the next available issue of the
1199 Florida Administrative Weekly after the petition is filed and
1200 after the statement or denial is rendered.

1201 (b) The petitioner must be the owner of the disputed
1202 project or the owner's representative.

1203 (c) The petition for an expedited declaratory statement
1204 must be:

1205 1. Related to an active project that is under construction
1206 or must have been submitted for a permit;

1207 2. The subject of a written notice citing a specific
1208 provision of the Florida Fire Prevention Code which is in
1209 dispute; and

1210 3. Limited to a single question that is capable of being
1211 answered with a "yes" or "no" response.

1212
1213 A petition for a declaratory statement which does not meet all
1214 of the requirements of this subsection must be denied without
1215 prejudice. This subsection does not affect the right of the
1216 petitioner as a substantially affected person to seek a
1217 declaratory statement under s. 633.01(6).

1218 Section 26. Section 633.026, Florida Statutes, is amended

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1219 to read:

1220 633.026 Legislative intent; informal interpretations of the
1221 Florida Fire Prevention Code.—It is the intent of the
1222 Legislature that the Florida Fire Prevention Code be interpreted
1223 by fire officials and local enforcement agencies in a manner
1224 that protects the public safety, health, and welfare by ensuring
1225 uniform interpretations throughout this state and by providing
1226 just and expeditious processes for resolving disputes regarding
1227 such interpretations. It is the intent of the Legislature that
1228 such processes provide for the expeditious resolution of the
1229 issues presented and that the resulting interpretation of such
1230 issues be published on the website of the Division of State Fire
1231 Marshal.

1232 (1) The Division of State Fire Marshal shall by rule
1233 establish an informal process of rendering nonbinding
1234 interpretations of the Florida Fire Prevention Code. The
1235 Division of State Fire Marshal may contract with and refer
1236 interpretive issues to a nonprofit organization that has
1237 experience in interpreting and enforcing the Florida Fire
1238 Prevention Code. ~~The Division of State Fire Marshal shall~~
1239 ~~immediately implement the process prior to the completion of~~
1240 ~~formal rulemaking.~~ It is the intent of the Legislature that the
1241 Division of State Fire Marshal establish ~~create~~ a Fire Code
1242 Interpretation Committee composed of seven persons and seven
1243 alternates, equally representing each area of the state ~~process~~
1244 ~~to refer questions to a small group of individuals certified~~
1245 ~~under s. 633.081(2), to which a party can pose questions~~
1246 regarding the interpretation of the Florida Fire Prevention Code
1247 provisions.

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1248 (2) Each member and alternate member of the Fire Code
1249 Interpretation Committee must be certified as a firesafety
1250 inspector pursuant to s. 633.081(2) and must have a minimum of 5
1251 years of experience interpreting and enforcing the Florida Fire
1252 Prevention Code and the Life Safety Code. Each member and
1253 alternate member must be approved by the Division of State Fire
1254 Marshal and deemed by the division to have met these
1255 requirements for at least 30 days before participating in a
1256 review of a nonbinding interpretation. ~~It is the intent of the~~
1257 Legislature that the process provide for the expeditious
1258 resolution of the issues presented and publication of the
1259 resulting interpretation on the website of the Division of State
1260 Fire Marshal. It is the intent of the Legislature that this
1261 program be similar to the program established by the Florida
1262 Building Commission in s. 553.775(3)(g).

1263 (3) Each nonbinding interpretation of code provisions must
1264 be provided within 10 business days after receipt of a request
1265 for interpretation. The response period established in this
1266 subsection may be waived only with the written consent of the
1267 party requesting the nonbinding interpretation and the Division
1268 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
1269 advisory only and nonbinding on the parties or the State Fire
1270 Marshal.

1271 (4) In order to administer this section, the Division of
1272 State Fire Marshal shall charge ~~department may adopt by rule and~~
1273 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
1274 ~~directly to the third party~~. The fee may not exceed \$150 for
1275 each request for a review or interpretation. The division may
1276 authorize payment of fees directly to the nonprofit organization

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1277 under contract pursuant to subsection (1).

1278 (5) A party requesting a nonbinding interpretation who
1279 disagrees with the interpretation issued under this section may
1280 apply for a formal interpretation from the State Fire Marshal
1281 pursuant to s. 633.01(6).

1282 (6) The Division of State Fire Marshal shall issue or cause
1283 to be issued a nonbinding interpretation of the Florida Fire
1284 Prevention Code pursuant to this section when requested to do so
1285 upon submission of a petition by a fire official or by the owner
1286 or owner's representative or the contractor or contractor's
1287 representative of a project in dispute. The division shall adopt
1288 a petition form by rule and the petition form must be published
1289 on the State Fire Marshal's website. The form shall, at a
1290 minimum, require:

1291 (a) The name and address of the local fire official,
1292 including the address of the county, municipality, or special
1293 district.

1294 (b) The name and address of the owner or owner's
1295 representative or the contractor or contractor's representative.

1296 (c) A statement of the specific sections of the Florida
1297 Fire Prevention Code being interpreted by the local fire
1298 official.

1299 (d) An explanation of how the petitioner's substantial
1300 interests are being affected by the local interpretation of the
1301 Florida Fire Prevention Code.

1302 (e) A statement of the interpretation of the specific
1303 sections of the Florida Fire Prevention Code by the local fire
1304 official.

1305 (f) A statement of the interpretation that the petitioner

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1306 contends should be given to the specific sections of the Florida
1307 Fire Prevention Code and a statement supporting the petitioner's
1308 interpretation.

1309 (7) Upon receipt of a petition that meets the requirements
1310 of subsection (6), the Division of State Fire Marshal shall
1311 immediately provide copies of the petition to the Fire Code
1312 Interpretation Committee, and shall publish the petition and any
1313 response submitted by the local fire official on the State Fire
1314 Marshal's website.

1315 (8) The committee shall conduct proceedings as necessary to
1316 resolve the issues and give due regard to the petition, the
1317 facts of the matter at issue, specific code sections cited, and
1318 any statutory implications affecting the Florida Fire Prevention
1319 Code. The committee shall issue an interpretation regarding the
1320 provisions of the Florida Fire Prevention Code within 10 days
1321 after the filing of a petition. The committee shall issue an
1322 interpretation based upon the Florida Fire Prevention Code or,
1323 if the code is ambiguous, the intent of the code. The
1324 committee's interpretation shall be provided to the petitioner
1325 and shall include a notice that if the petitioner disagrees with
1326 the interpretation, the petitioner may file a request for formal
1327 interpretation by the State Fire Marshal under s. 633.01(6). The
1328 committee's interpretation shall be provided to the State Fire
1329 Marshal, and the division shall publish the interpretation on
1330 the State Fire Marshal's website and in the Florida
1331 Administrative Weekly.

1332 Section 27. Section 633.081, Florida Statutes, is amended
1333 to read:

1334 633.081 Inspection of buildings and equipment; orders;

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1335 firesafety inspection training requirements; certification;
1336 disciplinary action.—The State Fire Marshal and her or his
1337 agents shall, at any reasonable hour, when the State Fire
1338 Marshal ~~department~~ has reasonable cause to believe that a
1339 violation of this chapter or s. 509.215, or a rule promulgated
1340 thereunder, or a minimum firesafety code adopted by a local
1341 authority, may exist, inspect any and all buildings and
1342 structures which are subject to the requirements of this chapter
1343 or s. 509.215 and rules promulgated thereunder. The authority to
1344 inspect shall extend to all equipment, vehicles, and chemicals
1345 which are located within the premises of any such building or
1346 structure.

1347 (1) Each county, municipality, and special district that
1348 has firesafety enforcement responsibilities shall employ or
1349 contract with a firesafety inspector. The firesafety inspector
1350 must conduct all firesafety inspections that are required by
1351 law. The governing body of a county, municipality, or special
1352 district that has firesafety enforcement responsibilities may
1353 provide a schedule of fees to pay only the costs of inspections
1354 conducted pursuant to this subsection and related administrative
1355 expenses. Two or more counties, municipalities, or special
1356 districts that have firesafety enforcement responsibilities may
1357 jointly employ or contract with a firesafety inspector.

1358 (2) Every firesafety inspection conducted pursuant to state
1359 or local firesafety requirements shall be by a person certified
1360 as having met the inspection training requirements set by the
1361 State Fire Marshal. Such person shall:

1362 (a) Be a high school graduate or the equivalent as
1363 determined by the department;

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1364 (b) Not have been found guilty of, or having pleaded guilty
1365 or nolo contendere to, a felony or a crime punishable by
1366 imprisonment of 1 year or more under the law of the United
1367 States, or of any state thereof, which involves moral turpitude,
1368 without regard to whether a judgment of conviction has been
1369 entered by the court having jurisdiction of such cases;

1370 (c) Have her or his fingerprints on file with the
1371 department or with an agency designated by the department;

1372 (d) Have good moral character as determined by the
1373 department;

1374 (e) Be at least 18 years of age;

1375 (f) Have satisfactorily completed the firesafety inspector
1376 certification examination as prescribed by the department; and

1377 (g) 1. Have satisfactorily completed, as determined by the
1378 department, a firesafety inspector training program of not less
1379 than 200 hours established by the department and administered by
1380 agencies and institutions approved by the department for the
1381 purpose of providing basic certification training for firesafety
1382 inspectors; or

1383 2. Have received in another state training which is
1384 determined by the department to be at least equivalent to that
1385 required by the department for approved firesafety inspector
1386 education and training programs in this state.

1387 (3) Each special state firesafety inspection which is
1388 required by law and is conducted by or on behalf of an agency of
1389 the state must be performed by an individual who has met the
1390 provision of subsection (2), except that the duration of the
1391 training program shall not exceed 120 hours of specific training
1392 for the type of property that such special state firesafety

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1393 inspectors are assigned to inspect.

1394 (4) A firefighter certified pursuant to s. 633.35 may
1395 conduct firesafety inspections, under the supervision of a
1396 certified firesafety inspector, while on duty as a member of a
1397 fire department company conducting inservice firesafety
1398 inspections without being certified as a firesafety inspector,
1399 if such firefighter has satisfactorily completed an inservice
1400 fire department company inspector training program of at least
1401 24 hours' duration as provided by rule of the department.

1402 (5) Every firesafety inspector or special state firesafety
1403 inspector certificate is valid for a period of 3 years from the
1404 date of issuance. Renewal of certification shall be subject to
1405 the affected person's completing proper application for renewal
1406 and meeting all of the requirements for renewal as established
1407 under this chapter or by rule promulgated thereunder, which
1408 shall include completion of at least 40 hours during the
1409 preceding 3-year period of continuing education as required by
1410 the rule of the department or, in lieu thereof, successful
1411 passage of an examination as established by the department.

1412 (6) The State Fire Marshal may deny, refuse to renew,
1413 suspend, or revoke the certificate of a firesafety inspector or
1414 special state firesafety inspector if it finds that any of the
1415 following grounds exist:

1416 (a) Any cause for which issuance of a certificate could
1417 have been refused had it then existed and been known to the
1418 State Fire Marshal.

1419 (b) Violation of this chapter or any rule or order of the
1420 State Fire Marshal.

1421 (c) Falsification of records relating to the certificate.

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1422 (d) Having been found guilty of or having pleaded guilty or
1423 nolo contendere to a felony, whether or not a judgment of
1424 conviction has been entered.

1425 (e) Failure to meet any of the renewal requirements.

1426 (f) Having been convicted of a crime in any jurisdiction
1427 which directly relates to the practice of fire code inspection,
1428 plan review, or administration.

1429 (g) Making or filing a report or record that the
1430 certificateholder knows to be false, or knowingly inducing
1431 another to file a false report or record, or knowingly failing
1432 to file a report or record required by state or local law, or
1433 knowingly impeding or obstructing such filing, or knowingly
1434 inducing another person to impede or obstruct such filing.

1435 (h) Failing to properly enforce applicable fire codes or
1436 permit requirements within this state which the
1437 certificateholder knows are applicable by committing willful
1438 misconduct, gross negligence, gross misconduct, repeated
1439 negligence, or negligence resulting in a significant danger to
1440 life or property.

1441 (i) Accepting labor, services, or materials at no charge or
1442 at a noncompetitive rate from any person who performs work that
1443 is under the enforcement authority of the certificateholder and
1444 who is not an immediate family member of the certificateholder.
1445 For the purpose of this paragraph, the term "immediate family
1446 member" means a spouse, child, parent, sibling, grandparent,
1447 aunt, uncle, or first cousin of the person or the person's
1448 spouse or any person who resides in the primary residence of the
1449 certificateholder.

1450 (7) The Division of State Fire Marshal and the Florida

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1451 Building Code Administrator and Inspectors Board, established
1452 pursuant to under s. 468.605, shall enter into a reciprocity
1453 agreement to facilitate joint recognition of continuing
1454 education recertification hours for certificateholders licensed
1455 under s. 468.609 and firesafety inspectors certified under
1456 subsection (2).

1457 (8) The State Fire Marshal shall develop by rule an
1458 advanced training and certification program for firesafety
1459 inspectors having fire code management responsibilities. The
1460 program must be consistent with the appropriate provisions of
1461 NFPA 1037, or similar standards adopted by the division, and
1462 establish minimum training, education, and experience levels for
1463 firesafety inspectors having fire code management
1464 responsibilities.

1465 (9)~~(7)~~ The department shall provide by rule for the
1466 certification of firesafety inspectors.

1467 Section 28. Section 633.352, Florida Statutes, is amended
1468 to read:

1469 633.352 Retention of firefighter certification.—Any
1470 certified firefighter who has not been active as a firefighter,
1471 or as a volunteer firefighter with an organized fire department,
1472 for a period of 3 years shall be required to retake the
1473 practical portion of the minimum standards state examination
1474 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
1475 Administrative Code, in order to maintain her or his
1476 certification as a firefighter; however, this requirement does
1477 not apply to state-certified firefighters who are certified and
1478 employed as full-time firesafety inspectors or firesafety
1479 instructors, regardless of the firefighter's employment status

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1480 ~~as determined by the division.~~ The 3-year period begins on the
1481 date the certificate of compliance is issued or upon termination
1482 of service with an organized fire department.

1483 Section 29. Paragraph (e) of subsection (2) and subsections
1484 (3), (10), and (11) of section 633.521, Florida Statutes, are
1485 amended to read:

1486 633.521 Certificate application and issuance; permit
1487 issuance; examination and investigation of applicant.-

1488 (2)

1489 (e) An applicant may not be examined more than four times
1490 during 1 year for certification as a contractor pursuant to this
1491 section unless the person is or has been certified and is taking
1492 the examination to change classifications. If an applicant does
1493 not pass one or more parts of the examination, she or he may
1494 take any part of the examination three more times during the 1-
1495 year period beginning upon the date she or he originally filed
1496 an application to take the examination. If the applicant does
1497 not pass the examination within that 1-year period, she or he
1498 must file a new application and pay the application and
1499 examination fees in order to take the examination or a part of
1500 the examination again. However, the applicant may not file a new
1501 application sooner than 6 months after the date of her or his
1502 last examination. An applicant who passes the examination but
1503 does not meet the remaining qualifications as provided in
1504 applicable statutes and rules within 1 year after the
1505 application date must file a new application, pay the
1506 application and examination fee, successfully complete a
1507 prescribed training course approved by the State Fire College or
1508 an equivalent court approved by the State Fire Marshal, and

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1509 retake and pass the written examination.

1510 (3) (a) As a prerequisite to taking the examination for
1511 certification as a Contractor I, ~~Contractor II, or Contractor~~
1512 ~~III~~, the applicant must be at least 18 years of age, be of good
1513 moral character, and ~~shall~~ possess 4 years' proven experience in
1514 the employment of a fire protection system Contractor I,
1515 ~~Contractor II, or Contractor III~~ or a combination of equivalent
1516 education and experience in both water-based and chemical fire
1517 suppression systems.

1518 (b) As a prerequisite to taking the examination for
1519 certification as a Contractor II, the applicant must be at least
1520 18 years of age, be of good moral character, and have 4 years of
1521 verifiable employment experience with a fire protection system
1522 as a Contractor I or Contractor II, or a combination of
1523 equivalent education and experience in water-based fire
1524 suppression systems.

1525 (c) Required education and experience for certification as
1526 a Contractor I, Contractor II, Contractor III, or Contractor IV
1527 includes training and experience in both installation and system
1528 layout as defined in s. 633.021.

1529 (d) As a prerequisite to taking the examination for
1530 certification as a Contractor III, the applicant must be at
1531 least 18 years of age, be of good moral character, and have 4
1532 years of verifiable employment experience with a fire protection
1533 system as a Contractor I or Contractor II, or a combination of
1534 equivalent education and experience in chemical fire suppression
1535 systems.

1536 (e) As a prerequisite to taking the examination for
1537 certification as a Contractor IV, the applicant must ~~shall~~ be at

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1538 least 18 years old, be of good moral character, be licensed as a
1539 certified plumbing contractor under chapter 489, and
1540 successfully complete a training program acceptable to the State
1541 Fire Marshal of not less than 40 contact hours regarding the
1542 applicable installation standard used by the Contractor IV as
1543 described in NFPA 13D. The State Fire Marshal may adopt rules to
1544 administer this subsection ~~have at least 2 years' proven~~
1545 ~~experience in the employment of a fire protection system~~
1546 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
1547 ~~combination of equivalent education and experience which~~
1548 ~~combination need not include experience in the employment of a~~
1549 ~~fire protection system contractor.~~

1550 (f) As a prerequisite to taking the examination for
1551 certification as a Contractor V, the applicant must ~~shall~~ be at
1552 least 18 years old, be of good moral character, and have been
1553 licensed as a certified underground utility and excavation
1554 contractor or certified plumbing contractor pursuant to chapter
1555 489, have verification by an individual who is licensed as a
1556 certified utility contractor or certified plumbing contractor
1557 pursuant to chapter 489 that the applicant has 4 years' proven
1558 experience in the employ of a certified underground utility and
1559 excavation contractor or certified plumbing contractor, or have
1560 a combination of education and experience equivalent to 4 years'
1561 proven experience in the employ of a certified underground
1562 utility and excavation contractor or certified plumbing
1563 contractor.

1564 (g) Within 30 days after the date of the examination, the
1565 State Fire Marshal shall inform the applicant in writing whether
1566 she or he has qualified or not and, if the applicant has

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1567 qualified, that she or he is ready to issue a certificate of
1568 competency, subject to compliance with the requirements of
1569 subsection (4).

1570 (10) Effective July 1, 2008, the State Fire Marshal shall
1571 require the National Institute of Certification in Engineering
1572 Technologies (NICET), Sub-field of Inspection and Testing of
1573 Fire Protection Systems Level II or equivalent training and
1574 education as determined by the division as proof that the
1575 permitholders are knowledgeable about nationally accepted
1576 standards for the inspection of fire protection systems. ~~It is~~
1577 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
1578 ~~to accept continuing education of all certificateholders'~~
1579 ~~employees who perform inspection functions which specifically~~
1580 ~~prepares the permitholder to qualify for NICET II certification.~~

1581 (11) It is intended that a certificateholder, or a
1582 permitholder who is employed by a certificateholder, conduct
1583 inspections required by this chapter. It is understood that
1584 after July 1, 2008, employee turnover may result in a depletion
1585 of personnel who are certified under the NICET Sub-field of
1586 Inspection and Testing of Fire Protection Systems Level II or
1587 equivalent training and education as required by the Division of
1588 State Fire Marshal which is required for permitholders. ~~The~~
1589 ~~extensive training and experience necessary to achieve NICET~~
1590 ~~Level II certification is recognized.~~ A certificateholder may
1591 ~~therefore~~ obtain a provisional permit with an endorsement for
1592 inspection, testing, and maintenance of water-based fire
1593 extinguishing systems for an employee if the employee has
1594 initiated procedures for obtaining Level II certification from
1595 the National Institute for Certification in Engineering

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1596 Technologies Sub-field of Inspection and Testing of Fire
1597 Protection Systems and achieved Level I certification or an
1598 equivalent level as determined by the State Fire Marshal through
1599 verification of experience, training, and examination. The State
1600 Fire Marshal may establish rules to administer this subsection.
1601 After 2 years of provisional certification, the employee must
1602 have achieved NICET Level II certification or obtain equivalent
1603 training and education as determined by the division, or cease
1604 performing inspections requiring Level II certification. The
1605 provisional permit is valid only for the 2 calendar years after
1606 the date of issuance, may not be extended, and is not renewable.
1607 After the initial 2-year provisional permit expires, the
1608 certificateholder must wait 2 additional years before a new
1609 provisional permit may be issued. The intent is to prohibit the
1610 certificateholder from using employees who never reach NICET
1611 Level II status, or equivalent training and education as
1612 determined by the division, by continuously obtaining
1613 provisional permits.

1614 Section 30. Subsection (3) is added to section 633.524,
1615 Florida Statutes, to read:

1616 633.524 Certificate and permit fees; use and deposit of
1617 collected funds.—

1618 (3) The State Fire Marshal may enter into a contract with
1619 any qualified public entity or private company in accordance
1620 with chapter 287 to provide examinations for any applicant for
1621 any examination administered under the jurisdiction of the State
1622 Fire Marshal. The State Fire Marshal may direct payments from
1623 each applicant for each examination directly to such contracted
1624 entity or company.

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1625 Section 31. Subsection (4) of section 633.537, Florida
1626 Statutes, is amended to read:

1627 633.537 Certificate; expiration; renewal; inactive
1628 certificate; continuing education.—

1629 (4) The renewal period for the permit class is the same as
1630 that for the employing certificateholder. The continuing
1631 education requirements for permitholders are what is required to
1632 maintain NICET Sub-field of Inspection and Testing of Fire
1633 Protection Systems Level II, equivalent training and education
1634 as determined by the division, or higher certification plus 8
1635 contact hours of continuing education approved by the State Fire
1636 Marshal during each biennial renewal period thereafter. ~~The~~
1637 ~~continuing education curriculum from July 1, 2005, until July 1,~~
1638 ~~2008, shall be the preparatory curriculum for NICET II~~
1639 ~~certification; after July 1, 2008, the technical curriculum is~~
1640 ~~at the discretion of the State Fire Marshal and may be used to~~
1641 ~~meet the maintenance of NICET Level II certification and 8~~
1642 ~~contact hours of continuing education requirements. It is the~~
1643 responsibility of the permitholder to maintain NICET II
1644 certification or equivalent training and education as determined
1645 by the division as a condition of permit renewal after July 1,
1646 2008.

1647 Section 32. Subsection (4) of section 633.72, Florida
1648 Statutes, is amended to read:

1649 633.72 Florida Fire Code Advisory Council.—

1650 (4) Each appointee shall serve a 4-year term. No member
1651 shall serve more than two consecutive terms ~~one term~~. No member
1652 of the council shall be paid a salary as such member, but each
1653 shall receive travel and expense reimbursement as provided in s.

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1654 112.061.

1655 Section 33. Subsection (6) of section 718.113, Florida
1656 Statutes, is repealed.

1657 Section 34. The Florida Building Commission shall revise
1658 the Florida Building Code in order to make it consistent with
1659 the revisions made by this act to s. 399.02, Florida Statutes.

1660 Section 35. Except as otherwise expressly provided in this
1661 act, this act shall take effect July 1, 2010.