

1 A bill to be entitled
2 An act relating to building safety; amending s. 196.031,
3 F.S.; specifying an additional condition that constitutes
4 an abandonment of homestead property for homestead
5 exemption purposes; amending s. 399.02, F.S.; exempting
6 certain elevators from provisions requiring modifications
7 to certain elevator controls; amending s. 399.15, F.S.;
8 providing an alternative method to allow access to
9 regional emergency elevators; providing for a uniform lock
10 box; providing for a master key; providing the Division of
11 State Fire Marshal with enforcement authority; directing
12 the Department of Financial Services to select the
13 provider of the uniform lock box; amending s. 468.8311,
14 F.S.; revising the term "home inspection services";
15 amending s. 468.8312, F.S.; deleting a fee provision for
16 certain certificates of authorization; amending s.
17 468.8313, F.S.; revising examination requirements for
18 licensure as a home inspector; providing application
19 fingerprinting requirements and procedures; providing for
20 applicant responsibility for certain costs; amending s.
21 468.8318, F.S.; revising requirements and procedures for
22 certification of corporations and partnerships offering
23 home inspection services to the public; deleting
24 provisions relating to required certificates of
25 authorization; specifying application and prospective
26 operation of certain provisions; amending s. 468.8319,
27 F.S.; revising certain prohibitions with respect to
28 providers of home inspection services; amending s.

29 468.832, F.S.; providing an additional ground for taking
30 certain disciplinary actions; amending s. 468.8324, F.S.;
31 specifying additional requirements for licensure as a home
32 inspector; creating s. 468.8325, F.S.; requiring the
33 department to adopt rules to administer pt. XV, ch. 468,
34 F.S., relating to home inspectors; amending s. 468.8412,
35 F.S.; deleting a fee provision for certain biennial
36 certificates of authorization renewal; amending s.
37 468.8413, F.S.; revising examination requirements and
38 procedures for licensure as a mold assessor or mold
39 remediator; amending s. 468.8414, F.S.; specifying an
40 additional applicant qualification criterion for licensure
41 by endorsement; amending s. 468.8418, F.S.; revising
42 requirements and procedures for certification of
43 corporations and partnerships offering mold assessment or
44 mold remediation services to the public; deleting
45 provisions relating to required certificates of
46 authorization; amending s. 468.842, F.S.; providing an
47 additional ground for taking certain disciplinary actions;
48 amending s. 468.8421, F.S.; specifying an insurance
49 coverage requirement for mold assessors; amending s.
50 468.8423, F.S.; specifying additional requirements for
51 licensure as a mold assessor or mold remediator; creating
52 s. 468.8424, F.S.; requiring the department to adopt rules
53 to administer pt. XVI, ch. 468, F.S., relating to mold-
54 related services; amending s. 489.103, F.S.; conforming a
55 cross-reference; amending s. 553.37, F.S.; authorizing
56 manufacturers to pay inspection fees directly to the

57 provider of inspection services; providing requirements
58 for department rules regarding the schedule of fees;
59 authorizing the department to enter into contracts for the
60 performance of certain administrative duties; revising
61 inspection requirements for certain custom manufactured
62 buildings; amending s. 553.375, F.S.; revising the
63 requirement for recertification of manufactured buildings
64 prior to relocation; amending s. 553.509, F.S.; deleting
65 certain requirements for alternate power sources for
66 elevators for purposes of operating during an emergency;
67 amending s. 553.512, F.S.; requiring the Florida Building
68 Commission to establish by rule a fee for certain waiver
69 requests; amending s. 553.73, F.S.; conforming cross-
70 references; authorizing counties and municipalities to
71 adopt by ordinance administrative or technical amendments
72 to the Florida Building Code for certain flood-related
73 purposes; specifying requirements and procedures; revising
74 foundation code adoption requirements; authorizing the
75 Florida Building Commission to approve amendments relating
76 to equivalency of standards; exempting certain mausoleums
77 from the requirements of the Florida Building Code;
78 exempting certain temporary housing provided by the
79 Department of Corrections from the requirements of the
80 Florida Building Code; restricting the code, code
81 enforcement agencies, and local governments from imposing
82 requirements on certain mechanical equipment on roofs;
83 amending s. 553.74, F.S.; specifying absence of
84 impermissible conflicts of interest for certain committee

85 | or workgroup members while representing clients under
86 | certain circumstances; specifying certain prohibited
87 | activities for such members; amending s. 553.76, F.S.;
88 | authorizing the Florida Building Commission to adopt rules
89 | related to consensus-building decisionmaking; amending s.
90 | 553.775, F.S.; conforming a cross-reference; authorizing
91 | the commission to charge a fee for filing certain requests
92 | and for nonbinding interpretations; limiting fees for
93 | nonbinding interpretations; amending s. 553.79, F.S.;
94 | requiring certain inspection services to be performed
95 | under the alternative plans review and inspection process
96 | or by a local governmental entity; reenacting s.
97 | 553.80(1), F.S., relating to the enforcement of the
98 | Florida Building Code, to incorporate the amendments made
99 | to s. 553.79, F.S., in a reference thereto; amending s.
100 | 553.80, F.S.; specifying nonapplicability of certain
101 | exemptions from the Florida Building Code granted by
102 | certain enforcement entities under certain circumstances;
103 | revising requirements for review of facility plans and
104 | construction surveyed for certain hospitals and health
105 | care facilities; amending s. 553.841, F.S.; deleting
106 | provisions requiring that the Department of Community
107 | Affairs maintain, update, develop, or cause to be
108 | developed a core curriculum for persons who enforce the
109 | Florida Building Code; amending s. 553.842, F.S.;
110 | authorizing rules requiring the payment of product
111 | evaluation fees directly to the administrator of the
112 | product evaluation and approval system; specifying the use

113 of such fees; authorizing the Florida Building Commission
114 to provide by rule for editorial revisions to certain
115 approvals and charge certain fees; providing requirements
116 for the approval of applications for state approval of a
117 product; providing for certain approved products to be
118 immediately added to the list of state-approved products;
119 requiring that the commission's oversight committee review
120 approved products; revising the list of approved
121 evaluation entities; deleting obsolete provisions
122 governing evaluation entities; amending s. 553.844, F.S.;
123 providing an exemption from the requirements regarding
124 roof and opening protections for certain exposed
125 mechanical equipment or appliances; providing for future
126 expiration; amending s. 553.885, F.S.; revising
127 requirements for carbon monoxide alarms; providing an
128 exception for buildings undergoing alterations or repairs;
129 defining the term "addition" as it relates to the
130 requirement of a carbon monoxide alarm; amending s.
131 553.9061, F.S.; revising the energy efficiency performance
132 options and elements identified by the commission for
133 purposes of meeting certain goals; amending s. 553.909,
134 F.S.; revising a compliance criterion for certain swimming
135 pool pumps or water heaters; revising requirements for
136 residential swimming pool pumps and pump motors; amending
137 s. 553.912, F.S.; providing requirements for replacement
138 air-conditioning systems; amending s. 627.711, F.S.;
139 conforming provisions to changes made by the act in which
140 core curriculum courses relating to the Florida Building

141 Code are deleted; revising the list of persons qualified
142 to sign certain mitigation verification forms for certain
143 purposes; amending s. 633.021, F.S.; providing additional
144 definitions for fire equipment dealers; revising the
145 definition of the term "preengineered systems"; amending
146 s. 633.0215, F.S.; providing guidelines for the State Fire
147 Marshal to apply when issuing an expedited declaratory
148 statement; requiring that the State Fire Marshal issue an
149 expedited declaratory statement under certain
150 circumstances; providing requirements for a petition
151 requesting an expedited declaratory statement; exempting
152 certain condominiums from installing manual fire alarm
153 systems; amending s. 633.0245, F.S.; conforming cross-
154 references; amending s. 633.026, F.S.; providing
155 legislative intent; revising authority of the State Fire
156 Marshal to contract with and refer interpretive issues to
157 certain entities; providing for the establishment of the
158 Fire Code Interpretation Committee; providing for the
159 membership of the committee and requirements for
160 membership; requiring that nonbinding interpretations of
161 the Florida Fire Prevention Code be issued within a
162 specified period after a request is received; providing
163 for the waiver of such requirement under certain
164 conditions; requiring that the Division of State Fire
165 Marshal charge a fee for nonbinding interpretations;
166 providing that fees may be paid directly to a contract
167 provider; providing requirements for requesting a
168 nonbinding interpretation; requiring that the Division of

169 State Fire Marshal develop a form for submitting a
170 petition for a nonbinding interpretation; providing for a
171 formal interpretation by the State Fire Marshal; requiring
172 that an interpretation of the Florida Fire Prevention Code
173 be published on the division's website and in the Florida
174 Administrative Weekly; amending s. 626.061, F.S.;
175 authorizing certain fire equipment dealer licensees to
176 maintain inactive license status under certain
177 circumstances; providing requirements; providing for a
178 renewal fee; revising continuing education requirements;
179 revising an applicant licensure qualification requirement;
180 amending s. 633.081, F.S.; requiring that the State Fire
181 Marshal inspect a building when the State Fire Marshal,
182 rather than the Department of Financial Services, has
183 cause to believe a violation has occurred; providing
184 exceptions to requirements that certain firesafety
185 inspections be conducted by firesafety inspectors;
186 requiring that the Division of State Fire Marshal and the
187 Florida Building Code Administrators and Inspectors Board
188 enter into a reciprocity agreement for purposes of
189 recertifying building code inspectors, plan inspectors,
190 building code administrators, and firesafety inspectors;
191 requiring that the State Fire Marshal develop by rule an
192 advanced 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. 633.082, F.S.; authorizing alternative inspection
 198 procedures for certain fire hydrants; amending s. 633.352,
 199 F.S.; providing an exception to requirements for
 200 recertification as a firefighter; amending s. 633.521,
 201 F.S.; revising requirements for certification as a fire
 202 protection system contractor; revising the prerequisites
 203 for taking the certification examination; authorizing the
 204 State Fire Marshal to accept more than one source of
 205 professional certification; revising legislative intent;
 206 amending s. 633.524, F.S.; authorizing the State Fire
 207 Marshal to enter into contracts for examination services;
 208 providing for the direct payment of examination fees to
 209 contract providers; amending s. 633.537, F.S.; revising
 210 the continuing education requirements for certain
 211 permitholders; amending 633.72, F.S.; revising the terms
 212 of service for members of the Fire Code Advisory Council;
 213 repealing s. 718.113(6), F.S., relating to requirements
 214 for 5-year inspections of certain condominium
 215 improvements; directing the Florida Building Commission to
 216 conform provisions of the Florida Building Code with
 217 revisions made by the act relating to the operation of
 218 elevators; providing an effective date.

219
 220 Be It Enacted by the Legislature of the State of Florida:

221
 222 Section 1. Subsection (6) of section 196.031, Florida
 223 Statutes, is amended to read:

224 196.031 Exemption of homesteads.—

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

242 Section 2. Subsection (6) of section 399.02, Florida
 243 Statutes, is amended to read:

244 399.02 General requirements.—

245 (6) The department is empowered to carry out all of the
 246 provisions of this chapter relating to the inspection and
 247 regulation of elevators and to enforce the provisions of the
 248 Florida Building Code, except that provisions of and any updates
 249 to the code requiring modifications for Phase II Firefighters'
 250 Services controls on existing elevators, as amended into the
 251 Safety Code for Existing Elevators and Escalators, ANSI/ASME
 252 A17.1 and A17.3, may not be enforced on elevators issued a

253 certificate of operation by the department before July 1, 2009,
 254 until the elevator is replaced. This exception does not apply to
 255 any building for which a building permit was issued on or after
 256 July 1, 2009.

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

260 399.15 Regional emergency elevator access.—

261 (7) As an alternative to complying with the requirements
 262 of subsection (1), each building in this state which is required
 263 to meet the provisions of subsections (1) and (2) may instead
 264 provide for the installation of a uniform lock box that contains
 265 the keys to all elevators in the building allowing public
 266 access, including service and freight elevators. The uniform
 267 lock box must be keyed to allow all uniform lock boxes in each
 268 of the seven state emergency response regions to operate in fire
 269 emergency situations using one master key. The master key for
 270 the uniform lock shall be issued only to the fire department.
 271 The Division of State Fire Marshal of the Department of
 272 Financial Services shall enforce this subsection. The Department
 273 of Financial Services shall select the provider of the uniform
 274 lock box to be installed in each building in which the
 275 requirements of this subsection are implemented.

276 Section 4. Subsection (4) of section 468.8311, Florida
 277 Statutes, is amended to read:

278 468.8311 Definitions.—As used in this part, the term:

279 (4) "Home inspection services" means a limited visual
 280 examination of ~~one or more~~ of the following readily accessible

281 installed systems and components of a home: the structure,
 282 electrical system, HVAC system, roof covering, plumbing system,
 283 interior components, exterior components, and site conditions
 284 that affect the structure, for the purposes of providing a
 285 written professional opinion of the condition of the home.

286 Section 5. Subsections (4) through (8) of section
 287 468.8312, Florida Statutes, are amended to read:

288 468.8312 Fees.—

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

291 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

292 (5)~~(6)~~ The fee for licensure by endorsement shall not
 293 exceed \$200.

294 (6)~~(7)~~ The fee for application for inactive status or for
 295 reactivation of an inactive license shall not exceed \$200.

296 (7)~~(8)~~ The fee for applications from providers of
 297 continuing education may not exceed \$500.

298 Section 6. Subsections (1) and (2) of section 468.8313,
 299 Florida Statutes, are amended, subsection (6) of that section is
 300 renumbered as subsection (7) and amended, and a new subsection
 301 (6) is added to that section, to read:

302 468.8313 Examinations.—

303 (1) A person desiring to be licensed as a home inspector
 304 shall apply to the department after he or she satisfies the
 305 examination requirements of this part ~~to take a licensure~~
 306 ~~examination.~~

307 (2) An applicant ~~shall be entitled to take the licensure~~
 308 ~~examination for the purpose of determining whether he or she is~~

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309 qualified to practice in this state as a home inspector if the
310 applicant has passed the required examination, is of good moral
311 character, and has completed a course of study of at least ~~no~~
312 ~~less than~~ 120 hours that covers all of the following components
313 of a home: structure, electrical system, HVAC system, roof
314 covering, plumbing system, interior components, exterior
315 components, and site conditions that affect the structure.

316 (6) An applicant for a license shall submit, together with
317 the application, a complete set of electronic fingerprints in a
318 form and manner required by the department. The department shall
319 submit the fingerprints to the Department of Law Enforcement for
320 processing. The Department of Law Enforcement shall forward the
321 fingerprints to the Federal Bureau of Investigation for a level
322 2 background check pursuant to s. 435.04. The department shall
323 review the background results to determine if an applicant meets
324 the requirements for licensure. The applicant is responsible for
325 the cost associated with processing the fingerprints. The
326 authorized agencies or vendors shall collect such fees and pay
327 for the processing costs due to the Department of Law
328 Enforcement.

329 ~~(7) (6)~~ The department may adopt rules ~~pursuant to ss.~~
330 ~~120.536(1) and 120.54 to implement the provisions of this~~
331 ~~section.~~

332 Section 7. Section 468.8318, Florida Statutes, is amended
333 to read:

334 468.8318 Certification of corporations and partnerships.-

335 ~~(1) The department shall issue a certificate of~~
336 ~~authorization to a corporation or partnership offering home~~

337 ~~inspection services to the public if the corporation or~~
338 ~~partnership satisfies all of the requirements of this part.~~

339 ~~(2)~~ The practice of or the offer to practice home
340 inspection services by licensees through a corporation or
341 partnership offering home inspection services to the public, or
342 by a corporation or partnership offering such services to the
343 public through licensees under this part as agents, employees,
344 officers, or partners, is permitted subject to the provisions of
345 this part, provided that all personnel of the corporation or
346 partnership who act in its behalf as home inspectors in this
347 state are licensed as provided by this part; ~~and further~~
348 ~~provided that the corporation or partnership has been issued a~~
349 ~~certificate of authorization by the department as provided in~~
350 ~~this section.~~ Nothing in this section shall be construed to
351 allow a corporation to hold a license to practice home
352 inspection services. No corporation or partnership shall be
353 relieved of responsibility for the conduct or acts of its
354 agents, employees, or officers by reason of its compliance with
355 this section, nor shall any individual practicing home
356 inspection services be relieved of responsibility for
357 professional services performed by reason of his or her
358 employment or relationship with a corporation or partnership.

359 ~~(3)~~ ~~For the purposes of this section, a certificate of~~
360 ~~authorization shall be required for a corporation, partnership,~~
361 ~~association, or person practicing under a fictitious name and~~
362 ~~offering home inspection services to the public; however, when~~
363 ~~an individual is practicing home inspection services in his or~~
364 ~~her own given name, he or she shall not be required to register~~

365 ~~under this section.~~

366 ~~(4) Each certificate of authorization shall be renewed~~
 367 ~~every 2 years. Each partnership and corporation certified under~~
 368 ~~this section shall notify the department within 1 month of any~~
 369 ~~change in the information contained in the application upon~~
 370 ~~which the certification is based.~~

371 ~~(5) Disciplinary action against a corporation or~~
 372 ~~partnership shall be administered in the same manner and on the~~
 373 ~~same grounds as disciplinary action against a licensed home~~
 374 ~~inspector.~~

375 Section 8. Notwithstanding the effective date of July 1,
 376 2010, provided by section 4 of chapter 2007-235, Laws of
 377 Florida, the provisions of paragraphs (a) and (b) of subsection
 378 (1) of section 468.8319, Florida Statutes, shall apply and
 379 operate prospectively from July 1, 2011.

380 Section 9. Paragraphs (f) and (g) of subsection (1) of
 381 section 468.8319, Florida Statutes, are amended to read:

382 468.8319 Prohibitions; penalties.—

383 (1) A home inspector, a company that employs a home
 384 inspector, or a company that is controlled by a company that
 385 also has a financial interest in a company employing a home
 386 inspector may not:

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

393 (g) Inspect ~~for a fee~~ any property in which the inspector
 394 or the inspector's company has any financial or transfer
 395 interest;

396 Section 10. Subsection (1) of section 468.832, Florida
 397 Statutes, is amended to read:

398 468.832 Disciplinary proceedings.—

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

401 (a) Violation of any provision of this part or s.
 402 455.227(1).†

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

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

409 (d) Being convicted or found guilty of, or entering a plea
 410 of nolo contendere to, regardless of adjudication, a crime in
 411 any jurisdiction that directly relates to the practice of home
 412 inspection services or the ability to practice home inspection
 413 services.†

414 (e) Making or filing a report or record that the licensee
 415 knows to be false, willfully failing to file a report or record
 416 required by state or federal law, willfully impeding or
 417 obstructing such filing, or inducing another person to impede or
 418 obstruct such filing. Such reports or records shall include only
 419 those that are signed in the capacity of a licensed home
 420 inspector.†

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

423 (g) Engaging in fraud or deceit, or negligence,
 424 incompetency, or misconduct, in the practice of home inspection
 425 services.~~†~~

426 (h) Failing to perform any statutory or legal obligation
 427 placed upon a licensed home inspector; violating any provision
 428 of this chapter, a rule of the department, or a lawful order of
 429 the department previously entered in a disciplinary hearing; or
 430 failing to comply with a lawfully issued subpoena of the
 431 department.~~†~~~~or~~

432 (i) Practicing on a revoked, suspended, inactive, or
 433 delinquent license.

434 (j) Failing to meet any standard of practice adopted by
 435 the department.

436 Section 11. Section 468.8324, Florida Statutes, is amended
 437 to read:

438 468.8324 Grandfather clause.—A person who performs home
 439 inspection services as defined in this part may qualify to be
 440 licensed by the department as a home inspector if the person
 441 submits an application to the department postmarked on or before
 442 March 1, 2011, that shows the applicant: ~~meets the licensure~~
 443 ~~requirements of this part by July 1, 2010.~~

444 (1) (a) Has been certified as a home inspector by a state
 445 or national association that required successful completion of a
 446 proctored examination on home inspection, as defined in this
 447 part, and has completed at least 14 hours of verifiable
 448 education on home inspection; or

449 (b) Has at least 3 years of experience as a home inspector
450 at the time of application and has completed 14 hours of
451 verifiable education on home inspection. Applicants must provide
452 120 home inspection reports based on home inspections, as
453 defined in this part, to establish the required 3 years of
454 experience. The department may conduct investigations regarding
455 the validity of home inspection reports submitted pursuant to
456 this paragraph and may take disciplinary action pursuant to s.
457 468.832 for filing false reports.

458 (2) Has not, within 5 years after the date of application,
459 had a home inspector license or a license in a related field
460 revoked, suspended, or assessed a fine in excess of \$500. For
461 purposes of this part, a license in a related field includes,
462 but is not limited to, licensure in real estate, construction,
463 mold remediation, mold assessment, or building code
464 administration or inspection.

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

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

468 (5) Has general liability insurance as required in s.
469 468.8322.

470 Section 12. Section 468.8325, Florida Statutes, is created
471 to read:

472 468.8325 Rulemaking.—The department shall adopt rules to
473 administer this part.

474 Section 13. Subsections (6) through (10) of section
475 468.8412, Florida Statutes, are amended to read:

476 468.8412 Fees.—

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

479 (6)~~(7)~~ The fee for licensure by endorsement shall not
 480 exceed \$200.

481 (7)~~(8)~~ The fee for application for inactive status shall
 482 not exceed \$100.

483 (8)~~(9)~~ The fee for reactivation of an inactive license
 484 shall not exceed \$200.

485 (9)~~(10)~~ The fee for applications from providers of
 486 continuing education may not exceed \$500.

487 Section 14. Subsections (1) and (2) of section 468.8413,
 488 Florida Statutes, are amended to read:

489 468.8413 Examinations.—

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

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

499 (a)1. For a mold remediator, at least an associate of arts
 500 or equivalent ~~a 2-year~~ degree and has completed at least 30
 501 semester hours in microbiology, engineering, architecture,
 502 industrial hygiene, occupational safety, or a related field of
 503 science from an accredited institution and a minimum of 1 year
 504 of documented field experience in a field related to mold

505 remediation; or

506 2. A high school diploma or the equivalent with a minimum
507 of 4 years of documented field experience in a field related to
508 mold remediation.

509 (b)1. For a mold assessor, at least an associate of arts
510 or equivalent a 2-year degree and has completed at least 30
511 semester hours in microbiology, engineering, architecture,
512 industrial hygiene, occupational safety, or a related field of
513 science from an accredited institution and a minimum of 1 year
514 of documented field experience in conducting microbial sampling
515 or investigations; or

516 2. A high school diploma or the equivalent with a minimum
517 of 4 years of documented field experience in conducting
518 microbial sampling or investigations.

519 Section 15. Subsection (3) of section 468.8414, Florida
520 Statutes, is amended to read:

521 468.8414 Licensure.—

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

524 (a) Is of good moral character.

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

526 468.8421. and:

527 (c)1. ~~(a)~~ Is qualified to take the examination as set forth
528 in s. 468.8413 and has passed a certification examination
529 offered by a nationally recognized organization that certifies
530 persons in the specialty of mold assessment or mold remediation
531 that has been approved by the department as substantially
532 equivalent to the requirements of this part and s. 455.217; or

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533 2.~~(b)~~ Holds a valid license to practice mold assessment or
534 mold remediation issued by another state or territory of the
535 United States if the criteria for issuance of the license were
536 substantially the same as the licensure criteria that is
537 established by this part as determined by the department.

538 Section 16. Section 468.8418, Florida Statutes, is amended
539 to read:

540 468.8418 Certification of partnerships and corporations.-

541 ~~(1) The department shall issue a certificate of~~
542 ~~authorization to a corporation or partnership offering mold~~
543 ~~assessment or mold remediation services to the public if the~~
544 ~~corporation or partnership satisfies all of the requirements of~~
545 ~~this part.~~

546 ~~(2)~~ The practice of or the offer to practice mold
547 assessment or mold remediation by licensees through a
548 corporation or partnership offering mold assessment or mold
549 remediation to the public, or by a corporation or partnership
550 offering such services to the public through licensees under
551 this part as agents, employees, officers, or partners, is
552 permitted subject to the provisions of this part, ~~provided that~~
553 ~~the corporation or partnership has been issued a certificate of~~
554 ~~authorization by the department as provided in this section.~~
555 Nothing in this section shall be construed to allow a
556 corporation to hold a license to practice mold assessment or
557 mold remediation. No corporation or partnership shall be
558 relieved of responsibility for the conduct or acts of its
559 agents, employees, or officers by reason of its compliance with
560 this section, nor shall any individual practicing mold

561 assessment or mold remediation be relieved of responsibility for
 562 professional services performed by reason of his or her
 563 employment or relationship with a corporation or partnership.

564 ~~(3) For the purposes of this section, a certificate of~~
 565 ~~authorization shall be required for a corporation, partnership,~~
 566 ~~association, or person practicing under a fictitious name,~~
 567 ~~offering mold assessment or mold remediation; however, when an~~
 568 ~~individual is practicing mold assessment or mold remediation~~
 569 ~~under his or her own given name, he or she shall not be required~~
 570 ~~to register under this section.~~

571 ~~(4) Each certificate of authorization shall be renewed~~
 572 ~~every 2 years. Each partnership and corporation certified under~~
 573 ~~this section shall notify the department within 1 month of any~~
 574 ~~change in the information contained in the application upon~~
 575 ~~which the certification is based.~~

576 ~~(5) Disciplinary action against a corporation or~~
 577 ~~partnership shall be administered in the same manner and on the~~
 578 ~~same grounds as disciplinary action against a licensed mold~~
 579 ~~assessor or mold remediator.~~

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

582 468.842 Disciplinary proceedings.—

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

585 (a) Violation of any provision of this part or s.
 586 455.227(1) .†

587 (b) Attempting to procure a license to practice mold
 588 assessment or mold remediation by bribery or fraudulent

589 misrepresentations.†

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

594 (d) Being convicted or found guilty of, or entering a plea
 595 of nolo contendere to, regardless of adjudication, a crime in
 596 any jurisdiction that directly relates to the practice of mold
 597 assessment or mold remediation or the ability to practice mold
 598 assessment or mold remediation.†

599 (e) Making or filing a report or record that the licensee
 600 knows to be false, willfully failing to file a report or record
 601 required by state or federal law, willfully impeding or
 602 obstructing such filing, or inducing another person to impede or
 603 obstruct such filing. Such reports or records shall include only
 604 those that are signed in the capacity of a registered mold
 605 assessor or mold remediator.†

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

608 (g) Engaging in fraud or deceit, or negligence,
 609 incompetency, or misconduct, in the practice of mold assessment
 610 or mold remediation.†

611 (h) Failing to perform any statutory or legal obligation
 612 placed upon a licensed mold assessor or mold remediator;
 613 violating any provision of this chapter, a rule of the
 614 department, or a lawful order of the department previously
 615 entered in a disciplinary hearing; or failing to comply with a
 616 lawfully issued subpoena of the department.†~~†~~

617 (i) Practicing on a revoked, suspended, inactive, or
 618 delinquent license.

619 (j) Failing to meet any standard of practice adopted by
 620 department rule.

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

623 468.8421 Insurance.—

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

628 Section 19. Section 468.8423, Florida Statutes, is amended
 629 to read:

630 468.8423 Grandfather clause.—A person who performs mold
 631 assessment or mold remediation as defined in this part may
 632 qualify to be licensed by the department as a mold assessor or
 633 mold remediator if the person submits an application to the
 634 department postmarked on or before March 1, 2011, that shows the
 635 applicant:

636 (1) (a) Has been certified as a mold assessor or mold
 637 remediator by a state or national association that required
 638 successful completion of a proctored examination for
 639 certification and has completed at least 60 hours of education
 640 for a mold assessor and 30 hours of education for a mold
 641 remediator; or

642 (b) Has at least 3 years of experience as a mold assessor
 643 or mold remediator at the time of application. Applicants must
 644 provide 40 invoices for mold assessments or mold remediations,

645 as defined by this part, to establish the required 3 years of
646 experience. The department may conduct investigations regarding
647 the validity of invoices for mold assessments or mold
648 remediations submitted pursuant to this section and may take
649 disciplinary action pursuant to s. 468.842 for submitting false
650 information.

651 (2) Has not, within 5 years after the date of application,
652 had a mold assessor or mold remediator license or a license in a
653 related field revoked, suspended, or assessed a fine in excess
654 of \$500. For purposes of this part, a license in a related field
655 includes, but is not limited to, licensure in real estate,
656 construction, home inspection, building code administration or
657 inspection, or indoor air quality.

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

659 (4) Has the general liability insurance required in s.
660 468.8421 ~~meets the licensure requirements of this part by July~~
661 1, 2010.

662 Section 20. Section 468.8424, Florida Statutes, is created
663 to read:

664 468.8424 Rulemaking.-The department shall adopt rules to
665 administer this part.

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

668 489.103 Exemptions.—This part does not apply to:

669 (22) A person licensed pursuant to s. 633.061(1)(d) or
670 (3) ~~(2)~~ (b) performing work authorized by such license.

671 Section 22. Subsections (2), (8), and (9) of section
672 553.37, Florida Statutes, are amended, and subsection (12) is

673 added to that section, to read:

674 553.37 Rules; inspections; and insignia.—

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

676 (a) Procedures and qualifications for approval of third-
677 party plan review and inspection agencies and of those who
678 perform inspections and plan reviews.

679 (b) Investigation of consumer complaints of noncompliance
680 of manufactured buildings with the Florida Building Code and the
681 Florida Fire Prevention Code.

682 (c) Issuance, cancellation, and revocation of any insignia
683 issued by the department and procedures for auditing and
684 accounting for disposition of them.

685 (d) Monitoring the manufacturers', inspection agencies',
686 and plan review agencies' compliance with this part and the
687 Florida Building Code. Monitoring may include, but is not
688 limited to, performing audits of plans, inspections of
689 manufacturing facilities and observation of the manufacturing
690 and inspection process, and onsite inspections of buildings.

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

693 (8) The department, by rule, shall establish a schedule of
694 fees to pay the cost of the administration and enforcement of
695 this part. The rule may provide for manufacturers to pay fees to
696 the administrator directly via the Building Code Information
697 System.

698 (9) The department may delegate its enforcement authority
699 to a state department having building construction
700 responsibilities or a local government and may enter into

701 contracts for the performance of its administrative duties under
 702 this part. The department may delegate its plan review and
 703 inspection authority to one or more of the following in any
 704 combination:

705 (a) A state department having building construction
 706 responsibilities;

707 (b) A local government;

708 (c) An approved inspection agency;

709 (d) An approved plan review agency; or

710 (e) An agency of another state.

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

715 Section 23. Section 553.375, Florida Statutes, is amended
 716 to read:

717 553.375 Recertification of manufactured buildings.—Prior
 718 to the relocation to a site that has a higher design wind speed,
 719 modification, or change of occupancy of a manufactured building
 720 within the state, the manufacturer, dealer, or owner thereof may
 721 apply to the department for recertification of that manufactured
 722 building. The department shall, by rule, provide what
 723 information the applicant must submit for recertification and
 724 for plan review and inspection of such manufactured buildings
 725 and shall establish fees for recertification. Upon a
 726 determination by the department that the manufactured building
 727 complies with the applicable building codes, the department
 728 shall issue a recertification insignia. A manufactured building

729 that bears recertification insignia does not require any
730 additional approval by an enforcement jurisdiction in which the
731 building is sold or installed, and is considered to comply with
732 all applicable codes. As an alternative to recertification by
733 the department, the manufacturer, dealer, or owner of a
734 manufactured building may seek appropriate permitting and a
735 certificate of occupancy from the local jurisdiction in
736 accordance with procedures generally applicable under the
737 Florida Building Code.

738 Section 24. Section 553.509, Florida Statutes, is amended
739 to read:

740 553.509 Vertical accessibility.—

741 (1) Nothing in ss. 553.501-553.513 or the guidelines shall
742 be construed to relieve the owner of any building, structure, or
743 facility governed by those sections from the duty to provide
744 vertical accessibility to all levels above and below the
745 occupiable grade level, regardless of whether the guidelines
746 require an elevator to be installed in such building, structure,
747 or facility, except for:

748 (a) Elevator pits, elevator penthouses, mechanical rooms,
749 piping or equipment catwalks, and automobile lubrication and
750 maintenance pits and platforms;

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

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

757 ~~(2) (a) Any person, firm, or corporation that owns,~~
758 ~~manages, or operates a residential multifamily dwelling,~~
759 ~~including a condominium, that is at least 75 feet high and~~
760 ~~contains a public elevator, as described in s. 399.035(2) and~~
761 ~~(3) and rules adopted by the Florida Building Commission, shall~~
762 ~~have at least one public elevator that is capable of operating~~
763 ~~on an alternate power source for emergency purposes. Alternate~~
764 ~~power shall be available for the purpose of allowing all~~
765 ~~residents access for a specified number of hours each day over a~~
766 ~~5-day period following a natural disaster, manmade disaster,~~
767 ~~emergency, or other civil disturbance that disrupts the normal~~
768 ~~supply of electricity. The alternate power source that controls~~
769 ~~elevator operations must also be capable of powering any~~
770 ~~connected fire alarm system in the building.~~

771 ~~(b) At a minimum, the elevator must be appropriately~~
772 ~~rewired and prepared to accept an alternate power source and~~
773 ~~must have a connection on the line side of the main disconnect,~~
774 ~~pursuant to National Electric Code Handbook, Article 700. In~~
775 ~~addition to the required power source for the elevator and~~
776 ~~connected fire alarm system in the building, the alternate power~~
777 ~~supply must be sufficient to provide emergency lighting to the~~
778 ~~interior lobbies, hallways, and other portions of the building~~
779 ~~used by the public. Residential multifamily dwellings must have~~
780 ~~an available generator and fuel source on the property or have~~
781 ~~proof of a current contract posted in the elevator machine room~~
782 ~~or other place conspicuous to the elevator inspector affirming a~~
783 ~~current guaranteed service contract for such equipment and fuel~~
784 ~~source to operate the elevator on an on-call basis within 24~~

785 ~~hours after a request. By December 31, 2006, any person, firm or~~
786 ~~corporation that owns, manages, or operates a residential~~
787 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
788 ~~the local building inspection agency verification of engineering~~
789 ~~plans for residential multifamily dwellings that provide for the~~
790 ~~capability to generate power by alternate means. Compliance with~~
791 ~~installation requirements and operational capability~~
792 ~~requirements must be verified by local building inspectors and~~
793 ~~reported to the county emergency management agency by December~~
794 ~~31, 2007.~~

795 ~~(c) Each newly constructed residential multifamily~~
796 ~~dwelling, including a condominium, that is at least 75 feet high~~
797 ~~and contains a public elevator, as described in s. 399.035(2)~~
798 ~~and (3) and rules adopted by the Florida Building Commission,~~
799 ~~must have at least one public elevator that is capable of~~
800 ~~operating on an alternate power source for the purpose of~~
801 ~~allowing all residents access for a specified number of hours~~
802 ~~each day over a 5-day period following a natural disaster,~~
803 ~~manmade disaster, emergency, or other civil disturbance that~~
804 ~~disrupts the normal supply of electricity. The alternate power~~
805 ~~source that controls elevator operations must be capable of~~
806 ~~powering any connected fire alarm system in the building. In~~
807 ~~addition to the required power source for the elevator and~~
808 ~~connected fire alarm system, the alternate power supply must be~~
809 ~~sufficient to provide emergency lighting to the interior~~
810 ~~lobbies, hallways, and other portions of the building used by~~
811 ~~the public. Engineering plans and verification of operational~~
812 ~~capability must be provided by the local building inspector to~~

813 ~~the county emergency management agency before occupancy of the~~
814 ~~newly constructed building.~~

815 ~~(d) Each person, firm, or corporation that is required to~~
816 ~~maintain an alternate power source under this subsection shall~~
817 ~~maintain a written emergency operations plan that details the~~
818 ~~sequence of operations before, during, and after a natural or~~
819 ~~manmade disaster or other emergency situation. The plan must~~
820 ~~include, at a minimum, a lifesafety plan for evacuation,~~
821 ~~maintenance of the electrical and lighting supply, and~~
822 ~~provisions for the health, safety, and welfare of the residents.~~
823 ~~In addition, the owner, manager, or operator of the residential~~
824 ~~multifamily dwelling must keep written records of any contracts~~
825 ~~for alternative power generation equipment. Also, quarterly~~
826 ~~inspection records of lifesafety equipment and alternate power~~
827 ~~generation equipment must be posted in the elevator machine room~~
828 ~~or other place conspicuous to the elevator inspector, which~~
829 ~~confirm that such equipment is properly maintained and in good~~
830 ~~working condition, and copies of contracts for alternate power~~
831 ~~generation equipment shall be maintained on site for~~
832 ~~verification. The written emergency operations plan and~~
833 ~~inspection records shall also be open for periodic inspection by~~
834 ~~local and state government agencies as deemed necessary. The~~
835 ~~owner or operator must keep a generator key in a lockbox posted~~
836 ~~at or near any installed generator unit.~~

837 ~~(e) Multistory affordable residential dwellings for~~
838 ~~persons age 62 and older that are financed or insured by the~~
839 ~~United States Department of Housing and Urban Development must~~
840 ~~make every effort to obtain grant funding from the Federal~~

841 ~~Government or the Florida Housing Finance Corporation to comply~~
842 ~~with this subsection. If an owner of such a residential dwelling~~
843 ~~cannot comply with the requirements of this subsection, the~~
844 ~~owner must develop a plan with the local emergency management~~
845 ~~agency to ensure that residents are evacuated to a place of~~
846 ~~safety in the event of a power outage resulting from a natural~~
847 ~~or manmade disaster or other emergency situation that disrupts~~
848 ~~the normal supply of electricity for an extended period of time.~~
849 ~~A place of safety may include, but is not limited to, relocation~~
850 ~~to an alternative site within the building or evacuation to a~~
851 ~~local shelter.~~

852 ~~(f) As a part of the annual elevator inspection required~~
853 ~~under s. 399.061, certified elevator inspectors shall confirm~~
854 ~~that all installed generators required by this chapter are in~~
855 ~~working order, have current inspection records posted in the~~
856 ~~elevator machine room or other place conspicuous to the elevator~~
857 ~~inspector, and that the required generator key is present in the~~
858 ~~lockbox posted at or near the installed generator. If a building~~
859 ~~does not have an installed generator, the inspector shall~~
860 ~~confirm that the appropriate rewiring and switching~~
861 ~~capabilities are present and that a statement is posted in the~~
862 ~~elevator machine room or other place conspicuous to the elevator~~
863 ~~inspector affirming a current guaranteed contract exists for~~
864 ~~contingent services for alternate power is current for the~~
865 ~~operating period.~~

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

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

871 553.512 Modifications and waivers; advisory council.—

872 (1) The Florida Building Commission shall provide by
 873 regulation criteria for granting individual modifications of, or
 874 exceptions from, the literal requirements of this part upon a
 875 determination of unnecessary, unreasonable, or extreme hardship,
 876 provided such waivers shall not violate federal accessibility
 877 laws and regulations and shall be reviewed by the Accessibility
 878 Advisory Council. The commission shall establish by rule a fee
 879 to be paid upon submitting a request for a waiver as provided in
 880 this section. Notwithstanding any other provision of this
 881 subsection, if an applicant for a waiver demonstrates economic
 882 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver
 883 shall be granted. The commission may not consider waiving any of
 884 the requirements of s. 553.5041 unless the applicant first
 885 demonstrates that she or he has applied for and been denied
 886 waiver or variance from all local government zoning, subdivision
 887 regulations, or other ordinances that prevent compliance
 888 therewith. Further, the commission may not waive the requirement
 889 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
 890 accessible routes and minimum width of accessible parking
 891 spaces.

892 Section 26. Subsections (2) and (3) and paragraph (b) of
 893 subsection (4) of section 553.73, Florida Statutes, are amended,
 894 present subsections (5) through (13) of that section are
 895 renumbered as subsections (6) through (14), respectively, a new
 896 subsection (5) is added to that section, paragraph (a) of

897 present subsection (6) and present subsections (7) and (9) of
898 that section are amended, and subsections (15) and (16) are
899 added to that section, to read:

900 553.73 Florida Building Code.—

901 (2) The Florida Building Code shall contain provisions or
902 requirements for public and private buildings, structures, and
903 facilities relative to structural, mechanical, electrical,
904 plumbing, energy, and gas systems, existing buildings,
905 historical buildings, manufactured buildings, elevators, coastal
906 construction, lodging facilities, food sales and food service
907 facilities, health care facilities, including assisted living
908 facilities, adult day care facilities, hospice residential and
909 inpatient facilities and units, and facilities for the control
910 of radiation hazards, public or private educational facilities,
911 swimming pools, and correctional facilities and enforcement of
912 and compliance with such provisions or requirements. Further,
913 the Florida Building Code must provide for uniform
914 implementation of ss. 515.25, 515.27, and 515.29 by including
915 standards and criteria for residential swimming pool barriers,
916 pool covers, latching devices, door and window exit alarms, and
917 other equipment required therein, which are consistent with the
918 intent of s. 515.23. Technical provisions to be contained within
919 the Florida Building Code are restricted to requirements related
920 to the types of materials used and construction methods and
921 standards employed in order to meet criteria specified in the
922 Florida Building Code. Provisions relating to the personnel,
923 supervision or training of personnel, or any other professional
924 qualification requirements relating to contractors or their

925 workforce may not be included within the Florida Building Code,
 926 and subsections (4), ~~(5)~~, (6), (7), ~~and (8)~~, and (9) are not to
 927 be construed to allow the inclusion of such provisions within
 928 the Florida Building Code by amendment. This restriction applies
 929 to both initial development and amendment of the Florida
 930 Building Code.

931 (3) The commission shall select from available national or
 932 international model building codes, or other available building
 933 codes and standards currently recognized by the laws of this
 934 state, to form the foundation for the Florida Building Code. The
 935 commission may modify the selected model codes and standards as
 936 needed to accommodate the specific needs of this state.
 937 Standards or criteria referenced by the selected model codes
 938 shall be similarly incorporated by reference. If a referenced
 939 standard or criterion requires amplification or modification to
 940 be appropriate for use in this state, only the amplification or
 941 modification shall be specifically set forth in the Florida
 942 Building Code. The Florida Building Commission may approve
 943 technical amendments to the code, subject to the requirements of
 944 subsections (8) ~~(7)~~ and (9) ~~(8)~~, after the amendments have been
 945 subject to the following conditions:

946 (a) The proposed amendment has been published on the
 947 commission's website for a minimum of 45 days and all the
 948 associated documentation has been made available to any
 949 interested party before any consideration by any Technical
 950 Advisory Committee;

951 (b) In order for a Technical Advisory Committee to make a
 952 favorable recommendation to the commission, the proposal must

953 receive a three-fourths vote of the members present at the
 954 Technical Advisory Committee meeting and at least half of the
 955 regular members must be present in order to conduct a meeting;

956 (c) After Technical Advisory Committee consideration and a
 957 recommendation for approval of any proposed amendment, the
 958 proposal must be published on the commission's website for not
 959 less than 45 days before any consideration by the commission;
 960 and

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

964
 965 The commission shall incorporate within sections of the Florida
 966 Building Code provisions which address regional and local
 967 concerns and variations. The commission shall make every effort
 968 to minimize conflicts between the Florida Building Code, the
 969 Florida Fire Prevention Code, and the Life Safety Code.

970 (4)

971 (b) Local governments may, subject to the limitations of
 972 this section, adopt amendments to the technical provisions of
 973 the Florida Building Code which apply solely within the
 974 jurisdiction of such government and which provide for more
 975 stringent requirements than those specified in the Florida
 976 Building Code, not more than once every 6 months. A local
 977 government may adopt technical amendments that address local
 978 needs if:

979 1. The local governing body determines, following a public
 980 hearing which has been advertised in a newspaper of general

981 circulation at least 10 days before the hearing, that there is a
982 need to strengthen the requirements of the Florida Building
983 Code. The determination must be based upon a review of local
984 conditions by the local governing body, which review
985 demonstrates by evidence or data that the geographical
986 jurisdiction governed by the local governing body exhibits a
987 local need to strengthen the Florida Building Code beyond the
988 needs or regional variation addressed by the Florida Building
989 Code, that the local need is addressed by the proposed local
990 amendment, and that the amendment is no more stringent than
991 necessary to address the local need.

992 2. Such additional requirements are not discriminatory
993 against materials, products, or construction techniques of
994 demonstrated capabilities.

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

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

999 5. Any amendment to the Florida Building Code shall be
1000 transmitted within 30 days by the adopting local government to
1001 the commission. The commission shall maintain copies of all such
1002 amendments in a format that is usable and obtainable by the
1003 public. Local technical amendments shall not become effective
1004 until 30 days after the amendment has been received and
1005 published by the commission.

1006 6. Any amendment to the Florida Building Code adopted by a
1007 local government pursuant to this paragraph shall be effective
1008 only until the adoption by the commission of the new edition of

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1009 the Florida Building Code every third year. At such time, the
1010 commission shall review such amendment for consistency with the
1011 criteria in paragraph (9)~~(8)~~(a) and adopt such amendment as part
1012 of the Florida Building Code or rescind the amendment. The
1013 commission shall immediately notify the respective local
1014 government of the rescission of any amendment. After receiving
1015 such notice, the respective local government may readopt the
1016 rescinded amendment pursuant to the provisions of this
1017 paragraph.

1018 7. Each county and municipality desiring to make local
1019 technical amendments to the Florida Building Code shall by
1020 interlocal agreement establish a countywide compliance review
1021 board to review any amendment to the Florida Building Code,
1022 adopted by a local government within the county pursuant to this
1023 paragraph, that is challenged by any substantially affected
1024 party for purposes of determining the amendment's compliance
1025 with this paragraph. If challenged, the local technical
1026 amendments shall not become effective until time for filing an
1027 appeal pursuant to subparagraph 8. has expired or, if there is
1028 an appeal, until the commission issues its final order
1029 determining the adopted amendment is in compliance with this
1030 subsection.

1031 8. If the compliance review board determines such
1032 amendment is not in compliance with this paragraph, the
1033 compliance review board shall notify such local government of
1034 the noncompliance and that the amendment is invalid and
1035 unenforceable until the local government corrects the amendment
1036 to bring it into compliance. The local government may appeal the

1037 decision of the compliance review board to the commission. If
 1038 the compliance review board determines such amendment to be in
 1039 compliance with this paragraph, any substantially affected party
 1040 may appeal such determination to the commission. Any such appeal
 1041 shall be filed with the commission within 14 days of the board's
 1042 written determination. The commission shall promptly refer the
 1043 appeal to the Division of Administrative Hearings for the
 1044 assignment of an administrative law judge. The administrative
 1045 law judge shall conduct the required hearing within 30 days, and
 1046 shall enter a recommended order within 30 days of the conclusion
 1047 of such hearing. The commission shall enter a final order within
 1048 30 days thereafter. The provisions of chapter 120 and the
 1049 uniform rules of procedure shall apply to such proceedings. The
 1050 local government adopting the amendment that is subject to
 1051 challenge has the burden of proving that the amendment complies
 1052 with this paragraph in proceedings before the compliance review
 1053 board and the commission, as applicable. Actions of the
 1054 commission are subject to judicial review pursuant to s. 120.68.
 1055 The compliance review board shall determine whether its
 1056 decisions apply to a respective local jurisdiction or apply
 1057 countywide.

1058 9. An amendment adopted under this paragraph shall include
 1059 a fiscal impact statement which documents the costs and benefits
 1060 of the proposed amendment. Criteria for the fiscal impact
 1061 statement shall include the impact to local government relative
 1062 to enforcement, the impact to property and building owners, as
 1063 well as to industry, relative to the cost of compliance. The
 1064 fiscal impact statement may not be used as a basis for

1065 challenging the amendment for compliance.

1066 10. In addition to subparagraphs 7. and 9., the commission
1067 may review any amendments adopted pursuant to this subsection
1068 and make nonbinding recommendations related to compliance of
1069 such amendments with this subsection.

1070 (5) Notwithstanding subsection (4), counties and
1071 municipalities may adopt by ordinance an administrative or
1072 technical amendment to the Florida Building Code relating to
1073 flood resistance in order to implement the National Flood
1074 Insurance Program or incentives. Specifically, an administrative
1075 amendment may assign the duty to enforce all or portions of
1076 flood-related code provisions to the appropriate agencies of the
1077 local government and adopt procedures for variances and
1078 exceptions from flood-related code provisions other than
1079 provisions for structures seaward of the coastal construction
1080 control line consistent with the requirements in 44 C.F.R. s.
1081 60.6. A technical amendment is authorized to the extent it is
1082 more stringent than the code. A technical amendment is not
1083 subject to the requirements of subsection (4) and may not be
1084 rendered void when the code is updated if the amendment is
1085 adopted for the purpose of participating in the Community Rating
1086 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment
1087 had already been adopted by local ordinance prior to the
1088 effective date of this subsection, or the amendment requires a
1089 design flood elevation above the base flood elevation. Any
1090 amendment adopted pursuant to this subsection shall be
1091 transmitted to the commission within 30 days after being
1092 adopted.

1093 (7)~~(6)~~ (a) The commission, by rule adopted pursuant to ss.
 1094 120.536(1) and 120.54, shall update the Florida Building Code
 1095 every 3 years. When updating the Florida Building Code, the
 1096 commission shall select the most current version of the
 1097 International Building Code, the International Fuel Gas Code,
 1098 the International Mechanical Code, the International Plumbing
 1099 Code, and the International Residential Code, all of which are
 1100 adopted by the International Code Council, and the National
 1101 Electrical Code, which is adopted by the National Fire
 1102 Protection Association, to form the foundation codes of the
 1103 updated Florida Building Code, if the version has been adopted
 1104 by the applicable model code entity ~~and made available to the~~
 1105 ~~public at least 6 months prior to its selection by the~~
 1106 ~~commission~~. The commission shall select the most current version
 1107 of the International Energy Conservation Code (IECC) as a
 1108 foundation code; however, the IECC shall be modified by the
 1109 commission to maintain the efficiencies of the Florida Energy
 1110 Efficiency Code for Building Construction adopted and amended
 1111 pursuant to s. 553.901.

1112 (8)~~(7)~~ Notwithstanding the provisions of subsection (3) or
 1113 subsection (7) ~~(6)~~, the commission may address issues identified
 1114 in this subsection by amending the code pursuant only to the
 1115 rule adoption procedures contained in chapter 120. Provisions of
 1116 the Florida Building Code, including those contained in
 1117 referenced standards and criteria, relating to wind resistance
 1118 or the prevention of water intrusion may not be amended pursuant
 1119 to this subsection to diminish those construction requirements;
 1120 however, the commission may, subject to conditions in this

1121 subsection, amend the provisions to enhance those construction
 1122 requirements. Following the approval of any amendments to the
 1123 Florida Building Code by the commission and publication of the
 1124 amendments on the commission's website, authorities having
 1125 jurisdiction to enforce the Florida Building Code may enforce
 1126 the amendments. The commission may approve amendments that are
 1127 needed to address:

- 1128 (a) Conflicts within the updated code;
- 1129 (b) Conflicts between the updated code and the Florida
 1130 Fire Prevention Code adopted pursuant to chapter 633;
- 1131 (c) The omission of previously adopted Florida-specific
 1132 amendments to the updated code if such omission is not supported
 1133 by a specific recommendation of a technical advisory committee
 1134 or particular action by the commission;
- 1135 (d) Unintended results from the integration of previously
 1136 adopted Florida-specific amendments with the model code;
- 1137 (e) Equivalency of standards;
- 1138 (f)~~(e)~~ Changes to or inconsistencies with federal or state
 1139 law; or
- 1140 (g)~~(f)~~ Adoption of an updated edition of the National
 1141 Electrical Code if the commission finds that delay of
 1142 implementing the updated edition causes undue hardship to
 1143 stakeholders or otherwise threatens the public health, safety,
 1144 and welfare.
- 1145 (10)~~(9)~~ The following buildings, structures, and
 1146 facilities are exempt from the Florida Building Code as provided
 1147 by law, and any further exemptions shall be as determined by the
 1148 Legislature and provided by law:

- 1149 (a) Buildings and structures specifically regulated and
1150 preempted by the Federal Government.
- 1151 (b) Railroads and ancillary facilities associated with the
1152 railroad.
- 1153 (c) Nonresidential farm buildings on farms.
- 1154 (d) Temporary buildings or sheds used exclusively for
1155 construction purposes.
- 1156 (e) Mobile or modular structures used as temporary
1157 offices, except that the provisions of part II relating to
1158 accessibility by persons with disabilities shall apply to such
1159 mobile or modular structures.
- 1160 (f) Those structures or facilities of electric utilities,
1161 as defined in s. 366.02, which are directly involved in the
1162 generation, transmission, or distribution of electricity.
- 1163 (g) Temporary sets, assemblies, or structures used in
1164 commercial motion picture or television production, or any
1165 sound-recording equipment used in such production, on or off the
1166 premises.
- 1167 (h) Storage sheds that are not designed for human
1168 habitation and that have a floor area of 720 square feet or less
1169 are not required to comply with the mandatory wind-borne-debris-
1170 impact standards of the Florida Building Code.
- 1171 (i) Chickees constructed by the Miccosukee Tribe of
1172 Indians of Florida or the Seminole Tribe of Florida. As used in
1173 this paragraph, the term "chickee" means an open-sided wooden
1174 hut that has a thatched roof of palm or palmetto or other
1175 traditional materials, and that does not incorporate any
1176 electrical, plumbing, or other nonwood features.

1177 (j) Family mausoleums not exceeding 250 square feet in
 1178 area which are prefabricated and assembled on site or
 1179 preassembled and delivered on site and have walls, roofs, and a
 1180 floor constructed of granite, marble, or reinforced concrete.

1181
 1182 With the exception of paragraphs (a), (b), (c), and (f), in
 1183 order to preserve the health, safety, and welfare of the public,
 1184 the Florida Building Commission may, by rule adopted pursuant to
 1185 chapter 120, provide for exceptions to the broad categories of
 1186 buildings exempted in this section, including exceptions for
 1187 application of specific sections of the code or standards
 1188 adopted therein. The Department of Agriculture and Consumer
 1189 Services shall have exclusive authority to adopt by rule,
 1190 pursuant to chapter 120, exceptions to nonresidential farm
 1191 buildings exempted in paragraph (c) when reasonably necessary to
 1192 preserve public health, safety, and welfare. The exceptions must
 1193 be based upon specific criteria, such as under-roof floor area,
 1194 aggregate electrical service capacity, HVAC system capacity, or
 1195 other building requirements. Further, the commission may
 1196 recommend to the Legislature additional categories of buildings,
 1197 structures, or facilities which should be exempted from the
 1198 Florida Building Code, to be provided by law. The Florida
 1199 Building Code does not apply to temporary housing provided by
 1200 the Department of Corrections to any prisoner in the state
 1201 correctional system.

1202 (15) An agency or local government may not require that
 1203 existing mechanical equipment on the surface of a roof be
 1204 installed in compliance with the requirements of the Florida

1205 Building Code, and a requirement in the code relating to such
 1206 equipment may not be enforced, until such equipment must be
 1207 removed or is otherwise replaced.

1208 Section 27. Subsection (5) is added to section 553.74,
 1209 Florida Statutes, to read:

1210 553.74 Florida Building Commission.—

1211 (5) Notwithstanding s. 112.313 or any other provision of
 1212 law, a member of any of commission's technical advisory
 1213 committees or a member of any other advisory committee or
 1214 workgroup of the commission, shall not be considered to have an
 1215 impermissible conflict of interest when representing clients
 1216 before the commission or one of its committees or workgroups.
 1217 However, the member, in his or her capacity as member of the
 1218 committee or workgroup, may not take part in any discussion on
 1219 or take action on any matter in which he or she has a direct
 1220 financial interest.

1221 Section 28. Subsection (2) of section 553.76, Florida
 1222 Statutes, is amended to read:

1223 553.76 General powers of the commission.—The commission is
 1224 authorized to:

1225 (2) Issue memoranda of procedure for its internal
 1226 management and control. The commission may adopt rules related
 1227 to its consensus-based decisionmaking process, including, but
 1228 not limited to, super majority voting requirements for
 1229 commission actions relating to the adoption of the Florida
 1230 Building Code or amendments to the code.

1231 Section 29. Subsections (2) and (4) of section 553.775,
 1232 Florida Statutes, are amended to read:

1233 553.775 Interpretations.—

1234 (2) Local enforcement agencies, local building officials,
 1235 state agencies, and the commission shall interpret provisions of
 1236 the Florida Building Code in a manner that is consistent with
 1237 declaratory statements and interpretations entered by the
 1238 commission, except that conflicts between the Florida Fire
 1239 Prevention Code and the Florida Building Code shall be resolved
 1240 in accordance with s. 553.73 (11) ~~(10)~~ (c) and (d).

1241 (4) In order to administer this section, the commission
 1242 may adopt by rule and impose a fee for filing requests for
 1243 declaratory statements and binding and nonbinding
 1244 interpretations to recoup the cost of the proceedings which may
 1245 not exceed \$125 for each request for a nonbinding interpretation
 1246 and \$250 for each request for a binding review or
 1247 interpretation. For proceedings conducted by or in coordination
 1248 with a third-party, the rule may provide that payment be made
 1249 directly to the third party, who shall remit to the department
 1250 that portion of the fee necessary to cover the costs of the
 1251 department.

1252 Section 30. Subsection (9) of section 553.79, Florida
 1253 Statutes, is amended to read:

1254 553.79 Permits; applications; issuance; inspections.—

1255 (9) Any state agency whose enabling legislation authorizes
 1256 it to enforce provisions of the Florida Building Code may enter
 1257 into an agreement with any other unit of government to delegate
 1258 its responsibility to enforce those provisions and may expend
 1259 public funds for permit and inspection fees, which fees may be
 1260 no greater than the fees charged others. Inspection services

1261 that are not required to be performed by a state agency under a
 1262 federal delegation of responsibility or by a state agency under
 1263 the Florida Building Code must be performed under the
 1264 alternative plans review and inspection process created in s.
 1265 553.791 or by a local governmental entity having authority to
 1266 enforce the Florida Building Code.

1267 Section 31. For the purpose of incorporating the amendment
 1268 made by this act to section 553.79, Florida Statutes, in a
 1269 reference thereto, subsection (1) of section 553.80, Florida
 1270 Statutes, is reenacted, and subsection (3) of that section is
 1271 amended, to read:

1272 553.80 Enforcement.—

1273 (1) Except as provided in paragraphs (a)-(g), each local
 1274 government and each legally constituted enforcement district
 1275 with statutory authority shall regulate building construction
 1276 and, where authorized in the state agency's enabling
 1277 legislation, each state agency shall enforce the Florida
 1278 Building Code required by this part on all public or private
 1279 buildings, structures, and facilities, unless such
 1280 responsibility has been delegated to another unit of government
 1281 pursuant to s. 553.79(9).

1282 (a) Construction regulations relating to correctional
 1283 facilities under the jurisdiction of the Department of
 1284 Corrections and the Department of Juvenile Justice are to be
 1285 enforced exclusively by those departments.

1286 (b) Construction regulations relating to elevator
 1287 equipment under the jurisdiction of the Bureau of Elevators of
 1288 the Department of Business and Professional Regulation shall be

1289 enforced exclusively by that department.

1290 (c) In addition to the requirements of s. 553.79 and this
 1291 section, facilities subject to the provisions of chapter 395 and
 1292 parts ~~part~~ II and VIII of chapter 400 shall have facility plans
 1293 reviewed and construction surveyed by the state agency
 1294 authorized to do so under the requirements of chapter 395 and
 1295 parts ~~part~~ II and VIII of chapter 400 and the certification
 1296 requirements of the Federal Government. Facilities subject to
 1297 the provisions of part IV of chapter 400 may have facility plans
 1298 reviewed and shall have construction surveyed by the state
 1299 agency authorized to do so under the requirements of part IV of
 1300 chapter 400 and the certification requirements of the Federal
 1301 Government.

1302 (d) Building plans approved under s. 553.77(3) and state-
 1303 approved manufactured buildings, including buildings
 1304 manufactured and assembled offsite and not intended for
 1305 habitation, such as lawn storage buildings and storage sheds,
 1306 are exempt from local code enforcing agency plan reviews except
 1307 for provisions of the code relating to erection, assembly, or
 1308 construction at the site. Erection, assembly, and construction
 1309 at the site are subject to local permitting and inspections.
 1310 Lawn storage buildings and storage sheds bearing the insignia of
 1311 approval of the department are not subject to s. 553.842. Such
 1312 buildings that do not exceed 400 square feet may be delivered
 1313 and installed without need of a contractor's or specialty
 1314 license.

1315 (e) Construction regulations governing public schools,
 1316 state universities, and community colleges shall be enforced as

1317 provided in subsection (6).

1318 (f) The Florida Building Code as it pertains to toll
1319 collection facilities under the jurisdiction of the turnpike
1320 enterprise of the Department of Transportation shall be enforced
1321 exclusively by the turnpike enterprise.

1322 (g) Construction regulations relating to secure mental
1323 health treatment facilities under the jurisdiction of the
1324 Department of Children and Family Services shall be enforced
1325 exclusively by the department in conjunction with the Agency for
1326 Health Care Administration's review authority under paragraph
1327 (c).

1328

1329 The governing bodies of local governments may provide a schedule
1330 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
1331 section, for the enforcement of the provisions of this part.

1332 Such fees shall be used solely for carrying out the local
1333 government's responsibilities in enforcing the Florida Building
1334 Code. The authority of state enforcing agencies to set fees for
1335 enforcement shall be derived from authority existing on July 1,
1336 1998. However, nothing contained in this subsection shall
1337 operate to limit such agencies from adjusting their fee schedule
1338 in conformance with existing authority.

1339 (3) (a) Each enforcement district shall be governed by a
1340 board, the composition of which shall be determined by the
1341 affected localities.

1342 (b)1. At its own option, each enforcement district or
1343 local enforcement agency may adopt ~~promulgate~~ rules granting to
1344 the owner of a single-family residence one or more exemptions

1345 from the Florida Building Code relating to:

1346 a.~~(a)~~ Addition, alteration, or repairs performed by the
 1347 property owner upon his or her own property, provided any
 1348 addition or alteration shall not exceed 1,000 square feet or the
 1349 square footage of the primary structure, whichever is less.

1350 b.~~(b)~~ Addition, alteration, or repairs by a nonowner
 1351 within a specific cost limitation set by rule, provided the
 1352 total cost shall not exceed \$5,000 within any 12-month period.

1353 c.~~(c)~~ Building and inspection fees.

1354 2. However, the exemptions under subparagraph 1. do not
 1355 apply to single-family residences that are located in mapped
 1356 flood hazard areas, as defined in the code, unless the
 1357 enforcement district or local enforcement agency has determined
 1358 that the work, which is otherwise exempt, does not constitute a
 1359 substantial improvement, including the repair of substantial
 1360 damage, of such single-family residences.

1361 3. Each code exemption, as defined in sub-subparagraphs
 1362 1.a, b., and c. paragraphs (a), (b), and (c), shall be certified
 1363 to the local board 10 days prior to implementation and shall
 1364 only be effective in the territorial jurisdiction of the
 1365 enforcement district or local enforcement agency implementing
 1366 it.

1367 Section 32. Subsections (4) through (8) of section
 1368 553.841, Florida Statutes, are amended to read:

1369 553.841 Building code compliance and mitigation program.—

1370 (4) ~~The department,~~ In administering the Florida Building
 1371 Code Compliance and Mitigation Program, the department shall
 1372 maintain, update, develop, or cause to be developed:

1373 ~~(a) A core curriculum that is prerequisite to the advanced~~
 1374 ~~module coursework.~~

1375 ~~(b) advanced modules designed for use by each profession.~~

1376 ~~(c) The core curriculum developed under this subsection~~
 1377 ~~must be submitted to the Department of Business and Professional~~
 1378 ~~Regulation for approval. Advanced modules developed under this~~
 1379 ~~paragraph must be approved by the commission and submitted to~~
 1380 ~~the respective boards for approval.~~

1381 ~~(5) The core curriculum shall cover the information~~
 1382 ~~required to have all categories of participants appropriately~~
 1383 ~~informed as to their technical and administrative~~
 1384 ~~responsibilities in the effective execution of the code process~~
 1385 ~~by all individuals currently licensed under part XII of chapter~~
 1386 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
 1387 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
 1388 ~~prerequisite to the advanced module coursework for all licensees~~
 1389 ~~and shall be completed by individuals licensed in all categories~~
 1390 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
 1391 ~~chapter 489 within the first 2-year period after initial~~
 1392 ~~licensure. Core course hours taken by licensees to complete this~~
 1393 ~~requirement shall count toward fulfillment of required~~
 1394 ~~continuing education units under part XII of chapter 468,~~
 1395 ~~chapter 471, chapter 481, or chapter 489.~~

1396 (5)~~(6)~~ Each biennium, upon receipt of funds by the
 1397 Department of Community Affairs from the Construction Industry
 1398 Licensing Board and the Electrical Contractors' Licensing Board
 1399 provided under ss. 489.109(3) and 489.509(3), the department
 1400 shall determine the amount of funds available for the Florida

1401 Building Code Compliance and Mitigation Program.

1402 ~~(6)-(7)~~ If the projects provided through the Florida
 1403 Building Code Compliance and Mitigation Program in any state
 1404 fiscal year do not require the use of all available funds, the
 1405 unused funds shall be carried forward and allocated for use
 1406 during the following fiscal year.

1407 ~~(7)-(8)~~ The Florida Building Commission shall provide by
 1408 rule for the accreditation of courses related to the Florida
 1409 Building Code by accreditors approved by the commission. The
 1410 commission shall establish qualifications of accreditors and
 1411 criteria for the accreditation of courses by rule. The
 1412 commission may revoke the accreditation of a course by an
 1413 accreditor if the accreditation is demonstrated to violate this
 1414 part or the rules of the commission.

1415 ~~(8)-(9)~~ This section does not prohibit or limit the subject
 1416 areas or development of continuing education or training on the
 1417 Florida Building Code by any qualified entity.

1418 Section 33. Subsections (1), (5), (8), and (17) of section
 1419 553.842, Florida Statutes, are amended to read:

1420 553.842 Product evaluation and approval.—

1421 (1) The commission shall adopt rules under ss. 120.536(1)
 1422 and 120.54 to develop and implement a product evaluation and
 1423 approval system that applies statewide to operate in
 1424 coordination with the Florida Building Code. The commission may
 1425 enter into contracts to provide for administration of the
 1426 product evaluation and approval system. The commission's rules
 1427 and any applicable contract may provide that the payment of fees
 1428 related to approvals be made directly to the administrator. Any

1429 fee paid by a product manufacturer shall be used only for
1430 funding the product evaluation and approval system. The product
1431 evaluation and approval system shall provide:

1432 (a) Appropriate promotion of innovation and new
1433 technologies.

1434 (b) Processing submittals of products from manufacturers
1435 in a timely manner.

1436 (c) Independent, third-party qualified and accredited
1437 testing and laboratory facilities, product evaluation entities,
1438 quality assurance agencies, certification agencies, and
1439 validation entities.

1440 (d) An easily accessible product acceptance list to
1441 entities subject to the Florida Building Code.

1442 (e) Development of stringent but reasonable testing
1443 criteria based upon existing consensus standards, when
1444 available, for products.

1445 (f) Long-term approvals, where feasible. State and local
1446 approvals will be valid until the requirements of the code on
1447 which the approval is based change, the product changes in a
1448 manner affecting its performance as required by the code, or the
1449 approval is revoked. However, the commission may authorize by
1450 rule editorial revisions to approvals and charge a fee as
1451 provided in this section.

1452 (g) Criteria for revocation of a product approval.

1453 (h) Cost-effectiveness.

1454 (5) Statewide approval of products, methods, or systems of
1455 construction may be achieved by one of the following methods.
1456 One of these methods must be used by the commission to approve

1457 the following categories of products: panel walls, exterior
1458 doors, roofing, skylights, windows, shutters, and structural
1459 components as established by the commission by rule.

1460 (a) Products for which the code establishes standardized
1461 testing or comparative or rational analysis methods shall be
1462 approved by submittal and validation of one of the following
1463 reports or listings indicating that the product or method or
1464 system of construction was evaluated to be in compliance with
1465 the Florida Building Code and that the product or method or
1466 system of construction is, for the purpose intended, at least
1467 equivalent to that required by the Florida Building Code:

1468 1. A certification mark or listing of an approved
1469 certification agency, which may be used only for products for
1470 which the code designates standardized testing;

1471 2. A test report from an approved testing laboratory;

1472 3. A product evaluation report based upon testing or
1473 comparative or rational analysis, or a combination thereof, from
1474 an approved product evaluation entity; or

1475 4. A product evaluation report based upon testing or
1476 comparative or rational analysis, or a combination thereof,
1477 developed and signed and sealed by a professional engineer or
1478 architect, licensed in this state.

1479

1480 A product evaluation report or a certification mark or listing
1481 of an approved certification agency which demonstrates that the
1482 product or method or system of construction complies with the
1483 Florida Building Code for the purpose intended shall be
1484 equivalent to a test report and test procedure as referenced in

1485 the Florida Building Code. An application for state approval of
1486 a product under subparagraph 1. must be approved by the
1487 department after the commission staff or a designee verifies
1488 that the application and related documentation are complete.
1489 This verification must be completed within 10 business days
1490 after receipt of the application. Upon approval by the
1491 department, the product shall be immediately added to the list
1492 of state-approved products maintained under subsection (13).
1493 Approvals by the department shall be reviewed and ratified by
1494 the commission's program oversight committee except for a
1495 showing of good cause that a review by the full commission is
1496 necessary. The commission shall adopt rules relating to means to
1497 cure deficiencies identified within submittals for approval of
1498 products under this paragraph.

1499 (b) Products, methods, or systems of construction for
1500 which there are no specific standardized testing or comparative
1501 or rational analysis methods established in the code may be
1502 approved by submittal and validation of one of the following:

1503 1. A product evaluation report based upon testing or
1504 comparative or rational analysis, or a combination thereof, from
1505 an approved product evaluation entity indicating that the
1506 product or method or system of construction was evaluated to be
1507 in compliance with the intent of the Florida Building Code and
1508 that the product or method or system of construction is, for the
1509 purpose intended, at least equivalent to that required by the
1510 Florida Building Code; or

1511 2. A product evaluation report based upon testing or
1512 comparative or rational analysis, or a combination thereof,

1513 developed and signed and sealed by a professional engineer or
1514 architect, licensed in this state, who certifies that the
1515 product or method or system of construction is, for the purpose
1516 intended, at least equivalent to that required by the Florida
1517 Building Code.

1518 (8) The commission may adopt rules to approve the
1519 following types of entities that produce information on which
1520 product approvals are based. All of the following entities,
1521 including engineers and architects, must comply with a
1522 nationally recognized standard demonstrating independence or no
1523 conflict of interest:

1524 (a) Evaluation entities that meet the criteria for
1525 approval adopted by the commission by rule. The commission shall
1526 specifically approve the National Evaluation Service, the
1527 International Association of Plumbing and Mechanical Officials
1528 Evaluation Service ~~the International Conference of Building~~
1529 ~~Officials Evaluation Services~~, the International Code Council
1530 Evaluation Services, ~~the Building Officials and Code~~
1531 ~~Administrators International Evaluation Services~~, ~~the Southern~~
1532 ~~Building Code Congress International Evaluation Services~~, and
1533 the Miami-Dade County Building Code Compliance Office Product
1534 Control. Architects and engineers licensed in this state are
1535 also approved to conduct product evaluations as provided in
1536 subsection (5).

1537 (b) Testing laboratories accredited by national
1538 organizations, such as A2LA and the National Voluntary
1539 Laboratory Accreditation Program, laboratories accredited by
1540 evaluation entities approved under paragraph (a), and

1541 laboratories that comply with other guidelines for testing
 1542 laboratories selected by the commission and adopted by rule.

1543 (c) Quality assurance entities approved by evaluation
 1544 entities approved under paragraph (a) and by certification
 1545 agencies approved under paragraph (d) and other quality
 1546 assurance entities that comply with guidelines selected by the
 1547 commission and adopted by rule.

1548 (d) Certification agencies accredited by nationally
 1549 recognized accreditors and other certification agencies that
 1550 comply with guidelines selected by the commission and adopted by
 1551 rule.

1552 (e) Validation entities that comply with accreditation
 1553 standards established by the commission by rule.

1554 ~~(17)(a) The Florida Building Commission shall review the~~
 1555 ~~list of evaluation entities in subsection (8) and, in the annual~~
 1556 ~~report required under s. 553.77, shall either recommend~~
 1557 ~~amendments to the list to add evaluation entities the commission~~
 1558 ~~determines should be authorized to perform product evaluations~~
 1559 ~~or shall report on the criteria adopted by rule or to be adopted~~
 1560 ~~by rule allowing the commission to approve evaluation entities~~
 1561 ~~that use the commission's product evaluation process. If the~~
 1562 ~~commission adopts criteria by rule, the rulemaking process must~~
 1563 ~~be completed by July 1, 2009.~~

1564 ~~(b) Notwithstanding paragraph (8)(a), the International~~
 1565 ~~Association of Plumbing and Mechanical Officials Evaluation~~
 1566 ~~Services is approved as an evaluation entity until October 1,~~
 1567 ~~2009. If the association does not obtain permanent approval by~~
 1568 ~~the commission as an evaluation entity by October 1, 2009,~~

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1569 ~~products approved on the basis of an association evaluation must~~
 1570 ~~be substituted by an alternative, approved entity by December~~
 1571 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
 1572 ~~the commission based on an association evaluation is void.~~

1573 Section 34. Subsection (4) is added to section 553.844,
 1574 Florida Statutes, to read:

1575 553.844 Windstorm loss mitigation; requirements for roofs
 1576 and opening protection.—

1577 (4) Notwithstanding the provisions of this section,
 1578 exposed mechanical equipment or appliances fastened to a roof in
 1579 compliance with the code using rated stands, platforms, curbs,
 1580 slabs, or other means are deemed to comply with the wind
 1581 resistance requirements of the 2007 Florida Building Code, as
 1582 amended. Further support or enclosure of such mechanical
 1583 equipment or appliances is not required by a state or local
 1584 official having authority to enforce the Florida Building Code.
 1585 This subsection expires on the effective date of the 2010
 1586 Florida Building Code.

1587 Section 35. Section 553.885, Florida Statutes, is amended
 1588 to read:

1589 553.885 Carbon monoxide alarm required.—

1590 (1) Every separate building or addition to an existing
 1591 building, other than a hospital, an inpatient hospice facility,
 1592 or a nursing home facility licensed by the Agency for Health
 1593 Care Administration, constructed for which a building permit is
 1594 ~~issued for new construction~~ on or after July 1, 2008, and having
 1595 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an
 1596 attached garage, or other feature, fixture, or element that

1597 emits carbon monoxide as a byproduct of combustion shall have an
 1598 approved operational carbon monoxide alarm installed within 10
 1599 feet of each room used for sleeping purposes in the new building
 1600 or addition, or at such other locations as required by the
 1601 Florida Building Code. The requirements of this subsection may
 1602 be satisfied with the installation of a hard-wired battery-
 1603 powered carbon monoxide alarm or a hard-wired battery-powered
 1604 combination carbon monoxide and smoke alarm. For a new hospital,
 1605 an inpatient hospice facility, or a nursing home facility
 1606 licensed by the Agency for Health Care Administration, an
 1607 approved operational carbon monoxide detector shall be installed
 1608 inside or directly outside of each room or area within the
 1609 hospital or facility where a fossil-fuel-burning heater, engine,
 1610 or appliance is located. This detector shall be connected to the
 1611 fire alarm system of the hospital or facility as a supervisory
 1612 signal. This subsection does not apply to existing buildings
 1613 that are undergoing alterations or repairs unless the alteration
 1614 is an addition as defined in subsection (3).

1615 (2) The Florida Building Commission shall adopt rules to
 1616 administer this section and shall incorporate such requirements
 1617 into its next revision of the Florida Building Code.

1618 (3) As used in this section, the term:

1619 (a) "Carbon monoxide alarm" means a device that is meant
 1620 for the purpose of detecting carbon monoxide, that produces a
 1621 distinct audible alarm, and that meets the requirements of and
 1622 is approved by the Florida Building Commission.

1623 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,
 1624 or other petroleum or hydrocarbon product that emits carbon

1625 monoxide as a by-product of combustion.

1626 (c) "Addition" means an extension or increase in floor
1627 area, number of stories, or height of a building or structure.

1628 Section 36. Subsection (2) of section 553.9061, Florida
1629 Statutes, is amended to read:

1630 553.9061 Scheduled increases in thermal efficiency
1631 standards.—

1632 (2) The Florida Building Commission shall identify within
1633 code support and compliance documentation the specific building
1634 options and elements available to meet the energy performance
1635 goals established in subsection (1). Energy efficiency
1636 performance options and elements include, but are not limited
1637 to:

1638 (a) Energy-efficient water heating systems, including
1639 solar water heating.

1640 (b) Energy-efficient appliances.

1641 (c) Energy-efficient windows, doors, and skylights.

1642 (d) Low solar-absorption roofs, also known as "cool
1643 roofs."

1644 (e) Enhanced ceiling and wall insulation.

1645 (f) Reduced-leak duct systems and energy-saving devices
1646 and features installed within duct systems.

1647 (g) Programmable thermostats.

1648 (h) Energy-efficient lighting systems.

1649 (i) Energy-saving quality installation procedures for
1650 replacement air-conditioning systems, including, but not limited
1651 to, equipment sizing analysis and duct inspection.

1652 (j) Shading devices, sunscreening materials, and

1653 overhangs.

1654 (k) Weatherstripping, caulking, and sealing of exterior
1655 openings and penetrations.

1656 (l) Energy-efficient centralized computer data centers in
1657 office buildings.

1658 Section 37. Subsections (3) and (4) of section 553.909,
1659 Florida Statutes, are amended to read:

1660 553.909 Setting requirements for appliances; exceptions.—

1661 (3) Commercial or residential swimming pool pumps or water
1662 heaters manufactured on or ~~sold~~ after July 1, 2011, shall comply
1663 with the requirements of this subsection.

1664 (a) Natural gas pool heaters shall not be equipped with
1665 constantly burning pilots.

1666 (b) Heat pump pool heaters shall have a coefficient of
1667 performance at low temperature of not less than 4.0.

1668 (c) The thermal efficiency of gas-fired pool heaters and
1669 oil-fired pool heaters shall not be less than 78 percent.

1670 (d) All pool heaters shall have a readily accessible on-
1671 off switch that is mounted outside the heater and that allows
1672 shutting off the heater without adjusting the thermostat
1673 setting.

1674 (4) (a) Residential swimming pool pumps and pump motors
1675 manufactured on or after July 1, 2011, shall comply with the
1676 requirements in this subsection.

1677 (b) Residential pool pump motors shall not be split-phase,
1678 shaded-pole, or capacitor start-induction run types.

1679 (c) Residential pool pumps and pool pump motors with a
1680 total horsepower of 1 HP or more shall have the capability of

1681 operating at two or more speeds with a low speed having a
 1682 rotation rate that is no more than one-half of the motor's
 1683 maximum rotation rate.

1684 (d) Residential pool pump motor controls shall have the
 1685 capability of operating the pool pump at a minimum of two
 1686 speeds. The default circulation speed shall be the residential
 1687 filtration speed, with a higher speed override capability being
 1688 for a temporary period not to exceed one normal cycle or 24
 1689 hours ~~120 minutes~~, whichever is less; except that circulation
 1690 speed for solar pool heating systems shall be permitted to run
 1691 at higher speeds during periods of usable solar heat gain.

1692 Section 38. Section 553.912, Florida Statutes, is amended
 1693 to read:

1694 553.912 Air conditioners.—All air conditioners that ~~which~~
 1695 are sold or installed in the state shall meet the minimum
 1696 efficiency ratings of the Florida Energy Efficiency Code for
 1697 Building Construction. These efficiency ratings shall be
 1698 minimums and may be updated in the Florida Energy Efficiency
 1699 Code for Building Construction by the department in accordance
 1700 with s. 553.901, following its determination that more cost-
 1701 effective energy-saving equipment and techniques are available.
 1702 All replacement air-conditioning systems shall be installed
 1703 using energy-saving, quality installation procedures, including,
 1704 but not limited to, equipment sizing analysis and duct
 1705 inspection.

1706 Section 39. Subsection (2) of section 627.711, Florida
 1707 Statutes, is amended to read:

1708 627.711 Notice of premium discounts for hurricane loss

1709 mitigation; uniform mitigation verification inspection form.—
 1710 (2) By July 1, 2007, the Financial Services Commission
 1711 shall develop by rule a uniform mitigation verification
 1712 inspection form that shall be used by all insurers when
 1713 submitted by policyholders for the purpose of factoring
 1714 discounts for wind insurance. In developing the form, the
 1715 commission shall seek input from insurance, construction, and
 1716 building code representatives. Further, the commission shall
 1717 provide guidance as to the length of time the inspection results
 1718 are valid. An insurer shall accept as valid a uniform mitigation
 1719 verification form certified by the Department of Financial
 1720 Services or signed by:

- 1721 (a) A hurricane mitigation inspector certified by the My
 1722 Safe Florida Home program;
- 1723 (b) A building code inspector certified under s. 468.607;
- 1724 (c) A general, building, or residential contractor
 1725 licensed under s. 489.111;
- 1726 (d) A professional engineer licensed under s. 471.015 ~~who~~
 1727 ~~has passed the appropriate equivalency test of the Building Code~~
 1728 ~~Training Program as required by s. 553.841;~~
- 1729 (e) A professional architect licensed under s. 481.213; ~~or~~
- 1730 (f) A home inspector license under s. 468.8314 who has
 1731 completed at least 2 hours of mitigation training; or
- 1732 (g) ~~(f)~~ Any other individual or entity recognized by the
 1733 insurer as possessing the necessary qualifications to properly
 1734 complete a uniform mitigation verification form.

1735 Section 40. Subsections (7) through (28) of section
 1736 633.021, Florida Statutes, are renumbered as subsections (8)

1737 through (29), respectively, a new subsection (7) is added to
 1738 that section, and present subsection (20) of that section is
 1739 amended, to read:

1740 633.021 Definitions.—As used in this chapter:

1741 (7) (a) "Fire equipment dealer Class A" means a licensed
 1742 fire equipment dealer whose business is limited to servicing,
 1743 recharging, repairing, installing, or inspecting all types of
 1744 fire extinguishers and conducting hydrostatic tests on all types
 1745 of fire extinguishers.

1746 (b) "Fire equipment dealer Class B" means a licensed fire
 1747 equipment dealer whose business is limited to servicing,
 1748 recharging, repairing, installing, or inspecting all types of
 1749 fire extinguishers, including recharging carbon dioxide units
 1750 and conducting hydrostatic tests on all types of fire
 1751 extinguishers, except carbon dioxide units.

1752 (c) "Fire equipment dealer Class C" means a licensed fire
 1753 equipment dealer whose business is limited to servicing,
 1754 recharging, repairing, installing, or inspecting all types of
 1755 fire extinguishers, except recharging carbon dioxide units, and
 1756 conducting hydrostatic tests on all types of fire extinguishers,
 1757 except carbon dioxide units.

1758 (d) "Fire equipment dealer Class D" means a licensed fire
 1759 equipment dealer whose business is limited to servicing,
 1760 recharging, repairing, installing, hydrotesting, or inspecting
 1761 of all types of preengineered fire extinguishing systems.

1762 (21) (a) ~~(20)~~ A "preengineered system" is a fire suppression
 1763 system which:

1764 1. ~~(a)~~ Uses any of a variety of extinguishing agents.

1765 ~~2.(b)~~ Is designed to protect specific hazards.

1766 ~~3.(e)~~ Must be installed according to pretested limitations
 1767 and configurations specified by the manufacturer and applicable
 1768 National Fire Protection Association (NFPA) standards. Only
 1769 those chapters within the National Fire Protection Association
 1770 standards that pertain to servicing, recharging, repairing,
 1771 installing, hydrotesting, or inspecting any type of
 1772 preengineered fire extinguishing system may be used.

1773 ~~4.(d)~~ Must be installed using components specified by the
 1774 manufacturer or components that are listed as equal parts by a
 1775 nationally recognized testing laboratory such as Underwriters
 1776 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

1777 ~~5.(e)~~ Must be listed by a nationally recognized testing
 1778 laboratory.

1779 **(b)** Preengineered systems consist of and include all of
 1780 the components and parts providing fire suppression protection,
 1781 but do not include the equipment being protected, and may
 1782 incorporate special nozzles, flow rates, methods of application,
 1783 pressurization levels, and quantities of agents designed by the
 1784 manufacturer for specific hazards.

1785 Section 41. Paragraph (b) of subsection (3) of section
 1786 633.0215, Florida Statutes, is amended, and subsections (13) and
 1787 (14) are added to that section, to read:

1788 633.0215 Florida Fire Prevention Code.—

1789 (3) No later than 180 days before the triennial adoption
 1790 of the Florida Fire Prevention Code, the State Fire Marshal
 1791 shall notify each municipal, county, and special district fire
 1792 department of the triennial code adoption and steps necessary

1793 for local amendments to be included within the code. No later
 1794 than 120 days before the triennial adoption of the Florida Fire
 1795 Prevention Code, each local jurisdiction shall provide the State
 1796 Fire Marshal with copies of its local fire code amendments. The
 1797 State Fire Marshal has the option to process local fire code
 1798 amendments that are received less than 120 days before the
 1799 adoption date of the Florida Fire Prevention Code.

1800 (b) Any local amendment to the Florida Fire Prevention
 1801 Code adopted by a local government shall be effective only until
 1802 the adoption of the new edition of the Florida Fire Prevention
 1803 Code, which shall be every third year. At such time, the State
 1804 Fire Marshal shall adopt such amendment as part of the Florida
 1805 Fire Prevention Code or rescind the amendment. The State Fire
 1806 Marshal shall immediately notify the respective local government
 1807 of the rescission of the amendment and the reason for the
 1808 rescission. After receiving such notice, the respective local
 1809 government may readopt the rescinded amendment. Incorporation of
 1810 local amendments as regional and local concerns and variations
 1811 shall be considered as adoption of an amendment pursuant to this
 1812 section part.

1813 (13) (a) The State Fire Marshal shall issue an expedited
 1814 declaratory statement relating to interpretations of provisions
 1815 of the Florida Fire Prevention Code according to the following
 1816 guidelines:

1817 1. The declaratory statement shall be rendered in
 1818 accordance with s. 120.565, except that a final decision must be
 1819 issued by the State Fire Marshal within 45 days after the
 1820 division's receipt of a petition seeking an expedited

1821 declaratory statement. The State Fire Marshal shall give notice
 1822 of the petition and the expedited declaratory statement or the
 1823 denial of the petition in the next available issue of the
 1824 Florida Administrative Weekly after the petition is filed and
 1825 after the statement or denial is rendered.

1826 2. The petitioner must be the owner of the disputed
 1827 project or the owner's representative.

1828 3. The petition for an expedited declaratory statement
 1829 must be:

1830 a. Related to an active project that is under construction
 1831 or must have been submitted for a permit.

1832 b. The subject of a written notice citing a specific
 1833 provision of the Florida Fire Prevention Code which is in
 1834 dispute.

1835 c. Limited to a single question that is capable of being
 1836 answered with a "yes" or "no" response.

1837 (b) A petition for a declaratory statement which does not
 1838 meet all of the requirements of this subsection must be denied
 1839 without prejudice. This subsection does not affect the right of
 1840 the petitioner as a substantially affected person to seek a
 1841 declaratory statement under s. 633.01(6).

1842 (14) A condominium that is one or two stories in height
 1843 and has an exterior means of egress corridor is exempt from
 1844 installing a manual fire alarm system as required in s. 9.6 of
 1845 the most recent edition of the Life Safety Code adopted in the
 1846 Florida Fire Prevention Code.

1847 Section 42. Subsections (2) and (10) of section 633.0245,
 1848 Florida Statutes, are amended to read:

1849 633.0245 State Fire Marshal Nursing Home Fire Protection
1850 Loan Guarantee Program.—

1851 (2) The State Fire Marshal may enter into limited loan
1852 guarantee agreements with one or more financial institutions
1853 qualified as public depositories in this state. Such agreements
1854 shall provide a limited guarantee by the State of Florida
1855 covering no more than 50 percent of the principal sum loaned by
1856 such financial institution to an eligible nursing home, as
1857 defined in subsection (10), for the sole purpose of the initial
1858 installation at such nursing home of a fire protection system,
1859 as defined in s. 633.021~~(10)~~~~(9)~~, approved by the State Fire
1860 Marshal as being in compliance with the provisions of s. 633.022
1861 and rules adopted thereunder.

1862 (10) For purposes of this section, "eligible nursing home"
1863 means a nursing home facility that provides nursing services as
1864 defined in chapter 464, is licensed under part II of chapter
1865 400, and is certified by the Agency for Health Care
1866 Administration to lack an installed fire protection system as
1867 defined in s. 633.021~~(10)~~~~(9)~~.

1868 Section 43. Section 633.026, Florida Statutes, is amended
1869 to read:

1870 633.026 Legislative intent; informal interpretations of
1871 the Florida Fire Prevention Code.—It is the intent of the
1872 Legislature that the Florida Fire Prevention Code be interpreted
1873 by fire officials and local enforcement agencies in a manner
1874 that reasonably and cost-effectively protects the public safety,
1875 health, and welfare, ensures uniform interpretations throughout
1876 this state, and provides just and expeditious processes for

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1877 resolving disputes regarding such interpretations. It is the
1878 further intent of the Legislature that such processes provide
1879 for the expeditious resolution of the issues presented and that
1880 the resulting interpretation of such issues be published on the
1881 website of the Division of State Fire Marshal.

1882 (1) The Division of State Fire Marshal shall by rule
1883 establish an informal process of rendering nonbinding
1884 interpretations of the Florida Fire Prevention Code. The
1885 Division of State Fire Marshal may contract with and refer
1886 interpretive issues to a third party, selected based upon cost-
1887 effectiveness, quality of services to be performed, and other
1888 performance-based criteria, nonprofit organization that has
1889 experience in interpreting and enforcing the Florida Fire
1890 Prevention Code. ~~The Division of State Fire Marshal shall~~
1891 ~~immediately implement the process prior to the completion of~~
1892 ~~formal rulemaking.~~ It is the intent of the Legislature that the
1893 Division of State Fire Marshal establish ~~create~~ a Fire Code
1894 Interpretation Committee composed of seven persons and seven
1895 alternates, equally representing each area of the state ~~process~~
1896 ~~to refer questions to a small group of individuals certified~~
1897 ~~under s. 633.081(2), to which a party can pose questions~~
1898 regarding the interpretation of the Florida Fire Prevention Code
1899 provisions.

1900 (2) Each member and alternate member of the Fire Code
1901 Interpretation Committee must be certified as a firesafety
1902 inspector pursuant to s. 633.081(2) and must have a minimum of 5
1903 years of experience interpreting and enforcing the Florida Fire
1904 Prevention Code and the Life Safety Code. Each member and

1905 alternate member must be approved by the Division of State Fire
 1906 Marshal and deemed by the division to have met these
 1907 requirements for at least 30 days before participating in a
 1908 review of a nonbinding interpretation. ~~It is the intent of the~~
 1909 ~~Legislature that the process provide for the expeditious~~
 1910 ~~resolution of the issues presented and publication of the~~
 1911 ~~resulting interpretation on the website of the Division of State~~
 1912 ~~Fire Marshal. It is the intent of the Legislature that this~~
 1913 ~~program be similar to the program established by the Florida~~
 1914 ~~Building Commission in s. 553.775(3)(g).~~

1915 (3) Each nonbinding interpretation of code provisions must
 1916 be provided within 10 business days after receipt of a request
 1917 for interpretation. The response period established in this
 1918 subsection may be waived only with the written consent of the
 1919 party requesting the nonbinding interpretation and the Division
 1920 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
 1921 advisory only and nonbinding on the parties or the State Fire
 1922 Marshal.

1923 (4) In order to administer this section, the Division of
 1924 State Fire Marshal shall charge ~~department may adopt by rule and~~
 1925 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
 1926 ~~directly to the third party.~~ The fee may not exceed \$150 for
 1927 each request for a review or interpretation. The division may
 1928 authorize payment of fees directly to the nonprofit organization
 1929 under contract pursuant to subsection (1).

1930 (5) A party requesting a nonbinding interpretation who
 1931 disagrees with the interpretation issued under this section may
 1932 apply for a formal interpretation from the State Fire Marshal

1933 pursuant to s. 633.01(6).

1934 (6) The Division of State Fire Marshal shall issue or

1935 cause to be issued a nonbinding interpretation of the Florida

1936 Fire Prevention Code pursuant to this section when requested to

1937 do so upon submission of a petition by a fire official or by the

1938 owner or owner's representative or the contractor or

1939 contractor's representative of a project in dispute. The

1940 division shall adopt a petition form by rule and the petition

1941 form must be published on the State Fire Marshal's website. The

1942 form shall, at a minimum, require:

1943 (a) The name and address of the local fire official,

1944 including the address of the county, municipality, or special

1945 district.

1946 (b) The name and address of the owner or owner's

1947 representative or the contractor or contractor's representative.

1948 (c) A statement of the specific sections of the Florida

1949 Fire Prevention Code being interpreted by the local fire

1950 official.

1951 (d) An explanation of how the petitioner's substantial

1952 interests are being affected by the local interpretation of the

1953 Florida Fire Prevention Code.

1954 (e) A statement of the interpretation of the specific

1955 sections of the Florida Fire Prevention Code by the local fire

1956 official.

1957 (f) A statement of the interpretation that the petitioner

1958 contends should be given to the specific sections of the Florida

1959 Fire Prevention Code and a statement supporting the petitioner's

1960 interpretation.

1961 (7) Upon receipt of a petition that meets the requirements
1962 of subsection (6), the Division of State Fire Marshal shall
1963 immediately provide copies of the petition to the Fire Code
1964 Interpretation Committee, and shall publish the petition and any
1965 response submitted by the local fire official on the State Fire
1966 Marshal's website.

1967 (8) The committee shall conduct proceedings as necessary
1968 to resolve the issues and give due regard to the petition, the
1969 facts of the matter at issue, specific code sections cited, and
1970 any statutory implications affecting the Florida Fire Prevention
1971 Code. The committee shall issue an interpretation regarding the
1972 provisions of the Florida Fire Prevention Code within 10 days
1973 after the filing of a petition. The committee shall issue an
1974 interpretation based upon the Florida Fire Prevention Code or,
1975 if the code is ambiguous, the intent of the code. The
1976 committee's interpretation shall be provided to the petitioner
1977 and shall include a notice that if the petitioner disagrees with
1978 the interpretation, the petitioner may file a request for formal
1979 interpretation by the State Fire Marshal under s. 633.01(6). The
1980 committee's interpretation shall be provided to the State Fire
1981 Marshal, and the division shall publish the interpretation on
1982 the State Fire Marshal's website and in the Florida
1983 Administrative Weekly.

1984 Section 44. Subsections (2) through (10) of section
1985 633.061, Florida Statutes, are renumbered as subsections (3)
1986 through (11), respectively, a new subsection (2) is added to
1987 that section, and paragraphs (a) and (c) of present subsection
1988 (3) of that section are amended, to read:

1989 633.061 Fire suppression equipment; license to install or
 1990 maintain.—

1991 (2) A person who holds a valid fire equipment dealer
 1992 license may maintain such license in an inactive status during
 1993 which time he or she may not engage in any work under the
 1994 definition of the license held. An inactive status license shall
 1995 be void after 2 years or at the time that the license is
 1996 renewed, whichever comes first. The biennial renewal fee for an
 1997 inactive status license shall be \$75. An inactive status license
 1998 may not be reactivated unless the continuing education
 1999 requirements of this chapter have been fulfilled.

2000 (4)~~(3)~~(a) Such licenses and permits shall be issued by the
 2001 State Fire Marshal for 2 years beginning January 1, 2000, and
 2002 each 2-year period thereafter and expiring December 31 of the
 2003 second year. All licenses or permits issued will expire on
 2004 December 31 of each odd-numbered year. The failure to renew a
 2005 license or permit by December 31 of the second year will cause
 2006 the license or permit to become inoperative. The holder of an
 2007 inoperative license or permit shall not engage in any activities
 2008 for which a license or permit is required by this section. A
 2009 license or permit which is inoperative because of the failure to
 2010 renew it shall be restored upon payment of the applicable fee
 2011 plus a penalty equal to the applicable fee, if the application
 2012 for renewal is filed no later than the following March 31. If
 2013 the application for restoration is not made before the March
 2014 31st deadline, the fee for restoration shall be equal to the
 2015 original application fee and the penalty provided for herein,
 2016 and, in addition, the State Fire Marshal shall require

2017 reexamination of the applicant. The fee for a license or permit
 2018 issued for 1 year or less shall be prorated at 50 percent of the
 2019 applicable fee for a biennial license or permit. After initial
 2020 licensure, each licensee or permittee must ~~shall~~ successfully
 2021 complete a course or courses of continuing education for fire
 2022 equipment technicians of at least 16 ~~32~~ hours. A license or
 2023 permit may not be renewed unless the licensee or permittee
 2024 produces documentation of the completion of at least 16 hours of
 2025 continuing education for fire equipment technicians during the
 2026 biennial licensure period ~~within 4 years of initial issuance of~~
 2027 ~~a license or permit and within each 4-year period thereafter or~~
 2028 ~~no such license or permit shall be renewed.~~ A person who is both
 2029 a licensee and a permittee shall be required to complete 16 ~~32~~
 2030 hours of continuing education during each renewal ~~per 4-year~~
 2031 period. Each licensee shall ensure that all permittees in his or
 2032 her employment meet their continuing education requirements. The
 2033 State Fire Marshal shall adopt rules describing the continuing
 2034 education requirements and shall have the authority upon
 2035 reasonable belief, to audit a fire equipment dealer to determine
 2036 compliance with continuing education requirements.

2037 (c) A license of any class shall not be issued or renewed
 2038 by the State Fire Marshal and a license of any class shall not
 2039 remain operative unless:

2040 1. The applicant has submitted to the State Fire Marshal
 2041 evidence of registration as a Florida corporation or evidence of
 2042 compliance with s. 865.09.

2043 2. The State Fire Marshal or his or her designee has by
 2044 inspection determined that the applicant possesses the equipment

2045 required for the class of license sought. The State Fire Marshal
 2046 shall give an applicant a reasonable opportunity to correct any
 2047 deficiencies discovered by inspection. A fee of \$50, payable to
 2048 the State Fire Marshal, shall be required for any subsequent
 2049 reinspection.

2050 3. The applicant has submitted to the State Fire Marshal
 2051 proof of insurance providing coverage for comprehensive general
 2052 liability for bodily injury and property damage, products
 2053 liability, completed operations, and contractual liability. The
 2054 State Fire Marshal shall adopt rules providing for the amounts
 2055 of such coverage, but such amounts shall not be less than
 2056 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
 2057 licenses, and \$100,000 for Class C licenses; and the total
 2058 coverage for any class of license held in conjunction with a
 2059 Class D license shall not be less than \$300,000. The State Fire
 2060 Marshal may, at any time after the issuance of a license or its
 2061 renewal, require upon demand, and in no event more than 30 days
 2062 after notice of such demand, the licensee to provide proof of
 2063 insurance, on a form provided by the State Fire Marshal,
 2064 containing confirmation of insurance coverage as required by
 2065 this chapter. Failure, for any length of time, to provide proof
 2066 of insurance coverage as required shall result in the immediate
 2067 suspension of the license until proof of proper insurance is
 2068 provided to the State Fire Marshal. An insurer which provides
 2069 such coverage shall notify the State Fire Marshal of any change
 2070 in coverage or of any termination, cancellation, or nonrenewal
 2071 of any coverage.

2072 4. The applicant applies to the State Fire Marshal,

2073 provides proof of experience, and successfully completes a
2074 prescribed training course offered by the State Fire College or
2075 an equivalent course approved by the State Fire Marshal. This
2076 subparagraph does not apply to any holder of or applicant for a
2077 permit under paragraph (f) or to a business organization or a
2078 governmental entity seeking initial licensure or renewal of an
2079 existing license solely for the purpose of inspecting,
2080 servicing, repairing, marking, recharging, and maintaining fire
2081 extinguishers used and located on the premises of and owned by
2082 such organization or entity.

2083 5. The applicant has a current retestor identification
2084 number that is appropriate for the license for which the
2085 applicant is applying and that is listed with the United States
2086 Department of Transportation.

2087 6. The applicant has passed, with a grade of at least 70
2088 percent, a written examination testing his or her knowledge of
2089 the rules and statutes regulating the activities authorized by
2090 the license and demonstrating his or her knowledge and ability
2091 to perform those tasks in a competent, lawful, and safe manner.
2092 Such examination shall be developed and administered by the
2093 State Fire Marshal, or his or her designee in accordance with
2094 policies and procedures of the State Fire Marshal. An applicant
2095 shall pay a nonrefundable examination fee of \$50 for each
2096 examination or reexamination scheduled. No reexamination shall
2097 be scheduled sooner than 30 days after any administration of an
2098 examination to an applicant. No applicant shall be permitted to
2099 take an examination for any level of license more than a total
2100 of four times during 1 year, regardless of the number of

2101 applications submitted. As a prerequisite to licensure of the
 2102 applicant:

2103 a. Must be at least 18 years of age.

2104 b. Must have 4 years of proven experience as a fire
 2105 equipment permittee at a level equal to or greater than the
 2106 level of license applied for or have a combination of education
 2107 and experience determined to be equivalent thereto by the State
 2108 Fire Marshal. Having held a permit at the appropriate level for
 2109 the required period constitutes the required experience.

2110 c. Must not have been convicted of, or pled nolo
 2111 contendere to, any felony. If an applicant has been convicted of
 2112 any such felony, the applicant must comply with s.
 2113 112.011(1)(b).

2114
 2115 This subparagraph does not apply to any holder of or applicant
 2116 for a permit under paragraph (f) or to a business organization
 2117 or a governmental entity seeking initial licensure or renewal of
 2118 an existing license solely for the purpose of inspecting,
 2119 servicing, repairing, marking, recharging, hydrotesting, and
 2120 maintaining fire extinguishers used and located on the premises
 2121 of and owned by such organization or entity.

2122 Section 45. Section 633.081, Florida Statutes, is amended
 2123 to read:

2124 633.081 Inspection of buildings and equipment; orders;
 2125 firesafety inspection training requirements; certification;
 2126 disciplinary action.—The State Fire Marshal and her or his
 2127 agents shall, at any reasonable hour, when the State Fire
 2128 Marshal ~~department~~ has reasonable cause to believe that a

2129 violation of this chapter or s. 509.215, or a rule promulgated
 2130 thereunder, or a minimum firesafety code adopted by a local
 2131 authority, may exist, inspect any and all buildings and
 2132 structures which are subject to the requirements of this chapter
 2133 or s. 509.215 and rules promulgated thereunder. The authority to
 2134 inspect shall extend to all equipment, vehicles, and chemicals
 2135 which are located within the premises of any such building or
 2136 structure.

2137 (1) Each county, municipality, and special district that
 2138 has firesafety enforcement responsibilities shall employ or
 2139 contract with a firesafety inspector. Except as provided in s.
 2140 633.082(2), the firesafety inspector must conduct all firesafety
 2141 inspections that are required by law. The governing body of a
 2142 county, municipality, or special district that has firesafety
 2143 enforcement responsibilities may provide a schedule of fees to
 2144 pay only the costs of inspections conducted pursuant to this
 2145 subsection and related administrative expenses. Two or more
 2146 counties, municipalities, or special districts that have
 2147 firesafety enforcement responsibilities may jointly employ or
 2148 contract with a firesafety inspector.

2149 (2) Except as provided in s. 633.082(2), every firesafety
 2150 inspection conducted pursuant to state or local firesafety
 2151 requirements shall be by a person certified as having met the
 2152 inspection training requirements set by the State Fire Marshal.
 2153 Such person shall:

2154 (a) Be a high school graduate or the equivalent as
 2155 determined by the department;

2156 (b) Not have been found guilty of, or having pleaded

2157 | guilty or nolo contendere to, a felony or a crime punishable by
 2158 | imprisonment of 1 year or more under the law of the United
 2159 | States, or of any state thereof, which involves moral turpitude,
 2160 | without regard to whether a judgment of conviction has been
 2161 | entered by the court having jurisdiction of such cases;

2162 | (c) Have her or his fingerprints on file with the
 2163 | department or with an agency designated by the department;

2164 | (d) Have good moral character as determined by the
 2165 | department;

2166 | (e) Be at least 18 years of age;

2167 | (f) Have satisfactorily completed the firesafety inspector
 2168 | certification examination as prescribed by the department; and

2169 | (g)1. Have satisfactorily completed, as determined by the
 2170 | department, a firesafety inspector training program of not less
 2171 | than 200 hours established by the department and administered by
 2172 | agencies and institutions approved by the department for the
 2173 | purpose of providing basic certification training for firesafety
 2174 | inspectors; or

2175 | 2. Have received in another state training which is
 2176 | determined by the department to be at least equivalent to that
 2177 | required by the department for approved firesafety inspector
 2178 | education and training programs in this state.

2179 | (3) Each special state firesafety inspection which is
 2180 | required by law and is conducted by or on behalf of an agency of
 2181 | the state must be performed by an individual who has met the
 2182 | provision of subsection (2), except that the duration of the
 2183 | training program shall not exceed 120 hours of specific training
 2184 | for the type of property that such special state firesafety

2185 inspectors are assigned to inspect.

2186 (4) A firefighter certified pursuant to s. 633.35 may
2187 conduct firesafety inspections, under the supervision of a
2188 certified firesafety inspector, while on duty as a member of a
2189 fire department company conducting inservice firesafety
2190 inspections without being certified as a firesafety inspector,
2191 if such firefighter has satisfactorily completed an inservice
2192 fire department company inspector training program of at least
2193 24 hours' duration as provided by rule of the department.

2194 (5) Every firesafety inspector or special state firesafety
2195 inspector certificate is valid for a period of 3 years from the
2196 date of issuance. Renewal of certification shall be subject to
2197 the affected person's completing proper application for renewal
2198 and meeting all of the requirements for renewal as established
2199 under this chapter or by rule promulgated thereunder, which
2200 shall include completion of at least 40 hours during the
2201 preceding 3-year period of continuing education as required by
2202 the rule of the department or, in lieu thereof, successful
2203 passage of an examination as established by the department.

2204 (6) The State Fire Marshal may deny, refuse to renew,
2205 suspend, or revoke the certificate of a firesafety inspector or
2206 special state firesafety inspector if it finds that any of the
2207 following grounds exist:

2208 (a) Any cause for which issuance of a certificate could
2209 have been refused had it then existed and been known to the
2210 State Fire Marshal.

2211 (b) Violation of this chapter or any rule or order of the
2212 State Fire Marshal.

2213 (c) Falsification of records relating to the certificate.

2214 (d) Having been found guilty of or having pleaded guilty
 2215 or nolo contendere to a felony, whether or not a judgment of
 2216 conviction has been entered.

2217 (e) Failure to meet any of the renewal requirements.

2218 (f) Having been convicted of a crime in any jurisdiction
 2219 which directly relates to the practice of fire code inspection,
 2220 plan review, or administration.

2221 (g) Making or filing a report or record that the
 2222 certificateholder knows to be false, or knowingly inducing
 2223 another to file a false report or record, or knowingly failing
 2224 to file a report or record required by state or local law, or
 2225 knowingly impeding or obstructing such filing, or knowingly
 2226 inducing another person to impede or obstruct such filing.

2227 (h) Failing to properly enforce applicable fire codes or
 2228 permit requirements within this state which the
 2229 certificateholder knows are applicable by committing willful
 2230 misconduct, gross negligence, gross misconduct, repeated
 2231 negligence, or negligence resulting in a significant danger to
 2232 life or property.

2233 (i) Accepting labor, services, or materials at no charge
 2234 or at a noncompetitive rate from any person who performs work
 2235 that is under the enforcement authority of the certificateholder
 2236 and who is not an immediate family member of the
 2237 certificateholder. For the purpose of this paragraph, the term
 2238 "immediate family member" means a spouse, child, parent,
 2239 sibling, grandparent, aunt, uncle, or first cousin of the person
 2240 or the person's spouse or any person who resides in the primary

2241 residence of the certificateholder.

2242 (7) The Division of State Fire Marshal and the Florida
 2243 Building Code Administrators and Inspectors Board, established
 2244 pursuant to under s. 468.605, shall enter into a reciprocity
 2245 agreement to facilitate joint recognition of continuing
 2246 education recertification hours for certificateholders licensed
 2247 under s. 468.609 and firesafety inspectors certified under
 2248 subsection (2).

2249 (8) The State Fire Marshal shall develop by rule an
 2250 advanced training and certification program for firesafety
 2251 inspectors having fire code management responsibilities. The
 2252 program must be consistent with the appropriate provisions of
 2253 NFPA 1037, or similar standards adopted by the division, and
 2254 establish minimum training, education, and experience levels for
 2255 firesafety inspectors having fire code management
 2256 responsibilities.

2257 (9)~~(7)~~ The department shall provide by rule for the
 2258 certification of firesafety inspectors.

2259 Section 46. Subsection (2) of section 633.082, Florida
 2260 Statutes, is amended to read:

2261 633.082 Inspection of fire control systems, fire hydrants,
 2262 and fire protection systems.—

2263 (2) Fire hydrants and fire protection systems installed in
 2264 public and private properties, except one-family or two-family
 2265 dwellings, ~~in this state~~ shall be inspected following procedures
 2266 established in the nationally recognized inspection, testing,
 2267 and maintenance standards publications NFPA-24 and NFPA-25 as
 2268 set forth in the edition adopted by the State Fire Marshal.

2269 Quarterly, annual, 3-year, and 5-year inspections consistent
 2270 with the contractual provisions with the owner shall be
 2271 conducted by the certificateholder or permittees employed by the
 2272 certificateholder pursuant to s. 633.521, except that:

2273 (a) Public fire hydrants owned by a governmental entity
 2274 shall be inspected following procedures established in the
 2275 inspection, testing, and maintenance standards adopted by the
 2276 State Fire Marshal or equivalent standards such as those
 2277 contained in the latest edition of the American Water Works
 2278 Association's Manual M17, "Installation, Field Testing, and
 2279 Maintenance of Fire Hydrants."

2280 (b) County, municipal, and special district utilities may
 2281 perform fire hydrant inspections required by this section using
 2282 designated employees. Such designated employees need not be
 2283 certified under this chapter. However, counties, municipalities,
 2284 or special districts that use designated employees are
 2285 responsible for ensuring that the designated employees are
 2286 qualified to perform such inspections.

2287 Section 47. Section 633.352, Florida Statutes, is amended
 2288 to read:

2289 633.352 Retention of firefighter certification.—Any
 2290 certified firefighter who has not been active as a firefighter,
 2291 or as a volunteer firefighter with an organized fire department,
 2292 for a period of 3 years shall be required to retake the
 2293 practical portion of the minimum standards state examination
 2294 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
 2295 Administrative Code, in order to maintain her or his
 2296 certification as a firefighter; however, this requirement does

2297 not apply to state-certified firefighters who are certified and
2298 employed as full-time firesafety inspectors or firesafety
2299 instructors, regardless of the firefighter's employment status
2300 ~~as determined by the division~~. The 3-year period begins on the
2301 date the certificate of compliance is issued or upon termination
2302 of service with an organized fire department.

2303 Section 48. Paragraph (e) of subsection (2) and
2304 subsections (3), (10), and (11) of section 633.521, Florida
2305 Statutes, are amended to read:

2306 633.521 Certificate application and issuance; permit
2307 issuance; examination and investigation of applicant.—

2308 (2)

2309 (e) An applicant may not be examined more than four times
2310 during 1 year for certification as a contractor pursuant to this
2311 section unless the person is or has been certified and is taking
2312 the examination to change classifications. If an applicant does
2313 not pass one or more parts of the examination, she or he may
2314 take any part of the examination three more times during the 1-
2315 year period beginning upon the date she or he originally filed
2316 an application to take the examination. If the applicant does
2317 not pass the examination within that 1-year period, she or he
2318 must file a new application and pay the application and
2319 examination fees in order to take the examination or a part of
2320 the examination again. However, the applicant may not file a new
2321 application sooner than 6 months after the date of her or his
2322 last examination. An applicant who passes the examination but
2323 does not meet the remaining qualifications as provided in
2324 applicable statutes and rules within 1 year after the

2325 application date must file a new application, pay the
 2326 application and examination fee, successfully complete a
 2327 prescribed training course approved by the State Fire College or
 2328 an equivalent course approved by the State Fire Marshal, and
 2329 retake and pass the written examination.

2330 (3) (a) As a prerequisite to taking the examination for
 2331 certification as a Contractor I, ~~Contractor II, or Contractor~~
 2332 ~~III~~, the applicant must be at least 18 years of age, be of good
 2333 moral character, and ~~shall~~ possess 4 years' proven experience in
 2334 the employment of a fire protection system Contractor I,
 2335 ~~Contractor II, or Contractor III~~ or a combination of equivalent
 2336 education and experience in both water-based and chemical fire
 2337 suppression systems.

2338 (b) As a prerequisite to taking the examination for
 2339 certification as a Contractor II, the applicant must be at least
 2340 18 years of age, be of good moral character, and have 4 years of
 2341 verifiable employment experience with a fire protection system
 2342 as a Contractor I or Contractor II, or a combination of
 2343 equivalent education and experience in water-based fire
 2344 suppression systems.

2345 (c) Required education and experience for certification as
 2346 a Contractor I, Contractor II, Contractor III, or Contractor IV
 2347 includes training and experience in both installation and system
 2348 layout as defined in s. 633.021.

2349 (d) As a prerequisite to taking the examination for
 2350 certification as a Contractor III, the applicant must be at
 2351 least 18 years of age, be of good moral character, and have 4
 2352 years of verifiable employment experience with a fire protection

2353 system as a Contractor I or Contractor II, or a combination of
 2354 equivalent education and experience in chemical fire suppression
 2355 systems.

2356 (e) As a prerequisite to taking the examination for
 2357 certification as a Contractor IV, the applicant ~~must shall~~ be at
 2358 least 18 years old, be of good moral character, ~~be licensed as a~~
 2359 certified plumbing contractor under chapter 489, and
 2360 successfully complete a training program acceptable to the State
 2361 Fire Marshal of not less than 40 contact hours regarding the
 2362 applicable installation standard used by the Contractor IV as
 2363 described in NFPA 13D. The State Fire Marshal may adopt rules to
 2364 administer this subsection ~~have at least 2 years' proven~~
 2365 ~~experience in the employment of a fire protection system~~
 2366 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
 2367 ~~combination of equivalent education and experience which~~
 2368 ~~combination need not include experience in the employment of a~~
 2369 ~~fire protection system contractor.~~

2370 (f) As a prerequisite to taking the examination for
 2371 certification as a Contractor V, the applicant ~~must shall~~ be at
 2372 least 18 years old, be of good moral character, and have been
 2373 licensed as a certified underground utility and excavation
 2374 contractor or certified plumbing contractor pursuant to chapter
 2375 489, have verification by an individual who is licensed as a
 2376 certified utility contractor or certified plumbing contractor
 2377 pursuant to chapter 489 that the applicant has 4 years' proven
 2378 experience in the employ of a certified underground utility and
 2379 excavation contractor or certified plumbing contractor, or have
 2380 a combination of education and experience equivalent to 4 years'

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2381 proven experience in the employ of a certified underground
2382 utility and excavation contractor or certified plumbing
2383 contractor.

2384 (g) Within 30 days after the date of the examination, the
2385 State Fire Marshal shall inform the applicant in writing whether
2386 she or he has qualified or not and, if the applicant has
2387 qualified, that she or he is ready to issue a certificate of
2388 competency, subject to compliance with the requirements of
2389 subsection (4).

2390 ~~(10) Effective July 1, 2008,~~ The State Fire Marshal shall
2391 require the National Institute of Certification in Engineering
2392 Technologies (NICET), Sub-field of Inspection and Testing of
2393 Fire Protection Systems Level II or equivalent training and
2394 education as determined by the division as proof that the
2395 permitholders are knowledgeable about nationally accepted
2396 standards for the inspection of fire protection systems. ~~It is~~
2397 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
2398 ~~to accept continuing education of all certificateholders'~~
2399 ~~employees who perform inspection functions which specifically~~
2400 ~~prepares the permitholder to qualify for NICET II certification.~~

2401 (11) It is intended that a certificateholder, or a
2402 permitholder who is employed by a certificateholder, conduct
2403 inspections required by this chapter. It is understood that
2404 after July 1, 2008, employee turnover may result in a depletion
2405 of personnel who are certified under the NICET Sub-field of
2406 Inspection and Testing of Fire Protection Systems Level II or
2407 equivalent training and education as required by the Division of
2408 State Fire Marshal ~~which is required for permitholders.~~ The

2409 ~~extensive training and experience necessary to achieve NICET~~
 2410 ~~Level II certification is recognized.~~ A certificateholder may
 2411 ~~therefore~~ obtain a provisional permit with an endorsement for
 2412 inspection, testing, and maintenance of water-based fire
 2413 extinguishing systems for an employee if the employee has
 2414 initiated procedures for obtaining Level II certification from
 2415 the National Institute for Certification in Engineering
 2416 Technologies Sub-field of Inspection and Testing of Fire
 2417 Protection Systems and achieved Level I certification or an
 2418 equivalent level as determined by the State Fire Marshal through
 2419 verification of experience, training, and examination. The State
 2420 Fire Marshal may establish rules to administer this subsection.
 2421 After 2 years of provisional certification, the employee must
 2422 have achieved NICET Level II certification or obtain equivalent
 2423 training and education as determined by the division, or cease
 2424 performing inspections requiring Level II certification. The
 2425 provisional permit is valid only for the 2 calendar years after
 2426 the date of issuance, may not be extended, and is not renewable.
 2427 After the initial 2-year provisional permit expires, the
 2428 certificateholder must wait 2 additional years before a new
 2429 provisional permit may be issued. The intent is to prohibit the
 2430 certificateholder from using employees who never reach NICET
 2431 Level II status, or equivalent training and education as
 2432 determined by the division, by continuously obtaining
 2433 provisional permits.

2434 Section 49. Subsection (3) is added to section 633.524,
 2435 Florida Statutes, to read:

2436 633.524 Certificate and permit fees; use and deposit of

2437 collected funds.—

2438 (3) The State Fire Marshal may enter into a contract with
 2439 any qualified public entity or private company in accordance
 2440 with chapter 287 to provide examinations for any applicant for
 2441 any examination administered under the jurisdiction of the State
 2442 Fire Marshal. The State Fire Marshal may direct payments from
 2443 each applicant for each examination directly to such contracted
 2444 entity or company.

2445 Section 50. Subsection (4) of section 633.537, Florida
 2446 Statutes, is amended to read:

2447 633.537 Certificate; expiration; renewal; inactive
 2448 certificate; continuing education.—

2449 (4) The renewal period for the permit class is the same as
 2450 that for the employing certificateholder. The continuing
 2451 education requirements for permitholders are what is required to
 2452 maintain NICET Sub-field of Inspection and Testing of Fire
 2453 Protection Systems Level II, equivalent training and education
 2454 as determined by the division, or higher certification plus 8
 2455 contact hours of continuing education approved by the State Fire
 2456 Marshal during each biennial renewal period thereafter. ~~The~~
 2457 ~~continuing education curriculum from July 1, 2005, until July 1,~~
 2458 ~~2008, shall be the preparatory curriculum for NICET II~~
 2459 ~~certification; after July 1, 2008, the technical curriculum is~~
 2460 ~~at the discretion of the State Fire Marshal and may be used to~~
 2461 ~~meet the maintenance of NICET Level II certification and 8~~
 2462 ~~contact hours of continuing education requirements.~~ It is the
 2463 responsibility of the permitholder to maintain NICET II
 2464 certification or equivalent training and education as determined

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2465 by the division as a condition of permit renewal after July 1,
 2466 2008.

2467 Section 51. Subsection (4) of section 633.72, Florida
 2468 Statutes, is amended to read:

2469 633.72 Florida Fire Code Advisory Council.—

2470 (4) Each appointee shall serve a 4-year term. No member
 2471 shall serve more than two consecutive terms ~~one term~~. No member
 2472 of the council shall be paid a salary as such member, but each
 2473 shall receive travel and expense reimbursement as provided in s.
 2474 112.061.

2475 Section 52. Subsection (6) of section 718.113, Florida
 2476 Statutes, is repealed.

2477 Section 53. The Florida Building Commission shall revise
 2478 the Florida Building Code in order to make it consistent with
 2479 the revisions made by this act to s. 399.02, Florida Statutes.

2480 Section 54. This act shall take effect July 1, 2010.