

1 A bill to be entitled
2 An act relating to building safety; amending s. 399.02,
3 F.S.; exempting certain elevators from provisions
4 requiring modifications to certain elevator controls;
5 amending s. 399.15, F.S.; providing an alternative method
6 to allow access to regional emergency elevators; providing
7 for a uniform lock box; providing for a master key;
8 providing the Division of State Fire Marshal with
9 enforcement authority; directing the Department of
10 Financial Services to select the provider of the uniform
11 lock box; amending s. 468.8311, F.S.; revising the term
12 "home inspection services"; amending s. 468.8312, F.S.;
13 deleting a fee provision for certain certificates of
14 authorization; amending s. 468.8313, F.S.; revising
15 examination requirements for licensure as a home
16 inspector; providing application fingerprinting
17 requirements and procedures; providing for applicant
18 responsibility for certain costs; amending s. 468.8318,
19 F.S.; revising requirements and procedures for
20 certification of corporations and partnerships offering
21 home inspection services to the public; deleting
22 provisions relating to required certificates of
23 authorization; specifying application and prospective
24 operation of certain provisions; amending s. 468.8319,
25 F.S.; revising certain prohibitions with respect to
26 providers of home inspection services; amending s.
27 468.832, F.S.; providing an additional ground for taking
28 certain disciplinary actions; amending s. 468.8324, F.S.;

29 specifying additional requirements for licensure as a home
30 inspector; creating s. 468.8325, F.S.; requiring the
31 department to adopt rules to administer pt. XV, ch. 468,
32 F.S., relating to home inspectors; amending s. 468.8412,
33 F.S.; deleting a fee provision for certain biennial
34 certificates of authorization renewal; amending s.
35 468.8413, F.S.; revising examination requirements and
36 procedures for licensure as a mold assessor or mold
37 remediator; amending s. 468.8414, F.S.; specifying an
38 additional applicant qualification criterion for licensure
39 by endorsement; amending s. 468.8418, F.S.; revising
40 requirements and procedures for certification of
41 corporations and partnerships offering mold assessment or
42 mold remediation services to the public; deleting
43 provisions relating to required certificates of
44 authorization; specifying application and prospective
45 operation of certain provisions; amending s. 468.842,
46 F.S.; providing an additional ground for taking certain
47 disciplinary actions; amending s. 468.8421, F.S.;
48 specifying an insurance coverage requirement for mold
49 assessors; amending s. 468.8423, F.S.; specifying
50 additional requirements for licensure as a mold assessor
51 or mold remediator; creating s. 468.8424, F.S.; requiring
52 the department to adopt rules to administer pt. XVI, ch.
53 468, F.S., relating to mold-related services; amending s.
54 489.103, F.S.; conforming a cross-reference; amending s.
55 553.37, F.S.; authorizing manufacturers to pay inspection
56 fees directly to the provider of inspection services;

57 providing requirements for department rules regarding the
58 schedule of fees; authorizing the department to enter into
59 contracts for the performance of certain administrative
60 duties; revising inspection requirements for certain
61 custom manufactured buildings; amending s. 553.375, F.S.;
62 revising the requirement for recertification of
63 manufactured buildings prior to relocation; amending s.
64 553.509, F.S.; deleting certain requirements for alternate
65 power sources for elevators for purposes of operating
66 during an emergency; amending s. 553.512, F.S.; requiring
67 the Florida Building Commission to establish by rule a fee
68 for certain waiver requests; amending s. 553.73, F.S.;
69 conforming cross-references; authorizing counties and
70 municipalities to adopt by ordinance administrative or
71 technical amendments to the Florida Building Code for
72 certain flood-related purposes; specifying requirements
73 and procedures; revising foundation code adoption
74 requirements; authorizing the Florida Building Commission
75 to approve amendments relating to equivalency of
76 standards; authorizing the commission to approve
77 amendments necessary to accommodate state agency rules to
78 meet federal requirements for design criteria relating to
79 public educational facilities and state-licensed
80 facilities; exempting certain mausoleums from the
81 requirements of the Florida Building Code; exempting
82 certain temporary housing provided by the Department of
83 Corrections from the requirements of the Florida Building
84 Code; restricting the code, code enforcement agencies, and

85 | local governments from imposing requirements on certain
86 | mechanical equipment on roofs; requiring that the Florida
87 | Building Code contain certain requirements regarding
88 | illumination in classroom units; requiring that classroom
89 | units be designed to provide and maintain an average of 40
90 | foot-candles of light at each desktop; requiring that
91 | public educational facilities consider using light-
92 | emitting diode lighting before considering other lighting
93 | sources; amending s. 553.74, F.S.; specifying absence of
94 | impermissible conflicts of interest for certain committee
95 | or workgroup members while representing clients under
96 | certain circumstances; specifying certain prohibited
97 | activities for such members; amending s. 553.76, F.S.;
98 | authorizing the Florida Building Commission to adopt rules
99 | related to consensus-building decisionmaking; amending s.
100 | 553.775, F.S.; conforming a cross-reference; authorizing
101 | the commission to charge a fee for filing certain requests
102 | and for nonbinding interpretations; amending s. 553.79,
103 | F.S.; requiring certain inspection services to be
104 | performed under the alternative plans review and
105 | inspection process or by a local governmental entity;
106 | reenacting s. 553.80(1), F.S., relating to the enforcement
107 | of the Florida Building Code, to incorporate the
108 | amendments made to s. 553.79, F.S., in a reference
109 | thereto; amending s. 553.80, F.S.; specifying
110 | nonapplicability of certain exemptions from the Florida
111 | Building Code granted by certain enforcement entities
112 | under certain circumstances; amending s. 553.841, F.S.;

113 deleting provisions requiring that the Department of
114 Community Affairs maintain, update, develop, or cause to
115 be developed a core curriculum for persons who enforce the
116 Florida Building Code; amending s. 553.842, F.S.;
117 authorizing rules requiring the payment of product
118 evaluation fees directly to the administrator of the
119 product evaluation and approval system; specifying the use
120 of such fees; authorizing the Florida Building Commission
121 to provide by rule for editorial revisions to certain
122 approvals and charge certain fees; providing requirements
123 for the approval of applications for state approval of a
124 product; providing for certain approved products to be
125 immediately added to the list of state-approved products;
126 requiring that the commission's oversight committee review
127 approved products; revising the list of approved
128 evaluation entities; deleting obsolete provisions
129 governing evaluation entities; amending s. 553.844, F.S.;
130 providing an exemption from the requirements regarding
131 roof and opening protections for certain exposed
132 mechanical equipment or appliances; providing for future
133 expiration; amending s. 553.885, F.S.; revising
134 requirements for carbon monoxide alarms; providing an
135 exception for buildings undergoing alterations or repairs;
136 defining the term "addition" as it relates to the
137 requirement of a carbon monoxide alarm; amending s.
138 553.9061, F.S.; revising the energy efficiency performance
139 options and elements identified by the commission for
140 purposes of meeting certain goals; amending s. 553.909,

141 F.S.; revising a compliance criterion for certain swimming
142 pool pumps or water heaters; revising requirements for
143 residential swimming pool pumps and pump motors; amending
144 s. 553.912, F.S.; providing requirements for replacement
145 air-conditioning systems; amending s. 627.711, F.S.;
146 conforming provisions to changes made by the act in which
147 core curriculum courses relating to the Florida Building
148 Code are deleted; amending s. 633.021, F.S.; providing
149 additional definitions for fire equipment dealers;
150 revising the definition of the term "preengineered
151 systems"; amending s. 633.0215, F.S.; providing guidelines
152 for the State Fire Marshal to apply when issuing an
153 expedited declaratory statement; requiring that the State
154 Fire Marshal issue an expedited declaratory statement
155 under certain circumstances; providing requirements for a
156 petition requesting an expedited declaratory statement;
157 exempting certain condominiums from installing manual fire
158 alarm systems; amending s. 633.0245, F.S.; conforming
159 cross-references; amending s. 633.026, F.S.; providing
160 legislative intent; providing for the establishment of the
161 Fire Code Interpretation Committee; providing for the
162 membership of the committee and requirements for
163 membership; requiring that nonbinding interpretations of
164 the Florida Fire Prevention Code be issued within a
165 specified period after a request is received; providing
166 for the waiver of such requirement under certain
167 conditions; requiring that the Division of State Fire
168 Marshal charge a fee for nonbinding interpretations;

169 providing that fees may be paid directly to a contract
170 provider; providing requirements for requesting a
171 nonbinding interpretation; requiring that the Division of
172 State Fire Marshal develop a form for submitting a
173 petition for a nonbinding interpretation; providing for a
174 formal interpretation by the State Fire Marshal; requiring
175 that an interpretation of the Florida Fire Prevention Code
176 be published on the division's website and in the Florida
177 Administrative Weekly; amending s. 626.061, F.S.;
178 authorizing certain fire equipment dealer licensees to
179 maintain inactive license status under certain
180 circumstances; providing requirements; providing for a
181 renewal fee; revising an applicant licensure qualification
182 requirement; amending s. 633.081, F.S.; requiring that the
183 State Fire Marshal inspect a building when the State Fire
184 Marshal, rather than the Department of Financial Services,
185 has cause to believe a violation has occurred; requiring
186 that the Division of State Fire Marshal and the Florida
187 Building Code Administrators and Inspectors Board enter
188 into a reciprocity agreement for purposes of recertifying
189 building code inspectors, plan inspectors, building code
190 administrators, and firesafety inspectors; requiring that
191 the State Fire Marshal develop by rule an advanced
192 training and certification program for firesafety
193 inspectors who have fire code management responsibilities;
194 requiring that the program be consistent with certain
195 standards and establish minimum training, education, and
196 experience levels for such firesafety inspectors; amending

197 s. 633.352, F.S.; providing an exception to requirements
 198 for recertification as a firefighter; amending s. 633.521,
 199 F.S.; revising requirements for certification as a fire
 200 protection system contractor; revising the prerequisites
 201 for taking the certification examination; authorizing the
 202 State Fire Marshal to accept more than one source of
 203 professional certification; revising legislative intent;
 204 amending s. 633.524, F.S.; authorizing the State Fire
 205 Marshal to enter into contracts for examination services;
 206 providing for the direct payment of examination fees to
 207 contract providers; amending s. 633.537, F.S.; revising
 208 the continuing education requirements for certain
 209 permitholders; amending 633.72, F.S.; revising the terms
 210 of service for members of the Fire Code Advisory Council;
 211 repealing s. 718.113(6), F.S., relating to requirements
 212 for 5-year inspections of certain condominium
 213 improvements; directing the Florida Building Commission to
 214 conform provisions of the Florida Building Code with
 215 revisions made by the act relating to the operation of
 216 elevators; providing an effective date.

217
 218 Be It Enacted by the Legislature of the State of Florida:

219
 220 Section 1. Subsection (6) of section 399.02, Florida
 221 Statutes, is amended to read:

222 399.02 General requirements.—

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

225 regulation of elevators and to enforce the provisions of the
 226 Florida Building Code, except that provisions of and any updates
 227 to the code requiring modifications for Phase II Firefighters'
 228 Services controls on existing elevators, as amended into the
 229 Safety Code for Existing Elevators and Escalators, ANSI/ASME
 230 A17.1 and A17.3, may not be enforced on elevators issued a
 231 certificate of operation by the department before July 1, 2009,
 232 until the elevator is replaced. This exception does not apply to
 233 any building for which a building permit was issued on or after
 234 July 1, 2009.

235 Section 2. Present subsection (7) of section 399.15,
 236 Florida Statutes, is renumbered as subsection (8), and a new
 237 subsection (7) is added to that section to read:

238 399.15 Regional emergency elevator access.—

239 (7) As an alternative to complying with the requirements
 240 of subsection (1), each building in this state which is required
 241 to meet the provisions of subsections (1) and (2) may instead
 242 provide for the installation of a uniform lock box that contains
 243 the keys to all elevators in the building allowing public
 244 access, including service and freight elevators. The uniform
 245 lock box must be keyed to allow all uniform lock boxes in each
 246 of the seven state emergency response regions to operate in fire
 247 emergency situations using one master key. The master key for
 248 the uniform lock shall be issued only to the fire department.
 249 The Division of State Fire Marshal of the Department of
 250 Financial Services shall enforce this subsection. The Department
 251 of Financial Services shall select the provider of the uniform
 252 lock box to be installed in each building in which the

253 requirements of this subsection are implemented.

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

256 468.8311 Definitions.—As used in this part, the term:

257 (4) "Home inspection services" means a limited visual
258 examination of ~~one or more~~ of the following readily accessible
259 installed systems and components of a home: the structure,
260 electrical system, HVAC system, roof covering, plumbing system,
261 interior components, exterior components, and site conditions
262 that affect the structure, for the purposes of providing a
263 written professional opinion of the condition of the home.

264 Section 4. Subsections (4) through (8) of section
265 468.8312, Florida Statutes, are amended to read:

266 468.8312 Fees.—

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

269 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

270 (5)~~(6)~~ The fee for licensure by endorsement shall not
271 exceed \$200.

272 (6)~~(7)~~ The fee for application for inactive status or for
273 reactivation of an inactive license shall not exceed \$200.

274 (7)~~(8)~~ The fee for applications from providers of
275 continuing education may not exceed \$500.

276 Section 5. Subsections (1) and (2) of section 468.8313,
277 Florida Statutes, are amended, subsection (6) of that section is
278 renumbered as subsection (7) and amended, and a new subsection
279 (6) is added to that section, to read:

280 468.8313 Examinations.—

281 (1) A person desiring to be licensed as a home inspector
 282 shall apply to the department after he or she satisfies the
 283 examination requirements of this part ~~to take a licensure~~
 284 ~~examination.~~

285 (2) An applicant ~~shall be entitled to take the licensure~~
 286 ~~examination for the purpose of determining whether he or she is~~
 287 qualified to practice in this state as a home inspector if the
 288 applicant has passed the required examination, is of good moral
 289 character, and has completed a course of study of at least ~~no~~
 290 ~~less than~~ 120 hours that covers all of the following components
 291 of a home: structure, electrical system, HVAC system, roof
 292 covering, plumbing system, interior components, exterior
 293 components, and site conditions that affect the structure.

294 (6) An applicant for a license shall submit, together with
 295 the application, a complete set of electronic fingerprints in a
 296 form and manner required by the department. The department shall
 297 submit the fingerprints to the Department of Law Enforcement for
 298 processing. The Department of Law Enforcement shall forward the
 299 fingerprints to the Federal Bureau of Investigation for a level
 300 2 background check pursuant to s. 435.04. The department shall
 301 review the background results to determine if an applicant meets
 302 the requirements for licensure. The applicant is responsible for
 303 the cost associated with processing the fingerprints. The
 304 authorized agencies or vendors shall collect such fees and pay
 305 for the processing costs due to the Department of Law
 306 Enforcement.

307 (7) ~~(6)~~ The department may adopt rules pursuant to ~~ss.~~
 308 ~~120.536(1) and 120.54~~ to implement ~~the provisions of this~~

309 section.

310 Section 6. Section 468.8318, Florida Statutes, is amended
 311 to read:

312 468.8318 Certification of corporations and partnerships.-

313 ~~(1) The department shall issue a certificate of~~
 314 ~~authorization to a corporation or partnership offering home~~
 315 ~~inspection services to the public if the corporation or~~
 316 ~~partnership satisfies all of the requirements of this part.~~

317 ~~(2)~~ The practice of or the offer to practice home
 318 inspection services by licensees through a corporation or
 319 partnership offering home inspection services to the public, or
 320 by a corporation or partnership offering such services to the
 321 public through licensees under this part as agents, employees,
 322 officers, or partners, is permitted subject to the provisions of
 323 this part, provided that all personnel of the corporation or
 324 partnership who act in its behalf as home inspectors in this
 325 state are licensed as provided by this part; ~~and further~~
 326 ~~provided that the corporation or partnership has been issued a~~
 327 ~~certificate of authorization by the department as provided in~~
 328 ~~this section.~~ Nothing in this section shall be construed to
 329 allow a corporation to hold a license to practice home
 330 inspection services. No corporation or partnership shall be
 331 relieved of responsibility for the conduct or acts of its
 332 agents, employees, or officers by reason of its compliance with
 333 this section, nor shall any individual practicing home
 334 inspection services be relieved of responsibility for
 335 professional services performed by reason of his or her
 336 employment or relationship with a corporation or partnership.

337 ~~(3) For the purposes of this section, a certificate of~~
338 ~~authorization shall be required for a corporation, partnership,~~
339 ~~association, or person practicing under a fictitious name and~~
340 ~~offering home inspection services to the public; however, when~~
341 ~~an individual is practicing home inspection services in his or~~
342 ~~her own given name, he or she shall not be required to register~~
343 ~~under this section.~~

344 ~~(4) Each certificate of authorization shall be renewed~~
345 ~~every 2 years. Each partnership and corporation certified under~~
346 ~~this section shall notify the department within 1 month of any~~
347 ~~change in the information contained in the application upon~~
348 ~~which the certification is based.~~

349 ~~(5) Disciplinary action against a corporation or~~
350 ~~partnership shall be administered in the same manner and on the~~
351 ~~same grounds as disciplinary action against a licensed home~~
352 ~~inspector.~~

353 Section 7. Notwithstanding the effective date of July 1,
354 2010, provided by section 4 of chapter 2007-235, Laws of
355 Florida, the provisions of paragraphs (a) and (b) of subsection
356 (1) of section 468.8319, Florida Statutes, shall apply and
357 operate prospectively from July 1, 2011.

358 Section 8. Paragraphs (f) and (g) of subsection (1) of
359 section 468.8319, Florida Statutes, are amended to read:

360 468.8319 Prohibitions; penalties.—

361 (1) A home inspector, a company that employs a home
362 inspector, or a company that is controlled by a company that
363 also has a financial interest in a company employing a home
364 inspector may not:

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

371 (g) Inspect ~~for a fee~~ any property in which the inspector
 372 or the inspector's company has any financial or transfer
 373 interest;

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

376 468.832 Disciplinary proceedings.—

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

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

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

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

387 (d) Being convicted or found guilty of, or entering a plea
 388 of nolo contendere to, regardless of adjudication, a crime in
 389 any jurisdiction that directly relates to the practice of home
 390 inspection services or the ability to practice home inspection
 391 services .†

392 (e) Making or filing a report or record that the licensee

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393 knows to be false, willfully failing to file a report or record
 394 required by state or federal law, willfully impeding or
 395 obstructing such filing, or inducing another person to impede or
 396 obstruct such filing. Such reports or records shall include only
 397 those that are signed in the capacity of a licensed home
 398 inspector.~~†~~

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

401 (g) Engaging in fraud or deceit, or negligence,
 402 incompetency, or misconduct, in the practice of home inspection
 403 services.~~†~~

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

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

412 (j) Failing to meet any standard of practice adopted by
 413 the department.

414 Section 10. Section 468.8324, Florida Statutes, is amended
 415 to read:

416 468.8324 Grandfather clause.—A person who performs home
 417 inspection services as defined in this part may qualify to be
 418 licensed by the department as a home inspector if the person
 419 submits an application to the department postmarked on or before
 420 March 1, 2011, that shows the applicant: ~~meets the licensure~~

421 ~~requirements of this part by July 1, 2010.~~

422 (1) (a) Has been certified as a home inspector by a state
423 or national association that required successful completion of a
424 proctored examination on home inspection, as defined in this
425 part, and has completed at least 14 hours of verifiable
426 education on home inspection; or

427 (b) Has at least 3 years of experience as a home inspector
428 at the time of application and has completed 14 hours of
429 verifiable education on home inspection. Applicants must provide
430 120 home inspection reports based on home inspections, as
431 defined in this part, to establish the required 3 years of
432 experience. The department may conduct investigations regarding
433 the validity of home inspection reports submitted pursuant to
434 this paragraph and may take disciplinary action pursuant to s.
435 468.832 for filing false reports.

436 (2) Has not, within 5 years after the date of application,
437 had a home inspector license or a license in a related field
438 revoked, suspended, or assessed a fine in excess of \$500. For
439 purposes of this part, a license in a related field includes,
440 but is not limited to, licensure in real estate, construction,
441 mold remediation, mold assessment, or building code
442 administration or inspection.

443 (3) Submits to and is not disqualified by the results of
444 the criminal background check required under s. 468.8313.

445 (4) Is of good moral character as defined in s. 468.8313.

446 (5) Has general liability insurance as required in s.
447 468.8322.

448 Section 11. Section 468.8325, Florida Statutes, is created

449 to read:

450 468.8325 Rulemaking.-The department shall adopt rules to
 451 administer this part.

452 Section 12. Subsections (6) through (10) of section
 453 468.8412, Florida Statutes, are amended to read:

454 468.8412 Fees.-

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

457 (6)~~(7)~~ The fee for licensure by endorsement shall not
 458 exceed \$200.

459 (7)~~(8)~~ The fee for application for inactive status shall
 460 not exceed \$100.

461 (8)~~(9)~~ The fee for reactivation of an inactive license
 462 shall not exceed \$200.

463 (9)~~(10)~~ The fee for applications from providers of
 464 continuing education may not exceed \$500.

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

467 468.8413 Examinations.-

468 (1) A person desiring to be licensed as a mold assessor or
 469 mold remediator shall apply to the department after he or she
 470 satisfies the examination requirements of this part ~~to take a~~
 471 ~~licensure examination.~~

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

477 (a)1. For a mold remediator, at least an associate of arts
 478 or equivalent ~~a 2-year~~ degree and has completed at least 30
 479 semester hours in microbiology, engineering, architecture,
 480 industrial hygiene, occupational safety, or a related field of
 481 science from an accredited institution and a minimum of 1 year
 482 of documented field experience in a field related to mold
 483 remediation; or

484 2. A high school diploma or the equivalent with a minimum
 485 of 4 years of documented field experience in a field related to
 486 mold remediation.

487 (b)1. For a mold assessor, at least an associate of arts
 488 or equivalent ~~a 2-year~~ degree and has completed at least 30
 489 semester hours in microbiology, engineering, architecture,
 490 industrial hygiene, occupational safety, or a related field of
 491 science from an accredited institution and a minimum of 1 year
 492 of documented field experience in conducting microbial sampling
 493 or investigations; or

494 2. A high school diploma or the equivalent with a minimum
 495 of 4 years of documented field experience in conducting
 496 microbial sampling or investigations.

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

499 468.8414 Licensure.—

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

502 (a) Is of good moral character.

503 (b) Possesses liability insurance as required in s.

504 468.8421. and:

505 (c)1.(a) Is qualified to take the examination as set forth
 506 in s. 468.8413 and has passed a certification examination
 507 offered by a nationally recognized organization that certifies
 508 persons in the specialty of mold assessment or mold remediation
 509 that has been approved by the department as substantially
 510 equivalent to the requirements of this part and s. 455.217; or

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

516 Section 15. Section 468.8418, Florida Statutes, is amended
 517 to read:

518 468.8418 Certification of partnerships and corporations.—

519 ~~(1) The department shall issue a certificate of~~
 520 ~~authorization to a corporation or partnership offering mold~~
 521 ~~assessment or mold remediation services to the public if the~~
 522 ~~corporation or partnership satisfies all of the requirements of~~
 523 ~~this part.~~

524 ~~(2) The practice of or the offer to practice mold~~
 525 ~~assessment or mold remediation by licensees through a~~
 526 ~~corporation or partnership offering mold assessment or mold~~
 527 ~~remediation to the public, or by a corporation or partnership~~
 528 ~~offering such services to the public through licensees under~~
 529 ~~this part as agents, employees, officers, or partners, is~~
 530 ~~permitted subject to the provisions of this part, provided that~~
 531 ~~the corporation or partnership has been issued a certificate of~~
 532 ~~authorization by the department as provided in this section.~~

533 Nothing in this section shall be construed to allow a
534 corporation to hold a license to practice mold assessment or
535 mold remediation. No corporation or partnership shall be
536 relieved of responsibility for the conduct or acts of its
537 agents, employees, or officers by reason of its compliance with
538 this section, nor shall any individual practicing mold
539 assessment or mold remediation be relieved of responsibility for
540 professional services performed by reason of his or her
541 employment or relationship with a corporation or partnership.

542 ~~(3) For the purposes of this section, a certificate of~~
543 ~~authorization shall be required for a corporation, partnership,~~
544 ~~association, or person practicing under a fictitious name,~~
545 ~~offering mold assessment or mold remediation; however, when an~~
546 ~~individual is practicing mold assessment or mold remediation~~
547 ~~under his or her own given name, he or she shall not be required~~
548 ~~to register under this section.~~

549 ~~(4) Each certificate of authorization shall be renewed~~
550 ~~every 2 years. Each partnership and corporation certified under~~
551 ~~this section shall notify the department within 1 month of any~~
552 ~~change in the information contained in the application upon~~
553 ~~which the certification is based.~~

554 ~~(5) Disciplinary action against a corporation or~~
555 ~~partnership shall be administered in the same manner and on the~~
556 ~~same grounds as disciplinary action against a licensed mold~~
557 ~~assessor or mold remediator.~~

558 Section 16. Notwithstanding the effective date of July 1,
559 2010, provided by section 4 of chapter 2007-235, Laws of
560 Florida, the provisions of paragraphs (a) and (b) of subsection

561 (1) of section 468.8419, Florida Statutes, shall apply and
 562 operate prospectively from July 1, 2011.

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

565 468.842 Disciplinary proceedings.—

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

568 (a) Violation of any provision of this part or s.
 569 455.227(1).~~†~~

570 (b) Attempting to procure a license to practice mold
 571 assessment or mold remediation by bribery or fraudulent
 572 misrepresentations.~~†~~

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

577 (d) Being convicted or found guilty of, or entering a plea
 578 of nolo contendere to, regardless of adjudication, a crime in
 579 any jurisdiction that directly relates to the practice of mold
 580 assessment or mold remediation or the ability to practice mold
 581 assessment or mold remediation.~~†~~

582 (e) Making or filing a report or record that the licensee
 583 knows to be false, willfully failing to file a report or record
 584 required by state or federal law, willfully impeding or
 585 obstructing such filing, or inducing another person to impede or
 586 obstruct such filing. Such reports or records shall include only
 587 those that are signed in the capacity of a registered mold
 588 assessor or mold remediator.~~†~~

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

591 (g) Engaging in fraud or deceit, or negligence,
592 incompetency, or misconduct, in the practice of mold assessment
593 or mold remediation.~~†~~

594 (h) Failing to perform any statutory or legal obligation
595 placed upon a licensed mold assessor or mold remediator;
596 violating any provision of this chapter, a rule of the
597 department, or a lawful order of the department previously
598 entered in a disciplinary hearing; or failing to comply with a
599 lawfully issued subpoena of the department.~~†~~~~or~~

600 (i) Practicing on a revoked, suspended, inactive, or
601 delinquent license.

602 (j) Failing to meet any standard of practice adopted by
603 department rule.

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

606 468.8421 Insurance.—

607 (1) A mold assessor shall maintain general liability and
608 errors and omissions insurance coverage in an amount of not less
609 than \$1,000,000. The insurance must cover preliminary and
610 postremediation activities.

611 Section 19. Section 468.8423, Florida Statutes, is amended
612 to read:

613 468.8423 Grandfather clause.—A person who performs mold
614 assessment or mold remediation as defined in this part may
615 qualify to be licensed by the department as a mold assessor or
616 mold remediator if the person submits an application to the

617 department postmarked on or before March 1, 2011, that shows the
618 applicant:

619 (1) (a) Has been certified as a mold assessor or mold
620 remediator by a state or national association that required
621 successful completion of a proctored examination for
622 certification and has completed at least 60 hours of education
623 for a mold assessor and 30 hours of education for a mold
624 remediator; or

625 (b) Has at least 3 years of experience as a mold assessor
626 or mold remediator at the time of application. Applicants must
627 provide 40 invoices for mold assessments or mold remediations,
628 as defined by this part, to establish the required 3 years of
629 experience. The department may conduct investigations regarding
630 the validity of invoices for mold assessments or mold
631 remediations submitted pursuant to this section and may take
632 disciplinary action pursuant to s. 468.842 for submitting false
633 information.

634 (2) Has not, within 5 years after the date of application,
635 had a mold assessor or mold remediator license or a license in a
636 related field revoked, suspended, or assessed a fine in excess
637 of \$500. For purposes of this part, a license in a related field
638 includes, but is not limited to, licensure in real estate,
639 construction, home inspection, building code administration or
640 inspection, or indoor air quality.

641 (3) Is of good moral character as defined in s. 468.8413.

642 (4) Has the general liability insurance required in s.
643 468.8421 meets the licensure requirements of this part by July
644 1, 2010.

645 Section 20. Section 468.8424, Florida Statutes, is created
 646 to read:

647 468.8424 Rulemaking.-The department shall adopt rules to
 648 administer this part.

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

651 489.103 Exemptions.-This part does not apply to:

652 (22) A person licensed pursuant to s. 633.061(1)(d) or
 653 (3)~~(2)~~(b) performing work authorized by such license.

654 Section 22. Subsections (2), (8), and (9) of section
 655 553.37, Florida Statutes, are amended, and subsection (12) is
 656 added to that section, to read:

657 553.37 Rules; inspections; and insignia.-

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

659 (a) Procedures and qualifications for approval of third-
 660 party plan review and inspection agencies and of those who
 661 perform inspections and plan reviews.

662 (b) Investigation of consumer complaints of noncompliance
 663 of manufactured buildings with the Florida Building Code and the
 664 Florida Fire Prevention Code.

665 (c) Issuance, cancellation, and revocation of any insignia
 666 issued by the department and procedures for auditing and
 667 accounting for disposition of them.

668 (d) Monitoring the manufacturers', inspection agencies',
 669 and plan review agencies' compliance with this part and the
 670 Florida Building Code. Monitoring may include, but is not
 671 limited to, performing audits of plans, inspections of
 672 manufacturing facilities and observation of the manufacturing

673 and inspection process, and onsite inspections of buildings.

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

676 (8) The department, by rule, shall establish a schedule of
 677 fees to pay the cost of the administration and enforcement of
 678 this part. The rule may provide for manufacturers to pay fees to
 679 the administrator directly via the Building Code Information
 680 System.

681 (9) The department may delegate its enforcement authority
 682 to a state department having building construction
 683 responsibilities or a local government and may enter into
 684 contracts for the performance of its administrative duties under
 685 this part. The department may delegate its plan review and
 686 inspection authority to one or more of the following in any
 687 combination:

688 (a) A state department having building construction
 689 responsibilities;

690 (b) A local government;

691 (c) An approved inspection agency;

692 (d) An approved plan review agency; or

693 (e) An agency of another state.

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

698 Section 23. Section 553.375, Florida Statutes, is amended
 699 to read:

700 553.375 Recertification of manufactured buildings.—Prior

701 to the relocation to a site that has a higher design wind speed,
702 modification, or change of occupancy of a manufactured building
703 within the state, the manufacturer, dealer, or owner thereof may
704 apply to the department for recertification of that manufactured
705 building. The department shall, by rule, provide what
706 information the applicant must submit for recertification and
707 for plan review and inspection of such manufactured buildings
708 and shall establish fees for recertification. Upon a
709 determination by the department that the manufactured building
710 complies with the applicable building codes, the department
711 shall issue a recertification insignia. A manufactured building
712 that bears recertification insignia does not require any
713 additional approval by an enforcement jurisdiction in which the
714 building is sold or installed, and is considered to comply with
715 all applicable codes. As an alternative to recertification by
716 the department, the manufacturer, dealer, or owner of a
717 manufactured building may seek appropriate permitting and a
718 certificate of occupancy from the local jurisdiction in
719 accordance with procedures generally applicable under the
720 Florida Building Code.

721 Section 24. Section 553.509, Florida Statutes, is amended
722 to read:

723 553.509 Vertical accessibility.—

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

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

731 (a) Elevator pits, elevator penthouses, mechanical rooms,
732 piping or equipment catwalks, and automobile lubrication and
733 maintenance pits and platforms;

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

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

740 ~~(2)(a) Any person, firm, or corporation that owns,~~
741 ~~manages, or operates a residential multifamily dwelling,~~
742 ~~including a condominium, that is at least 75 feet high and~~
743 ~~contains a public elevator, as described in s. 399.035(2) and~~
744 ~~(3) and rules adopted by the Florida Building Commission, shall~~
745 ~~have at least one public elevator that is capable of operating~~
746 ~~on an alternate power source for emergency purposes. Alternate~~
747 ~~power shall be available for the purpose of allowing all~~
748 ~~residents access for a specified number of hours each day over a~~
749 ~~5-day period following a natural disaster, manmade disaster,~~
750 ~~emergency, or other civil disturbance that disrupts the normal~~
751 ~~supply of electricity. The alternate power source that controls~~
752 ~~elevator operations must also be capable of powering any~~
753 ~~connected fire alarm system in the building.~~

754 ~~(b) At a minimum, the elevator must be appropriately~~
755 ~~prewired and prepared to accept an alternate power source and~~
756 ~~must have a connection on the line side of the main disconnect,~~

757 ~~pursuant to National Electric Code Handbook, Article 700. In~~
758 ~~addition to the required power source for the elevator and~~
759 ~~connected fire alarm system in the building, the alternate power~~
760 ~~supply must be sufficient to provide emergency lighting to the~~
761 ~~interior lobbies, hallways, and other portions of the building~~
762 ~~used by the public. Residential multifamily dwellings must have~~
763 ~~an available generator and fuel source on the property or have~~
764 ~~proof of a current contract posted in the elevator machine room~~
765 ~~or other place conspicuous to the elevator inspector affirming a~~
766 ~~current guaranteed service contract for such equipment and fuel~~
767 ~~source to operate the elevator on an on-call basis within 24~~
768 ~~hours after a request. By December 31, 2006, any person, firm or~~
769 ~~corporation that owns, manages, or operates a residential~~
770 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
771 ~~the local building inspection agency verification of engineering~~
772 ~~plans for residential multifamily dwellings that provide for the~~
773 ~~capability to generate power by alternate means. Compliance with~~
774 ~~installation requirements and operational capability~~
775 ~~requirements must be verified by local building inspectors and~~
776 ~~reported to the county emergency management agency by December~~
777 ~~31, 2007.~~

778 ~~(c) Each newly constructed residential multifamily~~
779 ~~dwelling, including a condominium, that is at least 75 feet high~~
780 ~~and contains a public elevator, as described in s. 399.035(2)~~
781 ~~and (3) and rules adopted by the Florida Building Commission,~~
782 ~~must have at least one public elevator that is capable of~~
783 ~~operating on an alternate power source for the purpose of~~
784 ~~allowing all residents access for a specified number of hours~~

785 ~~each day over a 5-day period following a natural disaster,~~
786 ~~manmade disaster, emergency, or other civil disturbance that~~
787 ~~disrupts the normal supply of electricity. The alternate power~~
788 ~~source that controls elevator operations must be capable of~~
789 ~~powering any connected fire alarm system in the building. In~~
790 ~~addition to the required power source for the elevator and~~
791 ~~connected fire alarm system, the alternate power supply must be~~
792 ~~sufficient to provide emergency lighting to the interior~~
793 ~~lobbies, hallways, and other portions of the building used by~~
794 ~~the public. Engineering plans and verification of operational~~
795 ~~capability must be provided by the local building inspector to~~
796 ~~the county emergency management agency before occupancy of the~~
797 ~~newly constructed building.~~

798 ~~(d) Each person, firm, or corporation that is required to~~
799 ~~maintain an alternate power source under this subsection shall~~
800 ~~maintain a written emergency operations plan that details the~~
801 ~~sequence of operations before, during, and after a natural or~~
802 ~~manmade disaster or other emergency situation. The plan must~~
803 ~~include, at a minimum, a lifesafety plan for evacuation,~~
804 ~~maintenance of the electrical and lighting supply, and~~
805 ~~provisions for the health, safety, and welfare of the residents.~~
806 ~~In addition, the owner, manager, or operator of the residential~~
807 ~~multifamily dwelling must keep written records of any contracts~~
808 ~~for alternative power generation equipment. Also, quarterly~~
809 ~~inspection records of lifesafety equipment and alternate power~~
810 ~~generation equipment must be posted in the elevator machine room~~
811 ~~or other place conspicuous to the elevator inspector, which~~
812 ~~confirm that such equipment is properly maintained and in good~~

813 ~~working condition, and copies of contracts for alternate power~~
814 ~~generation equipment shall be maintained on site for~~
815 ~~verification. The written emergency operations plan and~~
816 ~~inspection records shall also be open for periodic inspection by~~
817 ~~local and state government agencies as deemed necessary. The~~
818 ~~owner or operator must keep a generator key in a lockbox posted~~
819 ~~at or near any installed generator unit.~~

820 ~~(c) Multistory affordable residential dwellings for~~
821 ~~persons age 62 and older that are financed or insured by the~~
822 ~~United States Department of Housing and Urban Development must~~
823 ~~make every effort to obtain grant funding from the Federal~~
824 ~~Government or the Florida Housing Finance Corporation to comply~~
825 ~~with this subsection. If an owner of such a residential dwelling~~
826 ~~cannot comply with the requirements of this subsection, the~~
827 ~~owner must develop a plan with the local emergency management~~
828 ~~agency to ensure that residents are evacuated to a place of~~
829 ~~safety in the event of a power outage resulting from a natural~~
830 ~~or manmade disaster or other emergency situation that disrupts~~
831 ~~the normal supply of electricity for an extended period of time.~~
832 ~~A place of safety may include, but is not limited to, relocation~~
833 ~~to an alternative site within the building or evacuation to a~~
834 ~~local shelter.~~

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

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841 ~~lockbox posted at or near the installed generator. If a building~~
842 ~~does not have an installed generator, the inspector shall~~
843 ~~confirm that the appropriate prewiring and switching~~
844 ~~capabilities are present and that a statement is posted in the~~
845 ~~elevator machine room or other place conspicuous to the elevator~~
846 ~~inspector affirming a current guaranteed contract exists for~~
847 ~~contingent services for alternate power is current for the~~
848 ~~operating period.~~

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

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

854 553.512 Modifications and waivers; advisory council.—

855 (1) The Florida Building Commission shall provide by
856 regulation criteria for granting individual modifications of, or
857 exceptions from, the literal requirements of this part upon a
858 determination of unnecessary, unreasonable, or extreme hardship,
859 provided such waivers shall not violate federal accessibility
860 laws and regulations and shall be reviewed by the Accessibility
861 Advisory Council. The commission shall establish by rule a fee
862 to be paid upon submitting a request for a waiver as provided in
863 this section. Notwithstanding any other provision of this
864 subsection, if an applicant for a waiver demonstrates economic
865 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver
866 shall be granted. The commission may not consider waiving any of
867 the requirements of s. 553.5041 unless the applicant first
868 demonstrates that she or he has applied for and been denied

869 waiver or variance from all local government zoning, subdivision
 870 regulations, or other ordinances that prevent compliance
 871 therewith. Further, the commission may not waive the requirement
 872 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
 873 accessible routes and minimum width of accessible parking
 874 spaces.

875 Section 26. Subsections (2) and (3) and paragraph (b) of
 876 subsection (4) of section 553.73, Florida Statutes, are amended,
 877 present subsections (5) through (13) of that section are
 878 renumbered as subsections (6) through (14), respectively, a new
 879 subsection (5) is added to that section, paragraph (a) of
 880 present subsection (6) and present subsections (7) and (9) of
 881 that section are amended, and subsections (15) and (16) are
 882 added to that section, to read:

883 553.73 Florida Building Code.—

884 (2) The Florida Building Code shall contain provisions or
 885 requirements for public and private buildings, structures, and
 886 facilities relative to structural, mechanical, electrical,
 887 plumbing, energy, and gas systems, existing buildings,
 888 historical buildings, manufactured buildings, elevators, coastal
 889 construction, lodging facilities, food sales and food service
 890 facilities, health care facilities, including assisted living
 891 facilities, adult day care facilities, hospice residential and
 892 inpatient facilities and units, and facilities for the control
 893 of radiation hazards, public or private educational facilities,
 894 swimming pools, and correctional facilities and enforcement of
 895 and compliance with such provisions or requirements. Further,
 896 the Florida Building Code must provide for uniform

897 implementation of ss. 515.25, 515.27, and 515.29 by including
898 standards and criteria for residential swimming pool barriers,
899 pool covers, latching devices, door and window exit alarms, and
900 other equipment required therein, which are consistent with the
901 intent of s. 515.23. Technical provisions to be contained within
902 the Florida Building Code are restricted to requirements related
903 to the types of materials used and construction methods and
904 standards employed in order to meet criteria specified in the
905 Florida Building Code. Provisions relating to the personnel,
906 supervision or training of personnel, or any other professional
907 qualification requirements relating to contractors or their
908 workforce may not be included within the Florida Building Code,
909 and subsections (4), ~~(5)~~, (6), (7), ~~and~~ (8), and (9) are not to
910 be construed to allow the inclusion of such provisions within
911 the Florida Building Code by amendment. This restriction applies
912 to both initial development and amendment of the Florida
913 Building Code.

914 (3) The commission shall select from available national or
915 international model building codes, or other available building
916 codes and standards currently recognized by the laws of this
917 state, to form the foundation for the Florida Building Code. The
918 commission may modify the selected model codes and standards as
919 needed to accommodate the specific needs of this state.
920 Standards or criteria referenced by the selected model codes
921 shall be similarly incorporated by reference. If a referenced
922 standard or criterion requires amplification or modification to
923 be appropriate for use in this state, only the amplification or
924 modification shall be specifically set forth in the Florida

925 Building Code. The Florida Building Commission may approve
 926 technical amendments to the code, subject to the requirements of
 927 subsections (8) ~~(7)~~ and (9) ~~(8)~~, after the amendments have been
 928 subject to the following conditions:

929 (a) The proposed amendment has been published on the
 930 commission's website for a minimum of 45 days and all the
 931 associated documentation has been made available to any
 932 interested party before any consideration by any Technical
 933 Advisory Committee;

934 (b) In order for a Technical Advisory Committee to make a
 935 favorable recommendation to the commission, the proposal must
 936 receive a three-fourths vote of the members present at the
 937 Technical Advisory Committee meeting and at least half of the
 938 regular members must be present in order to conduct a meeting;

939 (c) After Technical Advisory Committee consideration and a
 940 recommendation for approval of any proposed amendment, the
 941 proposal must be published on the commission's website for not
 942 less than 45 days before any consideration by the commission;
 943 and

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

947
 948 The commission shall incorporate within sections of the Florida
 949 Building Code provisions which address regional and local
 950 concerns and variations. The commission shall make every effort
 951 to minimize conflicts between the Florida Building Code, the
 952 Florida Fire Prevention Code, and the Life Safety Code.

- 953 (4)
- 954 (b) Local governments may, subject to the limitations of
955 this section, adopt amendments to the technical provisions of
956 the Florida Building Code which apply solely within the
957 jurisdiction of such government and which provide for more
958 stringent requirements than those specified in the Florida
959 Building Code, not more than once every 6 months. A local
960 government may adopt technical amendments that address local
961 needs if:
- 962 1. The local governing body determines, following a public
963 hearing which has been advertised in a newspaper of general
964 circulation at least 10 days before the hearing, that there is a
965 need to strengthen the requirements of the Florida Building
966 Code. The determination must be based upon a review of local
967 conditions by the local governing body, which review
968 demonstrates by evidence or data that the geographical
969 jurisdiction governed by the local governing body exhibits a
970 local need to strengthen the Florida Building Code beyond the
971 needs or regional variation addressed by the Florida Building
972 Code, that the local need is addressed by the proposed local
973 amendment, and that the amendment is no more stringent than
974 necessary to address the local need.
 - 975 2. Such additional requirements are not discriminatory
976 against materials, products, or construction techniques of
977 demonstrated capabilities.
 - 978 3. Such additional requirements may not introduce a new
979 subject not addressed in the Florida Building Code.
 - 980 4. The enforcing agency shall make readily available, in a

981 usable format, all amendments adopted pursuant to this section.

982 5. Any amendment to the Florida Building Code shall be
 983 transmitted within 30 days by the adopting local government to
 984 the commission. The commission shall maintain copies of all such
 985 amendments in a format that is usable and obtainable by the
 986 public. Local technical amendments shall not become effective
 987 until 30 days after the amendment has been received and
 988 published by the commission.

989 6. Any amendment to the Florida Building Code adopted by a
 990 local government pursuant to this paragraph shall be effective
 991 only until the adoption by the commission of the new edition of
 992 the Florida Building Code every third year. At such time, the
 993 commission shall review such amendment for consistency with the
 994 criteria in paragraph (9)~~(8)~~(a) and adopt such amendment as part
 995 of the Florida Building Code or rescind the amendment. The
 996 commission shall immediately notify the respective local
 997 government of the rescission of any amendment. After receiving
 998 such notice, the respective local government may readopt the
 999 rescinded amendment pursuant to the provisions of this
 1000 paragraph.

1001 7. Each county and municipality desiring to make local
 1002 technical amendments to the Florida Building Code shall by
 1003 interlocal agreement establish a countywide compliance review
 1004 board to review any amendment to the Florida Building Code,
 1005 adopted by a local government within the county pursuant to this
 1006 paragraph, that is challenged by any substantially affected
 1007 party for purposes of determining the amendment's compliance
 1008 with this paragraph. If challenged, the local technical

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1009 amendments shall not become effective until time for filing an
1010 appeal pursuant to subparagraph 8. has expired or, if there is
1011 an appeal, until the commission issues its final order
1012 determining the adopted amendment is in compliance with this
1013 subsection.

1014 8. If the compliance review board determines such
1015 amendment is not in compliance with this paragraph, the
1016 compliance review board shall notify such local government of
1017 the noncompliance and that the amendment is invalid and
1018 unenforceable until the local government corrects the amendment
1019 to bring it into compliance. The local government may appeal the
1020 decision of the compliance review board to the commission. If
1021 the compliance review board determines such amendment to be in
1022 compliance with this paragraph, any substantially affected party
1023 may appeal such determination to the commission. Any such appeal
1024 shall be filed with the commission within 14 days of the board's
1025 written determination. The commission shall promptly refer the
1026 appeal to the Division of Administrative Hearings for the
1027 assignment of an administrative law judge. The administrative
1028 law judge shall conduct the required hearing within 30 days, and
1029 shall enter a recommended order within 30 days of the conclusion
1030 of such hearing. The commission shall enter a final order within
1031 30 days thereafter. The provisions of chapter 120 and the
1032 uniform rules of procedure shall apply to such proceedings. The
1033 local government adopting the amendment that is subject to
1034 challenge has the burden of proving that the amendment complies
1035 with this paragraph in proceedings before the compliance review
1036 board and the commission, as applicable. Actions of the

1037 commission are subject to judicial review pursuant to s. 120.68.
 1038 The compliance review board shall determine whether its
 1039 decisions apply to a respective local jurisdiction or apply
 1040 countywide.

1041 9. An amendment adopted under this paragraph shall include
 1042 a fiscal impact statement which documents the costs and benefits
 1043 of the proposed amendment. Criteria for the fiscal impact
 1044 statement shall include the impact to local government relative
 1045 to enforcement, the impact to property and building owners, as
 1046 well as to industry, relative to the cost of compliance. The
 1047 fiscal impact statement may not be used as a basis for
 1048 challenging the amendment for compliance.

1049 10. In addition to subparagraphs 7. and 9., the commission
 1050 may review any amendments adopted pursuant to this subsection
 1051 and make nonbinding recommendations related to compliance of
 1052 such amendments with this subsection.

1053 (5) Notwithstanding subsection (4), counties and
 1054 municipalities may adopt by ordinance an administrative or
 1055 technical amendment to the Florida Building Code relating to
 1056 flood resistance in order to implement the National Flood
 1057 Insurance Program or incentives. Specifically, an administrative
 1058 amendment may assign the duty to enforce all or portions of
 1059 flood-related code provisions to the appropriate agencies of the
 1060 local government and adopt procedures for variances and
 1061 exceptions from flood-related code provisions other than
 1062 provisions for structures seaward of the coastal construction
 1063 control line consistent with the requirements in 44 C.F.R. s.
 1064 60.6. A technical amendment is authorized to the extent it is

1065 more stringent than the code. A technical amendment is not
 1066 subject to the requirements of subsection (4) and may not be
 1067 rendered void when the code is updated if the amendment is
 1068 adopted for the purpose of participating in the Community Rating
 1069 System promulgated pursuant to 42 U.S.C. s. 4022. Any amendment
 1070 adopted pursuant to this subsection shall be transmitted to the
 1071 commission within 30 days after being adopted.

1072 (7)~~(6)~~ (a) The commission, by rule adopted pursuant to ss.
 1073 120.536(1) and 120.54, shall update the Florida Building Code
 1074 every 3 years. When updating the Florida Building Code, the
 1075 commission shall select the most current version of the
 1076 International Building Code, the International Fuel Gas Code,
 1077 the International Mechanical Code, the International Plumbing
 1078 Code, and the International Residential Code, all of which are
 1079 adopted by the International Code Council, and the National
 1080 Electrical Code, which is adopted by the National Fire
 1081 Protection Association, to form the foundation codes of the
 1082 updated Florida Building Code, if the version has been adopted
 1083 by the applicable model code entity ~~and made available to the~~
 1084 ~~public at least 6 months prior to its selection by the~~
 1085 ~~commission~~. The commission shall select the most current version
 1086 of the International Energy Conservation Code (IECC) as a
 1087 foundation code; however, the IECC shall be modified by the
 1088 commission to maintain the efficiencies of the Florida Energy
 1089 Efficiency Code for Building Construction adopted and amended
 1090 pursuant to s. 553.901.

1091 (8)~~(7)~~ Notwithstanding the provisions of subsection (3) or
 1092 subsection (7) ~~(6)~~, the commission may address issues identified

1093 | in this subsection by amending the code pursuant only to the
 1094 | rule adoption procedures contained in chapter 120. Provisions of
 1095 | the Florida Building Code, including those contained in
 1096 | referenced standards and criteria, relating to wind resistance
 1097 | or the prevention of water intrusion may not be amended pursuant
 1098 | to this subsection to diminish those construction requirements;
 1099 | however, the commission may, subject to conditions in this
 1100 | subsection, amend the provisions to enhance those construction
 1101 | requirements. Following the approval of any amendments to the
 1102 | Florida Building Code by the commission and publication of the
 1103 | amendments on the commission's website, authorities having
 1104 | jurisdiction to enforce the Florida Building Code may enforce
 1105 | the amendments. The commission may approve amendments that are
 1106 | needed to address:

- 1107 | (a) Conflicts within the updated code;
- 1108 | (b) Conflicts between the updated code and the Florida
 1109 | Fire Prevention Code adopted pursuant to chapter 633;
- 1110 | (c) The omission of previously adopted Florida-specific
 1111 | amendments to the updated code if such omission is not supported
 1112 | by a specific recommendation of a technical advisory committee
 1113 | or particular action by the commission;
- 1114 | (d) Unintended results from the integration of previously
 1115 | adopted Florida-specific amendments with the model code;
- 1116 | (e) Equivalency of standards;
- 1117 | (f) The specific needs of state agencies when agency rules
 1118 | must be updated to reflect federal requirements relating to
 1119 | design criteria for public educational facilities and state-
 1120 | licensed facilities;

1121 (g) ~~(e)~~ Changes to or inconsistencies with federal or state
 1122 law; or

1123 (h) ~~(f)~~ Adoption of an updated edition of the National
 1124 Electrical Code if the commission finds that delay of
 1125 implementing the updated edition causes undue hardship to
 1126 stakeholders or otherwise threatens the public health, safety,
 1127 and welfare.

1128 (10) ~~(9)~~ The following buildings, structures, and
 1129 facilities are exempt from the Florida Building Code as provided
 1130 by law, and any further exemptions shall be as determined by the
 1131 Legislature and provided by law:

1132 (a) Buildings and structures specifically regulated and
 1133 preempted by the Federal Government.

1134 (b) Railroads and ancillary facilities associated with the
 1135 railroad.

1136 (c) Nonresidential farm buildings on farms.

1137 (d) Temporary buildings or sheds used exclusively for
 1138 construction purposes.

1139 (e) Mobile or modular structures used as temporary
 1140 offices, except that the provisions of part II relating to
 1141 accessibility by persons with disabilities shall apply to such
 1142 mobile or modular structures.

1143 (f) Those structures or facilities of electric utilities,
 1144 as defined in s. 366.02, which are directly involved in the
 1145 generation, transmission, or distribution of electricity.

1146 (g) Temporary sets, assemblies, or structures used in
 1147 commercial motion picture or television production, or any
 1148 sound-recording equipment used in such production, on or off the

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1149 premises.

1150 (h) Storage sheds that are not designed for human
1151 habitation and that have a floor area of 720 square feet or less
1152 are not required to comply with the mandatory wind-borne-debris-
1153 impact standards of the Florida Building Code.

1154 (i) Chickees constructed by the Miccosukee Tribe of
1155 Indians of Florida or the Seminole Tribe of Florida. As used in
1156 this paragraph, the term "chickee" means an open-sided wooden
1157 hut that has a thatched roof of palm or palmetto or other
1158 traditional materials, and that does not incorporate any
1159 electrical, plumbing, or other nonwood features.

1160 (j) Family mausoleums not exceeding 250 square feet in
1161 area which are prefabricated and assembled on site or
1162 preassembled and delivered on site and have walls, roofs, and a
1163 floor constructed of granite, marble, or reinforced concrete.

1164
1165 With the exception of paragraphs (a), (b), (c), and (f), in
1166 order to preserve the health, safety, and welfare of the public,
1167 the Florida Building Commission may, by rule adopted pursuant to
1168 chapter 120, provide for exceptions to the broad categories of
1169 buildings exempted in this section, including exceptions for
1170 application of specific sections of the code or standards
1171 adopted therein. The Department of Agriculture and Consumer
1172 Services shall have exclusive authority to adopt by rule,
1173 pursuant to chapter 120, exceptions to nonresidential farm
1174 buildings exempted in paragraph (c) when reasonably necessary to
1175 preserve public health, safety, and welfare. The exceptions must
1176 be based upon specific criteria, such as under-roof floor area,

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1177 aggregate electrical service capacity, HVAC system capacity, or
 1178 other building requirements. Further, the commission may
 1179 recommend to the Legislature additional categories of buildings,
 1180 structures, or facilities which should be exempted from the
 1181 Florida Building Code, to be provided by law. The Florida
 1182 Building Code does not apply to temporary housing provided by
 1183 the Department of Corrections to any prisoner in the state
 1184 correctional system.

1185 (15) The Florida Building Code, and any agency or local
 1186 government, may not require that existing mechanical equipment
 1187 on the surface of a roof be installed in compliance with the
 1188 requirements of the code until the reroofing of the structure or
 1189 the mechanical equipment is replaced.

1190 (16) The Florida Building Code must require that the
 1191 illumination in classroom units be designed to provide and
 1192 maintain an average of 40 foot-candles of light at each desktop.
 1193 Public educational facilities must consider using light-emitting
 1194 diode lighting before considering other lighting sources.

1195 Section 27. Subsection (5) is added to section 553.74,
 1196 Florida Statutes, to read:

1197 553.74 Florida Building Commission.—

1198 (5) Notwithstanding s. 112.313 or any other provision of
 1199 law, a member of any of commission's technical advisory
 1200 committees or a member of any other advisory committee or
 1201 workgroup of the commission, shall not be considered to have an
 1202 impermissible conflict of interest when representing clients
 1203 before the commission or one of its committees or workgroups.
 1204 However, the member, in his or her capacity as member of the

1205 committee or workgroup, may not take part in any discussion on
 1206 or take action on any matter in which he or she has a direct
 1207 financial interest.

1208 Section 28. Subsection (2) of section 553.76, Florida
 1209 Statutes, is amended to read:

1210 553.76 General powers of the commission.—The commission is
 1211 authorized to:

1212 (2) Issue memoranda of procedure for its internal
 1213 management and control. The commission may adopt rules related
 1214 to its consensus-based decisionmaking process, including, but
 1215 not limited to, super majority voting requirements for
 1216 commission actions relating to the adoption of the Florida
 1217 Building Code or amendments to the code.

1218 Section 29. Subsections (2) and (4) of section 553.775,
 1219 Florida Statutes, are amended to read:

1220 553.775 Interpretations.—

1221 (2) Local enforcement agencies, local building officials,
 1222 state agencies, and the commission shall interpret provisions of
 1223 the Florida Building Code in a manner that is consistent with
 1224 declaratory statements and interpretations entered by the
 1225 commission, except that conflicts between the Florida Fire
 1226 Prevention Code and the Florida Building Code shall be resolved
 1227 in accordance with s. 553.73 ~~(11)-(10)~~(c) and (d).

1228 (4) In order to administer this section, the commission
 1229 may adopt by rule and impose a fee for filing requests for
 1230 declaratory statements and binding and nonbinding
 1231 interpretations to recoup the cost of the proceedings which may
 1232 not exceed \$250 for each request for a review or interpretation.

1233 For proceedings conducted by or in coordination with a third-
 1234 party, the rule may provide that payment be made directly to the
 1235 third party, who shall remit to the department that portion of
 1236 the fee necessary to cover the costs of the department.

1237 Section 30. Subsection (9) of section 553.79, Florida
 1238 Statutes, is amended to read:

1239 553.79 Permits; applications; issuance; inspections.—

1240 (9) Any state agency whose enabling legislation authorizes
 1241 it to enforce provisions of the Florida Building Code may enter
 1242 into an agreement with any other unit of government to delegate
 1243 its responsibility to enforce those provisions and may expend
 1244 public funds for permit and inspection fees, which fees may be
 1245 no greater than the fees charged others. Inspection services
 1246 that are not required to be performed by a state agency under a
 1247 federal delegation of responsibility or by a state agency under
 1248 the Florida Building Code must be performed under the
 1249 alternative plans review and inspection process created in s.
 1250 553.791 or by a local governmental entity having authority to
 1251 enforce the Florida Building Code.

1252 Section 31. For the purpose of incorporating the amendment
 1253 made by this act to section 553.79, Florida Statutes, in a
 1254 reference thereto, subsection (1) of section 553.80, Florida
 1255 Statutes, is reenacted, and subsection (3) of that section is
 1256 amended, to read:

1257 553.80 Enforcement.—

1258 (1) Except as provided in paragraphs (a)-(g), each local
 1259 government and each legally constituted enforcement district
 1260 with statutory authority shall regulate building construction

1261 and, where authorized in the state agency's enabling
 1262 legislation, each state agency shall enforce the Florida
 1263 Building Code required by this part on all public or private
 1264 buildings, structures, and facilities, unless such
 1265 responsibility has been delegated to another unit of government
 1266 pursuant to s. 553.79(9).

1267 (a) Construction regulations relating to correctional
 1268 facilities under the jurisdiction of the Department of
 1269 Corrections and the Department of Juvenile Justice are to be
 1270 enforced exclusively by those departments.

1271 (b) Construction regulations relating to elevator
 1272 equipment under the jurisdiction of the Bureau of Elevators of
 1273 the Department of Business and Professional Regulation shall be
 1274 enforced exclusively by that department.

1275 (c) In addition to the requirements of s. 553.79 and this
 1276 section, facilities subject to the provisions of chapter 395 and
 1277 part II of chapter 400 shall have facility plans reviewed and
 1278 construction surveyed by the state agency authorized to do so
 1279 under the requirements of chapter 395 and part II of chapter 400
 1280 and the certification requirements of the Federal Government.

1281 (d) Building plans approved under s. 553.77(3) and state-
 1282 approved manufactured buildings, including buildings
 1283 manufactured and assembled offsite and not intended for
 1284 habitation, such as lawn storage buildings and storage sheds,
 1285 are exempt from local code enforcing agency plan reviews except
 1286 for provisions of the code relating to erection, assembly, or
 1287 construction at the site. Erection, assembly, and construction
 1288 at the site are subject to local permitting and inspections.

1289 | Lawn storage buildings and storage sheds bearing the insignia of
 1290 | approval of the department are not subject to s. 553.842. Such
 1291 | buildings that do not exceed 400 square feet may be delivered
 1292 | and installed without need of a contractor's or specialty
 1293 | license.

1294 | (e) Construction regulations governing public schools,
 1295 | state universities, and community colleges shall be enforced as
 1296 | provided in subsection (6).

1297 | (f) The Florida Building Code as it pertains to toll
 1298 | collection facilities under the jurisdiction of the turnpike
 1299 | enterprise of the Department of Transportation shall be enforced
 1300 | exclusively by the turnpike enterprise.

1301 | (g) Construction regulations relating to secure mental
 1302 | health treatment facilities under the jurisdiction of the
 1303 | Department of Children and Family Services shall be enforced
 1304 | exclusively by the department in conjunction with the Agency for
 1305 | Health Care Administration's review authority under paragraph
 1306 | (c).

1307 |
 1308 | The governing bodies of local governments may provide a schedule
 1309 | of fees, as authorized by s. 125.56(2) or s. 166.222 and this
 1310 | section, for the enforcement of the provisions of this part.
 1311 | Such fees shall be used solely for carrying out the local
 1312 | government's responsibilities in enforcing the Florida Building
 1313 | Code. The authority of state enforcing agencies to set fees for
 1314 | enforcement shall be derived from authority existing on July 1,
 1315 | 1998. However, nothing contained in this subsection shall
 1316 | operate to limit such agencies from adjusting their fee schedule

1317 in conformance with existing authority.

1318 (3) (a) Each enforcement district shall be governed by a
1319 board, the composition of which shall be determined by the
1320 affected localities.

1321 (b)1. At its own option, each enforcement district or
1322 local enforcement agency may adopt ~~promulgate~~ rules granting to
1323 the owner of a single-family residence one or more exemptions
1324 from the Florida Building Code relating to:

1325 a. ~~(a)~~ Addition, alteration, or repairs performed by the
1326 property owner upon his or her own property, provided any
1327 addition or alteration shall not exceed 1,000 square feet or the
1328 square footage of the primary structure, whichever is less.

1329 b. ~~(b)~~ Addition, alteration, or repairs by a nonowner
1330 within a specific cost limitation set by rule, provided the
1331 total cost shall not exceed \$5,000 within any 12-month period.

1332 c. ~~(c)~~ Building and inspection fees.

1333 2. However, the exemptions under subparagraph 1. do not
1334 apply to single-family residences that are located in mapped
1335 flood hazard areas, as defined in the code, unless the
1336 enforcement district or local enforcement agency has determined
1337 that the work, which is otherwise exempt, does not constitute a
1338 substantial improvement, including the repair of substantial
1339 damage, of such single-family residences.

1340 3. Each code exemption, as defined in sub-subparagraphs
1341 1.a, b., and c. paragraphs (a), (b), and (c), shall be certified
1342 to the local board 10 days prior to implementation and shall
1343 only be effective in the territorial jurisdiction of the
1344 enforcement district or local enforcement agency implementing

1345 it.

1346 Section 32. Subsections (4) through (8) of section
1347 553.841, Florida Statutes, are amended to read:

1348 553.841 Building code compliance and mitigation program.—

1349 (4) ~~The department,~~ In administering the Florida Building
1350 Code Compliance and Mitigation Program, the department shall
1351 maintain, update, develop, or cause to be developed:

1352 ~~(a) A core curriculum that is prerequisite to the advanced
1353 module coursework.~~

1354 ~~(b) advanced modules designed for use by each profession.~~

1355 ~~(c) The core curriculum developed under this subsection
1356 must be submitted to the Department of Business and Professional
1357 Regulation for approval. Advanced modules developed under this
1358 paragraph must be approved by the commission and submitted to
1359 the respective boards for approval.~~

1360 ~~(5) The core curriculum shall cover the information
1361 required to have all categories of participants appropriately
1362 informed as to their technical and administrative
1363 responsibilities in the effective execution of the code process
1364 by all individuals currently licensed under part XII of chapter
1365 468, chapter 471, chapter 481, or chapter 489, except as
1366 otherwise provided in s. 471.017. The core curriculum shall be
1367 prerequisite to the advanced module coursework for all licensees
1368 and shall be completed by individuals licensed in all categories
1369 under part XII of chapter 468, chapter 471, chapter 481, or
1370 chapter 489 within the first 2-year period after initial
1371 licensure. Core course hours taken by licensees to complete this
1372 requirement shall count toward fulfillment of required~~

1373 ~~continuing education units under part XII of chapter 468,~~
 1374 ~~chapter 471, chapter 481, or chapter 489.~~

1375 (5)~~(6)~~ Each biennium, upon receipt of funds by the
 1376 Department of Community Affairs from the Construction Industry
 1377 Licensing Board and the Electrical Contractors' Licensing Board
 1378 provided under ss. 489.109(3) and 489.509(3), the department
 1379 shall determine the amount of funds available for the Florida
 1380 Building Code Compliance and Mitigation Program.

1381 (6)~~(7)~~ If the projects provided through the Florida
 1382 Building Code Compliance and Mitigation Program in any state
 1383 fiscal year do not require the use of all available funds, the
 1384 unused funds shall be carried forward and allocated for use
 1385 during the following fiscal year.

1386 (7)~~(8)~~ The Florida Building Commission shall provide by
 1387 rule for the accreditation of courses related to the Florida
 1388 Building Code by accreditors approved by the commission. The
 1389 commission shall establish qualifications of accreditors and
 1390 criteria for the accreditation of courses by rule. The
 1391 commission may revoke the accreditation of a course by an
 1392 accreditor if the accreditation is demonstrated to violate this
 1393 part or the rules of the commission.

1394 (8)~~(9)~~ This section does not prohibit or limit the subject
 1395 areas or development of continuing education or training on the
 1396 Florida Building Code by any qualified entity.

1397 Section 33. Subsections (1), (5), (8), and (17) of section
 1398 553.842, Florida Statutes, are amended to read:

1399 553.842 Product evaluation and approval.—

1400 (1) The commission shall adopt rules under ss. 120.536(1)

1401 and 120.54 to develop and implement a product evaluation and
1402 approval system that applies statewide to operate in
1403 coordination with the Florida Building Code. The commission may
1404 enter into contracts to provide for administration of the
1405 product evaluation and approval system. The commission's rules
1406 and any applicable contract may provide that the payment of fees
1407 related to approvals be made directly to the administrator. Any
1408 fee paid by a product manufacturer shall be used only for
1409 funding the product evaluation and approval system. The product
1410 evaluation and approval system shall provide:

1411 (a) Appropriate promotion of innovation and new
1412 technologies.

1413 (b) Processing submittals of products from manufacturers
1414 in a timely manner.

1415 (c) Independent, third-party qualified and accredited
1416 testing and laboratory facilities, product evaluation entities,
1417 quality assurance agencies, certification agencies, and
1418 validation entities.

1419 (d) An easily accessible product acceptance list to
1420 entities subject to the Florida Building Code.

1421 (e) Development of stringent but reasonable testing
1422 criteria based upon existing consensus standards, when
1423 available, for products.

1424 (f) Long-term approvals, where feasible. State and local
1425 approvals will be valid until the requirements of the code on
1426 which the approval is based change, the product changes in a
1427 manner affecting its performance as required by the code, or the
1428 approval is revoked. However, the commission may authorize by

1429 rule editorial revisions to approvals and charge a fee as
 1430 provided in this section.

1431 (g) Criteria for revocation of a product approval.

1432 (h) Cost-effectiveness.

1433 (5) Statewide approval of products, methods, or systems of
 1434 construction may be achieved by one of the following methods.
 1435 One of these methods must be used by the commission to approve
 1436 the following categories of products: panel walls, exterior
 1437 doors, roofing, skylights, windows, shutters, and structural
 1438 components as established by the commission by rule.

1439 (a) Products for which the code establishes standardized
 1440 testing or comparative or rational analysis methods shall be
 1441 approved by submittal and validation of one of the following
 1442 reports or listings indicating that the product or method or
 1443 system of construction was evaluated to be in compliance with
 1444 the Florida Building Code and that the product or method or
 1445 system of construction is, for the purpose intended, at least
 1446 equivalent to that required by the Florida Building Code:

1447 1. A certification mark or listing of an approved
 1448 certification agency, which may be used only for products for
 1449 which the code designates standardized testing;

1450 2. A test report from an approved testing laboratory;

1451 3. A product evaluation report based upon testing or
 1452 comparative or rational analysis, or a combination thereof, from
 1453 an approved product evaluation entity; or

1454 4. A product evaluation report based upon testing or
 1455 comparative or rational analysis, or a combination thereof,
 1456 developed and signed and sealed by a professional engineer or

1457 architect, licensed in this state.

1458
1459 A product evaluation report or a certification mark or listing
1460 of an approved certification agency which demonstrates that the
1461 product or method or system of construction complies with the
1462 Florida Building Code for the purpose intended shall be
1463 equivalent to a test report and test procedure as referenced in
1464 the Florida Building Code. An application for state approval of
1465 a product under subparagraph 1. must be approved by the
1466 department after the commission staff or a designee verifies
1467 that the application and related documentation are complete.
1468 This verification must be completed within 10 business days
1469 after receipt of the application. Upon approval by the
1470 department, the product shall be immediately added to the list
1471 of state-approved products maintained under subsection (13).
1472 Approvals by the department shall be reviewed and ratified by
1473 the commission's program oversight committee except for a
1474 showing of good cause that a review by the full commission is
1475 necessary.

1476 (b) Products, methods, or systems of construction for
1477 which there are no specific standardized testing or comparative
1478 or rational analysis methods established in the code may be
1479 approved by submittal and validation of one of the following:

1480 1. A product evaluation report based upon testing or
1481 comparative or rational analysis, or a combination thereof, from
1482 an approved product evaluation entity indicating that the
1483 product or method or system of construction was evaluated to be
1484 in compliance with the intent of the Florida Building Code and

1485 that the product or method or system of construction is, for the
 1486 purpose intended, at least equivalent to that required by the
 1487 Florida Building Code; or

1488 2. A product evaluation report based upon testing or
 1489 comparative or rational analysis, or a combination thereof,
 1490 developed and signed and sealed by a professional engineer or
 1491 architect, licensed in this state, who certifies that the
 1492 product or method or system of construction is, for the purpose
 1493 intended, at least equivalent to that required by the Florida
 1494 Building Code.

1495 (8) The commission may adopt rules to approve the
 1496 following types of entities that produce information on which
 1497 product approvals are based. All of the following entities,
 1498 including engineers and architects, must comply with a
 1499 nationally recognized standard demonstrating independence or no
 1500 conflict of interest:

1501 (a) Evaluation entities that meet the criteria for
 1502 approval adopted by the commission by rule. The commission shall
 1503 specifically approve the National Evaluation Service, the
 1504 International Association of Plumbing and Mechanical Officials
 1505 Evaluation Service ~~the International Conference of Building~~
 1506 ~~Officials Evaluation Services~~, the International Code Council
 1507 Evaluation Services, ~~the Building Officials and Code~~
 1508 ~~Administrators International Evaluation Services~~, ~~the Southern~~
 1509 ~~Building Code Congress International Evaluation Services~~, and
 1510 the Miami-Dade County Building Code Compliance Office Product
 1511 Control. Architects and engineers licensed in this state are
 1512 also approved to conduct product evaluations as provided in

1513 subsection (5).

1514 (b) Testing laboratories accredited by national
 1515 organizations, such as A2LA and the National Voluntary
 1516 Laboratory Accreditation Program, laboratories accredited by
 1517 evaluation entities approved under paragraph (a), and
 1518 laboratories that comply with other guidelines for testing
 1519 laboratories selected by the commission and adopted by rule.

1520 (c) Quality assurance entities approved by evaluation
 1521 entities approved under paragraph (a) and by certification
 1522 agencies approved under paragraph (d) and other quality
 1523 assurance entities that comply with guidelines selected by the
 1524 commission and adopted by rule.

1525 (d) Certification agencies accredited by nationally
 1526 recognized accreditors and other certification agencies that
 1527 comply with guidelines selected by the commission and adopted by
 1528 rule.

1529 (e) Validation entities that comply with accreditation
 1530 standards established by the commission by rule.

1531 ~~(17) (a) The Florida Building Commission shall review the~~
 1532 ~~list of evaluation entities in subsection (8) and, in the annual~~
 1533 ~~report required under s. 553.77, shall either recommend~~
 1534 ~~amendments to the list to add evaluation entities the commission~~
 1535 ~~determines should be authorized to perform product evaluations~~
 1536 ~~or shall report on the criteria adopted by rule or to be adopted~~
 1537 ~~by rule allowing the commission to approve evaluation entities~~
 1538 ~~that use the commission's product evaluation process. If the~~
 1539 ~~commission adopts criteria by rule, the rulemaking process must~~
 1540 ~~be completed by July 1, 2009.~~

1541 ~~(b) Notwithstanding paragraph (8) (a), the International~~
 1542 ~~Association of Plumbing and Mechanical Officials Evaluation~~
 1543 ~~Services is approved as an evaluation entity until October 1,~~
 1544 ~~2009. If the association does not obtain permanent approval by~~
 1545 ~~the commission as an evaluation entity by October 1, 2009,~~
 1546 ~~products approved on the basis of an association evaluation must~~
 1547 ~~be substituted by an alternative, approved entity by December~~
 1548 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
 1549 ~~the commission based on an association evaluation is void.~~

1550 Section 34. Subsection (4) is added to section 553.844,
 1551 Florida Statutes, to read:

1552 553.844 Windstorm loss mitigation; requirements for roofs
 1553 and opening protection.—

1554 (4) Notwithstanding the provisions of this section,
 1555 exposed mechanical equipment or appliances fastened to rated
 1556 stands, platforms, curbs, or slabs are deemed to comply with the
 1557 wind resistance requirements for wind-borne debris regions as
 1558 defined in s. 1609.2, Buildings Volume, 2007 Florida Building
 1559 Code, as amended. Further support or enclosure of such
 1560 mechanical equipment or appliances is not required by a state or
 1561 local official having authority to enforce the Florida Building
 1562 Code. This subsection expires December 31, 2012.

1563 Section 35. Section 553.885, Florida Statutes, is amended
 1564 to read:

1565 553.885 Carbon monoxide alarm required.—

1566 (1) Every separate building or addition to an existing
 1567 building, other than a hospital, an inpatient hospice facility,
 1568 or a nursing home facility licensed by the Agency for Health

1569 Care Administration, constructed ~~for which a building permit is~~
 1570 ~~issued for new construction~~ on or after July 1, 2008, and having
 1571 a fossil-fuel-burning heater or appliance, a fireplace, ~~or an~~
 1572 attached garage, or other feature, fixture, or element that
 1573 emits carbon monoxide as a byproduct of combustion shall have an
 1574 approved operational carbon monoxide alarm installed within 10
 1575 feet of each room used for sleeping purposes in the new building
 1576 or addition, or at such other locations as required by the
 1577 Florida Building Code. The requirements of this subsection may
 1578 be satisfied with the installation of a battery-powered carbon
 1579 monoxide alarm or a battery-powered combination carbon monoxide
 1580 and smoke alarm. For a new hospital, an inpatient hospice
 1581 facility, or a nursing home facility licensed by the Agency for
 1582 Health Care Administration, an approved operational carbon
 1583 monoxide detector shall be installed inside or directly outside
 1584 of each room or area within the hospital or facility where a
 1585 fossil-fuel-burning heater, engine, or appliance is located.
 1586 This detector shall be connected to the fire alarm system of the
 1587 hospital or facility as a supervisory signal. This subsection
 1588 does not apply to existing buildings that are undergoing
 1589 alterations or repairs unless the alteration is an addition as
 1590 defined in subsection (3).

1591 (2) The Florida Building Commission shall adopt rules to
 1592 administer this section and shall incorporate such requirements
 1593 into its next revision of the Florida Building Code.

1594 (3) As used in this section, the term:

1595 (a) "Carbon monoxide alarm" means a device that is meant
 1596 for the purpose of detecting carbon monoxide, that produces a

1597 distinct audible alarm, and that meets the requirements of and
 1598 is approved by the Florida Building Commission.

1599 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,
 1600 or other petroleum or hydrocarbon product that emits carbon
 1601 monoxide as a by-product of combustion.

1602 (c) "Addition" means an extension or increase in floor
 1603 area, number of stories, or height of a building or structure.

1604 Section 36. Subsection (2) of section 553.9061, Florida
 1605 Statutes, is amended to read:

1606 553.9061 Scheduled increases in thermal efficiency
 1607 standards.—

1608 (2) The Florida Building Commission shall identify within
 1609 code support and compliance documentation the specific building
 1610 options and elements available to meet the energy performance
 1611 goals established in subsection (1). Energy efficiency
 1612 performance options and elements include, but are not limited
 1613 to:

1614 (a) Energy-efficient water heating systems, including
 1615 solar water heating.

1616 (b) Energy-efficient appliances.

1617 (c) Energy-efficient windows, doors, and skylights.

1618 (d) Low solar-absorption roofs, also known as "cool
 1619 roofs."

1620 (e) Enhanced ceiling and wall insulation.

1621 (f) Reduced-leak duct systems and energy-saving devices
 1622 and features installed within duct systems.

1623 (g) Programmable thermostats.

1624 (h) Energy-efficient lighting systems.

1625 (i) Energy-saving quality installation procedures for
 1626 replacement air-conditioning systems, including, but not limited
 1627 to, equipment sizing analysis and duct inspection.

1628 (j) Shading devices, sunscreening materials, and
 1629 overhangs.

1630 (k) Weatherstripping, caulking, and sealing of exterior
 1631 openings and penetrations.

1632 (l) Energy-efficient centralized computer data centers in
 1633 office buildings.

1634 Section 37. Subsections (3) and (4) of section 553.909,
 1635 Florida Statutes, are amended to read:

1636 553.909 Setting requirements for appliances; exceptions.—

1637 (3) Commercial or residential swimming pool pumps or water
 1638 heaters manufactured on or ~~sold~~ after July 1, 2011, shall comply
 1639 with the requirements of this subsection.

1640 (a) Natural gas pool heaters shall not be equipped with
 1641 constantly burning pilots.

1642 (b) Heat pump pool heaters shall have a coefficient of
 1643 performance at low temperature of not less than 4.0.

1644 (c) The thermal efficiency of gas-fired pool heaters and
 1645 oil-fired pool heaters shall not be less than 78 percent.

1646 (d) All pool heaters shall have a readily accessible on-
 1647 off switch that is mounted outside the heater and that allows
 1648 shutting off the heater without adjusting the thermostat
 1649 setting.

1650 (4) (a) Residential swimming pool pumps and pump motors
 1651 manufactured on or after July 1, 2011, shall comply with the
 1652 requirements in this subsection.

1653 (b) Residential pool pump motors shall not be split-phase,
 1654 shaded-pole, or capacitor start-induction run types.

1655 (c) Residential pool pumps and pool pump motors with a
 1656 total horsepower of 1 HP or more shall have the capability of
 1657 operating at two or more speeds with a low speed having a
 1658 rotation rate that is no more than one-half of the motor's
 1659 maximum rotation rate.

1660 (d) Residential pool pump motor controls shall have the
 1661 capability of operating the pool pump at a minimum of two
 1662 speeds. The default circulation speed shall be the residential
 1663 filtration speed, with a higher speed override capability being
 1664 for a temporary period not to exceed one normal cycle or 24
 1665 hours ~~120 minutes~~, whichever is less; except that circulation
 1666 speed for solar pool heating systems shall be permitted to run
 1667 at higher speeds during periods of usable solar heat gain.

1668 Section 38. Section 553.912, Florida Statutes, is amended
 1669 to read:

1670 553.912 Air conditioners.—All air conditioners that ~~which~~
 1671 are sold or installed in the state shall meet the minimum
 1672 efficiency ratings of the Florida Energy Efficiency Code for
 1673 Building Construction. These efficiency ratings shall be
 1674 minimums and may be updated in the Florida Energy Efficiency
 1675 Code for Building Construction by the department in accordance
 1676 with s. 553.901, following its determination that more cost-
 1677 effective energy-saving equipment and techniques are available.
 1678 All replacement air-conditioning systems shall be installed
 1679 using energy-saving, quality installation procedures, including,
 1680 but not limited to, equipment sizing analysis and duct

1681 inspection.

1682 Section 39. Subsection (2) of section 627.711, Florida
 1683 Statutes, is amended to read:

1684 627.711 Notice of premium discounts for hurricane loss
 1685 mitigation; uniform mitigation verification inspection form.—

1686 (2) By July 1, 2007, the Financial Services Commission
 1687 shall develop by rule a uniform mitigation verification
 1688 inspection form that shall be used by all insurers when
 1689 submitted by policyholders for the purpose of factoring
 1690 discounts for wind insurance. In developing the form, the
 1691 commission shall seek input from insurance, construction, and
 1692 building code representatives. Further, the commission shall
 1693 provide guidance as to the length of time the inspection results
 1694 are valid. An insurer shall accept as valid a uniform mitigation
 1695 verification form certified by the Department of Financial
 1696 Services or signed by:

1697 (a) A hurricane mitigation inspector certified by the My
 1698 Safe Florida Home program;

1699 (b) A building code inspector certified under s. 468.607;

1700 (c) A general, building, or residential contractor
 1701 licensed under s. 489.111;

1702 (d) A professional engineer licensed under s. 471.015 ~~who~~
 1703 ~~has passed the appropriate equivalency test of the Building Code~~
 1704 ~~Training Program as required by s. 553.841;~~

1705 (e) A professional architect licensed under s. 481.213; or

1706 (f) Any other individual or entity recognized by the
 1707 insurer as possessing the necessary qualifications to properly
 1708 complete a uniform mitigation verification form.

1709 Section 40. Subsections (7) through (28) of section
 1710 633.021, Florida Statutes, are renumbered as subsections (8)
 1711 through (29), respectively, a new subsection (7) is added to
 1712 that section, and present subsection (20) of that section is
 1713 amended, to read:

1714 633.021 Definitions.—As used in this chapter:

1715 (7) (a) "Fire equipment dealer Class A" means a licensed
 1716 fire equipment dealer whose business is limited to servicing,
 1717 recharging, repairing, installing, or inspecting all types of
 1718 fire extinguishers and conducting hydrostatic tests on all types
 1719 of fire extinguishers.

1720 (b) "Fire equipment dealer Class B" means a licensed fire
 1721 equipment dealer whose business is limited to servicing,
 1722 recharging, repairing, installing, or inspecting all types of
 1723 fire extinguishers, including recharging carbon dioxide units
 1724 and conducting hydrostatic tests on all types of fire
 1725 extinguishers, except carbon dioxide units.

1726 (c) "Fire equipment dealer Class C" means a licensed fire
 1727 equipment dealer whose business is limited to servicing,
 1728 recharging, repairing, installing, or inspecting all types of
 1729 fire extinguishers, except recharging carbon dioxide units, and
 1730 conducting hydrostatic tests on all types of fire extinguishers,
 1731 except carbon dioxide units.

1732 (d) "Fire equipment dealer Class D" means a licensed fire
 1733 equipment dealer whose business is limited to servicing,
 1734 recharging, repairing, installing, hydrotesting, or inspecting
 1735 of all types of preengineered fire extinguishing systems.

1736 (21) (a) ~~(20)~~ A "preengineered system" is a fire suppression

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1737 system which:

1738 1.~~(a)~~ Uses any of a variety of extinguishing agents.

1739 2.~~(b)~~ Is designed to protect specific hazards.

1740 3.~~(c)~~ Must be installed according to pretested limitations
1741 and configurations specified by the manufacturer and applicable
1742 National Fire Protection Association (NFPA) standards. Only
1743 those chapters within the National Fire Protection Association
1744 standards that pertain to servicing, recharging, repairing,
1745 installing, hydrotesting, or inspecting any type of
1746 preengineered fire extinguishing system may be used.

1747 4.~~(d)~~ Must be installed using components specified by the
1748 manufacturer or components that are listed as equal parts by a
1749 nationally recognized testing laboratory such as Underwriters
1750 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

1751 5.~~(e)~~ Must be listed by a nationally recognized testing
1752 laboratory.

1753 (b) Preengineered systems consist of and include all of
1754 the components and parts providing fire suppression protection,
1755 but do not include the equipment being protected, and may
1756 incorporate special nozzles, flow rates, methods of application,
1757 pressurization levels, and quantities of agents designed by the
1758 manufacturer for specific hazards.

1759 Section 41. Paragraph (b) of subsection (3) of section
1760 633.0215, Florida Statutes, is amended, and subsections (13) and
1761 (14) are added to that section, to read:

1762 633.0215 Florida Fire Prevention Code.—

1763 (3) No later than 180 days before the triennial adoption
1764 of the Florida Fire Prevention Code, the State Fire Marshal

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1765 shall notify each municipal, county, and special district fire
1766 department of the triennial code adoption and steps necessary
1767 for local amendments to be included within the code. No later
1768 than 120 days before the triennial adoption of the Florida Fire
1769 Prevention Code, each local jurisdiction shall provide the State
1770 Fire Marshal with copies of its local fire code amendments. The
1771 State Fire Marshal has the option to process local fire code
1772 amendments that are received less than 120 days before the
1773 adoption date of the Florida Fire Prevention Code.

1774 (b) Any local amendment to the Florida Fire Prevention
1775 Code adopted by a local government shall be effective only until
1776 the adoption of the new edition of the Florida Fire Prevention
1777 Code, which shall be every third year. At such time, the State
1778 Fire Marshal shall adopt such amendment as part of the Florida
1779 Fire Prevention Code or rescind the amendment. The State Fire
1780 Marshal shall immediately notify the respective local government
1781 of the rescission of the amendment and the reason for the
1782 rescission. After receiving such notice, the respective local
1783 government may readopt the rescinded amendment. Incorporation of
1784 local amendments as regional and local concerns and variations
1785 shall be considered as adoption of an amendment pursuant to this
1786 section part.

1787 (13) (a) The State Fire Marshal shall issue an expedited
1788 declaratory statement relating to interpretations of provisions
1789 of the Florida Fire Prevention Code according to the following
1790 guidelines:

1791 1. The declaratory statement shall be rendered in
1792 accordance with s. 120.565, except that a final decision must be

1793 issued by the State Fire Marshal within 45 days after the
 1794 division's receipt of a petition seeking an expedited
 1795 declaratory statement. The State Fire Marshal shall give notice
 1796 of the petition and the expedited declaratory statement or the
 1797 denial of the petition in the next available issue of the
 1798 Florida Administrative Weekly after the petition is filed and
 1799 after the statement or denial is rendered.

1800 2. The petitioner must be the owner of the disputed
 1801 project or the owner's representative.

1802 3. The petition for an expedited declaratory statement
 1803 must be:

1804 a. Related to an active project that is under construction
 1805 or must have been submitted for a permit.

1806 b. The subject of a written notice citing a specific
 1807 provision of the Florida Fire Prevention Code which is in
 1808 dispute.

1809 c. Limited to a single question that is capable of being
 1810 answered with a "yes" or "no" response.

1811 (b) A petition for a declaratory statement which does not
 1812 meet all of the requirements of this subsection must be denied
 1813 without prejudice. This subsection does not affect the right of
 1814 the petitioner as a substantially affected person to seek a
 1815 declaratory statement under s. 633.01(6).

1816 (14) A condominium that is one or two stories in height
 1817 and has an exterior means of egress corridor is exempt from
 1818 installing a manual fire alarm system as required in s. 9.6 of
 1819 the most recent edition of the Life Safety Code adopted in the
 1820 Florida Fire Prevention Code.

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1821 Section 42. Subsections (2) and (10) of section 633.0245,
 1822 Florida Statutes, are amended to read:

1823 633.0245 State Fire Marshal Nursing Home Fire Protection
 1824 Loan Guarantee Program.—

1825 (2) The State Fire Marshal may enter into limited loan
 1826 guarantee agreements with one or more financial institutions
 1827 qualified as public depositories in this state. Such agreements
 1828 shall provide a limited guarantee by the State of Florida
 1829 covering no more than 50 percent of the principal sum loaned by
 1830 such financial institution to an eligible nursing home, as
 1831 defined in subsection (10), for the sole purpose of the initial
 1832 installation at such nursing home of a fire protection system,
 1833 as defined in s. 633.021(10)~~(9)~~, approved by the State Fire
 1834 Marshal as being in compliance with the provisions of s. 633.022
 1835 and rules adopted thereunder.

1836 (10) For purposes of this section, "eligible nursing home"
 1837 means a nursing home facility that provides nursing services as
 1838 defined in chapter 464, is licensed under part II of chapter
 1839 400, and is certified by the Agency for Health Care
 1840 Administration to lack an installed fire protection system as
 1841 defined in s. 633.021(10)~~(9)~~.

1842 Section 43. Section 633.026, Florida Statutes, is amended
 1843 to read:

1844 633.026 Legislative intent; informal interpretations of
 1845 the Florida Fire Prevention Code.—It is the intent of the
 1846 Legislature that the Florida Fire Prevention Code be interpreted
 1847 by fire officials and local enforcement agencies in a manner
 1848 that protects the public safety, health, and welfare by ensuring

1849 uniform interpretations throughout this state and by providing
1850 just and expeditious processes for resolving disputes regarding
1851 such interpretations. It is the intent of the Legislature that
1852 such processes provide for the expeditious resolution of the
1853 issues presented and that the resulting interpretation of such
1854 issues be published on the website of the Division of State Fire
1855 Marshal.

1856 (1) The Division of State Fire Marshal shall by rule
1857 establish an informal process of rendering nonbinding
1858 interpretations of the Florida Fire Prevention Code. The
1859 Division of State Fire Marshal may contract with and refer
1860 interpretive issues to a nonprofit organization that has
1861 experience in interpreting and enforcing the Florida Fire
1862 Prevention Code. ~~The Division of State Fire Marshal shall~~
1863 ~~immediately implement the process prior to the completion of~~
1864 ~~formal rulemaking.~~ It is the intent of the Legislature that the
1865 Division of State Fire Marshal establish ~~create~~ a Fire Code
1866 Interpretation Committee composed of seven persons and seven
1867 alternates, equally representing each area of the state ~~process~~
1868 ~~to refer questions to a small group of individuals certified~~
1869 ~~under s. 633.081(2), to which a party can pose questions~~
1870 regarding the interpretation of the Florida Fire Prevention Code
1871 provisions.

1872 (2) Each member and alternate member of the Fire Code
1873 Interpretation Committee must be certified as a firesafety
1874 inspector pursuant to s. 633.081(2) and must have a minimum of 5
1875 years of experience interpreting and enforcing the Florida Fire
1876 Prevention Code and the Life Safety Code. Each member and

1877 alternate member must be approved by the Division of State Fire
 1878 Marshal and deemed by the division to have met these
 1879 requirements for at least 30 days before participating in a
 1880 review of a nonbinding interpretation. ~~It is the intent of the~~
 1881 ~~Legislature that the process provide for the expeditious~~
 1882 ~~resolution of the issues presented and publication of the~~
 1883 ~~resulting interpretation on the website of the Division of State~~
 1884 ~~Fire Marshal. It is the intent of the Legislature that this~~
 1885 ~~program be similar to the program established by the Florida~~
 1886 ~~Building Commission in s. 553.775(3)(g).~~

1887 (3) Each nonbinding interpretation of code provisions must
 1888 be provided within 10 business days after receipt of a request
 1889 for interpretation. The response period established in this
 1890 subsection may be waived only with the written consent of the
 1891 party requesting the nonbinding interpretation and the Division
 1892 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
 1893 advisory only and nonbinding on the parties or the State Fire
 1894 Marshal.

1895 (4) In order to administer this section, the Division of
 1896 State Fire Marshal shall charge ~~department may adopt by rule and~~
 1897 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
 1898 ~~directly to the third party.~~ The fee may not exceed \$150 for
 1899 each request for a review or interpretation. The division may
 1900 authorize payment of fees directly to the nonprofit organization
 1901 under contract pursuant to subsection (1).

1902 (5) A party requesting a nonbinding interpretation who
 1903 disagrees with the interpretation issued under this section may
 1904 apply for a formal interpretation from the State Fire Marshal

1905 pursuant to s. 633.01(6).

1906 (6) The Division of State Fire Marshal shall issue or
 1907 cause to be issued a nonbinding interpretation of the Florida
 1908 Fire Prevention Code pursuant to this section when requested to
 1909 do so upon submission of a petition by a fire official or by the
 1910 owner or owner's representative or the contractor or
 1911 contractor's representative of a project in dispute. The
 1912 division shall adopt a petition form by rule and the petition
 1913 form must be published on the State Fire Marshal's website. The
 1914 form shall, at a minimum, require:

1915 (a) The name and address of the local fire official,
 1916 including the address of the county, municipality, or special
 1917 district.

1918 (b) The name and address of the owner or owner's
 1919 representative or the contractor or contractor's representative.

1920 (c) A statement of the specific sections of the Florida
 1921 Fire Prevention Code being interpreted by the local fire
 1922 official.

1923 (d) An explanation of how the petitioner's substantial
 1924 interests are being affected by the local interpretation of the
 1925 Florida Fire Prevention Code.

1926 (e) A statement of the interpretation of the specific
 1927 sections of the Florida Fire Prevention Code by the local fire
 1928 official.

1929 (f) A statement of the interpretation that the petitioner
 1930 contends should be given to the specific sections of the Florida
 1931 Fire Prevention Code and a statement supporting the petitioner's
 1932 interpretation.

1933 (7) Upon receipt of a petition that meets the requirements
 1934 of subsection (6), the Division of State Fire Marshal shall
 1935 immediately provide copies of the petition to the Fire Code
 1936 Interpretation Committee, and shall publish the petition and any
 1937 response submitted by the local fire official on the State Fire
 1938 Marshal's website.

1939 (8) The committee shall conduct proceedings as necessary
 1940 to resolve the issues and give due regard to the petition, the
 1941 facts of the matter at issue, specific code sections cited, and
 1942 any statutory implications affecting the Florida Fire Prevention
 1943 Code. The committee shall issue an interpretation regarding the
 1944 provisions of the Florida Fire Prevention Code within 10 days
 1945 after the filing of a petition. The committee shall issue an
 1946 interpretation based upon the Florida Fire Prevention Code or,
 1947 if the code is ambiguous, the intent of the code. The
 1948 committee's interpretation shall be provided to the petitioner
 1949 and shall include a notice that if the petitioner disagrees with
 1950 the interpretation, the petitioner may file a request for formal
 1951 interpretation by the State Fire Marshal under s. 633.01(6). The
 1952 committee's interpretation shall be provided to the State Fire
 1953 Marshal, and the division shall publish the interpretation on
 1954 the State Fire Marshal's website and in the Florida
 1955 Administrative Weekly.

1956 Section 44. Subsections (2) through (10) of section
 1957 633.061, Florida Statutes, are renumbered as subsections (3)
 1958 through (11), respectively, a new subsection (2) is added to
 1959 that section, and paragraph (c) of present subsection (3) of
 1960 that section is amended, to read:

1961 633.061 Fire suppression equipment; license to install or
 1962 maintain.—

1963 (2) A person who holds a valid fire equipment dealer
 1964 license may maintain such license in an inactive status during
 1965 which time he or she may not engage in any work under the
 1966 definition of the license held. An inactive status license shall
 1967 be void after 2 years or at the time that the license is
 1968 renewed, whichever comes first. The biennial renewal fee for an
 1969 inactive status license shall be \$75. An inactive status license
 1970 may not be reactivated unless the continuing education
 1971 requirements of this chapter have been fulfilled.

1972 (4) ~~(3)~~

1973 (c) A license of any class shall not be issued or renewed
 1974 by the State Fire Marshal and a license of any class shall not
 1975 remain operative unless:

1976 1. The applicant has submitted to the State Fire Marshal
 1977 evidence of registration as a Florida corporation or evidence of
 1978 compliance with s. 865.09.

1979 2. The State Fire Marshal or his or her designee has by
 1980 inspection determined that the applicant possesses the equipment
 1981 required for the class of license sought. The State Fire Marshal
 1982 shall give an applicant a reasonable opportunity to correct any
 1983 deficiencies discovered by inspection. A fee of \$50, payable to
 1984 the State Fire Marshal, shall be required for any subsequent
 1985 reinspection.

1986 3. The applicant has submitted to the State Fire Marshal
 1987 proof of insurance providing coverage for comprehensive general
 1988 liability for bodily injury and property damage, products

1989 liability, completed operations, and contractual liability. The
 1990 State Fire Marshal shall adopt rules providing for the amounts
 1991 of such coverage, but such amounts shall not be less than
 1992 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
 1993 licenses, and \$100,000 for Class C licenses; and the total
 1994 coverage for any class of license held in conjunction with a
 1995 Class D license shall not be less than \$300,000. The State Fire
 1996 Marshal may, at any time after the issuance of a license or its
 1997 renewal, require upon demand, and in no event more than 30 days
 1998 after notice of such demand, the licensee to provide proof of
 1999 insurance, on a form provided by the State Fire Marshal,
 2000 containing confirmation of insurance coverage as required by
 2001 this chapter. Failure, for any length of time, to provide proof
 2002 of insurance coverage as required shall result in the immediate
 2003 suspension of the license until proof of proper insurance is
 2004 provided to the State Fire Marshal. An insurer which provides
 2005 such coverage shall notify the State Fire Marshal of any change
 2006 in coverage or of any termination, cancellation, or nonrenewal
 2007 of any coverage.

2008 4. The applicant applies to the State Fire Marshal,
 2009 provides proof of experience, and successfully completes a
 2010 prescribed training course offered by the State Fire College or
 2011 an equivalent course approved by the State Fire Marshal. This
 2012 subparagraph does not apply to any holder of or applicant for a
 2013 permit under paragraph (f) or to a business organization or a
 2014 governmental entity seeking initial licensure or renewal of an
 2015 existing license solely for the purpose of inspecting,
 2016 servicing, repairing, marking, recharging, and maintaining fire

2017 | extinguishers used and located on the premises of and owned by
 2018 | such organization or entity.

2019 | 5. The applicant has a current retestor identification
 2020 | number that is appropriate for the license for which the
 2021 | applicant is applying and that is listed with the United States
 2022 | Department of Transportation.

2023 | 6. The applicant has passed, with a grade of at least 70
 2024 | percent, a written examination testing his or her knowledge of
 2025 | the rules and statutes regulating the activities authorized by
 2026 | the license and demonstrating his or her knowledge and ability
 2027 | to perform those tasks in a competent, lawful, and safe manner.
 2028 | Such examination shall be developed and administered by the
 2029 | State Fire Marshal, or his or her designee in accordance with
 2030 | policies and procedures of the State Fire Marshal. An applicant
 2031 | shall pay a nonrefundable examination fee of \$50 for each
 2032 | examination or reexamination scheduled. No reexamination shall
 2033 | be scheduled sooner than 30 days after any administration of an
 2034 | examination to an applicant. No applicant shall be permitted to
 2035 | take an examination for any level of license more than a total
 2036 | of four times during 1 year, regardless of the number of
 2037 | applications submitted. As a prerequisite to licensure of the
 2038 | applicant:

2039 | a. Must be at least 18 years of age.

2040 | b. Must have 4 years of proven experience as a fire
 2041 | equipment permittee at a level equal to or greater than the
 2042 | level of license applied for or have a combination of education
 2043 | and experience determined to be equivalent thereto by the State
 2044 | Fire Marshal. Having held a permit at the appropriate level for

2045 the required period constitutes the required experience.

2046 c. Must not have been convicted of, or pled nolo
 2047 contendere to, any felony. If an applicant has been convicted of
 2048 any such felony, the applicant must comply with s.
 2049 112.011(1)(b).

2050
 2051 This subparagraph does not apply to any holder of or applicant
 2052 for a permit under paragraph (f) or to a business organization
 2053 or a governmental entity seeking initial licensure or renewal of
 2054 an existing license solely for the purpose of inspecting,
 2055 servicing, repairing, marking, recharging, hydrotesting, and
 2056 maintaining fire extinguishers used and located on the premises
 2057 of and owned by such organization or entity.

2058 Section 45. Section 633.081, Florida Statutes, is amended
 2059 to read:

2060 633.081 Inspection of buildings and equipment; orders;
 2061 firesafety inspection training requirements; certification;
 2062 disciplinary action.—The State Fire Marshal and her or his
 2063 agents shall, at any reasonable hour, when the State Fire
 2064 Marshal ~~department~~ has reasonable cause to believe that a
 2065 violation of this chapter or s. 509.215, or a rule promulgated
 2066 thereunder, or a minimum firesafety code adopted by a local
 2067 authority, may exist, inspect any and all buildings and
 2068 structures which are subject to the requirements of this chapter
 2069 or s. 509.215 and rules promulgated thereunder. The authority to
 2070 inspect shall extend to all equipment, vehicles, and chemicals
 2071 which are located within the premises of any such building or
 2072 structure.

2073 (1) Each county, municipality, and special district that
 2074 has firesafety enforcement responsibilities shall employ or
 2075 contract with a firesafety inspector. The firesafety inspector
 2076 must conduct all firesafety inspections that are required by
 2077 law. The governing body of a county, municipality, or special
 2078 district that has firesafety enforcement responsibilities may
 2079 provide a schedule of fees to pay only the costs of inspections
 2080 conducted pursuant to this subsection and related administrative
 2081 expenses. Two or more counties, municipalities, or special
 2082 districts that have firesafety enforcement responsibilities may
 2083 jointly employ or contract with a firesafety inspector.

2084 (2) Every firesafety inspection conducted pursuant to
 2085 state or local firesafety requirements shall be by a person
 2086 certified as having met the inspection training requirements set
 2087 by the State Fire Marshal. Such person shall:

2088 (a) Be a high school graduate or the equivalent as
 2089 determined by the department;

2090 (b) Not have been found guilty of, or having pleaded
 2091 guilty or nolo contendere to, a felony or a crime punishable by
 2092 imprisonment of 1 year or more under the law of the United
 2093 States, or of any state thereof, which involves moral turpitude,
 2094 without regard to whether a judgment of conviction has been
 2095 entered by the court having jurisdiction of such cases;

2096 (c) Have her or his fingerprints on file with the
 2097 department or with an agency designated by the department;

2098 (d) Have good moral character as determined by the
 2099 department;

2100 (e) Be at least 18 years of age;

2101 (f) Have satisfactorily completed the firesafety inspector
 2102 certification examination as prescribed by the department; and

2103 (g)1. Have satisfactorily completed, as determined by the
 2104 department, a firesafety inspector training program of not less
 2105 than 200 hours established by the department and administered by
 2106 agencies and institutions approved by the department for the
 2107 purpose of providing basic certification training for firesafety
 2108 inspectors; or

2109 2. Have received in another state training which is
 2110 determined by the department to be at least equivalent to that
 2111 required by the department for approved firesafety inspector
 2112 education and training programs in this state.

2113 (3) Each special state firesafety inspection which is
 2114 required by law and is conducted by or on behalf of an agency of
 2115 the state must be performed by an individual who has met the
 2116 provision of subsection (2), except that the duration of the
 2117 training program shall not exceed 120 hours of specific training
 2118 for the type of property that such special state firesafety
 2119 inspectors are assigned to inspect.

2120 (4) A firefighter certified pursuant to s. 633.35 may
 2121 conduct firesafety inspections, under the supervision of a
 2122 certified firesafety inspector, while on duty as a member of a
 2123 fire department company conducting inservice firesafety
 2124 inspections without being certified as a firesafety inspector,
 2125 if such firefighter has satisfactorily completed an inservice
 2126 fire department company inspector training program of at least
 2127 24 hours' duration as provided by rule of the department.

2128 (5) Every firesafety inspector or special state firesafety

2129 | inspector certificate is valid for a period of 3 years from the
 2130 | date of issuance. Renewal of certification shall be subject to
 2131 | the affected person's completing proper application for renewal
 2132 | and meeting all of the requirements for renewal as established
 2133 | under this chapter or by rule promulgated thereunder, which
 2134 | shall include completion of at least 40 hours during the
 2135 | preceding 3-year period of continuing education as required by
 2136 | the rule of the department or, in lieu thereof, successful
 2137 | passage of an examination as established by the department.

2138 | (6) The State Fire Marshal may deny, refuse to renew,
 2139 | suspend, or revoke the certificate of a firesafety inspector or
 2140 | special state firesafety inspector if it finds that any of the
 2141 | following grounds exist:

2142 | (a) Any cause for which issuance of a certificate could
 2143 | have been refused had it then existed and been known to the
 2144 | State Fire Marshal.

2145 | (b) Violation of this chapter or any rule or order of the
 2146 | State Fire Marshal.

2147 | (c) Falsification of records relating to the certificate.

2148 | (d) Having been found guilty of or having pleaded guilty
 2149 | or nolo contendere to a felony, whether or not a judgment of
 2150 | conviction has been entered.

2151 | (e) Failure to meet any of the renewal requirements.

2152 | (f) Having been convicted of a crime in any jurisdiction
 2153 | which directly relates to the practice of fire code inspection,
 2154 | plan review, or administration.

2155 | (g) Making or filing a report or record that the
 2156 | certificateholder knows to be false, or knowingly inducing

2157 another to file a false report or record, or knowingly failing
 2158 to file a report or record required by state or local law, or
 2159 knowingly impeding or obstructing such filing, or knowingly
 2160 inducing another person to impede or obstruct such filing.

2161 (h) Failing to properly enforce applicable fire codes or
 2162 permit requirements within this state which the
 2163 certificateholder knows are applicable by committing willful
 2164 misconduct, gross negligence, gross misconduct, repeated
 2165 negligence, or negligence resulting in a significant danger to
 2166 life or property.

2167 (i) Accepting labor, services, or materials at no charge
 2168 or at a noncompetitive rate from any person who performs work
 2169 that is under the enforcement authority of the certificateholder
 2170 and who is not an immediate family member of the
 2171 certificateholder. For the purpose of this paragraph, the term
 2172 "immediate family member" means a spouse, child, parent,
 2173 sibling, grandparent, aunt, uncle, or first cousin of the person
 2174 or the person's spouse or any person who resides in the primary
 2175 residence of the certificateholder.

2176 (7) The Division of State Fire Marshal and the Florida
 2177 Building Code Administrators and Inspectors Board, established
 2178 pursuant to under s. 468.605, shall enter into a reciprocity
 2179 agreement to facilitate joint recognition of continuing
 2180 education recertification hours for certificateholders licensed
 2181 under s. 468.609 and firesafety inspectors certified under
 2182 subsection (2).

2183 (8) The State Fire Marshal shall develop by rule an
 2184 advanced training and certification program for firesafety

2185 inspectors having fire code management responsibilities. The
 2186 program must be consistent with the appropriate provisions of
 2187 NFPA 1037, or similar standards adopted by the division, and
 2188 establish minimum training, education, and experience levels for
 2189 firesafety inspectors having fire code management
 2190 responsibilities.

2191 ~~(9)(7)~~ The department shall provide by rule for the
 2192 certification of firesafety inspectors.

2193 Section 46. Section 633.352, Florida Statutes, is amended
 2194 to read:

2195 633.352 Retention of firefighter certification.—Any
 2196 certified firefighter who has not been active as a firefighter,
 2197 or as a volunteer firefighter with an organized fire department,
 2198 for a period of 3 years shall be required to retake the
 2199 practical portion of the minimum standards state examination
 2200 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
 2201 Administrative Code, in order to maintain her or his
 2202 certification as a firefighter; however, this requirement does
 2203 not apply to state-certified firefighters who are certified and
 2204 employed as full-time firesafety inspectors or firesafety
 2205 instructors, regardless of the firefighter's employment status
 2206 ~~as determined by the division~~. The 3-year period begins on the
 2207 date the certificate of compliance is issued or upon termination
 2208 of service with an organized fire department.

2209 Section 47. Paragraph (e) of subsection (2) and
 2210 subsections (3), (10), and (11) of section 633.521, Florida
 2211 Statutes, are amended to read:

2212 633.521 Certificate application and issuance; permit

2213 issuance; examination and investigation of applicant.-

2214 (2)

2215 (e) An applicant may not be examined more than four times
 2216 during 1 year for certification as a contractor pursuant to this
 2217 section unless the person is or has been certified and is taking
 2218 the examination to change classifications. If an applicant does
 2219 not pass one or more parts of the examination, she or he may
 2220 take any part of the examination three more times during the 1-
 2221 year period beginning upon the date she or he originally filed
 2222 an application to take the examination. If the applicant does
 2223 not pass the examination within that 1-year period, she or he
 2224 must file a new application and pay the application and
 2225 examination fees in order to take the examination or a part of
 2226 the examination again. However, the applicant may not file a new
 2227 application sooner than 6 months after the date of her or his
 2228 last examination. An applicant who passes the examination but
 2229 does not meet the remaining qualifications as provided in
 2230 applicable statutes and rules within 1 year after the
 2231 application date must file a new application, pay the
 2232 application and examination fee, successfully complete a
 2233 prescribed training course approved by the State Fire College or
 2234 an equivalent course approved by the State Fire Marshal, and
 2235 retake and pass the written examination.

2236 (3) (a) As a prerequisite to taking the examination for
 2237 certification as a Contractor I, ~~Contractor II, or Contractor~~
 2238 ~~III,~~ the applicant must be at least 18 years of age, be of good
 2239 moral character, and ~~shall~~ possess 4 years' proven experience in
 2240 the employment of a fire protection system Contractor I,

2241 ~~Contractor II, or Contractor III~~ or a combination of equivalent
 2242 education and experience in both water-based and chemical fire
 2243 suppression systems.

2244 (b) As a prerequisite to taking the examination for
 2245 certification as a Contractor II, the applicant must be at least
 2246 18 years of age, be of good moral character, and have 4 years of
 2247 verifiable employment experience with a fire protection system
 2248 as a Contractor I or Contractor II, or a combination of
 2249 equivalent education and experience in water-based fire
 2250 suppression systems.

2251 (c) Required education and experience for certification as
 2252 a Contractor I, Contractor II, Contractor III, or Contractor IV
 2253 includes training and experience in both installation and system
 2254 layout as defined in s. 633.021.

2255 (d) As a prerequisite to taking the examination for
 2256 certification as a Contractor III, the applicant must be at
 2257 least 18 years of age, be of good moral character, and have 4
 2258 years of verifiable employment experience with a fire protection
 2259 system as a Contractor I or Contractor II, or a combination of
 2260 equivalent education and experience in chemical fire suppression
 2261 systems.

2262 (e) As a prerequisite to taking the examination for
 2263 certification as a Contractor IV, the applicant ~~must shall~~ be at
 2264 least 18 years old, be of good moral character, be licensed as a
 2265 certified plumbing contractor under chapter 489, and
 2266 successfully complete a training program acceptable to the State
 2267 Fire Marshal of not less than 40 contact hours regarding the
 2268 applicable installation standard used by the Contractor IV as

2269 described in NFPA 13D. The State Fire Marshal may adopt rules to
 2270 administer this subsection ~~have at least 2 years' proven~~
 2271 ~~experience in the employment of a fire protection system~~
 2272 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
 2273 ~~combination of equivalent education and experience which~~
 2274 ~~combination need not include experience in the employment of a~~
 2275 ~~fire protection system contractor.~~

2276 (f) As a prerequisite to taking the examination for
 2277 certification as a Contractor V, the applicant must ~~shall~~ be at
 2278 least 18 years old, be of good moral character, and have been
 2279 licensed as a certified underground utility and excavation
 2280 contractor or certified plumbing contractor pursuant to chapter
 2281 489, have verification by an individual who is licensed as a
 2282 certified utility contractor or certified plumbing contractor
 2283 pursuant to chapter 489 that the applicant has 4 years' proven
 2284 experience in the employ of a certified underground utility and
 2285 excavation contractor or certified plumbing contractor, or have
 2286 a combination of education and experience equivalent to 4 years'
 2287 proven experience in the employ of a certified underground
 2288 utility and excavation contractor or certified plumbing
 2289 contractor.

2290 (g) Within 30 days after the date of the examination, the
 2291 State Fire Marshal shall inform the applicant in writing whether
 2292 she or he has qualified or not and, if the applicant has
 2293 qualified, that she or he is ready to issue a certificate of
 2294 competency, subject to compliance with the requirements of
 2295 subsection (4).

2296 (10) Effective July 1, 2008, the State Fire Marshal shall

2297 require the National Institute of Certification in Engineering
 2298 Technologies (NICET), Sub-field of Inspection and Testing of
 2299 Fire Protection Systems Level II or equivalent training and
 2300 education as determined by the division as proof that the
 2301 permitholders are knowledgeable about nationally accepted
 2302 standards for the inspection of fire protection systems. ~~It is~~
 2303 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
 2304 ~~to accept continuing education of all certificateholders'~~
 2305 ~~employees who perform inspection functions which specifically~~
 2306 ~~prepares the permitholder to qualify for NICET II certification.~~

2307 (11) It is intended that a certificateholder, or a
 2308 permitholder who is employed by a certificateholder, conduct
 2309 inspections required by this chapter. It is understood that
 2310 after July 1, 2008, employee turnover may result in a depletion
 2311 of personnel who are certified under the NICET Sub-field of
 2312 Inspection and Testing of Fire Protection Systems Level II or
 2313 equivalent training and education as required by the Division of
 2314 State Fire Marshal ~~which is required for permitholders. The~~
 2315 ~~extensive training and experience necessary to achieve NICET~~
 2316 ~~Level II certification is recognized.~~ A certificateholder may
 2317 ~~therefore~~ obtain a provisional permit with an endorsement for
 2318 inspection, testing, and maintenance of water-based fire
 2319 extinguishing systems for an employee if the employee has
 2320 initiated procedures for obtaining Level II certification from
 2321 the National Institute for Certification in Engineering
 2322 Technologies Sub-field of Inspection and Testing of Fire
 2323 Protection Systems and achieved Level I certification or an
 2324 equivalent level as determined by the State Fire Marshal through

2325 verification of experience, training, and examination. The State
 2326 Fire Marshal may establish rules to administer this subsection.
 2327 After 2 years of provisional certification, the employee must
 2328 have achieved NICET Level II certification or obtain equivalent
 2329 training and education as determined by the division, or cease
 2330 performing inspections requiring Level II certification. The
 2331 provisional permit is valid only for the 2 calendar years after
 2332 the date of issuance, may not be extended, and is not renewable.
 2333 After the initial 2-year provisional permit expires, the
 2334 certificateholder must wait 2 additional years before a new
 2335 provisional permit may be issued. The intent is to prohibit the
 2336 certificateholder from using employees who never reach NICET
 2337 Level II status, or equivalent training and education as
 2338 determined by the division, by continuously obtaining
 2339 provisional permits.

2340 Section 48. Subsection (3) is added to section 633.524,
 2341 Florida Statutes, to read:

2342 633.524 Certificate and permit fees; use and deposit of
 2343 collected funds.—

2344 (3) The State Fire Marshal may enter into a contract with
 2345 any qualified public entity or private company in accordance
 2346 with chapter 287 to provide examinations for any applicant for
 2347 any examination administered under the jurisdiction of the State
 2348 Fire Marshal. The State Fire Marshal may direct payments from
 2349 each applicant for each examination directly to such contracted
 2350 entity or company.

2351 Section 49. Subsection (4) of section 633.537, Florida
 2352 Statutes, is amended to read:

2353 | 633.537 Certificate; expiration; renewal; inactive
 2354 | certificate; continuing education.—

2355 | (4) The renewal period for the permit class is the same as
 2356 | that for the employing certificateholder. The continuing
 2357 | education requirements for permitholders are what is required to
 2358 | maintain NICET Sub-field of Inspection and Testing of Fire
 2359 | Protection Systems Level II, equivalent training and education
 2360 | as determined by the division, or higher certification plus 8
 2361 | contact hours of continuing education approved by the State Fire
 2362 | Marshal during each biennial renewal period thereafter. ~~The~~
 2363 | ~~continuing education curriculum from July 1, 2005, until July 1,~~
 2364 | ~~2008, shall be the preparatory curriculum for NICET II~~
 2365 | ~~certification; after July 1, 2008, the technical curriculum is~~
 2366 | ~~at the discretion of the State Fire Marshal and may be used to~~
 2367 | ~~meet the maintenance of NICET Level II certification and 8~~
 2368 | ~~contact hours of continuing education requirements.~~ It is the
 2369 | responsibility of the permitholder to maintain NICET II
 2370 | certification or equivalent training and education as determined
 2371 | by the division as a condition of permit renewal after July 1,
 2372 | 2008.

2373 | Section 50. Subsection (4) of section 633.72, Florida
 2374 | Statutes, is amended to read:

2375 | 633.72 Florida Fire Code Advisory Council.—

2376 | (4) Each appointee shall serve a 4-year term. No member
 2377 | shall serve more than two consecutive terms ~~one term~~. No member
 2378 | of the council shall be paid a salary as such member, but each
 2379 | shall receive travel and expense reimbursement as provided in s.
 2380 | 112.061.

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2381 Section 51. Subsection (6) of section 718.113, Florida
 2382 Statutes, is repealed.

2383 Section 52. The Florida Building Commission shall revise
 2384 the Florida Building Code in order to make it consistent with
 2385 the revisions made by this act to s. 399.02, Florida Statutes.

2386 Section 53. This act shall take effect July 1, 2010.