

By the Committee on Community Affairs; and Senator Bennett

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

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30 examinations for certain licenses; amending s.
31 468.631, F.S.; revising the amount of a surcharge on
32 certain building permits; requiring the unit of
33 government collecting the surcharge to remit the funds
34 to the Department of Business and Professional
35 Regulation; requiring the unit of government
36 collecting the surcharge to retain a portion of the
37 funds to fund certain activities of building
38 departments; requiring that the remaining funds from
39 the surcharge be used to fund the Florida Homeowners'
40 Construction Recovery Fund and the Florida Building
41 Code Administrators and Inspectors Board; reducing the
42 amount of information that must be reported to the
43 Department of Business and Professional Regulation by
44 a unit of government responsible for collecting
45 certain permit fees; amending s. 468.83, F.S.;
46 providing for the creation of the home inspection
47 services licensing program within the Department of
48 Business and Professional Regulation; amending s.
49 468.8311, F.S.; revising the term "home inspection
50 services"; amending s. 468.8312, F.S.; deleting a fee
51 provision for certain certificates of authorization;
52 amending s. 468.8313, F.S.; revising examination
53 requirements for licensure as a home inspector;
54 providing fingerprinting requirements and procedures
55 for license applications; providing that the applicant
56 is responsible for certain costs; amending s.
57 468.8318, F.S.; revising requirements and procedures
58 for certification of corporations and partnerships

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

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88 assessment or mold remediation services to the public;
89 deleting provisions relating to required certificates
90 of authorization; amending s. 468.8419, F.S.; delaying
91 the enforcement of a prohibition against performing
92 certain activities by a person who is not licensed as
93 a mold assessor; amending s. 468.842, F.S.; providing
94 an additional ground for taking certain disciplinary
95 actions; amending s. 468.8421, F.S.; specifying an
96 insurance coverage requirement for mold assessors;
97 amending s. 468.8423, F.S.; specifying additional
98 requirements for licensure as a mold assessor or mold
99 remediator; creating s. 468.8424, F.S.; requiring the
100 Department of Business and Professional Regulation to
101 adopt rules to administer part XVI of ch. 468, F.S.,
102 relating to mold-related services; amending s.
103 489.103, F.S.; conforming a cross-reference; amending
104 s. 489.5335, F.S.; deleting certain core curriculum
105 requirements that a person holding a journeyman
106 license in the electrical trade must satisfy in order
107 to work in more than one county or municipality;
108 amending s. 553.37, F.S.; authorizing manufacturers to
109 pay inspection fees directly to the provider of
110 inspection services; providing requirements for rules
111 of the Department of Business and Professional
112 Regulation regarding the schedule of fees; authorizing
113 the department to enter into contracts for the
114 performance of certain administrative duties; revising
115 inspection requirements for certain custom
116 manufactured buildings; amending s. 553.375, F.S.;

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

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

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175 specifying nonapplicability of certain exemptions from
176 the Florida Building Code granted by certain
177 enforcement entities under certain circumstances;
178 revising requirements for review of facility plans and
179 construction surveyed for certain hospitals and health
180 care facilities; amending s. 553.841, F.S.; deleting
181 provisions requiring that the Department of Community
182 Affairs maintain, update, develop, or cause to be
183 developed a core curriculum for persons who enforce
184 the Florida Building Code; amending s. 553.842, F.S.;
185 authorizing rules requiring the payment of product
186 evaluation fees directly to the administrator of the
187 product evaluation and approval system; specifying the
188 use of such fees; authorizing the Florida Building
189 Commission to provide by rule for editorial revisions
190 to certain approvals and charge certain fees;
191 providing requirements for the approval of
192 applications for state approval of a product;
193 providing for certain approved products to be
194 immediately added to the list of state-approved
195 products; requiring that the commission's oversight
196 committee review approved products; revising the list
197 of approved evaluation entities; deleting obsolete
198 provisions governing evaluation entities; amending s.
199 553.844, F.S.; providing an exemption from the
200 requirements regarding protections for certain exposed
201 mechanical equipment or appliances; providing for
202 future expiration; amending s. 553.885, F.S.; revising
203 requirements for carbon monoxide alarms; providing an

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

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233 verification form; requiring that evidence of fraud in
234 the completion of the mitigation verification form be
235 reported to the Division of Insurance Fraud; requiring
236 the division, if it finds that probable cause of
237 misconduct exists, to send a copy of its report to the
238 agency responsible for the licensure of the inspector
239 who signed the report; providing that insurers need
240 not accept a mitigation verification form that is
241 signed by a person against whom probable cause of
242 misconduct was found; amending s. 633.021, F.S.;
243 providing additional definitions for fire equipment
244 dealers; revising the definition of the term
245 "preengineered systems"; amending s. 633.0215, F.S.;
246 providing guidelines for the State Fire Marshal to
247 apply when issuing an expedited declaratory statement;
248 requiring that the State Fire Marshal issue an
249 expedited declaratory statement under certain
250 circumstances; providing requirements for a petition
251 requesting an expedited declaratory statement;
252 exempting certain condominiums from installing manual
253 fire alarm systems; amending s. 633.0245, F.S.;
254 conforming cross-references; amending s. 633.025,
255 F.S.; prohibiting a local government from requiring
256 property owners to install fire sprinklers in
257 residential properties based on the use of that
258 property as a rental property or any change in or
259 reclassification of the property's primary use to a
260 rental property; amending s. 633.026, F.S.; providing
261 legislative intent; revising the authority of the

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

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

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320 s. 633.524, F.S.; authorizing the State Fire Marshal
321 to enter into contracts for examination services;
322 providing for the direct payment of examination fees
323 to contract providers; amending s. 633.537, F.S.;
324 revising the continuing education requirements for
325 certain permitholders; amending 633.72, F.S.; revising
326 the terms of service for members of the Fire Code
327 Advisory Council; repealing s. 718.113(6), F.S.,
328 relating to requirements for 5-year inspections of
329 certain condominium improvements; directing the
330 Florida Building Commission to conform provisions of
331 the Florida Building Code with revisions made by the
332 act relating to the operation of elevators; requiring
333 the Department of Management Services to consider the
334 energy efficiency of buildings owned or operated by a
335 state agency; requiring the Department of Management
336 Services to lease buildings and facilities having
337 high-efficiency lighting and consider energy
338 efficiency when leasing buildings when feasible;
339 requiring the Department of Management Services to
340 adopt rules requiring state agencies to install high-
341 efficiency lamps when replacing an existing lamp or
342 installing a new lamp in a building owned by a state
343 agency; providing effective dates.

344

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

346

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

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349 196.031 Exemption of homesteads.—

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

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

370 399.02 General requirements.—

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

375 (b) In order to perform its duties and responsibilities
376 under this section, the division may enter and have reasonable
377 access to all buildings and rooms or spaces in which an existing

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378 or newly installed conveyance and equipment are located.

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

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

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

403 399.15 Regional emergency elevator access.-

404 (7) As an alternative to complying with the requirements of
405 subsection (1), each building in this state which is required to
406 meet the provisions of subsections (1) and (2) may instead

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

419 Section 4. Section 455.2122, Florida Statutes, is created
420 to read:

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

430 Section 5. Section 455.2123, Florida Statutes, is amended
431 to read:

432 455.2123 Continuing education.—A board, or the department
433 when there is no board, may provide by rule that distance
434 learning may be used to satisfy continuing education
435 requirements. A board, or the department when there is no board,

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436 shall approve distance learning courses as an alternative to
437 classroom courses to satisfy continuing education requirements
438 provided for in part VIII, part XV, or part XVI of chapter 468
439 or part I or part II of chapter 475 and may not require
440 centralized examinations for completion of continuing education
441 requirements for the professions licensed under part VIII, part
442 XV, or part XVI of chapter 468 or part I or part II of chapter
443 475.

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

446 468.631 Building Code Administrators and Inspectors Fund.—

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

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465 promulgation processes and to provide education related to
466 enforcement of the Florida Building Code ~~projects and activities~~
467 ~~intended to improve the quality of building code enforcement.~~

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

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

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494 the officer in charge of collecting permit fees.

495 Section 7. Section 468.83, Florida Statutes, is amended to
496 read:

497 468.83 Home inspection services licensing program;
498 purpose.-

499 (1) There is created within the department the home
500 inspection services licensing program.

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

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

510 468.8311 Definitions.-As used in this part, the term:

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

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

520 468.8312 Fees.-

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

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523 ~~(4)(5)~~ The biennial renewal fee shall not exceed \$200.

524 ~~(5)(6)~~ The fee for licensure by endorsement shall not
525 exceed \$200.

526 ~~(6)(7)~~ The fee for application for inactive status or for
527 reactivation of an inactive license shall not exceed \$200.

528 ~~(7)(8)~~ The fee for applications from providers of
529 continuing education may not exceed \$500.

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

534 468.8313 Examinations.—

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

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

549 ~~(6)~~ An applicant for a license shall submit, together with
550 the application, a complete set of electronic fingerprints to
551 the department. The department shall submit the fingerprints to

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

562 ~~(7)(6)~~ The department may adopt rules pursuant to ss.
563 ~~120.536(1) and 120.54~~ to implement the provisions of this
564 section.

565 Section 11. Section 468.8318, Florida Statutes, is amended
566 to read:

567 468.8318 Certification of corporations and partnerships.—

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

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

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

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

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

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

608 Section 12. Section 468.8319, Florida Statutes, is amended
609 to read:

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610 468.8319 Prohibitions; penalties.—

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

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

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

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

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

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

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

634 (g) Inspect ~~for a fee~~ any property in which the inspector
635 or the inspector's company has any financial or transfer
636 interest;

637 (h) Offer or deliver any compensation, inducement, or
638 reward to any broker or agent therefor for the referral of the

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639 owner of the inspected property to the inspector or the
640 inspection company; or

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

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

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

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

653 468.832 Disciplinary proceedings.—

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

656 (a) Violation of any provision of this part or s.
657 455.227(1).~~†~~

658 (b) Attempting to procure a license to practice home
659 inspection services by bribery or fraudulent misrepresentation.~~†~~

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

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

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668 services.~~†~~

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

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

678 (g) Engaging in fraud or deceit, or negligence,
 679 incompetency, or misconduct, in the practice of home inspection
 680 services.~~†~~

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

687 (i) Practicing on a revoked, suspended, inactive, or
 688 delinquent license.

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

691 Section 14. Section 468.8324, Florida Statutes, is amended
 692 to read:

693 468.8324 Grandfather clause.—

694 (1) A person who performs home inspection services as
 695 defined in this part may qualify for licensure ~~to be licensed~~ by
 696 the department as a home inspector if the person submits an

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697 application to the department postmarked on or before March 1,
698 2011, which shows that the applicant: ~~meets the licensure~~
699 ~~requirements of this part by July 1, 2010.~~

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

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

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

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

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

725 Section 15. Section 468.8325, Florida Statutes, is created

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726 to read:

727 468.8325 Rulemaking authority.—The department shall adopt
728 rules to administer this part.

729 Section 16. Section 468.84, Florida Statutes, is amended to
730 read:

731 468.84 Mold-related services licensing program; legislative
732 purpose.—

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

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

741 Section 17. Subsections (6) through (10) of section
742 468.8412, Florida Statutes, are amended to read:

743 468.8412 Fees.—

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

746 (6)~~(7)~~ The fee for licensure by endorsement shall not
747 exceed \$200.

748 (7)~~(8)~~ The fee for application for inactive status shall
749 not exceed \$100.

750 (8)~~(9)~~ The fee for reactivation of an inactive license
751 shall not exceed \$200.

752 (9)~~(10)~~ The fee for applications from providers of
753 continuing education may not exceed \$500.

754 Section 18. Subsections (1) and (2) of section 468.8413,

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755 Florida Statutes, are amended, and subsection (6) is added to
756 that section, to read:

757 468.8413 Examinations.—

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

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

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

773 2. A high school diploma or the equivalent with a minimum
774 of 4 years of documented field experience in a field related to
775 mold remediation.

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

783 2. A high school diploma or the equivalent with a minimum

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784 of 4 years of documented field experience in conducting
785 microbial sampling or investigations.

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

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

801 468.8414 Licensure.—

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

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

811 (b) Holds a valid license to practice mold assessment or
812 mold remediation issued by another state or territory of the

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813 United States if the criteria for issuance of the license were
814 substantially the same as the licensure criteria that is
815 established by this part as determined by the department.

816 Section 20. Section 468.8418, Florida Statutes, is amended
817 to read:

818 468.8418 Certification of partnerships and corporations.—

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

824 ~~(2) The practice of or the offer to practice mold~~
825 ~~assessment or mold remediation by licensees through a~~
826 ~~corporation or partnership offering mold assessment or mold~~
827 ~~remediation to the public, or by a corporation or partnership~~
828 ~~offering such services to the public through licensees under~~
829 ~~this part as agents, employees, officers, or partners, is~~
830 ~~permitted subject to the provisions of this part, provided that~~
831 ~~the corporation or partnership has been issued a certificate of~~
832 ~~authorization by the department as provided in this section.~~

833 Nothing in this section shall be construed to allow a
834 corporation to hold a license to practice mold assessment or
835 mold remediation. No corporation or partnership shall be
836 relieved of responsibility for the conduct or acts of its
837 agents, employees, or officers by reason of its compliance with
838 this section, nor shall any individual practicing mold
839 assessment or mold remediation be relieved of responsibility for
840 professional services performed by reason of his or her
841 employment or relationship with a corporation or partnership.

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842 ~~(3) For the purposes of this section, a certificate of~~
843 ~~authorization shall be required for a corporation, partnership,~~
844 ~~association, or person practicing under a fictitious name,~~
845 ~~offering mold assessment or mold remediation; however, when an~~
846 ~~individual is practicing mold assessment or mold remediation~~
847 ~~under his or her own given name, he or she shall not be required~~
848 ~~to register under this section.~~

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

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

858 Section 21. Subsection (1) of section 468.8419, Florida
859 Statutes, is amended, and subsection (4) is added to that
860 section, to read:

861 468.8419 Prohibitions; penalties.—

862 (1) A person mold assessor, a company that employs a mold
863 assessor, or a company that is controlled by a company that also
864 has a financial interest in a company employing a mold assessor
865 may not:

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

869 (b) Effective July 1, 2011, perform or offer to perform any
870 mold assessment unless the person has complied with the

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871 provisions of this part.

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

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

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

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

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

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

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

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

899 468.842 Disciplinary proceedings.—

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

902 (a) Violation of any provision of this part or s.
903 455.227(1).~~†~~

904 (b) Attempting to procure a license to practice mold
905 assessment or mold remediation by bribery or fraudulent
906 misrepresentations.~~†~~

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

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

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

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

925 (g) Engaging in fraud or deceit, or negligence,
926 incompetency, or misconduct, in the practice of mold assessment
927 or mold remediation.~~†~~

928 (h) Failing to perform any statutory or legal obligation

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929 placed upon a licensed mold assessor or mold remediator;
930 violating any provision of this chapter, a rule of the
931 department, or a lawful order of the department previously
932 entered in a disciplinary hearing; or failing to comply with a
933 lawfully issued subpoena of the department.~~;~~ ~~or~~

934 (i) Practicing on a revoked, suspended, inactive, or
935 delinquent license.

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

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

940 468.8421 Insurance.—

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

945 Section 24. Section 468.8423, Florida Statutes, is amended
946 to read:

947 468.8423 Grandfather clause.—

948 (1) A person who performs mold assessment or mold
949 remediation as defined in this part may qualify to be licensed
950 by the department as a mold assessor or mold remediator if the
951 person submits his or her application to the department by March
952 1, 2011, whether postmarked or delivered by that date, and if
953 the person: meets the licensure requirements of this part by
954 July 1, 2010.

955 (a) Is certified as a mold assessor or mold remediator by a
956 state or national association that requires, for such
957 certification, successful completion of a proctored examination

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958 on mold assessment or mold remediation, as applicable, and
959 completes at least 60 hours of education on mold assessment or
960 at least 30 hours of education on mold remediation, as
961 applicable; or

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

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

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

981 (4) An applicant for licensure under this section must
982 comply with the good moral character and insurance requirements
983 of this part.

984 Section 25. Section 468.8424, Florida Statutes, is created
985 to read:

986 468.8424 Rulemaking authority.—The department shall adopt

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987 rules to administer this part.

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

990 489.103 Exemptions.—This part does not apply to:

991 (22) A person licensed pursuant to s. 633.061(1)(d) or
992 (3)~~(2)~~(b) performing work authorized by such license.

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

995 489.5335 Journeyman; reciprocity; standards.—

996 (1) An individual who holds a valid, active journeyman
997 license in the electrical trade issued by any county or
998 municipality in this state may work as a journeyman in any other
999 county or municipality of this state without taking an
1000 additional examination or paying an additional license fee, if
1001 he or she:

1002 (a) Has scored at least 70 percent, or after October 1,
1003 1997, at least 75 percent, on a proctored journeyman Block and
1004 Associates examination or other proctored examination approved
1005 by the board for the electrical trade;

1006 (b) Has completed an apprenticeship program registered with
1007 the Department of Labor and Employment Security and demonstrates
1008 4 years' verifiable practical experience in the electrical
1009 trade, or demonstrates 6 years' verifiable practical experience
1010 in the electrical trade;

1011 (c) Has satisfactorily completed specialized and advanced
1012 module coursework approved by the Florida Building Commission,
1013 as part of the building code training program established in s.
1014 553.841, specific to the discipline, ~~and successfully completed~~
1015 ~~the program's core curriculum courses or passed an equivalency~~

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1016 ~~test in lieu of taking the core curriculum courses and provided~~
1017 ~~proof of completion of such curriculum courses or examination~~
1018 ~~and obtained a certificate from the board pursuant to this part~~
1019 ~~or,~~ pursuant to authorization by the certifying authority,
1020 provides proof of completion of such curriculum or coursework
1021 within 6 months after such certification; and

1022 (d) Has not had a license suspended or revoked within the
1023 last 5 years.

1024 Section 28. Subsections (2), (8), and (9) of section
1025 553.37, Florida Statutes, are amended, and subsection (12) is
1026 added to that section, to read:

1027 553.37 Rules; inspections; and insignia.—

1028 (2) The department shall adopt rules to address:

1029 (a) Procedures and qualifications for approval of third-
1030 party plan review and inspection agencies and of those who
1031 perform inspections and plan reviews.

1032 (b) Investigation of consumer complaints of noncompliance
1033 of manufactured buildings with the Florida Building Code and the
1034 Florida Fire Prevention Code.

1035 (c) Issuance, cancellation, and revocation of any insignia
1036 issued by the department and procedures for auditing and
1037 accounting for disposition of them.

1038 (d) Monitoring the manufacturers', inspection agencies',
1039 and plan review agencies' compliance with this part and the
1040 Florida Building Code. Monitoring may include, but is not
1041 limited to, performing audits of plans, inspections of
1042 manufacturing facilities and observation of the manufacturing
1043 and inspection process, and onsite inspections of buildings.

1044 (e) The performance by the department and its designees and

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1045 contractors of any other functions required by this part.

1046 (8) The department, by rule, shall establish a schedule of
1047 fees to pay the cost of the administration and enforcement of
1048 this part. The rule may provide for manufacturers to pay fees to
1049 the administrator directly via the Building Code Information
1050 System.

1051 (9) The department may delegate its enforcement authority
1052 to a state department having building construction
1053 responsibilities or a local government, and may enter into
1054 contracts for the performance of its administrative duties under
1055 this part. The department may delegate its plan review and
1056 inspection authority to one or more of the following in any
1057 combination:

1058 (a) A state department having building construction
1059 responsibilities;

1060 (b) A local government;

1061 (c) An approved inspection agency;

1062 (d) An approved plan review agency; or

1063 (e) An agency of another state.

1064 (12) Custom or one-of-a-kind prototype manufactured
1065 buildings are not required to have state approval, but must be
1066 in compliance with all local requirements of the governmental
1067 agency having jurisdiction at the installation site.

1068 Section 29. Section 553.375, Florida Statutes, is amended
1069 to read:

1070 553.375 Recertification of manufactured buildings.—Prior to
1071 the relocation to a site that has a higher design wind speed,
1072 modification, or change of occupancy of a manufactured building
1073 within the state, the manufacturer, dealer, or owner thereof may

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1074 apply to the department for recertification of that manufactured
1075 building. The department shall, by rule, provide what
1076 information the applicant must submit for recertification and
1077 for plan review and inspection of such manufactured buildings
1078 and shall establish fees for recertification. Upon a
1079 determination by the department that the manufactured building
1080 complies with the applicable building codes, the department
1081 shall issue a recertification insignia. A manufactured building
1082 that bears recertification insignia does not require any
1083 additional approval by an enforcement jurisdiction in which the
1084 building is sold or installed, and is considered to comply with
1085 all applicable codes. As an alternative to recertification by
1086 the department, the manufacturer, dealer, or owner of a
1087 manufactured building may seek appropriate permitting and a
1088 certificate of occupancy from the local jurisdiction in
1089 accordance with procedures generally applicable under the
1090 Florida Building Code.

1091 Section 30. Section 553.509, Florida Statutes, is amended
1092 to read:

1093 553.509 Vertical accessibility.—

1094 (1) Nothing in ss. 553.501-553.513 or the guidelines shall
1095 be construed to relieve the owner of any building, structure, or
1096 facility governed by those sections from the duty to provide
1097 vertical accessibility to all levels above and below the
1098 occupiable grade level, regardless of whether the guidelines
1099 require an elevator to be installed in such building, structure,
1100 or facility, except for:

1101 (a) Elevator pits, elevator penthouses, mechanical rooms,
1102 piping or equipment catwalks, and automobile lubrication and

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1103 maintenance pits and platforms;

1104 (b) Unoccupiable spaces, such as rooms, enclosed spaces,
1105 and storage spaces that are not designed for human occupancy,
1106 for public accommodations, or for work areas; and

1107 (c) Occupiable spaces and rooms that are not open to the
1108 public and that house no more than five persons, including, but
1109 not limited to, equipment control rooms and projection booths.

1110 ~~(2) (a) Any person, firm, or corporation that owns, manages,~~
1111 ~~or operates a residential multifamily dwelling, including a~~
1112 ~~condominium, that is at least 75 feet high and contains a public~~
1113 ~~elevator, as described in s. 399.035(2) and (3) and rules~~
1114 ~~adopted by the Florida Building Commission, shall have at least~~
1115 ~~one public elevator that is capable of operating on an alternate~~
1116 ~~power source for emergency purposes. Alternate power shall be~~
1117 ~~available for the purpose of allowing all residents access for a~~
1118 ~~specified number of hours each day over a 5-day period following~~
1119 ~~a natural disaster, manmade disaster, emergency, or other civil~~
1120 ~~disturbance that disrupts the normal supply of electricity. The~~
1121 ~~alternate power source that controls elevator operations must~~
1122 ~~also be capable of powering any connected fire alarm system in~~
1123 ~~the building.~~

1124 ~~(b) At a minimum, the elevator must be appropriately~~
1125 ~~prewired and prepared to accept an alternate power source and~~
1126 ~~must have a connection on the line side of the main disconnect,~~
1127 ~~pursuant to National Electric Code Handbook, Article 700. In~~
1128 ~~addition to the required power source for the elevator and~~
1129 ~~connected fire alarm system in the building, the alternate power~~
1130 ~~supply must be sufficient to provide emergency lighting to the~~
1131 ~~interior lobbies, hallways, and other portions of the building~~

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1132 ~~used by the public. Residential multifamily dwellings must have~~
1133 ~~an available generator and fuel source on the property or have~~
1134 ~~proof of a current contract posted in the elevator machine room~~
1135 ~~or other place conspicuous to the elevator inspector affirming a~~
1136 ~~current guaranteed service contract for such equipment and fuel~~
1137 ~~source to operate the elevator on an on-call basis within 24~~
1138 ~~hours after a request. By December 31, 2006, any person, firm or~~
1139 ~~corporation that owns, manages, or operates a residential~~
1140 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
1141 ~~the local building inspection agency verification of engineering~~
1142 ~~plans for residential multifamily dwellings that provide for the~~
1143 ~~capability to generate power by alternate means. Compliance with~~
1144 ~~installation requirements and operational capability~~
1145 ~~requirements must be verified by local building inspectors and~~
1146 ~~reported to the county emergency management agency by December~~
1147 ~~31, 2007.~~

1148 ~~(c) Each newly constructed residential multifamily~~
1149 ~~dwelling, including a condominium, that is at least 75 feet high~~
1150 ~~and contains a public elevator, as described in s. 399.035(2)~~
1151 ~~and (3) and rules adopted by the Florida Building Commission,~~
1152 ~~must have at least one public elevator that is capable of~~
1153 ~~operating on an alternate power source for the purpose of~~
1154 ~~allowing all residents access for a specified number of hours~~
1155 ~~each day over a 5-day period following a natural disaster,~~
1156 ~~manmade disaster, emergency, or other civil disturbance that~~
1157 ~~disrupts the normal supply of electricity. The alternate power~~
1158 ~~source that controls elevator operations must be capable of~~
1159 ~~powering any connected fire alarm system in the building. In~~
1160 ~~addition to the required power source for the elevator and~~

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1161 ~~connected fire alarm system, the alternate power supply must be~~
1162 ~~sufficient to provide emergency lighting to the interior~~
1163 ~~lobbies, hallways, and other portions of the building used by~~
1164 ~~the public. Engineering plans and verification of operational~~
1165 ~~capability must be provided by the local building inspector to~~
1166 ~~the county emergency management agency before occupancy of the~~
1167 ~~newly constructed building.~~

1168 ~~(d) Each person, firm, or corporation that is required to~~
1169 ~~maintain an alternate power source under this subsection shall~~
1170 ~~maintain a written emergency operations plan that details the~~
1171 ~~sequence of operations before, during, and after a natural or~~
1172 ~~manmade disaster or other emergency situation. The plan must~~
1173 ~~include, at a minimum, a lifesafety plan for evacuation,~~
1174 ~~maintenance of the electrical and lighting supply, and~~
1175 ~~provisions for the health, safety, and welfare of the residents.~~
1176 ~~In addition, the owner, manager, or operator of the residential~~
1177 ~~multifamily dwelling must keep written records of any contracts~~
1178 ~~for alternative power generation equipment. Also, quarterly~~
1179 ~~inspection records of lifesafety equipment and alternate power~~
1180 ~~generation equipment must be posted in the elevator machine room~~
1181 ~~or other place conspicuous to the elevator inspector, which~~
1182 ~~confirm that such equipment is properly maintained and in good~~
1183 ~~working condition, and copies of contracts for alternate power~~
1184 ~~generation equipment shall be maintained on site for~~
1185 ~~verification. The written emergency operations plan and~~
1186 ~~inspection records shall also be open for periodic inspection by~~
1187 ~~local and state government agencies as deemed necessary. The~~
1188 ~~owner or operator must keep a generator key in a lockbox posted~~
1189 ~~at or near any installed generator unit.~~

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1190 ~~(e) Multistory affordable residential dwellings for persons~~
1191 ~~age 62 and older that are financed or insured by the United~~
1192 ~~States Department of Housing and Urban Development must make~~
1193 ~~every effort to obtain grant funding from the Federal Government~~
1194 ~~or the Florida Housing Finance Corporation to comply with this~~
1195 ~~subsection. If an owner of such a residential dwelling cannot~~
1196 ~~comply with the requirements of this subsection, the owner must~~
1197 ~~develop a plan with the local emergency management agency to~~
1198 ~~ensure that residents are evacuated to a place of safety in the~~
1199 ~~event of a power outage resulting from a natural or manmade~~
1200 ~~disaster or other emergency situation that disrupts the normal~~
1201 ~~supply of electricity for an extended period of time. A place of~~
1202 ~~safety may include, but is not limited to, relocation to an~~
1203 ~~alternative site within the building or evacuation to a local~~
1204 ~~shelter.~~

1205 ~~(f) As a part of the annual elevator inspection required~~
1206 ~~under s. 399.061, certified elevator inspectors shall confirm~~
1207 ~~that all installed generators required by this chapter are in~~
1208 ~~working order, have current inspection records posted in the~~
1209 ~~elevator machine room or other place conspicuous to the elevator~~
1210 ~~inspector, and that the required generator key is present in the~~
1211 ~~lockbox posted at or near the installed generator. If a building~~
1212 ~~does not have an installed generator, the inspector shall~~
1213 ~~confirm that the appropriate rewiring and switching~~
1214 ~~capabilities are present and that a statement is posted in the~~
1215 ~~elevator machine room or other place conspicuous to the elevator~~
1216 ~~inspector affirming a current guaranteed contract exists for~~
1217 ~~contingent services for alternate power is current for the~~
1218 ~~operating period.~~

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1219 (2) Notwithstanding any provision of subsection (1)
1220 ~~However,~~ buildings, structures, and facilities must, at ~~as~~ a
1221 minimum, comply with the requirements in the Americans with
1222 Disabilities Act Accessibility Guidelines.

1223 Section 31. Subsection (1) of section 553.512, Florida
1224 Statutes, is amended to read:

1225 553.512 Modifications and waivers; advisory council.—

1226 (1) The Florida Building Commission shall provide by
1227 regulation criteria for granting individual modifications of, or
1228 exceptions from, the literal requirements of this part upon a
1229 determination of unnecessary, unreasonable, or extreme hardship,
1230 provided such waivers shall not violate federal accessibility
1231 laws and regulations and shall be reviewed by the Accessibility
1232 Advisory Council. The commission shall establish by rule a fee
1233 to be paid upon submitting a request for a waiver as provided in
1234 this section. Notwithstanding any other provision of this
1235 subsection, if an applicant for a waiver demonstrates economic
1236 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver
1237 shall be granted. The commission may not consider waiving any of
1238 the requirements of s. 553.5041 unless the applicant first
1239 demonstrates that she or he has applied for and been denied
1240 waiver or variance from all local government zoning, subdivision
1241 regulations, or other ordinances that prevent compliance
1242 therewith. Further, the commission may not waive the requirement
1243 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
1244 accessible routes and minimum width of accessible parking
1245 spaces.

1246 Section 32. Effective October 1, 2010, section 553.721,
1247 Florida Statutes, is amended to read:

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1248 553.721 Surcharge.—

1249 ~~(1)~~ In order for the Department of Community Affairs to

1250 administer and carry out the purposes of this part and related

1251 activities, there is hereby created a surcharge, to be assessed

1252 at the rate of 1.5 percent of all permit fees associated with

1253 enforcement of the Florida Building Code as defined by the

1254 uniform account criteria and specifically the uniform account

1255 code for building permits adopted for local government financial

1256 reporting pursuant to s. 218.32. The minimum amount collected on

1257 any permit issued shall be \$2 one-half cent per square foot

1258 under-roof floor space permitted pursuant to s. 125.56(4) or s.

1259 166.201. However, for additions, alterations, or renovations to

1260 existing buildings, the surcharge shall be computed on the basis

1261 of the square footage being added, altered, or renovated. The

1262 unit of government responsible for collecting a permit fee

1263 pursuant to s. 125.56~~(4)~~ or s. 166.201 shall collect such

1264 surcharge and electronically remit the funds collected to the

1265 department on a quarterly calendar basis beginning not later

1266 than December 31, 2010, for the preceding quarter, and

1267 continuing each third month thereafter, and such unit of

1268 government shall ~~may~~ retain 10 ~~an amount up to 5~~ percent of the

1269 surcharge collected to fund the participation of building

1270 departments in the national and state building code promulgation

1271 processes and to provide education related to enforcement of the

1272 Florida Building Code ~~cover costs associated with the collection~~

1273 ~~and remittance of such surcharge.~~ All funds remitted to the

1274 department pursuant to this subsection shall be deposited in the

1275 Operating Trust Fund. Funds collected from such surcharge shall

1276 be used exclusively for the duties of the Florida Building

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1277 Commission and the Department of Community Affairs ~~not be used~~
1278 ~~to fund research on techniques for mitigation of radon in~~
1279 ~~existing buildings. Funds used by the department as well as~~
1280 ~~funds to be transferred to the Department of Health shall be as~~
1281 ~~prescribed in the annual General Appropriations Act. The~~
1282 ~~department shall adopt rules governing the collection and~~
1283 ~~remittance of surcharges in accordance with chapter 120.~~

1284 ~~(2) Notwithstanding subsection (1), and for the 2008-2009~~
1285 ~~fiscal year only, the amount transferred from the Operating~~
1286 ~~Trust Fund to the Grants and Donations Trust Fund of the~~
1287 ~~Department of Community Affairs pursuant to the General~~
1288 ~~Appropriations Act for the 2008-2009 fiscal year shall be used~~
1289 ~~for the regional planning councils, civil legal assistance, and~~
1290 ~~the Front Porch Florida Initiative.~~

1291 Section 33. Subsections (2) and (3) and paragraph (b) of
1292 subsection (4) of section 553.73, Florida Statutes, are amended,
1293 present subsections (5) through (13) of that section are
1294 renumbered as subsections (6) through (14), respectively, a new
1295 subsection (5) is added to that section, paragraph (a) of
1296 present subsection (6) and present subsections (7) and (9) of
1297 that section are amended, and subsections (15) and (16) are
1298 added to that section, to read:

1299 553.73 Florida Building Code.—

1300 (2) The Florida Building Code shall contain provisions or
1301 requirements for public and private buildings, structures, and
1302 facilities relative to structural, mechanical, electrical,
1303 plumbing, energy, and gas systems, existing buildings,
1304 historical buildings, manufactured buildings, elevators, coastal
1305 construction, lodging facilities, food sales and food service

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1306 facilities, health care facilities, including assisted living
1307 facilities, adult day care facilities, hospice residential and
1308 inpatient facilities and units, and facilities for the control
1309 of radiation hazards, public or private educational facilities,
1310 swimming pools, and correctional facilities and enforcement of
1311 and compliance with such provisions or requirements. Further,
1312 the Florida Building Code must provide for uniform
1313 implementation of ss. 515.25, 515.27, and 515.29 by including
1314 standards and criteria for residential swimming pool barriers,
1315 pool covers, latching devices, door and window exit alarms, and
1316 other equipment required therein, which are consistent with the
1317 intent of s. 515.23. Technical provisions to be contained within
1318 the Florida Building Code are restricted to requirements related
1319 to the types of materials used and construction methods and
1320 standards employed in order to meet criteria specified in the
1321 Florida Building Code. Provisions relating to the personnel,
1322 supervision or training of personnel, or any other professional
1323 qualification requirements relating to contractors or their
1324 workforce may not be included within the Florida Building Code,
1325 and subsections (4), ~~(5)~~, (6), (7), ~~and~~ (8), and (9) are not to
1326 be construed to allow the inclusion of such provisions within
1327 the Florida Building Code by amendment. This restriction applies
1328 to both initial development and amendment of the Florida
1329 Building Code.

1330 (3) The commission shall select from available national or
1331 international model building codes, or other available building
1332 codes and standards currently recognized by the laws of this
1333 state, to form the foundation for the Florida Building Code. The
1334 commission may modify the selected model codes and standards as

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1335 needed to accommodate the specific needs of this state.
1336 Standards or criteria referenced by the selected model codes
1337 shall be similarly incorporated by reference. If a referenced
1338 standard or criterion requires amplification or modification to
1339 be appropriate for use in this state, only the amplification or
1340 modification shall be specifically set forth in the Florida
1341 Building Code. The Florida Building Commission may approve
1342 technical amendments to the code, subject to the requirements of
1343 subsections (8) ~~(7)~~ and (9) ~~(8)~~, after the amendments have been
1344 subject to the following conditions:

1345 (a) The proposed amendment has been published on the
1346 commission's website for a minimum of 45 days and all the
1347 associated documentation has been made available to any
1348 interested party before any consideration by any Technical
1349 Advisory Committee;

1350 (b) In order for a Technical Advisory Committee to make a
1351 favorable recommendation to the commission, the proposal must
1352 receive a three-fourths vote of the members present at the
1353 Technical Advisory Committee meeting and at least half of the
1354 regular members must be present in order to conduct a meeting;

1355 (c) After Technical Advisory Committee consideration and a
1356 recommendation for approval of any proposed amendment, the
1357 proposal must be published on the commission's website for not
1358 less than 45 days before any consideration by the commission;
1359 and

1360 (d) Any proposal may be modified by the commission based on
1361 public testimony and evidence from a public hearing held in
1362 accordance with chapter 120.

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1364 The commission shall incorporate within sections of the Florida
1365 Building Code provisions which address regional and local
1366 concerns and variations. The commission shall make every effort
1367 to minimize conflicts between the Florida Building Code, the
1368 Florida Fire Prevention Code, and the Life Safety Code.

1369 (4)

1370 (b) Local governments may, subject to the limitations of
1371 this section, adopt amendments to the technical provisions of
1372 the Florida Building Code which apply solely within the
1373 jurisdiction of such government and which provide for more
1374 stringent requirements than those specified in the Florida
1375 Building Code, not more than once every 6 months. A local
1376 government may adopt technical amendments that address local
1377 needs if:

1378 1. The local governing body determines, following a public
1379 hearing which has been advertised in a newspaper of general
1380 circulation at least 10 days before the hearing, that there is a
1381 need to strengthen the requirements of the Florida Building
1382 Code. The determination must be based upon a review of local
1383 conditions by the local governing body, which review
1384 demonstrates by evidence or data that the geographical
1385 jurisdiction governed by the local governing body exhibits a
1386 local need to strengthen the Florida Building Code beyond the
1387 needs or regional variation addressed by the Florida Building
1388 Code, that the local need is addressed by the proposed local
1389 amendment, and that the amendment is no more stringent than
1390 necessary to address the local need.

1391 2. Such additional requirements are not discriminatory
1392 against materials, products, or construction techniques of

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1393 demonstrated capabilities.

1394 3. Such additional requirements may not introduce a new
1395 subject not addressed in the Florida Building Code.

1396 4. The enforcing agency shall make readily available, in a
1397 usable format, all amendments adopted pursuant to this section.

1398 5. Any amendment to the Florida Building Code shall be
1399 transmitted within 30 days by the adopting local government to
1400 the commission. The commission shall maintain copies of all such
1401 amendments in a format that is usable and obtainable by the
1402 public. Local technical amendments shall not become effective
1403 until 30 days after the amendment has been received and
1404 published by the commission.

1405 6. Any amendment to the Florida Building Code adopted by a
1406 local government pursuant to this paragraph shall be effective
1407 only until the adoption by the commission of the new edition of
1408 the Florida Building Code every third year. At such time, the
1409 commission shall review such amendment for consistency with the
1410 criteria in paragraph (9)~~(8)~~(a) and adopt such amendment as part
1411 of the Florida Building Code or rescind the amendment. The
1412 commission shall immediately notify the respective local
1413 government of the rescission of any amendment. After receiving
1414 such notice, the respective local government may readopt the
1415 rescinded amendment pursuant to the provisions of this
1416 paragraph.

1417 7. Each county and municipality desiring to make local
1418 technical amendments to the Florida Building Code shall by
1419 interlocal agreement establish a countywide compliance review
1420 board to review any amendment to the Florida Building Code,
1421 adopted by a local government within the county pursuant to this

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1422 paragraph, that is challenged by any substantially affected
1423 party for purposes of determining the amendment's compliance
1424 with this paragraph. If challenged, the local technical
1425 amendments shall not become effective until time for filing an
1426 appeal pursuant to subparagraph 8. has expired or, if there is
1427 an appeal, until the commission issues its final order
1428 determining the adopted amendment is in compliance with this
1429 subsection.

1430 8. If the compliance review board determines such amendment
1431 is not in compliance with this paragraph, the compliance review
1432 board shall notify such local government of the noncompliance
1433 and that the amendment is invalid and unenforceable until the
1434 local government corrects the amendment to bring it into
1435 compliance. The local government may appeal the decision of the
1436 compliance review board to the commission. If the compliance
1437 review board determines such amendment to be in compliance with
1438 this paragraph, any substantially affected party may appeal such
1439 determination to the commission. Any such appeal shall be filed
1440 with the commission within 14 days of the board's written
1441 determination. The commission shall promptly refer the appeal to
1442 the Division of Administrative Hearings for the assignment of an
1443 administrative law judge. The administrative law judge shall
1444 conduct the required hearing within 30 days, and shall enter a
1445 recommended order within 30 days of the conclusion of such
1446 hearing. The commission shall enter a final order within 30 days
1447 thereafter. The provisions of chapter 120 and the uniform rules
1448 of procedure shall apply to such proceedings. The local
1449 government adopting the amendment that is subject to challenge
1450 has the burden of proving that the amendment complies with this

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1451 paragraph in proceedings before the compliance review board and
1452 the commission, as applicable. Actions of the commission are
1453 subject to judicial review pursuant to s. 120.68. The compliance
1454 review board shall determine whether its decisions apply to a
1455 respective local jurisdiction or apply countywide.

1456 9. An amendment adopted under this paragraph shall include
1457 a fiscal impact statement which documents the costs and benefits
1458 of the proposed amendment. Criteria for the fiscal impact
1459 statement shall include the impact to local government relative
1460 to enforcement, the impact to property and building owners, as
1461 well as to industry, relative to the cost of compliance. The
1462 fiscal impact statement may not be used as a basis for
1463 challenging the amendment for compliance.

1464 10. In addition to subparagraphs 7. and 9., the commission
1465 may review any amendments adopted pursuant to this subsection
1466 and make nonbinding recommendations related to compliance of
1467 such amendments with this subsection.

1468 (5) Notwithstanding subsection (4), counties and
1469 municipalities may adopt by ordinance an administrative or
1470 technical amendment to the Florida Building Code relating to
1471 flood resistance in order to implement the National Flood
1472 Insurance Program or incentives. Specifically, an administrative
1473 amendment may assign the duty to enforce all or portions of
1474 flood-related code provisions to the appropriate agencies of the
1475 local government and adopt procedures for variances and
1476 exceptions from flood-related code provisions other than
1477 provisions for structures seaward of the coastal construction
1478 control line consistent with the requirements in 44 C.F.R. s.
1479 60.6. A technical amendment is authorized to the extent that it

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1480 is more stringent than the code. A technical amendment is not
1481 subject to the requirements of subsection (4) and may not be
1482 rendered void when the code is updated if the amendment is
1483 adopted for the purpose of participating in the Community Rating
1484 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment
1485 had already been adopted by local ordinance prior to July 1,
1486 2010, or the amendment requires a design flood elevation above
1487 the base flood elevation. Any amendment adopted pursuant to this
1488 subsection shall be transmitted to the commission within 30 days
1489 after adoption.

1490 (7)~~(6)~~(a) The commission, by rule adopted pursuant to ss.
1491 120.536(1) and 120.54, shall update the Florida Building Code
1492 every 3 years. When updating the Florida Building Code, the
1493 commission shall select the most current version of the
1494 International Building Code, the International Fuel Gas Code,
1495 the International Mechanical Code, the International Plumbing
1496 Code, and the International Residential Code, all of which are
1497 adopted by the International Code Council, and the National
1498 Electrical Code, which is adopted by the National Fire
1499 Protection Association, to form the foundation codes of the
1500 updated Florida Building Code, if the version has been adopted
1501 by the applicable model code entity ~~and made available to the~~
1502 ~~public at least 6 months prior to its selection by the~~
1503 ~~commission.~~ The commission shall select the most current version
1504 of the International Energy Conservation Code (IECC) as a
1505 foundation code; however, the IECC shall be modified by the
1506 commission to maintain the efficiencies of the Florida Energy
1507 Efficiency Code for Building Construction adopted and amended
1508 pursuant to s. 553.901.

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1509 (8)~~(7)~~ Notwithstanding the provisions of subsection (3) or
1510 subsection (7) ~~(6)~~, the commission may address issues identified
1511 in this subsection by amending the code pursuant only to the
1512 rule adoption procedures contained in chapter 120. Provisions of
1513 the Florida Building Code, including those contained in
1514 referenced standards and criteria, relating to wind resistance
1515 or the prevention of water intrusion may not be amended pursuant
1516 to this subsection to diminish those construction requirements;
1517 however, the commission may, subject to conditions in this
1518 subsection, amend the provisions to enhance those construction
1519 requirements. Following the approval of any amendments to the
1520 Florida Building Code by the commission and publication of the
1521 amendments on the commission's website, authorities having
1522 jurisdiction to enforce the Florida Building Code may enforce
1523 the amendments. The commission may approve amendments that are
1524 needed to address:

1525 (a) Conflicts within the updated code;

1526 (b) Conflicts between the updated code and the Florida Fire
1527 Prevention Code adopted pursuant to chapter 633;

1528 (c) The omission of previously adopted Florida-specific
1529 amendments to the updated code if such omission is not supported
1530 by a specific recommendation of a technical advisory committee
1531 or particular action by the commission;

1532 (d) Unintended results from the integration of previously
1533 adopted Florida-specific amendments with the model code;

1534 (e) Equivalency of standards;

1535 (f)~~(e)~~ Changes to or inconsistencies with federal or state
1536 law; or

1537 (g)~~(f)~~ Adoption of an updated edition of the National

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1538 Electrical Code if the commission finds that delay of
1539 implementing the updated edition causes undue hardship to
1540 stakeholders or otherwise threatens the public health, safety,
1541 and welfare.

1542 (10)~~(9)~~ The following buildings, structures, and facilities
1543 are exempt from the Florida Building Code as provided by law,
1544 and any further exemptions shall be as determined by the
1545 Legislature and provided by law:

1546 (a) Buildings and structures specifically regulated and
1547 preempted by the Federal Government.

1548 (b) Railroads and ancillary facilities associated with the
1549 railroad.

1550 (c) Nonresidential farm buildings on farms.

1551 (d) Temporary buildings or sheds used exclusively for
1552 construction purposes.

1553 (e) Mobile or modular structures used as temporary offices,
1554 except that the provisions of part II relating to accessibility
1555 by persons with disabilities shall apply to such mobile or
1556 modular structures.

1557 (f) Those structures or facilities of electric utilities,
1558 as defined in s. 366.02, which are directly involved in the
1559 generation, transmission, or distribution of electricity.

1560 (g) Temporary sets, assemblies, or structures used in
1561 commercial motion picture or television production, or any
1562 sound-recording equipment used in such production, on or off the
1563 premises.

1564 (h) Storage sheds that are not designed for human
1565 habitation and that have a floor area of 720 square feet or less
1566 are not required to comply with the mandatory wind-borne-debris-

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1567 impact standards of the Florida Building Code.

1568 (i) Chickees constructed by the Miccosukee Tribe of Indians
1569 of Florida or the Seminole Tribe of Florida. As used in this
1570 paragraph, the term "chickee" means an open-sided wooden hut
1571 that has a thatched roof of palm or palmetto or other
1572 traditional materials, and that does not incorporate any
1573 electrical, plumbing, or other nonwood features.

1574 (j) Family mausoleums not exceeding 250 square feet in area
1575 which are prefabricated and assembled on site or preassembled
1576 and delivered on site and have walls, roofs, and a floor
1577 constructed of granite, marble, or reinforced concrete.

1578
1579 With the exception of paragraphs (a), (b), (c), and (f), in
1580 order to preserve the health, safety, and welfare of the public,
1581 the Florida Building Commission may, by rule adopted pursuant to
1582 chapter 120, provide for exceptions to the broad categories of
1583 buildings exempted in this section, including exceptions for
1584 application of specific sections of the code or standards
1585 adopted therein. The Department of Agriculture and Consumer
1586 Services shall have exclusive authority to adopt by rule,
1587 pursuant to chapter 120, exceptions to nonresidential farm
1588 buildings exempted in paragraph (c) when reasonably necessary to
1589 preserve public health, safety, and welfare. The exceptions must
1590 be based upon specific criteria, such as under-roof floor area,
1591 aggregate electrical service capacity, HVAC system capacity, or
1592 other building requirements. Further, the commission may
1593 recommend to the Legislature additional categories of buildings,
1594 structures, or facilities which should be exempted from the
1595 Florida Building Code, to be provided by law. The Florida

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1596 Building Code does not apply to temporary housing provided by
1597 the Department of Corrections to any prisoner in the state
1598 correctional system.

1599 (15) An agency or local government may not require that
1600 existing mechanical equipment on the surface of a roof be
1601 installed in compliance with the requirements of the Florida
1602 Building Code until the equipment is required to be removed or
1603 replaced.

1604 (16) The Florida Building Code must require that the
1605 illumination in classroom units be designed to provide and
1606 maintain an average of 40 foot-candles of light at each desktop.
1607 Public educational facilities must consider using light-emitting
1608 diode lighting before considering other lighting sources.

1609 Section 34. Subsection (5) is added to section 553.74,
1610 Florida Statutes, to read:

1611 553.74 Florida Building Commission.—

1612 (5) Notwithstanding s. 112.313 or any other provision of
1613 law, a member of any of the commission's technical advisory
1614 committees, or a member of any other advisory committee or
1615 workgroup of the commission, does not have an impermissible
1616 conflict of interest when representing clients before the
1617 commission or one of its committees or workgroups. However, the
1618 member, in his or her capacity as a member of the committee or
1619 workgroup, may not take part in any discussion regarding or take
1620 action on any matter in which he or she has a direct financial
1621 interest.

1622 Section 35. Subsection (2) of section 553.76, Florida
1623 Statutes, is amended to read:

1624 553.76 General powers of the commission.—The commission is

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1625 authorized to:

1626 (2) Issue memoranda of procedure for its internal
1627 management and control. The commission may adopt rules related
1628 to its consensus-based decisionmaking process, including, but
1629 not limited to, super majority voting requirements for
1630 commission actions relating to the adoption of the Florida
1631 Building Code or amendments to the code.

1632 Section 36. Subsections (2) and (4) of section 553.775,
1633 Florida Statutes, are amended to read:

1634 553.775 Interpretations.—

1635 (2) Local enforcement agencies, local building officials,
1636 state agencies, and the commission shall interpret provisions of
1637 the Florida Building Code in a manner that is consistent with
1638 declaratory statements and interpretations entered by the
1639 commission, except that conflicts between the Florida Fire
1640 Prevention Code and the Florida Building Code shall be resolved
1641 in accordance with s. 553.73~~(11)~~~~(10)~~(c) and (d).

1642 (4) In order to administer this section, the commission may
1643 adopt by rule and impose a fee for filing requests for
1644 declaratory statements and binding and nonbinding
1645 interpretations to recoup the cost of the proceedings which may
1646 not exceed \$125 for each request for a nonbinding interpretation
1647 and \$250 for each request for a binding review or
1648 interpretation. For proceedings conducted by or in coordination
1649 with a third-party, the rule may provide that payment be made
1650 directly to the third party, who shall remit to the department
1651 that portion of the fee necessary to cover the costs of the
1652 department.

1653 Section 37. Subsection (9) of section 553.79, Florida

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1654 Statutes, is amended to read:

1655 553.79 Permits; applications; issuance; inspections.—

1656 (9) Any state agency whose enabling legislation authorizes
1657 it to enforce provisions of the Florida Building Code may enter
1658 into an agreement with any other unit of government to delegate
1659 its responsibility to enforce those provisions and may expend
1660 public funds for permit and inspection fees, which fees may be
1661 no greater than the fees charged others. Inspection services
1662 that are not required to be performed by a state agency under a
1663 federal delegation of responsibility or by a state agency under
1664 the Florida Building Code must be performed under the
1665 alternative plans review and inspection process created in s.
1666 553.791 or by a local governmental entity having authority to
1667 enforce the Florida Building Code.

1668 Section 38. For the purpose of incorporating the amendment
1669 made by this act to section 553.79, Florida Statutes, in a
1670 reference thereto, subsection (1) of section 553.80, Florida
1671 Statutes, is reenacted, and paragraph (c) of subsection (1) and
1672 subsection (3) of that section are amended, to read:

1673 553.80 Enforcement.—

1674 (1) Except as provided in paragraphs (a)-(g), each local
1675 government and each legally constituted enforcement district
1676 with statutory authority shall regulate building construction
1677 and, where authorized in the state agency's enabling
1678 legislation, each state agency shall enforce the Florida
1679 Building Code required by this part on all public or private
1680 buildings, structures, and facilities, unless such
1681 responsibility has been delegated to another unit of government
1682 pursuant to s. 553.79(9).

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1683 (a) Construction regulations relating to correctional
1684 facilities under the jurisdiction of the Department of
1685 Corrections and the Department of Juvenile Justice are to be
1686 enforced exclusively by those departments.

1687 (b) Construction regulations relating to elevator equipment
1688 under the jurisdiction of the Bureau of Elevators of the
1689 Department of Business and Professional Regulation shall be
1690 enforced exclusively by that department.

1691 (c) In addition to the requirements of s. 553.79 and this
1692 section, facilities subject to the provisions of chapter 395 and
1693 parts ~~part~~ II and VIII of chapter 400 shall have facility plans
1694 reviewed and construction surveyed by the state agency
1695 authorized to do so under the requirements of chapter 395 and
1696 parts ~~part~~ II and VIII of chapter 400 and the certification
1697 requirements of the Federal Government. Facilities subject to
1698 the provisions of part IV of chapter 400 may have facility plans
1699 reviewed and shall have construction surveyed by the state
1700 agency authorized to do so under the requirements of part IV of
1701 chapter 400 and the certification requirements of the Federal
1702 Government.

1703 (d) Building plans approved under s. 553.77(3) and state-
1704 approved manufactured buildings, including buildings
1705 manufactured and assembled offsite and not intended for
1706 habitation, such as lawn storage buildings and storage sheds,
1707 are exempt from local code enforcing agency plan reviews except
1708 for provisions of the code relating to erection, assembly, or
1709 construction at the site. Erection, assembly, and construction
1710 at the site are subject to local permitting and inspections.
1711 Lawn storage buildings and storage sheds bearing the insignia of

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1712 approval of the department are not subject to s. 553.842. Such
1713 buildings that do not exceed 400 square feet may be delivered
1714 and installed without need of a contractor's or specialty
1715 license.

1716 (e) Construction regulations governing public schools,
1717 state universities, and community colleges shall be enforced as
1718 provided in subsection (6).

1719 (f) The Florida Building Code as it pertains to toll
1720 collection facilities under the jurisdiction of the turnpike
1721 enterprise of the Department of Transportation shall be enforced
1722 exclusively by the turnpike enterprise.

1723 (g) Construction regulations relating to secure mental
1724 health treatment facilities under the jurisdiction of the
1725 Department of Children and Family Services shall be enforced
1726 exclusively by the department in conjunction with the Agency for
1727 Health Care Administration's review authority under paragraph
1728 (c).

1729

1730 The governing bodies of local governments may provide a schedule
1731 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
1732 section, for the enforcement of the provisions of this part.

1733 Such fees shall be used solely for carrying out the local
1734 government's responsibilities in enforcing the Florida Building
1735 Code. The authority of state enforcing agencies to set fees for
1736 enforcement shall be derived from authority existing on July 1,
1737 1998. However, nothing contained in this subsection shall
1738 operate to limit such agencies from adjusting their fee schedule
1739 in conformance with existing authority.

1740 (3) (a) Each enforcement district shall be governed by a

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1741 board, the composition of which shall be determined by the
1742 affected localities.

1743 (b)1. At its own option, each enforcement district or local
1744 enforcement agency may adopt ~~promulgate~~ rules granting to the
1745 owner of a single-family residence one or more exemptions from
1746 the Florida Building Code relating to:

1747 a.~~(a)~~ Addition, alteration, or repairs performed by the
1748 property owner upon his or her own property, provided any
1749 addition or alteration shall not exceed 1,000 square feet or the
1750 square footage of the primary structure, whichever is less.

1751 b.~~(b)~~ Addition, alteration, or repairs by a nonowner within
1752 a specific cost limitation set by rule, provided the total cost
1753 shall not exceed \$5,000 within any 12-month period.

1754 c.~~(c)~~ Building and inspection fees.

1755 2. However, the exemptions under subparagraph 1. do not
1756 apply to single-family residences that are located in mapped
1757 flood hazard areas, as defined in the code, unless the
1758 enforcement district or local enforcement agency has determined
1759 that the work, which is otherwise exempt, does not constitute a
1760 substantial improvement, including the repair of substantial
1761 damage, of such single-family residences.

1762 3. Each code exemption, as defined in sub-subparagraphs
1763 1.a., b., and c. paragraphs (a), (b), and (c), shall be
1764 certified to the local board 10 days prior to implementation and
1765 shall only be effective in the territorial jurisdiction of the
1766 enforcement district or local enforcement agency implementing
1767 it.

1768 Section 39. Subsections (4) through (9) of section 553.841,
1769 Florida Statutes, are amended to read:

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1770 553.841 Building code compliance and mitigation program.—

1771 (4) ~~The department,~~ In administering the Florida Building
1772 Code Compliance and Mitigation Program, the department shall
1773 maintain, update, develop, or cause to be developed:

1774 ~~(a) A core curriculum that is prerequisite to the advanced~~
1775 ~~module coursework.~~

1776 ~~(b) advanced modules designed for use by each profession.~~

1777 ~~(c) The core curriculum developed under this subsection~~
1778 ~~must be submitted to the Department of Business and Professional~~
1779 ~~Regulation for approval. Advanced modules developed under this~~
1780 ~~paragraph must be approved by the commission and submitted to~~
1781 ~~the respective boards for approval.~~

1782 ~~(5) The core curriculum shall cover the information~~
1783 ~~required to have all categories of participants appropriately~~
1784 ~~informed as to their technical and administrative~~
1785 ~~responsibilities in the effective execution of the code process~~
1786 ~~by all individuals currently licensed under part XII of chapter~~
1787 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
1788 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
1789 ~~prerequisite to the advanced module coursework for all licensees~~
1790 ~~and shall be completed by individuals licensed in all categories~~
1791 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
1792 ~~chapter 489 within the first 2-year period after initial~~
1793 ~~licensure. Core course hours taken by licensees to complete this~~
1794 ~~requirement shall count toward fulfillment of required~~
1795 ~~continuing education units under part XII of chapter 468,~~
1796 ~~chapter 471, chapter 481, or chapter 489.~~

1797 (5) ~~(6)~~ Each biennium, upon receipt of funds by the
1798 Department of Community Affairs from the Construction Industry

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1799 Licensing Board and the Electrical Contractors' Licensing Board
1800 provided under ss. 489.109(3) and 489.509(3), the department
1801 shall determine the amount of funds available for the Florida
1802 Building Code Compliance and Mitigation Program.

1803 (6)~~(7)~~ If the projects provided through the Florida
1804 Building Code Compliance and Mitigation Program in any state
1805 fiscal year do not require the use of all available funds, the
1806 unused funds shall be carried forward and allocated for use
1807 during the following fiscal year.

1808 (7)~~(8)~~ The Florida Building Commission shall provide by
1809 rule for the accreditation of courses related to the Florida
1810 Building Code by accreditors approved by the commission. The
1811 commission shall establish qualifications of accreditors and
1812 criteria for the accreditation of courses by rule. The
1813 commission may revoke the accreditation of a course by an
1814 accreditor if the accreditation is demonstrated to violate this
1815 part or the rules of the commission.

1816 (8)~~(9)~~ This section does not prohibit or limit the subject
1817 areas or development of continuing education or training on the
1818 Florida Building Code by any qualified entity.

1819 Section 40. Subsections (1), (5), (8), and (17) of section
1820 553.842, Florida Statutes, are amended to read:

1821 553.842 Product evaluation and approval.—

1822 (1) The commission shall adopt rules under ss. 120.536(1)
1823 and 120.54 to develop and implement a product evaluation and
1824 approval system that applies statewide to operate in
1825 coordination with the Florida Building Code. The commission may
1826 enter into contracts to provide for administration of the
1827 product evaluation and approval system. The commission's rules

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1828 and any applicable contract may provide that the payment of fees
1829 related to approvals be made directly to the administrator. Any
1830 fee paid by a product manufacturer shall be used only for
1831 funding the product evaluation and approval system. The product
1832 evaluation and approval system shall provide:

1833 (a) Appropriate promotion of innovation and new
1834 technologies.

1835 (b) Processing submittals of products from manufacturers in
1836 a timely manner.

1837 (c) Independent, third-party qualified and accredited
1838 testing and laboratory facilities, product evaluation entities,
1839 quality assurance agencies, certification agencies, and
1840 validation entities.

1841 (d) An easily accessible product acceptance list to
1842 entities subject to the Florida Building Code.

1843 (e) Development of stringent but reasonable testing
1844 criteria based upon existing consensus standards, when
1845 available, for products.

1846 (f) Long-term approvals, where feasible. State and local
1847 approvals will be valid until the requirements of the code on
1848 which the approval is based change, the product changes in a
1849 manner affecting its performance as required by the code, or the
1850 approval is revoked. However, the commission may authorize by
1851 rule editorial revisions to approvals and charge a fee as
1852 provided in this section.

1853 (g) Criteria for revocation of a product approval.

1854 (h) Cost-effectiveness.

1855 (5) Statewide approval of products, methods, or systems of
1856 construction may be achieved by one of the following methods.

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1857 One of these methods must be used by the commission to approve
1858 the following categories of products: panel walls, exterior
1859 doors, roofing, skylights, windows, shutters, and structural
1860 components as established by the commission by rule.

1861 (a) Products for which the code establishes standardized
1862 testing or comparative or rational analysis methods shall be
1863 approved by submittal and validation of one of the following
1864 reports or listings indicating that the product or method or
1865 system of construction was evaluated to be in compliance with
1866 the Florida Building Code and that the product or method or
1867 system of construction is, for the purpose intended, at least
1868 equivalent to that required by the Florida Building Code:

- 1869 1. A certification mark or listing of an approved
1870 certification agency, which may be used only for products for
1871 which the code designates standardized testing;
- 1872 2. A test report from an approved testing laboratory;
- 1873 3. A product evaluation report based upon testing or
1874 comparative or rational analysis, or a combination thereof, from
1875 an approved product evaluation entity; or
- 1876 4. A product evaluation report based upon testing or
1877 comparative or rational analysis, or a combination thereof,
1878 developed and signed and sealed by a professional engineer or
1879 architect, licensed in this state.

1880
1881 A product evaluation report or a certification mark or listing
1882 of an approved certification agency which demonstrates that the
1883 product or method or system of construction complies with the
1884 Florida Building Code for the purpose intended shall be
1885 equivalent to a test report and test procedure as referenced in

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1886 the Florida Building Code. An application for state approval of
1887 a product under subparagraph 1. must be approved by the
1888 department after the commission staff or a designee verifies
1889 that the application and related documentation are complete.
1890 This verification must be completed within 10 business days
1891 after receipt of the application. Upon approval by the
1892 department, the product shall be immediately added to the list
1893 of state-approved products maintained under subsection (13).
1894 Approvals by the department shall be reviewed and ratified by
1895 the commission's program oversight committee except for a
1896 showing of good cause that a review by the full commission is
1897 necessary. The commission shall adopt rules providing a means to
1898 cure deficiencies identified within submittals for products
1899 approved under this paragraph.

1900 (b) Products, methods, or systems of construction for which
1901 there are no specific standardized testing or comparative or
1902 rational analysis methods established in the code may be
1903 approved by submittal and validation of one of the following:

1904 1. A product evaluation report based upon testing or
1905 comparative or rational analysis, or a combination thereof, from
1906 an approved product evaluation entity indicating that the
1907 product or method or system of construction was evaluated to be
1908 in compliance with the intent of the Florida Building Code and
1909 that the product or method or system of construction is, for the
1910 purpose intended, at least equivalent to that required by the
1911 Florida Building Code; or

1912 2. A product evaluation report based upon testing or
1913 comparative or rational analysis, or a combination thereof,
1914 developed and signed and sealed by a professional engineer or

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1915 architect, licensed in this state, who certifies that the
1916 product or method or system of construction is, for the purpose
1917 intended, at least equivalent to that required by the Florida
1918 Building Code.

1919 (8) The commission may adopt rules to approve the following
1920 types of entities that produce information on which product
1921 approvals are based. All of the following entities, including
1922 engineers and architects, must comply with a nationally
1923 recognized standard demonstrating independence or no conflict of
1924 interest:

1925 (a) Evaluation entities approved pursuant to this paragraph
1926 ~~that meet the criteria for approval adopted by the commission by~~
1927 ~~rule.~~ The commission shall specifically approve the National
1928 Evaluation Service, the International Association of Plumbing
1929 and Mechanical Officials Evaluation Service ~~the International~~
1930 ~~Conference of Building Officials Evaluation Services,~~ the
1931 International Code Council Evaluation Services, ~~the Building~~
1932 ~~Officials and Code Administrators International Evaluation~~
1933 ~~Services, the Southern Building Code Congress International~~
1934 ~~Evaluation Services,~~ and the Miami-Dade County Building Code
1935 Compliance Office Product Control. Architects and engineers
1936 licensed in this state are also approved to conduct product
1937 evaluations as provided in subsection (5).

1938 (b) Testing laboratories accredited by national
1939 organizations, such as A2LA and the National Voluntary
1940 Laboratory Accreditation Program, laboratories accredited by
1941 evaluation entities approved under paragraph (a), and
1942 laboratories that comply with other guidelines for testing
1943 laboratories selected by the commission and adopted by rule.

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1944 (c) Quality assurance entities approved by evaluation
1945 entities approved under paragraph (a) and by certification
1946 agencies approved under paragraph (d) and other quality
1947 assurance entities that comply with guidelines selected by the
1948 commission and adopted by rule.

1949 (d) Certification agencies accredited by nationally
1950 recognized accreditors and other certification agencies that
1951 comply with guidelines selected by the commission and adopted by
1952 rule.

1953 (e) Validation entities that comply with accreditation
1954 standards established by the commission by rule.

1955 ~~(17) (a) The Florida Building Commission shall review the~~
1956 ~~list of evaluation entities in subsection (8) and, in the annual~~
1957 ~~report required under s. 553.77, shall either recommend~~
1958 ~~amendments to the list to add evaluation entities the commission~~
1959 ~~determines should be authorized to perform product evaluations~~
1960 ~~or shall report on the criteria adopted by rule or to be adopted~~
1961 ~~by rule allowing the commission to approve evaluation entities~~
1962 ~~that use the commission's product evaluation process. If the~~
1963 ~~commission adopts criteria by rule, the rulemaking process must~~
1964 ~~be completed by July 1, 2009.~~

1965 ~~(b) Notwithstanding paragraph (8) (a), the International~~
1966 ~~Association of Plumbing and Mechanical Officials Evaluation~~
1967 ~~Services is approved as an evaluation entity until October 1,~~
1968 ~~2009. If the association does not obtain permanent approval by~~
1969 ~~the commission as an evaluation entity by October 1, 2009,~~
1970 ~~products approved on the basis of an association evaluation must~~
1971 ~~be substituted by an alternative, approved entity by December~~
1972 ~~31, 2009, and on January 1, 2010, any product approval issued by~~

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1973 ~~the commission based on an association evaluation is void.~~

1974 Section 41. Subsection (4) is added to section 553.844,
1975 Florida Statutes, to read:

1976 553.844 Windstorm loss mitigation; requirements for roofs
1977 and opening protection.—

1978 (4) Notwithstanding the provisions of this section, exposed
1979 mechanical equipment or appliances fastened to a roof or
1980 installed on the ground in compliance with the code using rated
1981 stands, platforms, curbs, slabs, or other means are deemed to
1982 comply with the wind-resistance requirements of the 2007 Florida
1983 Building Code, as amended. Further support or enclosure of such
1984 mechanical equipment or appliances may not be required by a
1985 state or local official having authority to enforce the Florida
1986 Building Code. This subsection expires on the effective date of
1987 the 2010 Florida Building Code.

1988 Section 42. Section 553.885, Florida Statutes, is amended
1989 to read:

1990 553.885 Carbon monoxide alarm required.—

1991 (1) Every separate building or addition to an existing
1992 building, other than a hospital, an inpatient hospice facility,
1993 or a nursing home facility licensed by the Agency for Health
1994 Care Administration, constructed for which a building permit is
1995 issued for new construction on or after July 1, 2008, and having
1996 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an
1997 attached garage, or other feature, fixture, or element that
1998 emits carbon monoxide as a byproduct of combustion shall have an
1999 approved operational carbon monoxide alarm installed within 10
2000 feet of each room used for sleeping purposes in the new building
2001 or addition, or at such other locations as required by the

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2002 Florida Building Code. The requirements of this subsection may
2003 be satisfied with the installation of a hard-wired or battery-
2004 powered carbon monoxide alarm or a hard-wired or battery-powered
2005 combination carbon monoxide and smoke alarm. For a new hospital,
2006 an inpatient hospice facility, ~~or~~ a nursing home facility
2007 licensed by the Agency for Health Care Administration, or a new
2008 state correctional institution, an approved operational carbon
2009 monoxide detector shall be installed inside or directly outside
2010 of each room or area within the hospital or facility where a
2011 fossil-fuel-burning heater, engine, or appliance is located.
2012 This detector shall be connected to the fire alarm system of the
2013 hospital or facility as a supervisory signal. This subsection
2014 does not apply to existing buildings that are undergoing
2015 alterations or repairs unless the alteration is an addition as
2016 defined in subsection (3).

2017 (2) The Florida Building Commission shall adopt rules to
2018 administer this section and shall incorporate such requirements
2019 into its next revision of the Florida Building Code.

2020 (3) As used in this section, the term:

2021 (a) "Carbon monoxide alarm" means a device that is meant
2022 for the purpose of detecting carbon monoxide, that produces a
2023 distinct audible alarm, and that meets the requirements of and
2024 is approved by the Florida Building Commission.

2025 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases, or
2026 other petroleum or hydrocarbon product that emits carbon
2027 monoxide as a by-product of combustion.

2028 (c) "Addition" means an extension or increase in floor
2029 area, number of stories, or height of a building or structure.

2030 Section 43. Subsection (2) of section 553.9061, Florida

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2031 Statutes, is amended to read:

2032 553.9061 Scheduled increases in thermal efficiency
2033 standards.—

2034 (2) The Florida Building Commission shall identify within
2035 code support and compliance documentation the specific building
2036 options and elements available to meet the energy performance
2037 goals established in subsection (1). Energy efficiency
2038 performance options and elements include, but are not limited
2039 to:

2040 (a) Energy-efficient water heating systems, including solar
2041 water heating.

2042 (b) Energy-efficient appliances.

2043 (c) Energy-efficient windows, doors, and skylights.

2044 (d) Low solar-absorption roofs, also known as "cool roofs."

2045 (e) Enhanced ceiling and wall insulation.

2046 (f) Reduced-leak duct systems and energy-saving devices and
2047 features installed within duct systems.

2048 (g) Programmable thermostats.

2049 (h) Energy-efficient lighting systems.

2050 (i) Energy-saving quality installation procedures for
2051 replacement air-conditioning systems, including, but not limited
2052 to, equipment sizing analysis and duct inspection.

2053 (j) Shading devices, sunscreening materials, and overhangs.

2054 (k) Weatherstripping, caulking, and sealing of exterior
2055 openings and penetrations.

2056 (l) Energy-efficient centralized computer data centers in
2057 office buildings.

2058 Section 44. Subsections (3) and (4) of section 553.909,
2059 Florida Statutes, are amended to read:

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2060 553.909 Setting requirements for appliances; exceptions.—

2061 (3) Commercial or residential swimming pool pumps or water
2062 heaters manufactured on or ~~sold~~ after July 1, 2011, shall comply
2063 with the requirements of this subsection.

2064 (a) Natural gas pool heaters shall not be equipped with
2065 constantly burning pilots.

2066 (b) Heat pump pool heaters shall have a coefficient of
2067 performance at low temperature of not less than 4.0.

2068 (c) The thermal efficiency of gas-fired pool heaters and
2069 oil-fired pool heaters shall not be less than 78 percent.

2070 (d) All pool heaters shall have a readily accessible on-off
2071 switch that is mounted outside the heater and that allows
2072 shutting off the heater without adjusting the thermostat
2073 setting.

2074 (4) (a) Residential swimming pool filtration pumps and pump
2075 motors manufactured on or after July 1, 2011, must comply with
2076 the requirements in this subsection.

2077 (b) Residential filtration pool pump motors shall not be
2078 split-phase, shaded-pole, or capacitor start-induction run
2079 types.

2080 (c) Residential filtration pool pumps and pool pump motors
2081 with a total horsepower of 1 HP or more shall have the
2082 capability of operating at two or more speeds with a low speed
2083 having a rotation rate that is no more than one-half of the
2084 motor's maximum rotation rate.

2085 (d) Residential filtration pool pump motor controls shall
2086 have the capability of operating the pool pump at a minimum of
2087 two speeds. The default circulation speed shall be the
2088 residential filtration speed, with a higher speed override

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2089 capability being for a temporary period not to exceed one normal
2090 cycle or 24 hours ~~120 minutes~~, whichever is less; except that
2091 circulation speed for solar pool heating systems shall be
2092 permitted to run at higher speeds during periods of usable solar
2093 heat gain.

2094 Section 45. Section 553.912, Florida Statutes, is amended
2095 to read:

2096 553.912 Air conditioners.—All air conditioners that ~~which~~
2097 are sold or installed in the state shall meet the minimum
2098 efficiency ratings of the Florida Energy Efficiency Code for
2099 Building Construction. These efficiency ratings shall be
2100 minimums and may be updated in the Florida Energy Efficiency
2101 Code for Building Construction by the department in accordance
2102 with s. 553.901, following its determination that more cost-
2103 effective energy-saving equipment and techniques are available.
2104 It is the intent of the Legislature that all replacement air-
2105 conditioning systems should be installed using energy-saving,
2106 quality installation procedures, including, but not limited to,
2107 equipment sizing analysis and duct inspection.

2108 Section 46. Section 627.711, Florida Statutes, is amended
2109 to read:

2110 627.711 Notice of premium discounts for hurricane loss
2111 mitigation; uniform mitigation verification inspection form.—

2112 (1) Using a form prescribed by the Office of Insurance
2113 Regulation, the insurer shall clearly notify the applicant or
2114 policyholder of any personal lines residential property
2115 insurance policy, at the time of the issuance of the policy and
2116 at each renewal, of the availability and the range of each
2117 premium discount, credit, other rate differential, or reduction

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2118 in deductibles, and combinations of discounts, credits, rate
2119 differentials, or reductions in deductibles, for properties on
2120 which fixtures or construction techniques demonstrated to reduce
2121 the amount of loss in a windstorm can be or have been installed
2122 or implemented. The prescribed form shall describe generally
2123 what actions the policyholders may be able to take to reduce
2124 their windstorm premium. The prescribed form and a list of such
2125 ranges approved by the office for each insurer licensed in the
2126 state and providing such discounts, credits, other rate
2127 differentials, or reductions in deductibles for properties
2128 described in this subsection shall be available for electronic
2129 viewing and download from the Department of Financial Services'
2130 or the Office of Insurance Regulation's Internet website. The
2131 Financial Services Commission may adopt rules to implement this
2132 subsection.

2133 (2) ~~By July 1, 2007,~~ The Financial Services Commission
2134 shall develop by rule a uniform mitigation verification
2135 inspection form that shall be used by all insurers when
2136 submitted by policyholders for the purpose of factoring
2137 discounts for wind insurance. In developing the form, the
2138 commission shall seek input from insurance, construction, and
2139 building code representatives. Further, the commission shall
2140 provide guidance as to the length of time the inspection results
2141 are valid. An insurer shall accept as valid a uniform mitigation
2142 verification form ~~certified by the Department of Financial~~
2143 ~~Services or~~ signed by:

2144 ~~(a) A hurricane mitigation inspector certified by the My~~
2145 ~~Safe Florida Home program;~~

2146 (a) ~~(b)~~ A building code inspector certified under s.

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2147 468.607;

2148 (b)~~(e)~~ A general, building, or residential contractor
2149 licensed under s. 489.111;

2150 (c)~~(d)~~ A professional engineer licensed under s. 471.015
2151 who has passed the appropriate equivalency test of the building
2152 code training program as required by s. 553.841; or

2153 (d)~~(e)~~ A professional architect licensed under s. 481.213.~~+~~
2154 ~~or~~

2155 ~~(f) Any other individual or entity recognized by the~~
2156 ~~insurer as possessing the necessary qualifications to properly~~
2157 ~~complete a uniform mitigation verification form.~~

2158
2159 An insurer may, but is not required to, accept a form from any
2160 other person possessing qualifications and experience acceptable
2161 to the insurer.

2162 (3) A person who is authorized to sign a mitigation
2163 verification form must inspect the structures referenced by the
2164 form personally, not through employees or other persons, and
2165 must certify or attest to personal inspection of the structures
2166 referenced by the form.

2167 (4) An individual or entity that signs a uniform mitigation
2168 form may not commit misconduct in performing hurricane
2169 mitigation inspections or in completing a uniform mitigation
2170 form which causes financial harm to a customer or their insurer
2171 or jeopardizes an insured's health and safety. Misconduct occurs
2172 when an authorized mitigation inspector signs a uniform
2173 mitigation verification form that:

2174 (a) Falsely indicates that he or she personally inspected
2175 the structures referenced by the form;

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2176 (b) Falsely indicates the existence of a feature that
2177 entitles an insured to a mitigation discount that the inspector
2178 knows does not exist or did not personally inspect;

2179 (c) Contains erroneous information due to the gross
2180 negligence of the inspector; or

2181 (d) Contains demonstrably false information regarding the
2182 existence of mitigation features that could give an insured a
2183 false evaluation of the ability of the structure to withstand
2184 major damage from a hurricane endangering the safety of the
2185 insured's life and property.

2186 (5) The licensing board of an authorized mitigation
2187 inspector that violates subsection (4) may commence disciplinary
2188 proceedings and impose administrative fines and other sanctions
2189 authorized under the inspector's licensing act.

2190 (6) An insurer, person, or other entity that obtains
2191 evidence of fraud or evidence that an inspector has made false
2192 statements in the completion of a mitigation inspection form
2193 shall file a report with the Division of Insurance Fraud, along
2194 with all of the evidence in its possession which supports the
2195 allegation of fraud or falsity. An insurer, person, or other
2196 entity making the report is immune from liability, pursuant to
2197 s. 626.989(4), for any statements made in the report, during the
2198 investigation, or in connection with the report. The Division of
2199 Insurance Fraud shall issue an investigative report if it finds
2200 that probable cause exists to believe that the inspector made
2201 intentionally false or fraudulent statements in the inspection
2202 form. Upon conclusion of the investigation and a finding of
2203 probable cause that a violation has occurred, the Division of
2204 Insurance Fraud shall send a copy of the investigative report to

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2205 the office and a copy to the agency responsible for the
2206 professional licensure of the inspector, whether or not a
2207 prosecutor takes action based upon the report.

2208 (7)~~(3)~~ An individual or entity who knowingly provides or
2209 utters a false or fraudulent mitigation verification form with
2210 the intent to obtain or receive a discount on an insurance
2211 premium to which the individual or entity is not entitled
2212 commits a misdemeanor of the first degree, punishable as
2213 provided in s. 775.082 or s. 775.083.

2214 Section 47. Subsections (7) through (28) of section
2215 633.021, Florida Statutes, are renumbered as subsections (8)
2216 through (29), respectively, a new subsection (7) is added to
2217 that section, and present subsection (20) of that section is
2218 amended, to read:

2219 633.021 Definitions.—As used in this chapter:

2220 (7) (a) "Fire equipment dealer Class A" means a licensed
2221 fire equipment dealer whose business is limited to servicing,
2222 recharging, repairing, installing, or inspecting all types of
2223 fire extinguishers and conducting hydrostatic tests on all types
2224 of fire extinguishers.

2225 (b) "Fire equipment dealer Class B" means a licensed fire
2226 equipment dealer whose business is limited to servicing,
2227 recharging, repairing, installing, or inspecting all types of
2228 fire extinguishers, including recharging carbon dioxide units
2229 and conducting hydrostatic tests on all types of fire
2230 extinguishers, except carbon dioxide units.

2231 (c) "Fire equipment dealer Class C" means a licensed fire
2232 equipment dealer whose business is limited to servicing,
2233 recharging, repairing, installing, or inspecting all types of

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2234 fire extinguishers, except recharging carbon dioxide units, and
2235 conducting hydrostatic tests on all types of fire extinguishers,
2236 except carbon dioxide units.

2237 (d) "Fire equipment dealer Class D" means a licensed fire
2238 equipment dealer whose business is limited to servicing,
2239 recharging, repairing, installing, hydrotesting, or inspecting
2240 of all types of preengineered fire extinguishing systems.

2241 (21) (a) ~~(20)~~ A "preengineered system" is a fire suppression
2242 system that ~~which~~:

2243 1. ~~(a)~~ Uses any of a variety of extinguishing agents.

2244 2. ~~(b)~~ Is designed to protect specific hazards.

2245 3. ~~(c)~~ Must be installed according to pretested limitations
2246 and configurations specified by the manufacturer and applicable
2247 National Fire Protection Association (NFPA) standards. Only
2248 those chapters within the National Fire Protection Association
2249 standards which pertain to servicing, recharging, repairing,
2250 installing, hydrotesting, or inspecting any type of
2251 preengineered fire extinguishing system may be used.

2252 4. ~~(d)~~ Must be installed using components specified by the
2253 manufacturer or components that are listed as equal parts by a
2254 nationally recognized testing laboratory such as Underwriters
2255 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

2256 5. ~~(e)~~ Must be listed by a nationally recognized testing
2257 laboratory.

2258 (b) Preengineered systems consist of and include all of the
2259 components and parts providing fire suppression protection, but
2260 do not include the equipment being protected, and may
2261 incorporate special nozzles, flow rates, methods of application,
2262 pressurization levels, and quantities of agents designed by the

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2263 manufacturer for specific hazards.

2264 Section 48. Paragraph (b) of subsection (3) of section
2265 633.0215, Florida Statutes, is amended, and subsections (13) and
2266 (14) are added to that section, to read:

2267 633.0215 Florida Fire Prevention Code.—

2268 (3) No later than 180 days before the triennial adoption of
2269 the Florida Fire Prevention Code, the State Fire Marshal shall
2270 notify each municipal, county, and special district fire
2271 department of the triennial code adoption and steps necessary
2272 for local amendments to be included within the code. No later
2273 than 120 days before the triennial adoption of the Florida Fire
2274 Prevention Code, each local jurisdiction shall provide the State
2275 Fire Marshal with copies of its local fire code amendments. The
2276 State Fire Marshal has the option to process local fire code
2277 amendments that are received less than 120 days before the
2278 adoption date of the Florida Fire Prevention Code.

2279 (b) Any local amendment to the Florida Fire Prevention Code
2280 adopted by a local government shall be effective only until the
2281 adoption of the new edition of the Florida Fire Prevention Code,
2282 which shall be every third year. At such time, the State Fire
2283 Marshal shall adopt such amendment as part of the Florida Fire
2284 Prevention Code or rescind the amendment. The State Fire Marshal
2285 shall immediately notify the respective local government of the
2286 rescission of the amendment and the reason for the rescission.
2287 After receiving such notice, the respective local government may
2288 readopt the rescinded amendment. Incorporation of local
2289 amendments as regional and local concerns and variations shall
2290 be considered as adoption of an amendment pursuant to this
2291 section ~~part~~.

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2292 (13) (a) The State Fire Marshal shall issue an expedited
2293 declaratory statement relating to interpretations of provisions
2294 of the Florida Fire Prevention Code according to the following
2295 guidelines:

2296 1. The declaratory statement shall be rendered in
2297 accordance with s. 120.565, except that a final decision must be
2298 issued by the State Fire Marshal within 45 days after the
2299 division's receipt of a petition seeking an expedited
2300 declaratory statement. The State Fire Marshal shall give notice
2301 of the petition and the expedited declaratory statement or the
2302 denial of the petition in the next available issue of the
2303 Florida Administrative Weekly after the petition is filed and
2304 after the statement or denial is rendered.

2305 2. The petitioner must be the owner of the disputed project
2306 or the owner's representative.

2307 3. The petition for an expedited declaratory statement must
2308 be:

2309 a. Related to an active project that is under construction
2310 or must have been submitted for a permit.

2311 b. The subject of a written notice citing a specific
2312 provision of the Florida Fire Prevention Code which is in
2313 dispute.

2314 c. Limited to a single question that is capable of being
2315 answered with a "yes" or "no" response.

2316 (b) A petition for a declaratory statement which does not
2317 meet all of the requirements of this subsection must be denied
2318 without prejudice. This subsection does not affect the right of
2319 the petitioner as a substantially affected person to seek a
2320 declaratory statement under s. 633.01(6).

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2321 (14) A condominium that is one or two stories in height and
2322 has an exterior corridor providing a means of egress is exempt
2323 from installing a manual fire alarm system as required in s. 9.6
2324 of the most recent edition of the Life Safety Code adopted in
2325 the Florida Fire Prevention Code.

2326 Section 49. Subsections (2) and (10) of section 633.0245,
2327 Florida Statutes, are amended to read:

2328 633.0245 State Fire Marshal Nursing Home Fire Protection
2329 Loan Guarantee Program.—

2330 (2) The State Fire Marshal may enter into limited loan
2331 guarantee agreements with one or more financial institutions
2332 qualified as public depositories in this state. Such agreements
2333 shall provide a limited guarantee by the State of Florida
2334 covering no more than 50 percent of the principal sum loaned by
2335 such financial institution to an eligible nursing home, as
2336 defined in subsection (10), for the sole purpose of the initial
2337 installation at such nursing home of a fire protection system,
2338 as defined in s. 633.021~~(10)(9)~~, approved by the State Fire
2339 Marshal as being in compliance with the provisions of s. 633.022
2340 and rules adopted thereunder.

2341 (10) For purposes of this section, "eligible nursing home"
2342 means a nursing home facility that provides nursing services as
2343 defined in chapter 464, is licensed under part II of chapter
2344 400, and is certified by the Agency for Health Care
2345 Administration to lack an installed fire protection system as
2346 defined in s. 633.021~~(10)(9)~~.

2347 Section 50. Subsection (11) is added to section 633.025,
2348 Florida Statutes, to read:

2349 633.025 Minimum firesafety standards.—

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2350 (11) Notwithstanding the provisions of subsection (9), a
2351 local government may not require a property owner to install
2352 fire sprinklers in any residential property based on the use of
2353 such property as a rental property or any change in or
2354 reclassification of the property's primary use to a rental
2355 property.

2356 Section 51. Section 633.026, Florida Statutes, is amended
2357 to read:

2358 633.026 Legislative intent; informal interpretations of the
2359 Florida Fire Prevention Code.—It is the intent of the
2360 Legislature that the Florida Fire Prevention Code be interpreted
2361 by fire officials and local enforcement agencies in a manner
2362 that reasonably and cost-effectively protects the public safety,
2363 health, and welfare, ensures uniform interpretations throughout
2364 this state, and provides just and expeditious processes for
2365 resolving disputes regarding such interpretations. It is the
2366 further intent of the Legislature that such processes provide
2367 for the expeditious resolution of the issues presented and that
2368 the resulting interpretation of such issues be published on the
2369 website of the Division of State Fire Marshal.

2370 (1) The Division of State Fire Marshal shall by rule
2371 establish an informal process of rendering nonbinding
2372 interpretations of the Florida Fire Prevention Code. The
2373 Division of State Fire Marshal may contract with and refer
2374 interpretive issues to a third party, selected based upon cost-
2375 effectiveness, quality of services to be performed, and other
2376 performance-based criteria, which ~~nonprofit organization that~~
2377 has experience in interpreting and enforcing the Florida Fire
2378 Prevention Code. ~~The Division of State Fire Marshal shall~~

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2379 ~~immediately implement the process prior to the completion of~~
2380 ~~formal rulemaking.~~ It is the intent of the Legislature that the
2381 Division of State Fire Marshal establish ~~create~~ a Fire Code
2382 Interpretation Committee composed of seven persons and seven
2383 alternates, equally representing each area of the state ~~process~~
2384 ~~to refer questions to a small group of individuals certified~~
2385 ~~under s. 633.081(2), to which a party can pose questions~~
2386 regarding the interpretation of the Florida Fire Prevention Code
2387 provisions.

2388 (2) Each member and alternate member of the Fire Code
2389 Interpretation Committee must be certified as a firesafety
2390 inspector pursuant to s. 633.081(2) and must have a minimum of 5
2391 years of experience interpreting and enforcing the Florida Fire
2392 Prevention Code and the Life Safety Code. Each member and
2393 alternate member must be approved by the Division of State Fire
2394 Marshal and deemed by the division to have met these
2395 requirements for at least 30 days before participating in a
2396 review of a nonbinding interpretation. ~~It is the intent of the~~
2397 ~~Legislature that the process provide for the expeditious~~
2398 ~~resolution of the issues presented and publication of the~~
2399 ~~resulting interpretation on the website of the Division of State~~
2400 ~~Fire Marshal. It is the intent of the Legislature that this~~
2401 ~~program be similar to the program established by the Florida~~
2402 ~~Building Commission in s. 553.775(3)(g).~~

2403 (3) Each nonbinding interpretation of code provisions must
2404 be provided within 10 business days after receipt of a request
2405 for interpretation. The response period established in this
2406 subsection may be waived only with the written consent of the
2407 party requesting the nonbinding interpretation and the Division

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2408 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
2409 advisory only and nonbinding on the parties or the State Fire
2410 Marshal.

2411 (4) In order to administer this section, the Division of
2412 State Fire Marshal shall charge ~~department may adopt by rule and~~
2413 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
2414 ~~directly to the third party.~~ The fee may not exceed \$150 for
2415 each request for a review or interpretation. The division may
2416 authorize payment of fees directly to the nonprofit organization
2417 under contract pursuant to subsection (1).

2418 (5) A party requesting a nonbinding interpretation who
2419 disagrees with the interpretation issued under this section may
2420 apply for a formal interpretation from the State Fire Marshal
2421 pursuant to s. 633.01(6).

2422 (6) The Division of State Fire Marshal shall issue or cause
2423 to be issued a nonbinding interpretation of the Florida Fire
2424 Prevention Code pursuant to this section when requested to do so
2425 upon submission of a petition by a fire official or by the owner
2426 or owner's representative or the contractor or contractor's
2427 representative of a project in dispute. The division shall adopt
2428 a petition form by rule and the petition form must be published
2429 on the State Fire Marshal's website. The form shall, at a
2430 minimum, require:

2431 (a) The name and address of the local fire official,
2432 including the address of the county, municipality, or special
2433 district.

2434 (b) The name and address of the owner or owner's
2435 representative or the contractor or contractor's representative.

2436 (c) A statement of the specific sections of the Florida

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2437 Fire Prevention Code being interpreted by the local fire
2438 official.

2439 (d) An explanation of how the petitioner's substantial
2440 interests are being affected by the local interpretation of the
2441 Florida Fire Prevention Code.

2442 (e) A statement of the interpretation of the specific
2443 sections of the Florida Fire Prevention Code by the local fire
2444 official.

2445 (f) A statement of the interpretation that the petitioner
2446 contends should be given to the specific sections of the Florida
2447 Fire Prevention Code and a statement supporting the petitioner's
2448 interpretation.

2449 (7) Upon receipt of a petition that meets the requirements
2450 of subsection (6), the Division of State Fire Marshal shall
2451 immediately provide copies of the petition to the Fire Code
2452 Interpretation Committee, and shall publish the petition and any
2453 response submitted by the local fire official on the State Fire
2454 Marshal's website.

2455 (8) The committee shall conduct proceedings as necessary to
2456 resolve the issues and give due regard to the petition, the
2457 facts of the matter at issue, specific code sections cited, and
2458 any statutory implications affecting the Florida Fire Prevention
2459 Code. The committee shall issue an interpretation regarding the
2460 provisions of the Florida Fire Prevention Code within 10 days
2461 after the filing of a petition. The committee shall issue an
2462 interpretation based upon the Florida Fire Prevention Code or,
2463 if the code is ambiguous, the intent of the code. The
2464 committee's interpretation shall be provided to the petitioner
2465 and shall include a notice that if the petitioner disagrees with

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2466 the interpretation, the petitioner may file a request for formal
2467 interpretation by the State Fire Marshal under s. 633.01(6). The
2468 committee's interpretation shall be provided to the State Fire
2469 Marshal, and the division shall publish the interpretation on
2470 the State Fire Marshal's website and in the Florida
2471 Administrative Weekly.

2472 Section 52. Present subsections (2) through (10) of section
2473 633.061, Florida Statutes, are renumbered as subsections (3)
2474 through (11), respectively, a new subsection (2) is added to
2475 that section, and paragraphs (a) and (c) of present subsection
2476 (3) of that section are amended, to read:

2477 633.061 Fire suppression equipment; license to install or
2478 maintain.—

2479 (2) A person who holds a valid fire equipment dealer
2480 license may maintain such license in an inactive status during
2481 which time he or she may not engage in any work under the
2482 definition of the license held. An inactive status license shall
2483 be void after 2 years or at the time that the license is
2484 renewed, whichever comes first. The biennial renewal fee for an
2485 inactive status license shall be \$75. An inactive status license
2486 may not be reactivated unless the continuing education
2487 requirements of this chapter have been fulfilled.

2488 (4)~~(3)~~(a) Such licenses and permits shall be issued by the
2489 State Fire Marshal for 2 years beginning January 1, 2000, and
2490 each 2-year period thereafter and expiring December 31 of the
2491 second year. All licenses or permits issued will expire on
2492 December 31 of each odd-numbered year. The failure to renew a
2493 license or permit by December 31 of the second year will cause
2494 the license or permit to become inoperative. The holder of an

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2495 inoperative license or permit shall not engage in any activities
2496 for which a license or permit is required by this section. A
2497 license or permit which is inoperative because of the failure to
2498 renew it shall be restored upon payment of the applicable fee
2499 plus a penalty equal to the applicable fee, if the application
2500 for renewal is filed no later than the following March 31. If
2501 the application for restoration is not made before the March
2502 31st deadline, the fee for restoration shall be equal to the
2503 original application fee and the penalty provided for herein,
2504 and, in addition, the State Fire Marshal shall require
2505 reexamination of the applicant. The fee for a license or permit
2506 issued for 1 year or less shall be prorated at 50 percent of the
2507 applicable fee for a biennial license or permit. After initial
2508 licensure, each licensee or permittee must ~~shall~~ successfully
2509 complete a course or courses of continuing education for fire
2510 equipment technicians of at least 16 ~~32~~ hours. A license or
2511 permit may not be renewed unless the licensee or permittee
2512 produces documentation of the completion of at least 16 hours of
2513 continuing education for fire equipment technicians during the
2514 biennial licensure period ~~within 4 years of initial issuance of~~
2515 ~~a license or permit and within each 4-year period thereafter or~~
2516 ~~no such license or permit shall be renewed.~~ A person who is both
2517 a licensee and a permittee shall be required to complete 16 ~~32~~
2518 hours of continuing education during each renewal ~~per 4-year~~
2519 period. Each licensee shall ensure that all permittees in his or
2520 her employment meet their continuing education requirements. The
2521 State Fire Marshal shall adopt rules describing the continuing
2522 education requirements and shall have the authority upon
2523 reasonable belief, to audit a fire equipment dealer to determine

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2524 compliance with continuing education requirements.

2525 (c) A license of any class shall not be issued or renewed
2526 by the State Fire Marshal and a license of any class shall not
2527 remain operative unless:

2528 1. The applicant has submitted to the State Fire Marshal
2529 evidence of registration as a Florida corporation or evidence of
2530 compliance with s. 865.09.

2531 2. The State Fire Marshal or his or her designee has by
2532 inspection determined that the applicant possesses the equipment
2533 required for the class of license sought. The State Fire Marshal
2534 shall give an applicant a reasonable opportunity to correct any
2535 deficiencies discovered by inspection. A fee of \$50, payable to
2536 the State Fire Marshal, shall be required for any subsequent
2537 reinspection.

2538 3. The applicant has submitted to the State Fire Marshal
2539 proof of insurance providing coverage for comprehensive general
2540 liability for bodily injury and property damage, products
2541 liability, completed operations, and contractual liability. The
2542 State Fire Marshal shall adopt rules providing for the amounts
2543 of such coverage, but such amounts shall not be less than
2544 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
2545 licenses, and \$100,000 for Class C licenses; and the total
2546 coverage for any class of license held in conjunction with a
2547 Class D license shall not be less than \$300,000. The State Fire
2548 Marshal may, at any time after the issuance of a license or its
2549 renewal, require upon demand, and in no event more than 30 days
2550 after notice of such demand, the licensee to provide proof of
2551 insurance, on a form provided by the State Fire Marshal,
2552 containing confirmation of insurance coverage as required by

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2553 this chapter. Failure, for any length of time, to provide proof
2554 of insurance coverage as required shall result in the immediate
2555 suspension of the license until proof of proper insurance is
2556 provided to the State Fire Marshal. An insurer which provides
2557 such coverage shall notify the State Fire Marshal of any change
2558 in coverage or of any termination, cancellation, or nonrenewal
2559 of any coverage.

2560 4. The applicant applies to the State Fire Marshal, and
2561 provides proof of experience, and successfully completes a
2562 prescribed training course offered by the State Fire College or
2563 an equivalent course approved by the State Fire Marshal. This
2564 subparagraph does not apply to any holder of or applicant for a
2565 permit under paragraph (f) or to a business organization or a
2566 governmental entity seeking initial licensure or renewal of an
2567 existing license solely for the purpose of inspecting,
2568 servicing, repairing, marking, recharging, and maintaining fire
2569 extinguishers used and located on the premises of and owned by
2570 such organization or entity.

2571 5. The applicant has a current retestor identification
2572 number that is appropriate for the license for which the
2573 applicant is applying and that is listed with the United States
2574 Department of Transportation.

2575 6. The applicant has passed, with a grade of at least 70
2576 percent, a written examination testing his or her knowledge of
2577 the rules and statutes regulating the activities authorized by
2578 the license and demonstrating his or her knowledge and ability
2579 to perform those tasks in a competent, lawful, and safe manner.
2580 Such examination shall be developed and administered by the
2581 State Fire Marshal, or his or her designee in accordance with

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2582 policies and procedures of the State Fire Marshal. An applicant
2583 shall pay a nonrefundable examination fee of \$50 for each
2584 examination or reexamination scheduled. No reexamination shall
2585 be scheduled sooner than 30 days after any administration of an
2586 examination to an applicant. No applicant shall be permitted to
2587 take an examination for any level of license more than a total
2588 of four times during 1 year, regardless of the number of
2589 applications submitted. As a prerequisite to licensure of the
2590 applicant:

2591 a. Must be at least 18 years of age.

2592 b. Must have 4 years of proven experience as a fire
2593 equipment permittee at a level equal to or greater than the
2594 level of license applied for or have a combination of education
2595 and experience determined to be equivalent thereto by the State
2596 Fire Marshal. Having held a permit at the appropriate level for
2597 the required period constitutes the required experience.

2598 c. Must not have been convicted of, or pled nolo contendere
2599 to, any felony. If an applicant has been convicted of any such
2600 felony, the applicant must comply with s. 112.011(1)(b).

2601
2602 This subparagraph does not apply to any holder of or applicant
2603 for a permit under paragraph (f) or to a business organization
2604 or a governmental entity seeking initial licensure or renewal of
2605 an existing license solely for the purpose of inspecting,
2606 servicing, repairing, marking, recharging, hydrotesting, and
2607 maintaining fire extinguishers used and located on the premises
2608 of and owned by such organization or entity.

2609 Section 53. Section 633.081, Florida Statutes, is amended
2610 to read:

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2611 633.081 Inspection of buildings and equipment; orders;
2612 firesafety inspection training requirements; certification;
2613 disciplinary action.—The State Fire Marshal and her or his
2614 agents shall, at any reasonable hour, when the State Fire
2615 Marshal ~~department~~ has reasonable cause to believe that a
2616 violation of this chapter or s. 509.215, or a rule promulgated
2617 thereunder, or a minimum firesafety code adopted by a local
2618 authority, may exist, inspect any and all buildings and
2619 structures which are subject to the requirements of this chapter
2620 or s. 509.215 and rules promulgated thereunder. The authority to
2621 inspect shall extend to all equipment, vehicles, and chemicals
2622 which are located within the premises of any such building or
2623 structure.

2624 (1) Each county, municipality, and special district that
2625 has firesafety enforcement responsibilities shall employ or
2626 contract with a firesafety inspector. Except as provided in s.
2627 633.082(2), the firesafety inspector must conduct all firesafety
2628 inspections that are required by law. The governing body of a
2629 county, municipality, or special district that has firesafety
2630 enforcement responsibilities may provide a schedule of fees to
2631 pay only the costs of inspections conducted pursuant to this
2632 subsection and related administrative expenses. Two or more
2633 counties, municipalities, or special districts that have
2634 firesafety enforcement responsibilities may jointly employ or
2635 contract with a firesafety inspector.

2636 (2) Except as provided in s. 633.082(2), every firesafety
2637 inspection conducted pursuant to state or local firesafety
2638 requirements shall be by a person certified as having met the
2639 inspection training requirements set by the State Fire Marshal.

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2640 Such person shall:

2641 (a) Be a high school graduate or the equivalent as
2642 determined by the department;

2643 (b) Not have been found guilty of, or having pleaded guilty
2644 or nolo contendere to, a felony or a crime punishable by
2645 imprisonment of 1 year or more under the law of the United
2646 States, or of any state thereof, which involves moral turpitude,
2647 without regard to whether a judgment of conviction has been
2648 entered by the court having jurisdiction of such cases;

2649 (c) Have her or his fingerprints on file with the
2650 department or with an agency designated by the department;

2651 (d) Have good moral character as determined by the
2652 department;

2653 (e) Be at least 18 years of age;

2654 (f) Have satisfactorily completed the firesafety inspector
2655 certification examination as prescribed by the department; and

2656 (g)1. Have satisfactorily completed, as determined by the
2657 department, a firesafety inspector training program of not less
2658 than 200 hours established by the department and administered by
2659 agencies and institutions approved by the department for the
2660 purpose of providing basic certification training for firesafety
2661 inspectors; or

2662 2. Have received in another state training which is
2663 determined by the department to be at least equivalent to that
2664 required by the department for approved firesafety inspector
2665 education and training programs in this state.

2666 (3) Each special state firesafety inspection which is
2667 required by law and is conducted by or on behalf of an agency of
2668 the state must be performed by an individual who has met the

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2669 provision of subsection (2), except that the duration of the
2670 training program shall not exceed 120 hours of specific training
2671 for the type of property that such special state firesafety
2672 inspectors are assigned to inspect.

2673 (4) A firefighter certified pursuant to s. 633.35 may
2674 conduct firesafety inspections, under the supervision of a
2675 certified firesafety inspector, while on duty as a member of a
2676 fire department company conducting inservice firesafety
2677 inspections without being certified as a firesafety inspector,
2678 if such firefighter has satisfactorily completed an inservice
2679 fire department company inspector training program of at least
2680 24 hours' duration as provided by rule of the department.

2681 (5) Every firesafety inspector or special state firesafety
2682 inspector certificate is valid for a period of 3 years from the
2683 date of issuance. Renewal of certification shall be subject to
2684 the affected person's completing proper application for renewal
2685 and meeting all of the requirements for renewal as established
2686 under this chapter or by rule promulgated thereunder, which
2687 shall include completion of at least 40 hours during the
2688 preceding 3-year period of continuing education as required by
2689 the rule of the department or, in lieu thereof, successful
2690 passage of an examination as established by the department.

2691 (6) The State Fire Marshal may deny, refuse to renew,
2692 suspend, or revoke the certificate of a firesafety inspector or
2693 special state firesafety inspector if it finds that any of the
2694 following grounds exist:

2695 (a) Any cause for which issuance of a certificate could
2696 have been refused had it then existed and been known to the
2697 State Fire Marshal.

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2698 (b) Violation of this chapter or any rule or order of the
2699 State Fire Marshal.

2700 (c) Falsification of records relating to the certificate.

2701 (d) Having been found guilty of or having pleaded guilty or
2702 nolo contendere to a felony, whether or not a judgment of
2703 conviction has been entered.

2704 (e) Failure to meet any of the renewal requirements.

2705 (f) Having been convicted of a crime in any jurisdiction
2706 which directly relates to the practice of fire code inspection,
2707 plan review, or administration.

2708 (g) Making or filing a report or record that the
2709 certificateholder knows to be false, or knowingly inducing
2710 another to file a false report or record, or knowingly failing
2711 to file a report or record required by state or local law, or
2712 knowingly impeding or obstructing such filing, or knowingly
2713 inducing another person to impede or obstruct such filing.

2714 (h) Failing to properly enforce applicable fire codes or
2715 permit requirements within this state which the
2716 certificateholder knows are applicable by committing willful
2717 misconduct, gross negligence, gross misconduct, repeated
2718 negligence, or negligence resulting in a significant danger to
2719 life or property.

2720 (i) Accepting labor, services, or materials at no charge or
2721 at a noncompetitive rate from any person who performs work that
2722 is under the enforcement authority of the certificateholder and
2723 who is not an immediate family member of the certificateholder.
2724 For the purpose of this paragraph, the term "immediate family
2725 member" means a spouse, child, parent, sibling, grandparent,
2726 aunt, uncle, or first cousin of the person or the person's

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2727 spouse or any person who resides in the primary residence of the
2728 certificateholder.

2729 (7) The Division of State Fire Marshal and the Florida
2730 Building Code Administrators and Inspectors Board, established
2731 pursuant to under s. 468.605, shall enter into a reciprocity
2732 agreement to facilitate joint recognition of continuing
2733 education recertification hours for certificateholders licensed
2734 under s. 468.609 and firesafety inspectors certified under
2735 subsection (2).

2736 (8) The State Fire Marshal shall develop by rule an
2737 advanced training and certification program for firesafety
2738 inspectors having fire code management responsibilities. The
2739 program must be consistent with the appropriate provisions of
2740 NFPA 1037, or similar standards adopted by the division, and
2741 establish minimum training, education, and experience levels for
2742 firesafety inspectors having fire code management
2743 responsibilities.

2744 (9)~~(7)~~ The department shall provide by rule for the
2745 certification of firesafety inspectors.

2746 Section 54. Subsections (2) and (3) of section 633.082,
2747 Florida Statutes, are amended to read:

2748 633.082 Inspection of fire control systems, fire hydrants,
2749 and fire protection systems.—

2750 (2) Fire hydrants and fire protection systems installed in
2751 public and private properties, except one-family or two-family
2752 dwellings, ~~in this state~~ shall be inspected following procedures
2753 established in the nationally recognized inspection, testing,
2754 and maintenance standards publications NFPA-24 and NFPA-25 as
2755 set forth in the edition adopted by the State Fire Marshal.

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2756 Quarterly, annual, 3-year, and 5-year inspections consistent
2757 with the contractual provisions with the owner shall be
2758 conducted by the certificateholder or permittees employed by the
2759 certificateholder pursuant to s. 633.521, except that:

2760 (a) Public fire hydrants owned by a governmental entity
2761 shall be inspected following procedures established in the
2762 inspection, testing, and maintenance standards adopted by the
2763 State Fire Marshal or equivalent standards such as those
2764 contained in the latest edition of the American Water Works
2765 Association's Manual M17, "Installation, Field Testing, and
2766 Maintenance of Fire Hydrants."

2767 (b) County, municipal, and special district utilities may
2768 perform fire hydrant inspections required by this section using
2769 designated employees. Such designated employees need not be
2770 certified under this chapter. However, counties, municipalities,
2771 or special districts that use designated employees are
2772 responsible for ensuring that the designated employees are
2773 qualified to perform such inspections.

2774 (3) The inspecting contractor shall provide to the building
2775 owner or hydrant owner and the local authority having
2776 jurisdiction a copy of the applicable inspection report
2777 established under this chapter. The maintenance of fire hydrant
2778 and fire protection systems as well as corrective actions on
2779 deficient systems is the responsibility of the owner of the
2780 system or hydrant. Equipment requiring periodic testing or
2781 operation to ensure its maintenance shall be tested or operated
2782 as specified in the Fire Prevention Code, Life Safety Code,
2783 National Fire Protection Association standards, or as directed
2784 by the agency having jurisdiction, provided that such agency

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2785 shall not require a sprinkler system not required by the Fire
2786 Prevention Code, Life Safety Code or National Fire Protection
2787 Association Standards to be removed regardless of its condition.

2788 This section does not prohibit governmental entities from
2789 inspecting and enforcing firesafety codes.

2790 Section 55. Section 633.352, Florida Statutes, is amended
2791 to read:

2792 633.352 Retention of firefighter certification.—Any
2793 certified firefighter who has not been active as a firefighter,
2794 or as a volunteer firefighter with an organized fire department,
2795 for a period of 3 years shall be required to retake the
2796 practical portion of the minimum standards state examination
2797 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
2798 Administrative Code, in order to maintain her or his
2799 certification as a firefighter; however, this requirement does
2800 not apply to state-certified firefighters who are certified and
2801 employed as full-time firesafety inspectors or firesafety
2802 instructors, regardless of the firefighter's employment status
2803 ~~as determined by the division~~. The 3-year period begins on the
2804 date the certificate of compliance is issued or upon termination
2805 of service with an organized fire department.

2806 Section 56. Paragraph (e) of subsection (2) and subsections
2807 (3), (10), and (11) of section 633.521, Florida Statutes, are
2808 amended to read:

2809 633.521 Certificate application and issuance; permit
2810 issuance; examination and investigation of applicant.—

2811 (2)

2812 (e) An applicant may not be examined more than four times
2813 during 1 year for certification as a contractor pursuant to this

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2814 section unless the person is or has been certified and is taking
2815 the examination to change classifications. If an applicant does
2816 not pass one or more parts of the examination, she or he may
2817 take any part of the examination three more times during the 1-
2818 year period beginning upon the date she or he originally filed
2819 an application to take the examination. If the applicant does
2820 not pass the examination within that 1-year period, she or he
2821 must file a new application and pay the application and
2822 examination fees in order to take the examination or a part of
2823 the examination again. However, the applicant may not file a new
2824 application sooner than 6 months after the date of her or his
2825 last examination. An applicant who passes the examination but
2826 does not meet the remaining qualifications as provided in
2827 applicable statutes and rules within 1 year after the
2828 application date must file a new application, pay the
2829 application and examination fee, successfully complete a
2830 prescribed training course approved by the State Fire College or
2831 an equivalent course approved by the State Fire Marshal, and
2832 retake and pass the written examination.

2833 (3) (a) As a prerequisite to taking the examination for
2834 certification as a Contractor I, ~~Contractor II, or Contractor~~
2835 ~~III~~, the applicant must be at least 18 years of age, be of good
2836 moral character, and ~~shall~~ possess 4 years' proven experience in
2837 the employment of a fire protection system Contractor I,
2838 ~~Contractor II, or Contractor III~~ or a combination of equivalent
2839 education and experience in both water-based and chemical fire
2840 suppression systems.

2841 (b) As a prerequisite to taking the examination for
2842 certification as a Contractor II, the applicant must be at least

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2843 18 years of age, be of good moral character, and have 4 years of
2844 verifiable employment experience with a fire protection system
2845 as a Contractor I or Contractor II, or a combination of
2846 equivalent education and experience in water-based fire
2847 suppression systems.

2848 (c) Required education and experience for certification as
2849 a Contractor I, Contractor II, Contractor III, or Contractor IV
2850 includes training and experience in both installation and system
2851 layout as defined in s. 633.021.

2852 (d) As a prerequisite to taking the examination for
2853 certification as a Contractor III, the applicant must be at
2854 least 18 years of age, be of good moral character, and have 4
2855 years of verifiable employment experience with a fire protection
2856 system as a Contractor I or Contractor II, or a combination of
2857 equivalent education and experience in chemical fire suppression
2858 systems.

2859 (e) As a prerequisite to taking the examination for
2860 certification as a Contractor IV, the applicant ~~must shall~~ be at
2861 least 18 years old, be of good moral character, be licensed as a
2862 certified plumbing contractor under chapter 489, and
2863 successfully complete a training program acceptable to the State
2864 Fire Marshal of not less than 40 contact hours regarding the
2865 applicable installation standard used by the Contractor IV as
2866 described in NFPA 13D. The State Fire Marshal may adopt rules to
2867 administer this subsection ~~have at least 2 years' proven~~
2868 ~~experience in the employment of a fire protection system~~
2869 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
2870 ~~combination of equivalent education and experience which~~
2871 ~~combination need not include experience in the employment of a~~

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2872 ~~fire protection system contractor.~~

2873 (f) As a prerequisite to taking the examination for
2874 certification as a Contractor V, the applicant must ~~shall~~ be at
2875 least 18 years old, be of good moral character, and have been
2876 licensed as a certified underground utility and excavation
2877 contractor or certified plumbing contractor pursuant to chapter
2878 489, have verification by an individual who is licensed as a
2879 certified utility contractor or certified plumbing contractor
2880 pursuant to chapter 489 that the applicant has 4 years' proven
2881 experience in the employ of a certified underground utility and
2882 excavation contractor or certified plumbing contractor, or have
2883 a combination of education and experience equivalent to 4 years'
2884 proven experience in the employ of a certified underground
2885 utility and excavation contractor or certified plumbing
2886 contractor.

2887 (g) Within 30 days after the date of the examination, the
2888 State Fire Marshal shall inform the applicant in writing whether
2889 she or he has qualified or not and, if the applicant has
2890 qualified, that she or he is ready to issue a certificate of
2891 competency, subject to compliance with the requirements of
2892 subsection (4).

2893 (10) ~~Effective July 1, 2008,~~ The State Fire Marshal shall
2894 require the National Institute of Certification in Engineering
2895 Technologies (NICET), Sub-field of Inspection and Testing of
2896 Fire Protection Systems Level II or equivalent training and
2897 education as determined by the division as proof that the
2898 permitholders are knowledgeable about nationally accepted
2899 standards for the inspection of fire protection systems. ~~It is~~
2900 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~

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2901 ~~to accept continuing education of all certificateholders'~~
2902 ~~employees who perform inspection functions which specifically~~
2903 ~~prepares the permitholder to qualify for NICET II certification.~~

2904 (11) It is intended that a certificateholder, or a
2905 permitholder who is employed by a certificateholder, conduct
2906 inspections required by this chapter. It is understood that
2907 after July 1, 2008, employee turnover may result in a depletion
2908 of personnel who are certified under the NICET Sub-field of
2909 Inspection and Testing of Fire Protection Systems Level II or
2910 equivalent training and education as required by the Division of
2911 State Fire Marshal which is required for permitholders. The
2912 extensive training and experience necessary to achieve NICET
2913 Level II certification is recognized. A certificateholder may
2914 ~~therefore~~ obtain a provisional permit with an endorsement for
2915 inspection, testing, and maintenance of water-based fire
2916 extinguishing systems for an employee if the employee has
2917 initiated procedures for obtaining Level II certification from
2918 the National Institute for Certification in Engineering
2919 Technologies Sub-field of Inspection and Testing of Fire
2920 Protection Systems and achieved Level I certification or an
2921 equivalent level as determined by the State Fire Marshal through
2922 verification of experience, training, and examination. The State
2923 Fire Marshal may establish rules to administer this subsection.
2924 After 2 years of provisional certification, the employee must
2925 have achieved NICET Level II certification or obtain equivalent
2926 training and education as determined by the division, or cease
2927 performing inspections requiring Level II certification. The
2928 provisional permit is valid only for the 2 calendar years after
2929 the date of issuance, may not be extended, and is not renewable.

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2930 After the initial 2-year provisional permit expires, the
2931 certificateholder must wait 2 additional years before a new
2932 provisional permit may be issued. The intent is to prohibit the
2933 certificateholder from using employees who never reach NICET
2934 Level II status, or equivalent training and education as
2935 determined by the division, by continuously obtaining
2936 provisional permits.

2937 Section 57. Subsection (3) is added to section 633.524,
2938 Florida Statutes, to read:

2939 633.524 Certificate and permit fees; use and deposit of
2940 collected funds.—

2941 (3) The State Fire Marshal may enter into a contract with
2942 any qualified public entity or private company in accordance
2943 with chapter 287 to provide examinations for any applicant for
2944 any examination administered under the jurisdiction of the State
2945 Fire Marshal. The State Fire Marshal may direct payments from
2946 each applicant for each examination directly to such contracted
2947 entity or company.

2948 Section 58. Subsection (4) of section 633.537, Florida
2949 Statutes, is amended to read:

2950 633.537 Certificate; expiration; renewal; inactive
2951 certificate; continuing education.—

2952 (4) The renewal period for the permit class is the same as
2953 that for the employing certificateholder. The continuing
2954 education requirements for permitholders are what is required to
2955 maintain NICET Sub-field of Inspection and Testing of Fire
2956 Protection Systems Level II, equivalent training and education
2957 as determined by the division, or higher certification plus 8
2958 contact hours of continuing education approved by the State Fire

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2959 Marshal during each biennial renewal period thereafter. ~~The~~
2960 ~~continuing education curriculum from July 1, 2005, until July 1,~~
2961 ~~2008, shall be the preparatory curriculum for NICET II~~
2962 ~~certification; after July 1, 2008, the technical curriculum is~~
2963 ~~at the discretion of the State Fire Marshal and may be used to~~
2964 ~~meet the maintenance of NICET Level II certification and 8~~
2965 ~~contact hours of continuing education requirements. It is the~~
2966 responsibility of the permit holder to maintain NICET II
2967 certification or equivalent training and education as determined
2968 by the division as a condition of permit renewal after July 1,
2969 2008.

2970 Section 59. Subsection (4) of section 633.72, Florida
2971 Statutes, is amended to read:

2972 633.72 Florida Fire Code Advisory Council.-

2973 (4) Each appointee shall serve a 4-year term. No member
2974 shall serve more than two consecutive terms ~~one term~~. No member
2975 of the council shall be paid a salary as such member, but each
2976 shall receive travel and expense reimbursement as provided in s.
2977 112.061.

2978 Section 60. Subsection (6) of section 718.113, Florida
2979 Statutes, is repealed.

2980 Section 61. The Florida Building Commission shall revise
2981 the Florida Building Code in order to make it consistent with
2982 the revisions made by this act to s. 399.02, Florida Statutes.

2983 Section 62. (1) The Department of Management Services shall
2984 consider the energy efficiency of all materials used in the
2985 construction, alteration, repair, or rebuilding of a building or
2986 facility owned or operated by a state agency. Whenever feasible,
2987 the department shall lease a building or facility that has high-

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2988 efficiency lighting.

2989 (2) The Department of Management Services shall adopt rules
2990 requiring a state agency to install high-efficiency lamps when
2991 replacing an existing lamp or installing a new lamp in a
2992 building owned by the state agency.

2993 Section 63. Except as otherwise expressly provided in this
2994 act, this act shall take effect July 1, 2010.