

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.; authorizing
6 the Division of Hotels and Restaurants of the Department
7 of Business and Professional Regulation to have access to
8 places in which a conveyance and equipment are located;
9 authorizing the division to grant variances from certain
10 rules for undue hardship; prohibiting the enforcement of
11 Phase II Firefighters' Service on certain elevators for a
12 specified period; amending s. 399.15, F.S.; providing an
13 alternative method to allow access to regional emergency
14 elevators; providing for a uniform lock box; providing for
15 a master key; providing the Division of State Fire Marshal
16 with enforcement authority; directing the Department of
17 Financial Services to select the provider of the uniform
18 lock box; creating s. 455.2122, F.S.; authorizing distance
19 learning courses as an alternative to classroom
20 instruction for certain licenses; prohibiting the
21 department or regulatory board from requiring centralized
22 licensing examinations for certain licenses; creating s.
23 455.2123, F.S.; authorizing distance learning courses as
24 an alternative to classroom instruction for certain
25 licenses; prohibiting the department or a regulatory board
26 from requiring centralized licensing examinations for
27 certain licenses; amending s. 468.631, F.S.; revising the
28 amount of a surcharge and imposing the surcharge on

29 certain building permits; requiring the unit of government
30 collecting the surcharge to electronically remit the funds
31 to the Department of Business and Professional Regulation;
32 requiring the unit of government collecting the surcharge
33 to retain a portion of the funds to fund certain
34 activities of building departments; requiring that the
35 remaining funds from the surcharge be used to fund the
36 Florida Homeowners' Construction Recovery Fund and the
37 Florida Building Code Administrators and Inspectors Board;
38 amending s. 468.83, F.S.; providing for the creation of
39 the home inspection services licensing program within the
40 Department of Business and Professional Regulation;
41 amending s. 468.8311, F.S.; revising the term "home
42 inspection services"; amending s. 468.8312, F.S.; deleting
43 a fee provision for certain certificates of authorization;
44 amending s. 468.8313, F.S.; revising examination
45 requirements for licensure as a home inspector; providing
46 fingerprinting requirements and procedures for license
47 applications; providing that the applicant is responsible
48 for certain costs; amending s. 468.8318, F.S.; revising
49 requirements and procedures for certification of
50 corporations and partnerships offering home inspection
51 services to the public; deleting provisions relating to
52 required certificates of authorization; amending s.
53 468.8319, F.S.; delaying the enforcement of a prohibition
54 against performing certain activities by a person who is
55 not licensed as a home inspector; revising certain
56 prohibitions with respect to providers of home inspection

57 | services; amending s. 468.832, F.S.; providing an
58 | additional ground for taking certain disciplinary actions;
59 | amending s. 468.8324, F.S.; specifying additional
60 | requirements for licensure as a home inspector; creating
61 | s. 468.8325, F.S.; requiring the department to adopt rules
62 | to administer part XV of ch. 468, F.S., relating to home
63 | inspectors; amending s. 468.84, F.S.; providing for the
64 | creation of the mold-related services licensing program
65 | within the Department of Business and Professional
66 | Regulation; amending s. 468.8412, F.S.; deleting a fee
67 | provision for certain biennial certificates of
68 | authorization renewal; amending s. 468.8413, F.S.;
69 | revising examination requirements and procedures for
70 | licensure as a mold assessor or mold remediator; providing
71 | fingerprinting requirements and procedures for license
72 | applications; providing that the applicant is responsible
73 | for certain costs; amending s. 468.8414, F.S.; specifying
74 | an additional applicant qualification criterion for
75 | licensure by endorsement; amending s. 468.8418, F.S.;
76 | revising requirements and procedures for certification of
77 | corporations and partnerships offering mold assessment or
78 | mold remediation services to the public; deleting
79 | provisions relating to required certificates of
80 | authorization; amending s. 468.8419, F.S.; delaying the
81 | enforcement of a prohibition against performing certain
82 | activities by a person who is not licensed as a mold
83 | assessor; amending s. 468.842, F.S.; providing an
84 | additional ground for taking certain disciplinary actions;

85 | amending s. 468.8421, F.S.; specifying an insurance
86 | coverage requirement for mold assessors; amending s.
87 | 468.8423, F.S.; specifying additional requirements for
88 | licensure as a mold assessor or mold remediator; creating
89 | s. 468.8424, F.S.; requiring the Department of Business
90 | and Professional Regulation to adopt rules to administer
91 | part XVI of ch. 468, F.S., relating to mold-related
92 | services; amending s. 489.103, F.S.; conforming a cross-
93 | reference; amending s. 553.37, F.S.; authorizing
94 | manufacturers to pay inspection fees directly to the
95 | provider of inspection services; providing requirements
96 | for rules of the Department of Business and Professional
97 | Regulation regarding the schedule of fees; authorizing the
98 | department to enter into contracts for the performance of
99 | certain administrative duties; revising inspection
100 | requirements for certain custom manufactured buildings;
101 | amending s. 553.375, F.S.; revising the requirement for
102 | recertification of manufactured buildings prior to
103 | relocation; amending s. 553.509, F.S.; deleting certain
104 | requirements for alternate power sources for elevators for
105 | purposes of operating during an emergency; amending s.
106 | 553.512, F.S.; requiring the Florida Building Commission
107 | to establish by rule a fee for certain waiver requests;
108 | amending s. 553.721, F.S.; revising the amount of a
109 | surcharge and imposing the surcharge on certain building
110 | permits; requiring the unit of government collecting the
111 | surcharge to electronically remit the funds to the
112 | Department of Community Affairs; requiring the unit of

113 government collecting the surcharge to retain a portion of
114 the funds to fund certain activities of building
115 departments; requiring the remaining funds from the
116 surcharge to be used to fund the Florida Building
117 Commission and the Department of Community Affairs;
118 amending s. 553.73, F.S.; conforming cross-references;
119 authorizing counties and municipalities to adopt by
120 ordinance administrative or technical amendments to the
121 Florida Building Code for certain flood-related purposes;
122 specifying requirements and procedures; revising
123 foundation code adoption requirements; authorizing the
124 Florida Building Commission to approve amendments relating
125 to equivalency of standards; exempting certain mausoleums
126 from the requirements of the Florida Building Code;
127 exempting certain temporary housing provided by the
128 Department of Corrections from the requirements of the
129 Florida Building Code; restricting the code, code
130 enforcement agencies, and local governments from imposing
131 requirements on certain mechanical equipment on roofs;
132 amending s. 553.74, F.S.; specifying absence of
133 impermissible conflicts of interest for certain committee
134 or workgroup members while representing clients under
135 certain circumstances; specifying certain prohibited
136 activities for such members; amending s. 553.76, F.S.;
137 authorizing the Florida Building Commission to adopt rules
138 related to consensus-building decisionmaking; amending s.
139 553.775, F.S.; conforming a cross-reference; authorizing
140 the commission to charge a fee for filing certain requests

141 and for nonbinding interpretations; limiting fees for
142 nonbinding interpretations; amending s. 553.79, F.S.;
143 requiring certain inspection services to be performed
144 under the alternative plans review and inspection process
145 or by a local governmental entity; reenacting s.
146 553.80(1), F.S., relating to the enforcement of the
147 Florida Building Code, to incorporate the amendments made
148 to s. 553.79, F.S., in a reference thereto; amending s.
149 553.80, F.S.; specifying nonapplicability of certain
150 exemptions from the Florida Building Code granted by
151 certain enforcement entities under certain circumstances;
152 revising requirements for review of facility plans and
153 construction surveyed for certain hospitals and health
154 care facilities; amending s. 553.841, F.S.; deleting
155 provisions requiring that the Department of Community
156 Affairs maintain, update, develop, or cause to be
157 developed a core curriculum for persons who enforce the
158 Florida Building Code; amending s. 553.842, F.S.;
159 authorizing rules requiring the payment of product
160 evaluation fees directly to the administrator of the
161 product evaluation and approval system; specifying the use
162 of such fees; authorizing the Florida Building Commission
163 to provide by rule for editorial revisions to certain
164 approvals and charge certain fees; providing requirements
165 for the approval of applications for state approval of a
166 product; providing for certain approved products to be
167 immediately added to the list of state-approved products;
168 requiring that the commission's oversight committee review

169 approved products; revising the list of approved
170 evaluation entities; deleting obsolete provisions
171 governing evaluation entities; amending s. 553.844, F.S.;
172 providing an exemption from the requirements regarding
173 roof and opening protections for certain exposed
174 mechanical equipment or appliances; providing for future
175 expiration; amending s. 553.885, F.S.; revising
176 requirements for carbon monoxide alarms; providing an
177 exception for buildings undergoing alterations or repairs;
178 defining the term "addition" as it relates to the
179 requirement of a carbon monoxide alarm; amending s.
180 553.9061, F.S.; revising the energy-efficiency performance
181 options and elements identified by the commission for
182 purposes of meeting certain goals; amending s. 553.909,
183 F.S.; revising a compliance criterion for certain swimming
184 pool pumps or water heaters; revising requirements for
185 residential swimming pool pumps and pump motors; amending
186 s. 553.912, F.S.; providing requirements for replacement
187 air-conditioning systems; amending s. 627.711, F.S.;
188 conforming provisions to changes made by the act in which
189 core curriculum courses relating to the Florida Building
190 Code are deleted; revising the list of persons qualified
191 to sign certain mitigation verification forms for certain
192 purposes; amending s. 633.021, F.S.; providing additional
193 definitions for fire equipment dealers; revising the
194 definition of the term "preengineered systems"; amending
195 s. 633.0215, F.S.; providing guidelines for the State Fire
196 Marshal to apply when issuing an expedited declaratory

197 statement; requiring that the State Fire Marshal issue an
198 expedited declaratory statement under certain
199 circumstances; providing requirements for a petition
200 requesting an expedited declaratory statement; exempting
201 certain condominiums from installing manual fire alarm
202 systems; amending s. 633.0245, F.S.; conforming cross-
203 references; amending s. 633.025, F.S.; exempting single-
204 family dwelling units from fire sprinkler requirements;
205 amending s. 633.026, F.S.; providing legislative intent;
206 revising authority of the State Fire Marshal to contract
207 with and refer interpretive issues to certain entities;
208 providing for the establishment of the Fire Code
209 Interpretation Committee; providing for the membership of
210 the committee and requirements for membership; requiring
211 that nonbinding interpretations of the Florida Fire
212 Prevention Code be issued within a specified period after
213 a request is received; providing for the waiver of such
214 requirement under certain conditions; requiring that the
215 Division of State Fire Marshal charge a fee for nonbinding
216 interpretations; providing that fees may be paid directly
217 to a contract provider; providing requirements for
218 requesting a nonbinding interpretation; requiring that the
219 Division of State Fire Marshal develop a form for
220 submitting a petition for a nonbinding interpretation;
221 providing for a formal interpretation by the State Fire
222 Marshal; requiring that an interpretation of the Florida
223 Fire Prevention Code be published on the division's
224 website and in the Florida Administrative Weekly; amending

225 s. 626.061, F.S.; authorizing certain fire equipment
226 dealer licensees to maintain inactive license status under
227 certain circumstances; providing requirements; providing
228 for a renewal fee; revising certain continuing education
229 requirements; revising an applicant licensure
230 qualification requirement; amending s. 633.081, F.S.;
231 requiring that the State Fire Marshal inspect a building
232 when the State Fire Marshal, rather than the Department of
233 Financial Services, has cause to believe a violation has
234 occurred; providing exceptions for requirements that
235 certain firesafety inspections be conducted by firesafety
236 inspectors; requiring that the Division of State Fire
237 Marshal and the Florida Building Code Administrators and
238 Inspectors Board enter into a reciprocity agreement for
239 purposes of recertifying building code inspectors, plan
240 inspectors, building code administrators, and firesafety
241 inspectors; requiring that the State Fire Marshal develop
242 by rule an advanced training and certification program for
243 firesafety inspectors who have fire code management
244 responsibilities; requiring that the program be consistent
245 with certain standards and establish minimum training,
246 education, and experience levels for such firesafety
247 inspectors; amending s. 633.082, F.S.; authorizing
248 alternative inspection procedures for certain fire
249 hydrants; requiring periodic testing or operation of
250 certain equipment; providing that nonmandated sprinkler
251 systems may not be required to be removed; amending s.
252 633.352, F.S.; providing an exception to requirements for

253 recertification as a firefighter; amending s. 633.521,
 254 F.S.; revising requirements for certification as a fire
 255 protection system contractor; revising the prerequisites
 256 for taking the certification examination; authorizing the
 257 State Fire Marshal to accept more than one source of
 258 professional certification; revising legislative intent;
 259 amending s. 633.524, F.S.; authorizing the State Fire
 260 Marshal to enter into contracts for examination services;
 261 providing for the direct payment of examination fees to
 262 contract providers; amending s. 633.537, F.S.; revising
 263 the continuing education requirements for certain
 264 permitholders; amending 633.72, F.S.; revising the terms
 265 of service for members of the Fire Code Advisory Council;
 266 repealing s. 718.113(6), F.S., relating to requirements
 267 for 5-year inspections of certain condominium
 268 improvements; directing the Florida Building Commission to
 269 conform provisions of the Florida Building Code with
 270 revisions made by the act relating to the operation of
 271 elevators; providing an effective date.

272

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

274

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

277 196.031 Exemption of homesteads.—

278 (6) When homestead property is damaged or destroyed by
 279 misfortune or calamity and the property is uninhabitable on
 280 January 1 after the damage or destruction occurs, the homestead

281 exemption may be granted if the property is otherwise qualified
 282 and if the property owner notifies the property appraiser that
 283 he or she intends to repair or rebuild the property and live in
 284 the property as his or her primary residence after the property
 285 is repaired or rebuilt and does not claim a homestead exemption
 286 on any other property or otherwise violate this section. Failure
 287 by the property owner to commence the repair or rebuilding of
 288 the homestead property within 3 years after January 1 following
 289 the property's damage or destruction constitutes abandonment of
 290 the property as a homestead. After the 3-year period, the
 291 expiration, lapse, nonrenewal, or revocation of a building
 292 permit issued to the property owner for such repairs or
 293 rebuilding also constitutes abandonment of the property as
 294 homestead.

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

298 399.02 General requirements.—

299 (6) (a) The department is empowered to carry out all of the
 300 provisions of this chapter relating to the inspection and
 301 regulation of elevators and to enforce the provisions of the
 302 Florida Building Code.

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

307 (8) The division may grant variances for undue hardship
 308 pursuant to s. 120.542 and the rules adopted under this section.

309 Such rules must include a process for requests for variances.
310 The division may not grant a request for a variance unless it
311 finds that the variance will not adversely affect the safety of
312 the public.

313 (9) Updates to the Safety Code for Existing Elevators and
314 Escalators, ASME A17.1 and A17.3, which require Phase II
315 Firefighters' Service on elevators may not be enforced until
316 July 1, 2015, or until the elevator is replaced or requires
317 major modification, whichever occurs first, on elevators in
318 condominiums or multifamily residential buildings, including
319 those that are part of a continuing care facility licensed under
320 chapter 651, or similar retirement community with apartments,
321 having a certificate of occupancy by the local building
322 authority that was issued before July 1, 2008. This exception
323 does not prevent an elevator owner from requesting a variance
324 from the applicable codes before or after July 1, 2015. This
325 subsection does not prohibit the division from granting
326 variances pursuant to s. 120.542 and subsection (8). The
327 division shall adopt rules to administer this subsection.

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

331 399.15 Regional emergency elevator access.—

332 (7) As an alternative to complying with the requirements
333 of subsection (1), each building in this state which is required
334 to meet the provisions of subsections (1) and (2) may instead
335 provide for the installation of a uniform lock box that contains
336 the keys to all elevators in the building allowing public

337 access, including service and freight elevators. The uniform
 338 lock box must be keyed to allow all uniform lock boxes in each
 339 of the seven state emergency response regions to operate in fire
 340 emergency situations using one master key. The master key for
 341 the uniform lock shall be issued only to the fire department.
 342 The Division of State Fire Marshal of the Department of
 343 Financial Services shall enforce this subsection. The Department
 344 of Financial Services shall select the provider of the uniform
 345 lock box to be installed in each building in which the
 346 requirements of this subsection are implemented.

347 Section 4. Section 455.2122, Florida Statutes, is created
 348 to read:

349 455.2122 Education.—A board, or the department where there
 350 is no board, shall approve distance learning courses as an
 351 alternative to classroom courses to satisfy prelicensure or
 352 postlicensure education requirements provided for in part VIII
 353 of chapter 468 or part I of chapter 475. A board, or the
 354 department when there is no board, may not require centralized
 355 examinations for completion of prelicensure or postlicensure
 356 education requirements for those professions licensed under part
 357 VIII of chapter 468 or part I of chapter 475.

358 Section 5. Section 455.2123, Florida Statutes, is amended
 359 to read:

360 455.2123 Continuing education.—A board, or the department
 361 when there is no board, may provide by rule that distance
 362 learning may be used to satisfy continuing education
 363 requirements. A board, or the department when there is no board,
 364 shall approve distance learning courses as an alternative to

365 classroom courses to satisfy continuing education requirements
 366 provided for in part VIII, part XV, or part XVI of chapter 468
 367 or part I or part II of chapter 475 and may not require
 368 centralized examinations for completion of continuing education
 369 requirements for the professions licensed under part VIII, part
 370 XV, or part XVI of chapter 468 or part I or part II of chapter
 371 475.

372 Section 6. Subsection (1) of section 468.631, Florida
 373 Statutes, is amended to read:

374 468.631 Building Code Administrators and Inspectors Fund.—

375 (1) This part shall be funded through a surcharge, to be
 376 assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of
 377 1.5 percent of the permit fees associated with enforcement of
 378 the Florida Building Code on any permits issued for ~~one-half~~
 379 ~~cent per square foot of under-roof floor space permitted,~~
 380 ~~including~~ new construction, repairs, renovations, alterations,
 381 and additions. This includes permits issued for electrical, gas,
 382 mechanical, plumbing, and roofing work. The minimum amount
 383 collected on any permit issued shall be \$2. The unit of
 384 government responsible for collecting permit fees pursuant to s.
 385 125.56(4) or s. 166.201 shall collect such surcharge and shall
 386 electronically remit the funds to the department on a quarterly
 387 calendar basis beginning not later than December 31, 1993, for
 388 the preceding quarter, and continuing each third month
 389 thereafter; and such unit of government shall ~~may~~ retain an
 390 ~~amount up to~~ 10 percent of the surcharge collected to fund the
 391 participation of building departments in the national and state
 392 building code promulgation processes and to provide education

393 ~~related to enforcement of the Florida Building Code projects and~~
 394 ~~activities intended to improve the quality of building code~~
 395 ~~enforcement.~~ There is created within the Professional Regulation
 396 Trust Fund a separate account to be known as the Building Code
 397 Administrators and Inspectors Fund, which shall deposit and
 398 disburse funds as necessary for the implementation of this part.
 399 The proceeds from this surcharge shall be allocated equally to
 400 fund the Florida Homeowners' Construction Recovery Fund
 401 established by s. 489.140 and the functions of the board. ~~The~~
 402 ~~department shall annually establish the amount needed to fund~~
 403 ~~the certification and regulation of building code~~
 404 ~~administrators, plans examiners, and building code inspectors.~~
 405 ~~Any funds collected in excess of the amount needed to adequately~~
 406 ~~fund the certification and regulation of building code~~
 407 ~~administrators, plans examiners, and building code inspectors~~
 408 ~~shall be deposited into the Florida Homeowners' Construction~~
 409 ~~Recovery Fund established by s. 489.140. If the Florida~~
 410 ~~Homeowners' Construction Recovery Fund is fully funded as~~
 411 ~~provided by s. 489.140, any remaining funds shall be distributed~~
 412 ~~to the Construction Industry Licensing Board for use in the~~
 413 ~~regulation of certified and registered contractors.~~

414 Section 7. Section 468.83, Florida Statutes, is amended to
 415 read:

416 468.83 Home inspection services licensing program;
 417 purpose.—

418 (1) There is created within the department the home
 419 inspection services licensing program.

420 (2) The Legislature recognizes that there is a need to

421 require the licensing of home inspectors and to ensure that
 422 consumers of home inspection services can rely on the competence
 423 of home inspectors, as determined by educational and experience
 424 requirements and testing. Therefore, the Legislature deems it
 425 necessary in the interest of the public welfare to regulate home
 426 inspectors in this state.

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

429 468.8311 Definitions.—As used in this part, the term:

430 (4) "Home inspection services" means a limited visual
 431 examination of ~~one or more of~~ the following readily accessible
 432 installed systems and components of a home: the structure,
 433 electrical system, HVAC system, roof covering, plumbing system,
 434 interior components, exterior components, and site conditions
 435 that affect the structure, for the purposes of providing a
 436 written professional opinion of the condition of the home.

437 Section 9. Subsections (4) through (8) of section
 438 468.8312, Florida Statutes, are amended to read:

439 468.8312 Fees.—

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

442 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

443 (5)~~(6)~~ The fee for licensure by endorsement shall not
 444 exceed \$200.

445 (6)~~(7)~~ The fee for application for inactive status or for
 446 reactivation of an inactive license shall not exceed \$200.

447 (7)~~(8)~~ The fee for applications from providers of
 448 continuing education may not exceed \$500.

449 Section 10. Subsections (1) and (2) of section 468.8313,
 450 Florida Statutes, are amended, present subsection (6) of that
 451 section is renumbered as subsection (7) and amended, and a new
 452 subsection (6) is added to that section, to read:

453 468.8313 Examinations.—

454 (1) A person desiring to be licensed as a home inspector
 455 must ~~shall~~ apply to the department after he or she satisfies the
 456 examination requirements of this part ~~to take a licensure~~
 457 ~~examination.~~

458 (2) An applicant may ~~shall be entitled to take the~~
 459 ~~licensure examination for the purpose of determining whether he~~
 460 ~~or she is qualified to practice in this state as a home~~
 461 ~~inspector if~~ he or she passes the required examination, the
 462 ~~applicant~~ is of good moral character, and completes ~~has~~
 463 ~~completed~~ a course of study of at least ~~no less than~~ 120 hours
 464 that covers all of the following components of a home:
 465 structure, electrical system, HVAC system, roof covering,
 466 plumbing system, interior components, exterior components, and
 467 site conditions that affect the structure.

468 (6) An applicant for a license shall submit, together with
 469 the application, a complete set of electronic fingerprints to
 470 the department. The department shall submit the fingerprints to
 471 the Department of Law Enforcement for state processing, and the
 472 Department of Law Enforcement shall forward them to the Federal
 473 Bureau of Investigation for national processing, to determine
 474 whether the applicant has a criminal history record. The
 475 department shall review the background results to determine if
 476 an applicant meets licensure requirements. The applicant is

477 responsible for the cost associated with processing the
 478 fingerprints. The authorized agencies or vendors shall collect
 479 such fees and pay for the processing costs due to the Department
 480 of Law Enforcement.

481 ~~(7)(6)~~ The department may adopt rules pursuant to ss.
 482 ~~120.536(1) and 120.54~~ to implement the provisions of this
 483 section.

484 Section 11. Section 468.8318, Florida Statutes, is amended
 485 to read:

486 468.8318 Certification of corporations and partnerships.-

487 ~~(1) The department shall issue a certificate of~~
 488 ~~authorization to a corporation or partnership offering home~~
 489 ~~inspection services to the public if the corporation or~~
 490 ~~partnership satisfies all of the requirements of this part.~~

491 ~~(2)~~ The practice of or the offer to practice home
 492 inspection services by licensees through a corporation or
 493 partnership offering home inspection services to the public, or
 494 by a corporation or partnership offering such services to the
 495 public through licensees under this part as agents, employees,
 496 officers, or partners, is permitted subject to the provisions of
 497 this part, provided that all personnel of the corporation or
 498 partnership who act in its behalf as home inspectors in this
 499 state are licensed as provided by this part; ~~and further~~
 500 ~~provided that the corporation or partnership has been issued a~~
 501 ~~certificate of authorization by the department as provided in~~
 502 ~~this section.~~ Nothing in this section shall be construed to
 503 allow a corporation to hold a license to practice home
 504 inspection services. No corporation or partnership shall be

505 relieved of responsibility for the conduct or acts of its
506 agents, employees, or officers by reason of its compliance with
507 this section, nor shall any individual practicing home
508 inspection services be relieved of responsibility for
509 professional services performed by reason of his or her
510 employment or relationship with a corporation or partnership.

511 ~~(3) For the purposes of this section, a certificate of~~
512 ~~authorization shall be required for a corporation, partnership,~~
513 ~~association, or person practicing under a fictitious name and~~
514 ~~offering home inspection services to the public; however, when~~
515 ~~an individual is practicing home inspection services in his or~~
516 ~~her own given name, he or she shall not be required to register~~
517 ~~under this section.~~

518 ~~(4) Each certificate of authorization shall be renewed~~
519 ~~every 2 years. Each partnership and corporation certified under~~
520 ~~this section shall notify the department within 1 month of any~~
521 ~~change in the information contained in the application upon~~
522 ~~which the certification is based.~~

523 ~~(5) Disciplinary action against a corporation or~~
524 ~~partnership shall be administered in the same manner and on the~~
525 ~~same grounds as disciplinary action against a licensed home~~
526 ~~inspector.~~

527 Section 12. Section 468.8319, Florida Statutes, is amended
528 to read:

529 468.8319 Prohibitions; penalties.—

530 (1) A person ~~home inspector, a company that employs a home~~
531 ~~inspector, or a company that is controlled by a company that~~
532 ~~also has a financial interest in a company employing a home~~

533 ~~inspector~~ may not:

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

537 (b) Effective July 1, 2011, use the name or title
538 "certified home inspector," "registered home inspector,"
539 "licensed home inspector," "home inspector," "professional home
540 inspector," or any combination thereof unless the person has
541 complied with the provisions of this part;

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

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

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

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

553 (g) Inspect ~~for a fee~~ any property in which the inspector
554 or the inspector's company has any financial or transfer
555 interest;

556 (h) Offer or deliver any compensation, inducement, or
557 reward to any broker or agent therefor for the referral of the
558 owner of the inspected property to the inspector or the
559 inspection company; or

560 (i) Accept an engagement to make an omission or prepare a

561 report in which the inspection itself, or the fee payable for
 562 the inspection, is contingent upon either the conclusions in the
 563 report, preestablished findings, or the close of escrow.

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

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

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

572 468.832 Disciplinary proceedings.—

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

575 (a) Violation of any provision of this part or s.
 576 455.227(1).~~†~~

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

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

583 (d) Being convicted or found guilty of, or entering a plea
 584 of nolo contendere to, regardless of adjudication, a crime in
 585 any jurisdiction that directly relates to the practice of home
 586 inspection services or the ability to practice home inspection
 587 services.~~†~~

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

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589 knows to be false, willfully failing to file a report or record
 590 required by state or federal law, willfully impeding or
 591 obstructing such filing, or inducing another person to impede or
 592 obstruct such filing. Such reports or records shall include only
 593 those that are signed in the capacity of a licensed home
 594 inspector.~~†~~

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

597 (g) Engaging in fraud or deceit, or negligence,
 598 incompetency, or misconduct, in the practice of home inspection
 599 services.~~†~~

600 (h) Failing to perform any statutory or legal obligation
 601 placed upon a licensed home inspector; violating any provision
 602 of this chapter, a rule of the department, or a lawful order of
 603 the department previously entered in a disciplinary hearing; or
 604 failing to comply with a lawfully issued subpoena of the
 605 department.~~†~~~~or~~

606 (i) Practicing on a revoked, suspended, inactive, or
 607 delinquent license.

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

610 Section 14. Section 468.8324, Florida Statutes, is amended
 611 to read:

612 468.8324 Grandfather clause.—

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

617 2011, which shows that the applicant: ~~meets the licensure~~
618 ~~requirements of this part by July 1, 2010.~~

619 (a) Is certified as a home inspector by a state or
620 national association that requires, for such certification,
621 successful completion of a proctored examination on home
622 inspection services and completes at least 14 hours of
623 verifiable education on such services; or

624 (b) Has at least 3 years of experience as a home inspector
625 at the time of application and has completed 14 hours of
626 verifiable education on home inspection services. To establish
627 the 3 years of experience, an applicant must submit at least 120
628 home inspection reports prepared by the applicant.

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

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

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

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

645 to read:

646 468.8325 Rulemaking authority.—The department shall adopt
 647 rules to administer this part.

648 Section 16. Section 468.84, Florida Statutes, is amended
 649 to read:

650 468.84 Mold-related services licensing program;
 651 legislative purpose.—

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

654 (2) The Legislature finds it necessary in the interest of
 655 the public safety and welfare, to prevent damage to real and
 656 personal property, to avert economic injury to the residents of
 657 this state, and to regulate persons and companies that hold
 658 themselves out to the public as qualified to perform mold-
 659 related services.

660 Section 17. Subsections (6) through (10) of section
 661 468.8412, Florida Statutes, are amended to read:

662 468.8412 Fees.—

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

665 (6)~~(7)~~ The fee for licensure by endorsement shall not
 666 exceed \$200.

667 (7)~~(8)~~ The fee for application for inactive status shall
 668 not exceed \$100.

669 (8)~~(9)~~ The fee for reactivation of an inactive license
 670 shall not exceed \$200.

671 (9)~~(10)~~ The fee for applications from providers of
 672 continuing education may not exceed \$500.

673 Section 18. Subsections (1) and (2) of section 468.8413,
 674 Florida Statutes, are amended, and subsection (6) is added to
 675 that section, to read:

676 468.8413 Examinations.—

677 (1) A person desiring to be licensed as a mold assessor or
 678 mold remediator must ~~shall~~ apply to the department after
 679 satisfying the examination requirements of this part ~~to take a~~
 680 ~~licensure examination.~~

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

686 (a)1. For a mold remediator, at least a 2-year associate
 687 of arts degree, or the equivalent, with at least 30 semester
 688 hours in microbiology, engineering, architecture, industrial
 689 hygiene, occupational safety, or a related field of science from
 690 an accredited institution and a minimum of 1 year of documented
 691 field experience in a field related to mold remediation; or

692 2. A high school diploma or the equivalent with a minimum
 693 of 4 years of documented field experience in a field related to
 694 mold remediation.

695 (b)1. For a mold assessor, at least a 2-year associate of
 696 arts degree, or the equivalent, with at least 30 semester hours
 697 in microbiology, engineering, architecture, industrial hygiene,
 698 occupational safety, or a related field of science from an
 699 accredited institution and a minimum of 1 year of documented
 700 field experience in conducting microbial sampling or

701 investigations; or

702 2. A high school diploma or the equivalent with a minimum
703 of 4 years of documented field experience in conducting
704 microbial sampling or investigations.

705 (6) An applicant for a license shall submit, together with
706 the application, a complete set of electronic fingerprints to
707 the department. The department shall submit the fingerprints to
708 the Department of Law Enforcement for state processing, and the
709 Department of Law Enforcement shall forward them to the Federal
710 Bureau of Investigation for national processing, to determine
711 whether the applicant has a criminal history record. The
712 department shall review the background results to determine if
713 an applicant meets licensure requirements. The applicant is
714 responsible for the cost associated with processing the
715 fingerprints. The authorized agencies or vendors shall collect
716 such fees and pay for the processing costs due to the Department
717 of Law Enforcement.

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

720 468.8414 Licensure.—

721 (3) The department shall certify as qualified for a
722 license by endorsement an applicant who is of good moral
723 character, who has the insurance coverage required under s.
724 468.8421, and who:

725 (a) Is qualified to take the examination as set forth in
726 s. 468.8413 and has passed a certification examination offered
727 by a nationally recognized organization that certifies persons
728 in the specialty of mold assessment or mold remediation that has

729 | been approved by the department as substantially equivalent to
 730 | the requirements of this part and s. 455.217; or

731 | (b) Holds a valid license to practice mold assessment or
 732 | mold remediation issued by another state or territory of the
 733 | United States if the criteria for issuance of the license were
 734 | substantially the same as the licensure criteria that is
 735 | established by this part as determined by the department.

736 | Section 20. Section 468.8418, Florida Statutes, is amended
 737 | to read:

738 | 468.8418 Certification of partnerships and corporations.—

739 | ~~(1) The department shall issue a certificate of~~
 740 | ~~authorization to a corporation or partnership offering mold~~
 741 | ~~assessment or mold remediation services to the public if the~~
 742 | ~~corporation or partnership satisfies all of the requirements of~~
 743 | ~~this part.~~

744 | ~~(2) The practice of or the offer to practice mold~~
 745 | ~~assessment or mold remediation by licensees through a~~
 746 | ~~corporation or partnership offering mold assessment or mold~~
 747 | ~~remediation to the public, or by a corporation or partnership~~
 748 | ~~offering such services to the public through licensees under~~
 749 | ~~this part as agents, employees, officers, or partners, is~~
 750 | ~~permitted subject to the provisions of this part, provided that~~
 751 | ~~the corporation or partnership has been issued a certificate of~~
 752 | ~~authorization by the department as provided in this section.~~

753 | Nothing in this section shall be construed to allow a
 754 | corporation to hold a license to practice mold assessment or
 755 | mold remediation. No corporation or partnership shall be
 756 | relieved of responsibility for the conduct or acts of its

757 agents, employees, or officers by reason of its compliance with
 758 this section, nor shall any individual practicing mold
 759 assessment or mold remediation be relieved of responsibility for
 760 professional services performed by reason of his or her
 761 employment or relationship with a corporation or partnership.

762 ~~(3) For the purposes of this section, a certificate of~~
 763 ~~authorization shall be required for a corporation, partnership,~~
 764 ~~association, or person practicing under a fictitious name,~~
 765 ~~offering mold assessment or mold remediation; however, when an~~
 766 ~~individual is practicing mold assessment or mold remediation~~
 767 ~~under his or her own given name, he or she shall not be required~~
 768 ~~to register under this section.~~

769 ~~(4) Each certificate of authorization shall be renewed~~
 770 ~~every 2 years. Each partnership and corporation certified under~~
 771 ~~this section shall notify the department within 1 month of any~~
 772 ~~change in the information contained in the application upon~~
 773 ~~which the certification is based.~~

774 ~~(5) Disciplinary action against a corporation or~~
 775 ~~partnership shall be administered in the same manner and on the~~
 776 ~~same grounds as disciplinary action against a licensed mold~~
 777 ~~assessor or mold remediator.~~

778 Section 21. Subsection (1) of section 468.8419, Florida
 779 Statutes, is amended, and subsection (4) is added to that
 780 section, to read:

781 468.8419 Prohibitions; penalties.—

782 (1) A person mold assessor, a company that employs a mold
 783 assessor, or a company that is controlled by a company that also
 784 has a financial interest in a company employing a mold assessor

785 may not:

786 (a) Effective July 1, 2011, perform or offer to perform
787 any mold assessment unless the mold assessor has documented
788 training in water, mold, and respiratory protection under s.
789 468.8414(2).

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

793 (c) Use the name or title "certified mold assessor,"
794 "registered mold assessor," "licensed mold assessor," "mold
795 assessor," "professional mold assessor," or any combination
796 thereof unless the person has complied with the provisions of
797 this part.

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

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

804 (f) Accept any compensation, inducement, or reward from a
805 mold remediator or mold remediator's company for the referral of
806 any business to the mold remediator or the mold remediator's
807 company.

808 (g) Offer any compensation, inducement, or reward to a
809 mold remediator or mold remediator's company for the referral of
810 any business from the mold remediator or the mold remediator's
811 company.

812 (h) Accept an engagement to make an omission of the

813 | assessment or conduct an assessment in which the assessment
 814 | itself, or the fee payable for the assessment, is contingent
 815 | upon the conclusions of the assessment.

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

819 | Section 22. Subsection (1) of section 468.842, Florida
 820 | Statutes, is amended to read:

821 | 468.842 Disciplinary proceedings.—

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

824 | (a) Violation of any provision of this part or s.
 825 | 455.227(1).†

826 | (b) Attempting to procure a license to practice mold
 827 | assessment or mold remediation by bribery or fraudulent
 828 | misrepresentations.†

829 | (c) Having a license to practice mold assessment or mold
 830 | remediation revoked, suspended, or otherwise acted against,
 831 | including the denial of licensure, by the licensing authority of
 832 | another state, territory, or country.†

833 | (d) Being convicted or found guilty of, or entering a plea
 834 | of nolo contendere to, regardless of adjudication, a crime in
 835 | any jurisdiction that directly relates to the practice of mold
 836 | assessment or mold remediation or the ability to practice mold
 837 | assessment or mold remediation.†

838 | (e) Making or filing a report or record that the licensee
 839 | knows to be false, willfully failing to file a report or record
 840 | required by state or federal law, willfully impeding or

841 obstructing such filing, or inducing another person to impede or
 842 obstruct such filing. Such reports or records shall include only
 843 those that are signed in the capacity of a registered mold
 844 assessor or mold remediator.~~†~~

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

847 (g) Engaging in fraud or deceit, or negligence,
 848 incompetency, or misconduct, in the practice of mold assessment
 849 or mold remediation.~~†~~

850 (h) Failing to perform any statutory or legal obligation
 851 placed upon a licensed mold assessor or mold remediator;
 852 violating any provision of this chapter, a rule of the
 853 department, or a lawful order of the department previously
 854 entered in a disciplinary hearing; or failing to comply with a
 855 lawfully issued subpoena of the department.~~†~~~~or~~

856 (i) Practicing on a revoked, suspended, inactive, or
 857 delinquent license.

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

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

862 468.8421 Insurance.—

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

867 Section 24. Section 468.8423, Florida Statutes, is amended
 868 to read:

869 468.8423 Grandfather clause.—

870 (1) A person who performs mold assessment or mold
871 remediation as defined in this part may qualify to be licensed
872 by the department as a mold assessor or mold remediator if the
873 person submits his or her application to the department by March
874 1, 2011, whether postmarked or delivered by that date, and if
875 the person: ~~meets the licensure requirements of this part by~~
876 July 1, 2010.

877 (a) Is certified as a mold assessor or mold remediator by
878 a state or national association that requires, for such
879 certification, successful completion of a proctored examination
880 on mold assessment or mold remediation, as applicable, and
881 completes at least 60 hours of education on mold assessment or
882 at least 30 hours of education on mold remediation, as
883 applicable; or

884 (b) At the time of application, has at least 3 years of
885 experience as a mold assessor or mold remediator. To establish
886 the 3 years of experience, an applicant must submit at least 40
887 mold assessments or remediation invoices prepared by the
888 applicant.

889 (2) The department may investigate the validity of a mold
890 assessment or remediation invoice submitted under paragraph
891 (1)(b) and, if the applicant submits a false assessment or
892 invoice, may take disciplinary action against the applicant
893 under s. 468.842(1)(e) or (g).

894 (3) An applicant may not qualify for licensure under this
895 section if he or she has had a mold assessor or mold remediator
896 license or a license in any related field revoked at any time or

897 suspended within the previous 5 years or has been assessed a
 898 fine that exceeds \$500 within the previous 5 years. For purposes
 899 of this subsection, a license in a related field includes, but
 900 is not limited to, licensure in real estate, construction, home
 901 inspection, building code administration or inspection, or
 902 indoor air quality.

903 (4) An applicant for licensure under this section must
 904 comply with the good moral character and insurance requirements
 905 of this part.

906 Section 25. Section 468.8424, Florida Statutes, is created
 907 to read:

908 468.8424 Rulemaking authority.—The department shall adopt
 909 rules to administer this part.

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

912 489.103 Exemptions.—This part does not apply to:

913 (22) A person licensed pursuant to s. 633.061(1)(d) or
 914 (3)~~(2)~~(b) performing work authorized by such license.

915 Section 27. Subsections (2), (8), and (9) of section
 916 553.37, Florida Statutes, are amended, and subsection (12) is
 917 added to that section, to read:

918 553.37 Rules; inspections; and insignia.—

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

920 (a) Procedures and qualifications for approval of third-
 921 party plan review and inspection agencies and of those who
 922 perform inspections and plan reviews.

923 (b) Investigation of consumer complaints of noncompliance
 924 of manufactured buildings with the Florida Building Code and the

925 Florida Fire Prevention Code.

926 (c) Issuance, cancellation, and revocation of any insignia
 927 issued by the department and procedures for auditing and
 928 accounting for disposition of them.

929 (d) Monitoring the manufacturers', inspection agencies',
 930 and plan review agencies' compliance with this part and the
 931 Florida Building Code. Monitoring may include, but is not
 932 limited to, performing audits of plans, inspections of
 933 manufacturing facilities and observation of the manufacturing
 934 and inspection process, and onsite inspections of buildings.

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

937 (8) The department, by rule, shall establish a schedule of
 938 fees to pay the cost of the administration and enforcement of
 939 this part. The rule may provide for manufacturers to pay fees to
 940 the administrator directly via the Building Code Information
 941 System.

942 (9) The department may delegate its enforcement authority
 943 to a state department having building construction
 944 responsibilities or a local government and may enter into
 945 contracts for the performance of its administrative duties under
 946 this part. The department may delegate its plan review and
 947 inspection authority to one or more of the following in any
 948 combination:

949 (a) A state department having building construction
 950 responsibilities;

951 (b) A local government;

952 (c) An approved inspection agency;

953 (d) An approved plan review agency; or

954 (e) An agency of another state.

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

959 Section 28. Section 553.375, Florida Statutes, is amended
 960 to read:

961 553.375 Recertification of manufactured buildings.—Prior
 962 to the relocation to a site that has a higher design wind speed,
 963 modification, or change of occupancy of a manufactured building
 964 within the state, the manufacturer, dealer, or owner thereof may
 965 apply to the department for recertification of that manufactured
 966 building. The department shall, by rule, provide what
 967 information the applicant must submit for recertification and
 968 for plan review and inspection of such manufactured buildings
 969 and shall establish fees for recertification. Upon a
 970 determination by the department that the manufactured building
 971 complies with the applicable building codes, the department
 972 shall issue a recertification insignia. A manufactured building
 973 that bears recertification insignia does not require any
 974 additional approval by an enforcement jurisdiction in which the
 975 building is sold or installed, and is considered to comply with
 976 all applicable codes. As an alternative to recertification by
 977 the department, the manufacturer, dealer, or owner of a
 978 manufactured building may seek appropriate permitting and a
 979 certificate of occupancy from the local jurisdiction in
 980 accordance with procedures generally applicable under the

981 Florida Building Code.

982 Section 29. Section 553.509, Florida Statutes, is amended
 983 to read:

984 553.509 Vertical accessibility.—

985 (1) Nothing in ss. 553.501-553.513 or the guidelines shall
 986 be construed to relieve the owner of any building, structure, or
 987 facility governed by those sections from the duty to provide
 988 vertical accessibility to all levels above and below the
 989 occupiable grade level, regardless of whether the guidelines
 990 require an elevator to be installed in such building, structure,
 991 or facility, except for:

992 (a) Elevator pits, elevator penthouses, mechanical rooms,
 993 piping or equipment catwalks, and automobile lubrication and
 994 maintenance pits and platforms;

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

998 (c) Occupiable spaces and rooms that are not open to the
 999 public and that house no more than five persons, including, but
 1000 not limited to, equipment control rooms and projection booths.

1001 ~~(2) (a) Any person, firm, or corporation that owns,~~
 1002 ~~manages, or operates a residential multifamily dwelling,~~
 1003 ~~including a condominium, that is at least 75 feet high and~~
 1004 ~~contains a public elevator, as described in s. 399.035(2) and~~
 1005 ~~(3) and rules adopted by the Florida Building Commission, shall~~
 1006 ~~have at least one public elevator that is capable of operating~~
 1007 ~~on an alternate power source for emergency purposes. Alternate~~
 1008 ~~power shall be available for the purpose of allowing all~~

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1009 ~~residents access for a specified number of hours each day over a~~
1010 ~~5-day period following a natural disaster, manmade disaster,~~
1011 ~~emergency, or other civil disturbance that disrupts the normal~~
1012 ~~supply of electricity. The alternate power source that controls~~
1013 ~~elevator operations must also be capable of powering any~~
1014 ~~connected fire alarm system in the building.~~

1015 ~~(b) At a minimum, the elevator must be appropriately~~
1016 ~~rewired and prepared to accept an alternate power source and~~
1017 ~~must have a connection on the line side of the main disconnect,~~
1018 ~~pursuant to National Electric Code Handbook, Article 700. In~~
1019 ~~addition to the required power source for the elevator and~~
1020 ~~connected fire alarm system in the building, the alternate power~~
1021 ~~supply must be sufficient to provide emergency lighting to the~~
1022 ~~interior lobbies, hallways, and other portions of the building~~
1023 ~~used by the public. Residential multifamily dwellings must have~~
1024 ~~an available generator and fuel source on the property or have~~
1025 ~~proof of a current contract posted in the elevator machine room~~
1026 ~~or other place conspicuous to the elevator inspector affirming a~~
1027 ~~current guaranteed service contract for such equipment and fuel~~
1028 ~~source to operate the elevator on an on-call basis within 24~~
1029 ~~hours after a request. By December 31, 2006, any person, firm or~~
1030 ~~corporation that owns, manages, or operates a residential~~
1031 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
1032 ~~the local building inspection agency verification of engineering~~
1033 ~~plans for residential multifamily dwellings that provide for the~~
1034 ~~capability to generate power by alternate means. Compliance with~~
1035 ~~installation requirements and operational capability~~
1036 ~~requirements must be verified by local building inspectors and~~

1037 ~~reported to the county emergency management agency by December~~
 1038 ~~31, 2007.~~

1039 ~~(c) Each newly constructed residential multifamily~~
 1040 ~~dwelling, including a condominium, that is at least 75 feet high~~
 1041 ~~and contains a public elevator, as described in s. 399.035(2)~~
 1042 ~~and (3) and rules adopted by the Florida Building Commission,~~
 1043 ~~must have at least one public elevator that is capable of~~
 1044 ~~operating on an alternate power source for the purpose of~~
 1045 ~~allowing all residents access for a specified number of hours~~
 1046 ~~each day over a 5-day period following a natural disaster,~~
 1047 ~~manmade disaster, emergency, or other civil disturbance that~~
 1048 ~~disrupts the normal supply of electricity. The alternate power~~
 1049 ~~source that controls elevator operations must be capable of~~
 1050 ~~powering any connected fire alarm system in the building. In~~
 1051 ~~addition to the required power source for the elevator and~~
 1052 ~~connected fire alarm system, the alternate power supply must be~~
 1053 ~~sufficient to provide emergency lighting to the interior~~
 1054 ~~lobbies, hallways, and other portions of the building used by~~
 1055 ~~the public. Engineering plans and verification of operational~~
 1056 ~~capability must be provided by the local building inspector to~~
 1057 ~~the county emergency management agency before occupancy of the~~
 1058 ~~newly constructed building.~~

1059 ~~(d) Each person, firm, or corporation that is required to~~
 1060 ~~maintain an alternate power source under this subsection shall~~
 1061 ~~maintain a written emergency operations plan that details the~~
 1062 ~~sequence of operations before, during, and after a natural or~~
 1063 ~~manmade disaster or other emergency situation. The plan must~~
 1064 ~~include, at a minimum, a lifesafety plan for evacuation,~~

1065 ~~maintenance of the electrical and lighting supply, and~~
1066 ~~provisions for the health, safety, and welfare of the residents.~~
1067 ~~In addition, the owner, manager, or operator of the residential~~
1068 ~~multifamily dwelling must keep written records of any contracts~~
1069 ~~for alternative power generation equipment. Also, quarterly~~
1070 ~~inspection records of lifesafety equipment and alternate power~~
1071 ~~generation equipment must be posted in the elevator machine room~~
1072 ~~or other place conspicuous to the elevator inspector, which~~
1073 ~~confirm that such equipment is properly maintained and in good~~
1074 ~~working condition, and copies of contracts for alternate power~~
1075 ~~generation equipment shall be maintained on site for~~
1076 ~~verification. The written emergency operations plan and~~
1077 ~~inspection records shall also be open for periodic inspection by~~
1078 ~~local and state government agencies as deemed necessary. The~~
1079 ~~owner or operator must keep a generator key in a lockbox posted~~
1080 ~~at or near any installed generator unit.~~

1081 ~~(c) Multistory affordable residential dwellings for~~
1082 ~~persons age 62 and older that are financed or insured by the~~
1083 ~~United States Department of Housing and Urban Development must~~
1084 ~~make every effort to obtain grant funding from the Federal~~
1085 ~~Government or the Florida Housing Finance Corporation to comply~~
1086 ~~with this subsection. If an owner of such a residential dwelling~~
1087 ~~cannot comply with the requirements of this subsection, the~~
1088 ~~owner must develop a plan with the local emergency management~~
1089 ~~agency to ensure that residents are evacuated to a place of~~
1090 ~~safety in the event of a power outage resulting from a natural~~
1091 ~~or manmade disaster or other emergency situation that disrupts~~
1092 ~~the normal supply of electricity for an extended period of time.~~

1093 ~~A place of safety may include, but is not limited to, relocation~~
 1094 ~~to an alternative site within the building or evacuation to a~~
 1095 ~~local shelter.~~

1096 ~~(f) As a part of the annual elevator inspection required~~
 1097 ~~under s. 399.061, certified elevator inspectors shall confirm~~
 1098 ~~that all installed generators required by this chapter are in~~
 1099 ~~working order, have current inspection records posted in the~~
 1100 ~~elevator machine room or other place conspicuous to the elevator~~
 1101 ~~inspector, and that the required generator key is present in the~~
 1102 ~~lockbox posted at or near the installed generator. If a building~~
 1103 ~~does not have an installed generator, the inspector shall~~
 1104 ~~confirm that the appropriate rewiring and switching~~
 1105 ~~capabilities are present and that a statement is posted in the~~
 1106 ~~elevator machine room or other place conspicuous to the elevator~~
 1107 ~~inspector affirming a current guaranteed contract exists for~~
 1108 ~~contingent services for alternate power is current for the~~
 1109 ~~operating period.~~

1110 (2) Notwithstanding any provision of subsection (1)
 1111 ~~However,~~ buildings, structures, and facilities must, at ~~as~~ a
 1112 minimum, comply with the requirements in the Americans with
 1113 Disabilities Act Accessibility Guidelines.

1114 Section 30. Subsection (1) of section 553.512, Florida
 1115 Statutes, is amended to read:

1116 553.512 Modifications and waivers; advisory council.—

1117 (1) The Florida Building Commission shall provide by
 1118 regulation criteria for granting individual modifications of, or
 1119 exceptions from, the literal requirements of this part upon a
 1120 determination of unnecessary, unreasonable, or extreme hardship,

1121 provided such waivers shall not violate federal accessibility
 1122 laws and regulations and shall be reviewed by the Accessibility
 1123 Advisory Council. The commission shall establish by rule a fee
 1124 to be paid upon submitting a request for a waiver as provided in
 1125 this section. Notwithstanding any other provision of this
 1126 subsection, if an applicant for a waiver demonstrates economic
 1127 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver
 1128 shall be granted. The commission may not consider waiving any of
 1129 the requirements of s. 553.5041 unless the applicant first
 1130 demonstrates that she or he has applied for and been denied
 1131 waiver or variance from all local government zoning, subdivision
 1132 regulations, or other ordinances that prevent compliance
 1133 therewith. Further, the commission may not waive the requirement
 1134 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
 1135 accessible routes and minimum width of accessible parking
 1136 spaces.

1137 Section 31. Section 553.721, Florida Statutes, is amended
 1138 to read:

1139 553.721 Surcharge.—

1140 (1) In order for the Department of Community Affairs to
 1141 administer and carry out the purposes of this part and related
 1142 activities, there is hereby created a surcharge, to be assessed
 1143 at the rate of 1.5 percent of the permit fees associated with
 1144 enforcement of the Florida Building Code on any permits issued
 1145 for new construction, repairs, renovations, alterations, and
 1146 additions. This includes permits issued for electrical, gas,
 1147 mechanical, plumbing, and roofing work. The minimum amount
 1148 collected on any permit issued shall be \$2 ~~one-half cent~~ per

1149 ~~square foot under roof floor space permitted pursuant to s.~~
 1150 ~~125.56(4) or s. 166.201. However, for additions, alterations, or~~
 1151 ~~renovations to existing buildings, the surcharge shall be~~
 1152 ~~computed on the basis of the square footage being added,~~
 1153 ~~altered, or renovated.~~ The unit of government responsible for
 1154 collecting a permit fee pursuant to s. 125.56(4) or s. 166.201
 1155 shall collect such surcharge and electronically remit the funds
 1156 collected to the department on a quarterly calendar basis, and
 1157 such unit of government shall ~~may~~ retain 10 ~~an amount up to 5~~
 1158 percent of the surcharge collected to fund the participation of
 1159 building departments in the national and state building code
 1160 adoption processes and to provide education related to
 1161 enforcement of the Florida Building Code ~~cover costs associated~~
 1162 ~~with the collection and remittance of such surcharge.~~ All funds
 1163 remitted to the department pursuant to this subsection shall be
 1164 deposited in the Operating Trust Fund. Funds collected from such
 1165 surcharge shall be used exclusively for the duties of the
 1166 Florida Building Commission and the Department of Community
 1167 Affairs ~~not be used to fund research on techniques for~~
 1168 ~~mitigation of radon in existing buildings.~~ Funds used by the
 1169 department as well as funds to be transferred to the Department
 1170 of Health shall be as prescribed in the annual General
 1171 ~~Appropriations Act.~~ The department shall adopt rules governing
 1172 the collection and remittance of surcharges in accordance with
 1173 chapter 120.

1174 (2) Notwithstanding subsection (1), and for the 2008-2009
 1175 fiscal year only, the amount transferred from the Operating
 1176 Trust Fund to the Grants and Donations Trust Fund of the

1177 Department of Community Affairs pursuant to the General
 1178 Appropriations Act for the 2008-2009 fiscal year shall be used
 1179 for the regional planning councils, civil legal assistance, and
 1180 the Front Porch Florida Initiative.

1181 Section 32. Subsections (2) and (3) and paragraph (b) of
 1182 subsection (4) of section 553.73, Florida Statutes, are amended,
 1183 present subsections (5) through (13) of that section are
 1184 renumbered as subsections (6) through (14), respectively, a new
 1185 subsection (5) is added to that section, paragraph (a) of
 1186 present subsection (6) and present subsections (7) and (9) of
 1187 that section are amended, and subsection (15) is added to that
 1188 section, to read:

1189 553.73 Florida Building Code.—

1190 (2) The Florida Building Code shall contain provisions or
 1191 requirements for public and private buildings, structures, and
 1192 facilities relative to structural, mechanical, electrical,
 1193 plumbing, energy, and gas systems, existing buildings,
 1194 historical buildings, manufactured buildings, elevators, coastal
 1195 construction, lodging facilities, food sales and food service
 1196 facilities, health care facilities, including assisted living
 1197 facilities, adult day care facilities, hospice residential and
 1198 inpatient facilities and units, and facilities for the control
 1199 of radiation hazards, public or private educational facilities,
 1200 swimming pools, and correctional facilities and enforcement of
 1201 and compliance with such provisions or requirements. Further,
 1202 the Florida Building Code must provide for uniform
 1203 implementation of ss. 515.25, 515.27, and 515.29 by including
 1204 standards and criteria for residential swimming pool barriers,

1205 pool covers, latching devices, door and window exit alarms, and
 1206 other equipment required therein, which are consistent with the
 1207 intent of s. 515.23. Technical provisions to be contained within
 1208 the Florida Building Code are restricted to requirements related
 1209 to the types of materials used and construction methods and
 1210 standards employed in order to meet criteria specified in the
 1211 Florida Building Code. Provisions relating to the personnel,
 1212 supervision or training of personnel, or any other professional
 1213 qualification requirements relating to contractors or their
 1214 workforce may not be included within the Florida Building Code,
 1215 and subsections (4), ~~(5)~~, (6), (7), ~~and (8)~~, and (9) are not to
 1216 be construed to allow the inclusion of such provisions within
 1217 the Florida Building Code by amendment. This restriction applies
 1218 to both initial development and amendment of the Florida
 1219 Building Code.

1220 (3) The commission shall select from available national or
 1221 international model building codes, or other available building
 1222 codes and standards currently recognized by the laws of this
 1223 state, to form the foundation for the Florida Building Code. The
 1224 commission may modify the selected model codes and standards as
 1225 needed to accommodate the specific needs of this state.
 1226 Standards or criteria referenced by the selected model codes
 1227 shall be similarly incorporated by reference. If a referenced
 1228 standard or criterion requires amplification or modification to
 1229 be appropriate for use in this state, only the amplification or
 1230 modification shall be specifically set forth in the Florida
 1231 Building Code. The Florida Building Commission may approve
 1232 technical amendments to the code, subject to the requirements of

1233 subsections (8) ~~(7)~~ and (9) ~~(8)~~, after the amendments have been
 1234 subject to the following conditions:

1235 (a) The proposed amendment has been published on the
 1236 commission's website for a minimum of 45 days and all the
 1237 associated documentation has been made available to any
 1238 interested party before any consideration by any Technical
 1239 Advisory Committee;

1240 (b) In order for a Technical Advisory Committee to make a
 1241 favorable recommendation to the commission, the proposal must
 1242 receive a three-fourths vote of the members present at the
 1243 Technical Advisory Committee meeting and at least half of the
 1244 regular members must be present in order to conduct a meeting;

1245 (c) After Technical Advisory Committee consideration and a
 1246 recommendation for approval of any proposed amendment, the
 1247 proposal must be published on the commission's website for not
 1248 less than 45 days before any consideration by the commission;
 1249 and

1250 (d) Any proposal may be modified by the commission based
 1251 on public testimony and evidence from a public hearing held in
 1252 accordance with chapter 120.

1253
 1254 The commission shall incorporate within sections of the Florida
 1255 Building Code provisions which address regional and local
 1256 concerns and variations. The commission shall make every effort
 1257 to minimize conflicts between the Florida Building Code, the
 1258 Florida Fire Prevention Code, and the Life Safety Code.

1259 (4)

1260 (b) Local governments may, subject to the limitations of

1261 | this section, adopt amendments to the technical provisions of
1262 | the Florida Building Code which apply solely within the
1263 | jurisdiction of such government and which provide for more
1264 | stringent requirements than those specified in the Florida
1265 | Building Code, not more than once every 6 months. A local
1266 | government may adopt technical amendments that address local
1267 | needs if:

1268 | 1. The local governing body determines, following a public
1269 | hearing which has been advertised in a newspaper of general
1270 | circulation at least 10 days before the hearing, that there is a
1271 | need to strengthen the requirements of the Florida Building
1272 | Code. The determination must be based upon a review of local
1273 | conditions by the local governing body, which review
1274 | demonstrates by evidence or data that the geographical
1275 | jurisdiction governed by the local governing body exhibits a
1276 | local need to strengthen the Florida Building Code beyond the
1277 | needs or regional variation addressed by the Florida Building
1278 | Code, that the local need is addressed by the proposed local
1279 | amendment, and that the amendment is no more stringent than
1280 | necessary to address the local need.

1281 | 2. Such additional requirements are not discriminatory
1282 | against materials, products, or construction techniques of
1283 | demonstrated capabilities.

1284 | 3. Such additional requirements may not introduce a new
1285 | subject not addressed in the Florida Building Code.

1286 | 4. The enforcing agency shall make readily available, in a
1287 | usable format, all amendments adopted pursuant to this section.

1288 | 5. Any amendment to the Florida Building Code shall be

1289 transmitted within 30 days by the adopting local government to
1290 the commission. The commission shall maintain copies of all such
1291 amendments in a format that is usable and obtainable by the
1292 public. Local technical amendments shall not become effective
1293 until 30 days after the amendment has been received and
1294 published by the commission.

1295 6. Any amendment to the Florida Building Code adopted by a
1296 local government pursuant to this paragraph shall be effective
1297 only until the adoption by the commission of the new edition of
1298 the Florida Building Code every third year. At such time, the
1299 commission shall review such amendment for consistency with the
1300 criteria in paragraph (9)~~(8)~~(a) and adopt such amendment as part
1301 of the Florida Building Code or rescind the amendment. The
1302 commission shall immediately notify the respective local
1303 government of the rescission of any amendment. After receiving
1304 such notice, the respective local government may readopt the
1305 rescinded amendment pursuant to the provisions of this
1306 paragraph.

1307 7. Each county and municipality desiring to make local
1308 technical amendments to the Florida Building Code shall by
1309 interlocal agreement establish a countywide compliance review
1310 board to review any amendment to the Florida Building Code,
1311 adopted by a local government within the county pursuant to this
1312 paragraph, that is challenged by any substantially affected
1313 party for purposes of determining the amendment's compliance
1314 with this paragraph. If challenged, the local technical
1315 amendments shall not become effective until time for filing an
1316 appeal pursuant to subparagraph 8. has expired or, if there is

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1317 an appeal, until the commission issues its final order
1318 determining the adopted amendment is in compliance with this
1319 subsection.

1320 8. If the compliance review board determines such
1321 amendment is not in compliance with this paragraph, the
1322 compliance review board shall notify such local government of
1323 the noncompliance and that the amendment is invalid and
1324 unenforceable until the local government corrects the amendment
1325 to bring it into compliance. The local government may appeal the
1326 decision of the compliance review board to the commission. If
1327 the compliance review board determines such amendment to be in
1328 compliance with this paragraph, any substantially affected party
1329 may appeal such determination to the commission. Any such appeal
1330 shall be filed with the commission within 14 days of the board's
1331 written determination. The commission shall promptly refer the
1332 appeal to the Division of Administrative Hearings for the
1333 assignment of an administrative law judge. The administrative
1334 law judge shall conduct the required hearing within 30 days, and
1335 shall enter a recommended order within 30 days of the conclusion
1336 of such hearing. The commission shall enter a final order within
1337 30 days thereafter. The provisions of chapter 120 and the
1338 uniform rules of procedure shall apply to such proceedings. The
1339 local government adopting the amendment that is subject to
1340 challenge has the burden of proving that the amendment complies
1341 with this paragraph in proceedings before the compliance review
1342 board and the commission, as applicable. Actions of the
1343 commission are subject to judicial review pursuant to s. 120.68.
1344 The compliance review board shall determine whether its

1345 decisions apply to a respective local jurisdiction or apply
 1346 countywide.

1347 9. An amendment adopted under this paragraph shall include
 1348 a fiscal impact statement which documents the costs and benefits
 1349 of the proposed amendment. Criteria for the fiscal impact
 1350 statement shall include the impact to local government relative
 1351 to enforcement, the impact to property and building owners, as
 1352 well as to industry, relative to the cost of compliance. The
 1353 fiscal impact statement may not be used as a basis for
 1354 challenging the amendment for compliance.

1355 10. In addition to subparagraphs 7. and 9., the commission
 1356 may review any amendments adopted pursuant to this subsection
 1357 and make nonbinding recommendations related to compliance of
 1358 such amendments with this subsection.

1359 (5) Notwithstanding subsection (4), counties and
 1360 municipalities may adopt by ordinance an administrative or
 1361 technical amendment to the Florida Building Code relating to
 1362 flood resistance in order to implement the National Flood
 1363 Insurance Program or incentives. Specifically, an administrative
 1364 amendment may assign the duty to enforce all or portions of
 1365 flood-related code provisions to the appropriate agencies of the
 1366 local government and adopt procedures for variances and
 1367 exceptions from flood-related code provisions other than
 1368 provisions for structures seaward of the coastal construction
 1369 control line consistent with the requirements in 44 C.F.R. s.
 1370 60.6. A technical amendment is authorized to the extent it is
 1371 more stringent than the code. A technical amendment is not
 1372 subject to the requirements of subsection (4) and may not be

1373 rendered void when the code is updated if the amendment is
 1374 adopted for the purpose of participating in the Community Rating
 1375 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment
 1376 had already been adopted by local ordinance prior to July 1,
 1377 2010, or the amendment requires a design flood elevation above
 1378 the base flood elevation. Any amendment adopted pursuant to this
 1379 subsection shall be transmitted to the commission within 30 days
 1380 after being adopted.

1381 (7)~~(6)~~(a) The commission, by rule adopted pursuant to ss.
 1382 120.536(1) and 120.54, shall update the Florida Building Code
 1383 every 3 years. When updating the Florida Building Code, the
 1384 commission shall select the most current version of the
 1385 International Building Code, the International Fuel Gas Code,
 1386 the International Mechanical Code, the International Plumbing
 1387 Code, and the International Residential Code, all of which are
 1388 adopted by the International Code Council, and the National
 1389 Electrical Code, which is adopted by the National Fire
 1390 Protection Association, to form the foundation codes of the
 1391 updated Florida Building Code, if the version has been adopted
 1392 by the applicable model code entity ~~and made available to the~~
 1393 ~~public at least 6 months prior to its selection by the~~
 1394 ~~commission.~~ The commission shall select the most current version
 1395 of the International Energy Conservation Code (IECC) as a
 1396 foundation code; however, the IECC shall be modified by the
 1397 commission to maintain the efficiencies of the Florida Energy
 1398 Efficiency Code for Building Construction adopted and amended
 1399 pursuant to s. 553.901.

1400 (8)~~(7)~~ Notwithstanding the provisions of subsection (3) or

1401 subsection (7) ~~(6)~~, the commission may address issues identified
 1402 in this subsection by amending the code pursuant only to the
 1403 rule adoption procedures contained in chapter 120. Provisions of
 1404 the Florida Building Code, including those contained in
 1405 referenced standards and criteria, relating to wind resistance
 1406 or the prevention of water intrusion may not be amended pursuant
 1407 to this subsection to diminish those construction requirements;
 1408 however, the commission may, subject to conditions in this
 1409 subsection, amend the provisions to enhance those construction
 1410 requirements. Following the approval of any amendments to the
 1411 Florida Building Code by the commission and publication of the
 1412 amendments on the commission's website, authorities having
 1413 jurisdiction to enforce the Florida Building Code may enforce
 1414 the amendments. The commission may approve amendments that are
 1415 needed to address:

- 1416 (a) Conflicts within the updated code;
- 1417 (b) Conflicts between the updated code and the Florida
 1418 Fire Prevention Code adopted pursuant to chapter 633;
- 1419 (c) The omission of previously adopted Florida-specific
 1420 amendments to the updated code if such omission is not supported
 1421 by a specific recommendation of a technical advisory committee
 1422 or particular action by the commission;
- 1423 (d) Unintended results from the integration of previously
 1424 adopted Florida-specific amendments with the model code;
- 1425 (e) Equivalency of standards;
- 1426 (f) ~~(e)~~ Changes to or inconsistencies with federal or state
 1427 law; or
- 1428 (g) ~~(f)~~ Adoption of an updated edition of the National

1429 Electrical Code if the commission finds that delay of
1430 implementing the updated edition causes undue hardship to
1431 stakeholders or otherwise threatens the public health, safety,
1432 and welfare.

1433 (10)~~(9)~~ The following buildings, structures, and
1434 facilities are exempt from the Florida Building Code as provided
1435 by law, and any further exemptions shall be as determined by the
1436 Legislature and provided by law:

1437 (a) Buildings and structures specifically regulated and
1438 preempted by the Federal Government.

1439 (b) Railroads and ancillary facilities associated with the
1440 railroad.

1441 (c) Nonresidential farm buildings on farms.

1442 (d) Temporary buildings or sheds used exclusively for
1443 construction purposes.

1444 (e) Mobile or modular structures used as temporary
1445 offices, except that the provisions of part II relating to
1446 accessibility by persons with disabilities shall apply to such
1447 mobile or modular structures.

1448 (f) Those structures or facilities of electric utilities,
1449 as defined in s. 366.02, which are directly involved in the
1450 generation, transmission, or distribution of electricity.

1451 (g) Temporary sets, assemblies, or structures used in
1452 commercial motion picture or television production, or any
1453 sound-recording equipment used in such production, on or off the
1454 premises.

1455 (h) Storage sheds that are not designed for human
1456 habitation and that have a floor area of 720 square feet or less

1457 are not required to comply with the mandatory wind-borne-debris-
1458 impact standards of the Florida Building Code.

1459 (i) Chickees constructed by the Miccosukee Tribe of
1460 Indians of Florida or the Seminole Tribe of Florida. As used in
1461 this paragraph, the term "chickee" means an open-sided wooden
1462 hut that has a thatched roof of palm or palmetto or other
1463 traditional materials, and that does not incorporate any
1464 electrical, plumbing, or other nonwood features.

1465 (j) Family mausoleums not exceeding 250 square feet in
1466 area which are prefabricated and assembled on site or
1467 preassembled and delivered on site and have walls, roofs, and a
1468 floor constructed of granite, marble, or reinforced concrete.

1469
1470 With the exception of paragraphs (a), (b), (c), and (f), in
1471 order to preserve the health, safety, and welfare of the public,
1472 the Florida Building Commission may, by rule adopted pursuant to
1473 chapter 120, provide for exceptions to the broad categories of
1474 buildings exempted in this section, including exceptions for
1475 application of specific sections of the code or standards
1476 adopted therein. The Department of Agriculture and Consumer
1477 Services shall have exclusive authority to adopt by rule,
1478 pursuant to chapter 120, exceptions to nonresidential farm
1479 buildings exempted in paragraph (c) when reasonably necessary to
1480 preserve public health, safety, and welfare. The exceptions must
1481 be based upon specific criteria, such as under-roof floor area,
1482 aggregate electrical service capacity, HVAC system capacity, or
1483 other building requirements. Further, the commission may
1484 recommend to the Legislature additional categories of buildings,

1485 structures, or facilities which should be exempted from the
 1486 Florida Building Code, to be provided by law. The Florida
 1487 Building Code does not apply to temporary housing provided by
 1488 the Department of Corrections to any prisoner in the state
 1489 correctional system.

1490 (15) An agency or local government may not require that
 1491 existing mechanical equipment on the surface of a roof be
 1492 installed in compliance with the requirements of the Florida
 1493 Building Code until the equipment is required to be removed or
 1494 replaced.

1495 Section 33. Subsection (5) is added to section 553.74,
 1496 Florida Statutes, to read:

1497 553.74 Florida Building Commission.—

1498 (5) Notwithstanding s. 112.313 or any other provision of
 1499 law, a member of any of commission's technical advisory
 1500 committees or a member of any other advisory committee or
 1501 workgroup of the commission, does not have an impermissible
 1502 conflict of interest when representing clients before the
 1503 commission or one of its committees or workgroups. However, the
 1504 member, in his or her capacity as member of the committee or
 1505 workgroup, may not take part in any discussion on or take action
 1506 on any matter in which he or she has a direct financial
 1507 interest.

1508 Section 34. Subsection (2) of section 553.76, Florida
 1509 Statutes, is amended to read:

1510 553.76 General powers of the commission.—The commission is
 1511 authorized to:

1512 (2) Issue memoranda of procedure for its internal

1513 management and control. The commission may adopt rules related
 1514 to its consensus-based decisionmaking process, including, but
 1515 not limited to, super majority voting requirements for
 1516 commission actions relating to the adoption of the Florida
 1517 Building Code or amendments to the code.

1518 Section 35. Subsections (2) and (4) of section 553.775,
 1519 Florida Statutes, are amended to read:

1520 553.775 Interpretations.—

1521 (2) Local enforcement agencies, local building officials,
 1522 state agencies, and the commission shall interpret provisions of
 1523 the Florida Building Code in a manner that is consistent with
 1524 declaratory statements and interpretations entered by the
 1525 commission, except that conflicts between the Florida Fire
 1526 Prevention Code and the Florida Building Code shall be resolved
 1527 in accordance with s. 553.73~~(11)~~~~(10)~~(c) and (d).

1528 (4) In order to administer this section, the commission
 1529 may adopt by rule and impose a fee for filing requests for
 1530 declaratory statements and binding and nonbinding
 1531 interpretations to recoup the cost of the proceedings which may
 1532 not exceed \$125 for each request for a nonbinding interpretation
 1533 and \$250 for each request for a binding review or
 1534 interpretation. For proceedings conducted by or in coordination
 1535 with a third-party, the rule may provide that payment be made
 1536 directly to the third party, who shall remit to the department
 1537 that portion of the fee necessary to cover the costs of the
 1538 department.

1539 Section 36. Subsection (9) of section 553.79, Florida
 1540 Statutes, is amended to read:

1541 553.79 Permits; applications; issuance; inspections.—
 1542 (9) Any state agency whose enabling legislation authorizes
 1543 it to enforce provisions of the Florida Building Code may enter
 1544 into an agreement with any other unit of government to delegate
 1545 its responsibility to enforce those provisions and may expend
 1546 public funds for permit and inspection fees, which fees may be
 1547 no greater than the fees charged others. Inspection services
 1548 that are not required to be performed by a state agency under a
 1549 federal delegation of responsibility or by a state agency under
 1550 the Florida Building Code must be performed under the
 1551 alternative plans review and inspection process created in s.
 1552 553.791 or by a local governmental entity having authority to
 1553 enforce the Florida Building Code.

1554 Section 37. For the purpose of incorporating the amendment
 1555 made by this act to section 553.79, Florida Statutes, in a
 1556 reference thereto, subsection (1) of section 553.80, Florida
 1557 Statutes, is reenacted, and paragraph (c) of subsection (1) and
 1558 subsection (3) of that section are amended, to read:

1559 553.80 Enforcement.—

1560 (1) Except as provided in paragraphs (a)-(g), each local
 1561 government and each legally constituted enforcement district
 1562 with statutory authority shall regulate building construction
 1563 and, where authorized in the state agency's enabling
 1564 legislation, each state agency shall enforce the Florida
 1565 Building Code required by this part on all public or private
 1566 buildings, structures, and facilities, unless such
 1567 responsibility has been delegated to another unit of government
 1568 pursuant to s. 553.79(9).

1569 (a) Construction regulations relating to correctional
 1570 facilities under the jurisdiction of the Department of
 1571 Corrections and the Department of Juvenile Justice are to be
 1572 enforced exclusively by those departments.

1573 (b) Construction regulations relating to elevator
 1574 equipment under the jurisdiction of the Bureau of Elevators of
 1575 the Department of Business and Professional Regulation shall be
 1576 enforced exclusively by that department.

1577 (c) In addition to the requirements of s. 553.79 and this
 1578 section, facilities subject to the provisions of chapter 395 and
 1579 parts ~~part~~ II and VIII of chapter 400 shall have facility plans
 1580 reviewed and construction surveyed by the state agency
 1581 authorized to do so under the requirements of chapter 395 and
 1582 parts ~~part~~ II and VIII of chapter 400 and the certification
 1583 requirements of the Federal Government. Facilities subject to
 1584 the provisions of part IV of chapter 400 may have facility plans
 1585 reviewed and shall have construction surveyed by the state
 1586 agency authorized to do so under the requirements of part IV of
 1587 chapter 400 and the certification requirements of the Federal
 1588 Government.

1589 (d) Building plans approved under s. 553.77(3) and state-
 1590 approved manufactured buildings, including buildings
 1591 manufactured and assembled offsite and not intended for
 1592 habitation, such as lawn storage buildings and storage sheds,
 1593 are exempt from local code enforcing agency plan reviews except
 1594 for provisions of the code relating to erection, assembly, or
 1595 construction at the site. Erection, assembly, and construction
 1596 at the site are subject to local permitting and inspections.

1597 | Lawn storage buildings and storage sheds bearing the insignia of
 1598 | approval of the department are not subject to s. 553.842. Such
 1599 | buildings that do not exceed 400 square feet may be delivered
 1600 | and installed without need of a contractor's or specialty
 1601 | license.

1602 | (e) Construction regulations governing public schools,
 1603 | state universities, and community colleges shall be enforced as
 1604 | provided in subsection (6).

1605 | (f) The Florida Building Code as it pertains to toll
 1606 | collection facilities under the jurisdiction of the turnpike
 1607 | enterprise of the Department of Transportation shall be enforced
 1608 | exclusively by the turnpike enterprise.

1609 | (g) Construction regulations relating to secure mental
 1610 | health treatment facilities under the jurisdiction of the
 1611 | Department of Children and Family Services shall be enforced
 1612 | exclusively by the department in conjunction with the Agency for
 1613 | Health Care Administration's review authority under paragraph
 1614 | (c).

1615 |
 1616 | The governing bodies of local governments may provide a schedule
 1617 | of fees, as authorized by s. 125.56(2) or s. 166.222 and this
 1618 | section, for the enforcement of the provisions of this part.
 1619 | Such fees shall be used solely for carrying out the local
 1620 | government's responsibilities in enforcing the Florida Building
 1621 | Code. The authority of state enforcing agencies to set fees for
 1622 | enforcement shall be derived from authority existing on July 1,
 1623 | 1998. However, nothing contained in this subsection shall
 1624 | operate to limit such agencies from adjusting their fee schedule

1625 in conformance with existing authority.

1626 (3) (a) Each enforcement district shall be governed by a
1627 board, the composition of which shall be determined by the
1628 affected localities.

1629 (b)1. At its own option, each enforcement district or
1630 local enforcement agency may adopt ~~promulgate~~ rules granting to
1631 the owner of a single-family residence one or more exemptions
1632 from the Florida Building Code relating to:

1633 a. ~~(a)~~ Addition, alteration, or repairs performed by the
1634 property owner upon his or her own property, provided any
1635 addition or alteration shall not exceed 1,000 square feet or the
1636 square footage of the primary structure, whichever is less.

1637 b. ~~(b)~~ Addition, alteration, or repairs by a nonowner
1638 within a specific cost limitation set by rule, provided the
1639 total cost shall not exceed \$5,000 within any 12-month period.

1640 c. ~~(c)~~ Building and inspection fees.

1641 2. However, the exemptions under subparagraph 1. do not
1642 apply to single-family residences that are located in mapped
1643 flood hazard areas, as defined in the code, unless the
1644 enforcement district or local enforcement agency has determined
1645 that the work, which is otherwise exempt, does not constitute a
1646 substantial improvement, including the repair of substantial
1647 damage, of such single-family residences.

1648 3. Each code exemption, as defined in sub-subparagraphs
1649 1.a, b., and c. paragraphs (a), (b), and (c), shall be certified
1650 to the local board 10 days prior to implementation and shall
1651 only be effective in the territorial jurisdiction of the
1652 enforcement district or local enforcement agency implementing

1653 | it.

1654 | Section 38. Subsections (4) through (9) of section

1655 | 553.841, Florida Statutes, are amended to read:

1656 | 553.841 Building code compliance and mitigation program.—

1657 | (4) ~~The department,~~ In administering the Florida Building

1658 | Code Compliance and Mitigation Program, the department shall

1659 | maintain, update, develop, or cause to be developed:

1660 | ~~(a) A core curriculum that is prerequisite to the advanced~~

1661 | ~~module coursework.~~

1662 | ~~(b)~~ advanced modules designed for use by each profession.

1663 | ~~(c) The core curriculum developed under this subsection~~

1664 | ~~must be submitted to the Department of Business and Professional~~

1665 | ~~Regulation for approval. Advanced modules developed under this~~

1666 | ~~paragraph must be approved by the commission and submitted to~~

1667 | ~~the respective boards for approval.~~

1668 | ~~(5) The core curriculum shall cover the information~~

1669 | ~~required to have all categories of participants appropriately~~

1670 | ~~informed as to their technical and administrative~~

1671 | ~~responsibilities in the effective execution of the code process~~

1672 | ~~by all individuals currently licensed under part XII of chapter~~

1673 | ~~468, chapter 471, chapter 481, or chapter 489, except as~~

1674 | ~~otherwise provided in s. 471.017. The core curriculum shall be~~

1675 | ~~prerequisite to the advanced module coursework for all licensees~~

1676 | ~~and shall be completed by individuals licensed in all categories~~

1677 | ~~under part XII of chapter 468, chapter 471, chapter 481, or~~

1678 | ~~chapter 489 within the first 2-year period after initial~~

1679 | ~~licensure. Core course hours taken by licensees to complete this~~

1680 | ~~requirement shall count toward fulfillment of required~~

1681 ~~continuing education units under part XII of chapter 468,~~
 1682 ~~chapter 471, chapter 481, or chapter 489.~~

1683 (5)~~(6)~~ Each biennium, upon receipt of funds by the
 1684 Department of Community Affairs from the Construction Industry
 1685 Licensing Board and the Electrical Contractors' Licensing Board
 1686 provided under ss. 489.109(3) and 489.509(3), the department
 1687 shall determine the amount of funds available for the Florida
 1688 Building Code Compliance and Mitigation Program.

1689 (6)~~(7)~~ If the projects provided through the Florida
 1690 Building Code Compliance and Mitigation Program in any state
 1691 fiscal year do not require the use of all available funds, the
 1692 unused funds shall be carried forward and allocated for use
 1693 during the following fiscal year.

1694 (7)~~(8)~~ The Florida Building Commission shall provide by
 1695 rule for the accreditation of courses related to the Florida
 1696 Building Code by accreditors approved by the commission. The
 1697 commission shall establish qualifications of accreditors and
 1698 criteria for the accreditation of courses by rule. The
 1699 commission may revoke the accreditation of a course by an
 1700 accreditor if the accreditation is demonstrated to violate this
 1701 part or the rules of the commission.

1702 (8)~~(9)~~ This section does not prohibit or limit the subject
 1703 areas or development of continuing education or training on the
 1704 Florida Building Code by any qualified entity.

1705 Section 39. Subsections (1), (5), (8), and (17) of section
 1706 553.842, Florida Statutes, are amended to read:

1707 553.842 Product evaluation and approval.—

1708 (1) The commission shall adopt rules under ss. 120.536(1)

1709 and 120.54 to develop and implement a product evaluation and
1710 approval system that applies statewide to operate in
1711 coordination with the Florida Building Code. The commission may
1712 enter into contracts to provide for administration of the
1713 product evaluation and approval system. The commission's rules
1714 and any applicable contract may provide that the payment of fees
1715 related to approvals be made directly to the administrator. Any
1716 fee paid by a product manufacturer shall be used only for
1717 funding the product evaluation and approval system. The product
1718 evaluation and approval system shall provide:

1719 (a) Appropriate promotion of innovation and new
1720 technologies.

1721 (b) Processing submittals of products from manufacturers
1722 in a timely manner.

1723 (c) Independent, third-party qualified and accredited
1724 testing and laboratory facilities, product evaluation entities,
1725 quality assurance agencies, certification agencies, and
1726 validation entities.

1727 (d) An easily accessible product acceptance list to
1728 entities subject to the Florida Building Code.

1729 (e) Development of stringent but reasonable testing
1730 criteria based upon existing consensus standards, when
1731 available, for products.

1732 (f) Long-term approvals, where feasible. State and local
1733 approvals will be valid until the requirements of the code on
1734 which the approval is based change, the product changes in a
1735 manner affecting its performance as required by the code, or the
1736 approval is revoked. However, the commission may authorize by

1737 rule editorial revisions to approvals and charge a fee as
 1738 provided in this section.

1739 (g) Criteria for revocation of a product approval.

1740 (h) Cost-effectiveness.

1741 (5) Statewide approval of products, methods, or systems of
 1742 construction may be achieved by one of the following methods.
 1743 One of these methods must be used by the commission to approve
 1744 the following categories of products: panel walls, exterior
 1745 doors, roofing, skylights, windows, shutters, and structural
 1746 components as established by the commission by rule.

1747 (a) Products for which the code establishes standardized
 1748 testing or comparative or rational analysis methods shall be
 1749 approved by submittal and validation of one of the following
 1750 reports or listings indicating that the product or method or
 1751 system of construction was evaluated to be in compliance with
 1752 the Florida Building Code and that the product or method or
 1753 system of construction is, for the purpose intended, at least
 1754 equivalent to that required by the Florida Building Code:

1755 1. A certification mark or listing of an approved
 1756 certification agency, which may be used only for products for
 1757 which the code designates standardized testing;

1758 2. A test report from an approved testing laboratory;

1759 3. A product evaluation report based upon testing or
 1760 comparative or rational analysis, or a combination thereof, from
 1761 an approved product evaluation entity; or

1762 4. A product evaluation report based upon testing or
 1763 comparative or rational analysis, or a combination thereof,
 1764 developed and signed and sealed by a professional engineer or

1765 architect, licensed in this state.

1766

1767 A product evaluation report or a certification mark or listing
1768 of an approved certification agency which demonstrates that the
1769 product or method or system of construction complies with the
1770 Florida Building Code for the purpose intended shall be
1771 equivalent to a test report and test procedure as referenced in
1772 the Florida Building Code. An application for state approval of
1773 a product under subparagraph 1. must be approved by the
1774 department after the commission staff or a designee verifies
1775 that the application and related documentation are complete.
1776 This verification must be completed within 10 business days
1777 after receipt of the application. Upon approval by the
1778 department, the product shall be immediately added to the list
1779 of state-approved products maintained under subsection (13).
1780 Approvals by the department shall be reviewed and ratified by
1781 the commission's program oversight committee except for a
1782 showing of good cause that a review by the full commission is
1783 necessary. The commission shall adopt rules providing means to
1784 cure deficiencies identified within submittals for products
1785 approved under this paragraph.

1786 (b) Products, methods, or systems of construction for
1787 which there are no specific standardized testing or comparative
1788 or rational analysis methods established in the code may be
1789 approved by submittal and validation of one of the following:

1790 1. A product evaluation report based upon testing or
1791 comparative or rational analysis, or a combination thereof, from
1792 an approved product evaluation entity indicating that the

1793 product or method or system of construction was evaluated to be
 1794 in compliance with the intent of the Florida Building Code and
 1795 that the product or method or system of construction is, for the
 1796 purpose intended, at least equivalent to that required by the
 1797 Florida Building Code; or

1798 2. A product evaluation report based upon testing or
 1799 comparative or rational analysis, or a combination thereof,
 1800 developed and signed and sealed by a professional engineer or
 1801 architect, licensed in this state, who certifies that the
 1802 product or method or system of construction is, for the purpose
 1803 intended, at least equivalent to that required by the Florida
 1804 Building Code.

1805 (8) The commission may adopt rules to approve the
 1806 following types of entities that produce information on which
 1807 product approvals are based. All of the following entities,
 1808 including engineers and architects, must comply with a
 1809 nationally recognized standard demonstrating independence or no
 1810 conflict of interest:

1811 (a) Evaluation entities approved pursuant to this
 1812 paragraph ~~that meet the criteria for approval adopted by the~~
 1813 ~~commission by rule.~~ The commission shall specifically approve
 1814 the National Evaluation Service, the International Association
 1815 of Plumbing and Mechanical Officials Evaluation Service ~~the~~
 1816 ~~International Conference of Building Officials Evaluation~~
 1817 ~~Services,~~ the International Code Council Evaluation Services,
 1818 ~~the Building Officials and Code Administrators International~~
 1819 ~~Evaluation Services,~~ ~~the Southern Building Code Congress~~
 1820 ~~International Evaluation Services,~~ and the Miami-Dade County

1821 Building Code Compliance Office Product Control. Architects and
 1822 engineers licensed in this state are also approved to conduct
 1823 product evaluations as provided in subsection (5).

1824 (b) Testing laboratories accredited by national
 1825 organizations, such as A2LA and the National Voluntary
 1826 Laboratory Accreditation Program, laboratories accredited by
 1827 evaluation entities approved under paragraph (a), and
 1828 laboratories that comply with other guidelines for testing
 1829 laboratories selected by the commission and adopted by rule.

1830 (c) Quality assurance entities approved by evaluation
 1831 entities approved under paragraph (a) and by certification
 1832 agencies approved under paragraph (d) and other quality
 1833 assurance entities that comply with guidelines selected by the
 1834 commission and adopted by rule.

1835 (d) Certification agencies accredited by nationally
 1836 recognized accreditors and other certification agencies that
 1837 comply with guidelines selected by the commission and adopted by
 1838 rule.

1839 (e) Validation entities that comply with accreditation
 1840 standards established by the commission by rule.

1841 ~~(17) (a) The Florida Building Commission shall review the~~
 1842 ~~list of evaluation entities in subsection (8) and, in the annual~~
 1843 ~~report required under s. 553.77, shall either recommend~~
 1844 ~~amendments to the list to add evaluation entities the commission~~
 1845 ~~determines should be authorized to perform product evaluations~~
 1846 ~~or shall report on the criteria adopted by rule or to be adopted~~
 1847 ~~by rule allowing the commission to approve evaluation entities~~
 1848 ~~that use the commission's product evaluation process. If the~~

1849 ~~commission adopts criteria by rule, the rulemaking process must~~
 1850 ~~be completed by July 1, 2009.~~

1851 ~~(b) Notwithstanding paragraph (8) (a), the International~~
 1852 ~~Association of Plumbing and Mechanical Officials Evaluation~~
 1853 ~~Services is approved as an evaluation entity until October 1,~~
 1854 ~~2009. If the association does not obtain permanent approval by~~
 1855 ~~the commission as an evaluation entity by October 1, 2009,~~
 1856 ~~products approved on the basis of an association evaluation must~~
 1857 ~~be substituted by an alternative, approved entity by December~~
 1858 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
 1859 ~~the commission based on an association evaluation is void.~~

1860 Section 40. Subsection (4) is added to section 553.844,
 1861 Florida Statutes, to read:

1862 553.844 Windstorm loss mitigation; requirements for roofs
 1863 and opening protection.—

1864 (4) Notwithstanding the provisions of this section,
 1865 exposed mechanical equipment or appliances fastened to a roof in
 1866 compliance with the code using rated stands, platforms, curbs,
 1867 slabs, or other means are deemed to comply with the wind
 1868 resistance requirements of the 2007 Florida Building Code, as
 1869 amended. Further support or enclosure of such mechanical
 1870 equipment or appliances is not required by a state or local
 1871 official having authority to enforce the Florida Building Code.
 1872 This subsection expires on the effective date of the 2010
 1873 Florida Building Code.

1874 Section 41. Section 553.885, Florida Statutes, is amended
 1875 to read:

1876 553.885 Carbon monoxide alarm required.—

1877 (1) Every separate building or addition to an existing
1878 building, other than a hospital, an inpatient hospice facility,
1879 or a nursing home facility licensed by the Agency for Health
1880 Care Administration, ~~constructed for which a building permit is~~
1881 ~~issued for new construction~~ on or after July 1, 2008, and having
1882 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an
1883 attached garage, or other feature, fixture, or element that
1884 emits carbon monoxide as a byproduct of combustion shall have an
1885 approved operational carbon monoxide alarm installed within 10
1886 feet of each room used for sleeping purposes in the new building
1887 or addition, or at such other locations as required by the
1888 Florida Building Code. The requirements of this subsection may
1889 be satisfied with the installation of a hard-wired battery-
1890 powered carbon monoxide alarm or a hard-wired battery-powered
1891 combination carbon monoxide and smoke alarm. For a new hospital,
1892 an inpatient hospice facility, ~~or~~ a nursing home facility
1893 licensed by the Agency for Health Care Administration, or a new
1894 state correctional institution, an approved operational carbon
1895 monoxide detector shall be installed inside or directly outside
1896 of each room or area within the hospital or facility where a
1897 fossil-fuel-burning heater, engine, or appliance is located.
1898 This detector shall be connected to the fire alarm system of the
1899 hospital or facility as a supervisory signal. This subsection
1900 does not apply to existing buildings that are undergoing
1901 alterations or repairs unless the alteration is an addition as
1902 defined in subsection (3).

1903 (2) The Florida Building Commission shall adopt rules to
1904 administer this section and shall incorporate such requirements

1905 into its next revision of the Florida Building Code.

1906 (3) As used in this section, the term:

1907 (a) "Carbon monoxide alarm" means a device that is meant
 1908 for the purpose of detecting carbon monoxide, that produces a
 1909 distinct audible alarm, and that meets the requirements of and
 1910 is approved by the Florida Building Commission.

1911 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,
 1912 or other petroleum or hydrocarbon product that emits carbon
 1913 monoxide as a by-product of combustion.

1914 (c) "Addition" means an extension or increase in floor
 1915 area, number of stories, or height of a building or structure.

1916 Section 42. Subsection (2) of section 553.9061, Florida
 1917 Statutes, is amended to read:

1918 553.9061 Scheduled increases in thermal efficiency
 1919 standards.—

1920 (2) The Florida Building Commission shall identify within
 1921 code support and compliance documentation the specific building
 1922 options and elements available to meet the energy performance
 1923 goals established in subsection (1). Energy efficiency
 1924 performance options and elements include, but are not limited
 1925 to:

1926 (a) Energy-efficient water heating systems, including
 1927 solar water heating.

1928 (b) Energy-efficient appliances.

1929 (c) Energy-efficient windows, doors, and skylights.

1930 (d) Low solar-absorption roofs, also known as "cool
 1931 roofs."

1932 (e) Enhanced ceiling and wall insulation.

1933 (f) Reduced-leak duct systems and energy-saving devices
 1934 and features installed within duct systems.

1935 (g) Programmable thermostats.

1936 (h) Energy-efficient lighting systems.

1937 (i) Energy-saving quality installation procedures for
 1938 replacement air-conditioning systems, including, but not limited
 1939 to, equipment sizing analysis and duct inspection.

1940 (j) Shading devices, sunscreening materials, and
 1941 overhangs.

1942 (k) Weatherstripping, caulking, and sealing of exterior
 1943 openings and penetrations.

1944 (l) Energy-efficient centralized computer data centers in
 1945 office buildings.

1946 Section 43. Subsections (3) and (4) of section 553.909,
 1947 Florida Statutes, are amended to read:

1948 553.909 Setting requirements for appliances; exceptions.—

1949 (3) Commercial or residential swimming pool pumps or water
 1950 heaters manufactured on or ~~sold~~ after July 1, 2011, shall comply
 1951 with the requirements of this subsection.

1952 (a) Natural gas pool heaters shall not be equipped with
 1953 constantly burning pilots.

1954 (b) Heat pump pool heaters shall have a coefficient of
 1955 performance at low temperature of not less than 4.0.

1956 (c) The thermal efficiency of gas-fired pool heaters and
 1957 oil-fired pool heaters shall not be less than 78 percent.

1958 (d) All pool heaters shall have a readily accessible on-
 1959 off switch that is mounted outside the heater and that allows
 1960 shutting off the heater without adjusting the thermostat

1961 setting.

1962 (4) (a) Residential swimming pool filtration pumps and pump
 1963 motors manufactured on or after July 1, 2011, must comply with
 1964 the requirements in this subsection.

1965 (b) Residential filtration pool pump motors shall not be
 1966 split-phase, shaded-pole, or capacitor start-induction run
 1967 types.

1968 (c) Residential filtration pool pumps and pool pump motors
 1969 with a total horsepower of 1 HP or more shall have the
 1970 capability of operating at two or more speeds with a low speed
 1971 having a rotation rate that is no more than one-half of the
 1972 motor's maximum rotation rate.

1973 (d) Residential filtration pool pump motor controls shall
 1974 have the capability of operating the pool pump at a minimum of
 1975 two speeds. The default circulation speed shall be the
 1976 residential filtration speed, with a higher speed override
 1977 capability being for a temporary period not to exceed one normal
 1978 cycle or 24 hours ~~120 minutes~~, whichever is less; except that
 1979 circulation speed for solar pool heating systems shall be
 1980 permitted to run at higher speeds during periods of usable solar
 1981 heat gain.

1982 Section 44. Section 553.912, Florida Statutes, is amended
 1983 to read:

1984 553.912 Air conditioners.—All air conditioners that ~~which~~
 1985 are sold or installed in the state shall meet the minimum
 1986 efficiency ratings of the Florida Energy Efficiency Code for
 1987 Building Construction. These efficiency ratings shall be
 1988 minimums and may be updated in the Florida Energy Efficiency

1989 Code for Building Construction by the department in accordance
 1990 with s. 553.901, following its determination that more cost-
 1991 effective energy-saving equipment and techniques are available.
 1992 It is the intent of the Legislature that all replacement air-
 1993 conditioning systems be installed using energy-saving, quality
 1994 installation procedures, including, but not limited to,
 1995 equipment sizing analysis and duct inspection.

1996 Section 45. Subsection (2) of section 627.711, Florida
 1997 Statutes, is amended to read:

1998 627.711 Notice of premium discounts for hurricane loss
 1999 mitigation; uniform mitigation verification inspection form.—

2000 (2) By July 1, 2007, the Financial Services Commission
 2001 shall develop by rule a uniform mitigation verification
 2002 inspection form that shall be used by all insurers when
 2003 submitted by policyholders for the purpose of factoring
 2004 discounts for wind insurance. In developing the form, the
 2005 commission shall seek input from insurance, construction, and
 2006 building code representatives. Further, the commission shall
 2007 provide guidance as to the length of time the inspection results
 2008 are valid. An insurer shall accept as valid a uniform mitigation
 2009 verification form certified by the Department of Financial
 2010 Services or signed by:

2011 (a) A hurricane mitigation inspector certified by the My
 2012 Safe Florida Home program;

2013 (b) A building code inspector certified under s. 468.607;

2014 (c) A general, building, or residential contractor
 2015 licensed under s. 489.111;

2016 (d) A professional engineer licensed under s. 471.015 ~~who~~

2017 ~~has passed the appropriate equivalency test of the Building Code~~
 2018 ~~Training Program as required by s. 553.841;~~

2019 (e) A professional architect licensed under s. 481.213; ~~or~~

2020 (f) A home inspector licensed under s. 468.8314 who has
 2021 completed at least 2 hours of mitigation training; or

2022 (g)~~(f)~~ Any other individual or entity recognized by the
 2023 insurer as possessing the necessary qualifications to properly
 2024 complete a uniform mitigation verification form.

2025 Section 46. Subsections (7) through (28) of section
 2026 633.021, Florida Statutes, are renumbered as subsections (8)
 2027 through (29), respectively, a new subsection (7) is added to
 2028 that section, and present subsection (20) of that section is
 2029 amended, to read:

2030 633.021 Definitions.—As used in this chapter:

2031 (7) (a) "Fire equipment dealer Class A" means a licensed
 2032 fire equipment dealer whose business is limited to servicing,
 2033 recharging, repairing, installing, or inspecting all types of
 2034 fire extinguishers and conducting hydrostatic tests on all types
 2035 of fire extinguishers.

2036 (b) "Fire equipment dealer Class B" means a licensed fire
 2037 equipment dealer whose business is limited to servicing,
 2038 recharging, repairing, installing, or inspecting all types of
 2039 fire extinguishers, including recharging carbon dioxide units
 2040 and conducting hydrostatic tests on all types of fire
 2041 extinguishers, except carbon dioxide units.

2042 (c) "Fire equipment dealer Class C" means a licensed fire
 2043 equipment dealer whose business is limited to servicing,
 2044 recharging, repairing, installing, or inspecting all types of

2045 fire extinguishers, except recharging carbon dioxide units, and
 2046 conducting hydrostatic tests on all types of fire extinguishers,
 2047 except carbon dioxide units.

2048 (d) "Fire equipment dealer Class D" means a licensed fire
 2049 equipment dealer whose business is limited to servicing,
 2050 recharging, repairing, installing, hydrotesting, or inspecting
 2051 of all types of preengineered fire extinguishing systems.

2052 (21) (a) ~~(20)~~ A "preengineered system" is a fire suppression
 2053 system which:

2054 1. ~~(a)~~ Uses any of a variety of extinguishing agents.

2055 2. ~~(b)~~ Is designed to protect specific hazards.

2056 3. ~~(c)~~ Must be installed according to pretested limitations
 2057 and configurations specified by the manufacturer and applicable
 2058 National Fire Protection Association (NFPA) standards. Only
 2059 those chapters within the National Fire Protection Association
 2060 standards that pertain to servicing, recharging, repairing,
 2061 installing, hydrotesting, or inspecting any type of
 2062 preengineered fire extinguishing system may be used.

2063 4. ~~(d)~~ Must be installed using components specified by the
 2064 manufacturer or components that are listed as equal parts by a
 2065 nationally recognized testing laboratory such as Underwriters
 2066 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

2067 5. ~~(e)~~ Must be listed by a nationally recognized testing
 2068 laboratory.

2069 (b) Preengineered systems consist of and include all of
 2070 the components and parts providing fire suppression protection,
 2071 but do not include the equipment being protected, and may
 2072 incorporate special nozzles, flow rates, methods of application,

2073 | pressurization levels, and quantities of agents designed by the
2074 | manufacturer for specific hazards.

2075 | Section 47. Paragraph (b) of subsection (3) of section
2076 | 633.0215, Florida Statutes, is amended, and subsections (13) and
2077 | (14) are added to that section, to read:

2078 | 633.0215 Florida Fire Prevention Code.—

2079 | (3) No later than 180 days before the triennial adoption
2080 | of the Florida Fire Prevention Code, the State Fire Marshal
2081 | shall notify each municipal, county, and special district fire
2082 | department of the triennial code adoption and steps necessary
2083 | for local amendments to be included within the code. No later
2084 | than 120 days before the triennial adoption of the Florida Fire
2085 | Prevention Code, each local jurisdiction shall provide the State
2086 | Fire Marshal with copies of its local fire code amendments. The
2087 | State Fire Marshal has the option to process local fire code
2088 | amendments that are received less than 120 days before the
2089 | adoption date of the Florida Fire Prevention Code.

2090 | (b) Any local amendment to the Florida Fire Prevention
2091 | Code adopted by a local government shall be effective only until
2092 | the adoption of the new edition of the Florida Fire Prevention
2093 | Code, which shall be every third year. At such time, the State
2094 | Fire Marshal shall adopt such amendment as part of the Florida
2095 | Fire Prevention Code or rescind the amendment. The State Fire
2096 | Marshal shall immediately notify the respective local government
2097 | of the rescission of the amendment and the reason for the
2098 | rescission. After receiving such notice, the respective local
2099 | government may readopt the rescinded amendment. Incorporation of
2100 | local amendments as regional and local concerns and variations

2101 shall be considered as adoption of an amendment pursuant to this
 2102 section part.

2103 (13) (a) The State Fire Marshal shall issue an expedited
 2104 declaratory statement relating to interpretations of provisions
 2105 of the Florida Fire Prevention Code according to the following
 2106 guidelines:

2107 1. The declaratory statement shall be rendered in
 2108 accordance with s. 120.565, except that a final decision must be
 2109 issued by the State Fire Marshal within 45 days after the
 2110 division's receipt of a petition seeking an expedited
 2111 declaratory statement. The State Fire Marshal shall give notice
 2112 of the petition and the expedited declaratory statement or the
 2113 denial of the petition in the next available issue of the
 2114 Florida Administrative Weekly after the petition is filed and
 2115 after the statement or denial is rendered.

2116 2. The petitioner must be the owner of the disputed
 2117 project or the owner's representative.

2118 3. The petition for an expedited declaratory statement
 2119 must be:

2120 a. Related to an active project that is under construction
 2121 or must have been submitted for a permit.

2122 b. The subject of a written notice citing a specific
 2123 provision of the Florida Fire Prevention Code which is in
 2124 dispute.

2125 c. Limited to a single question that is capable of being
 2126 answered with a "yes" or "no" response.

2127 (b) A petition for a declaratory statement which does not
 2128 meet all of the requirements of this subsection must be denied

2129 without prejudice. This subsection does not affect the right of
 2130 the petitioner as a substantially affected person to seek a
 2131 declaratory statement under s. 633.01(6).

2132 (14) A condominium that is one or two stories in height
 2133 and has an exterior corridor providing a means of egress is
 2134 exempt from installing a manual fire alarm system as required in
 2135 s. 9.6 of the most recent edition of the Life Safety Code
 2136 adopted in the Florida Fire Prevention Code.

2137 Section 48. Subsections (2) and (10) of section 633.0245,
 2138 Florida Statutes, are amended to read:

2139 633.0245 State Fire Marshal Nursing Home Fire Protection
 2140 Loan Guarantee Program.—

2141 (2) The State Fire Marshal may enter into limited loan
 2142 guarantee agreements with one or more financial institutions
 2143 qualified as public depositories in this state. Such agreements
 2144 shall provide a limited guarantee by the State of Florida
 2145 covering no more than 50 percent of the principal sum loaned by
 2146 such financial institution to an eligible nursing home, as
 2147 defined in subsection (10), for the sole purpose of the initial
 2148 installation at such nursing home of a fire protection system,
 2149 as defined in s. 633.021(10)~~(9)~~, approved by the State Fire
 2150 Marshal as being in compliance with the provisions of s. 633.022
 2151 and rules adopted thereunder.

2152 (10) For purposes of this section, "eligible nursing home"
 2153 means a nursing home facility that provides nursing services as
 2154 defined in chapter 464, is licensed under part II of chapter
 2155 400, and is certified by the Agency for Health Care
 2156 Administration to lack an installed fire protection system as

2157 defined in s. 633.021 (10) ~~(9)~~.

2158 Section 49. Subsection (10) of section 633.025, Florida
2159 Statutes, is amended to read:

2160 633.025 Minimum firesafety standards.—

2161 (10) (a) Before imposing a fire sprinkler requirement on
2162 any one- or two-family dwelling, a local government must provide
2163 the owner of any one- or two-family dwelling a letter
2164 documenting specific infrastructure or other tax or fee
2165 allowances and waivers that are listed in but not limited to
2166 those described in subsection (9) for the dwelling. The
2167 documentation must show that the cost savings reasonably
2168 approximate the cost of the purchase and installation of a fire
2169 protection system.

2170 (b) Notwithstanding any other provision of law, ordinance,
2171 or rule, a single-family dwelling unit shall not be required to
2172 have fire sprinklers irrespective of the use or occupancy
2173 category of that unit.

2174 Section 50. Section 633.026, Florida Statutes, is amended
2175 to read:

2176 633.026 Legislative intent; informal interpretations of
2177 the Florida Fire Prevention Code.—It is the intent of the
2178 Legislature that the Florida Fire Prevention Code be interpreted
2179 by fire officials and local enforcement agencies in a manner
2180 that reasonably and cost-effectively protects the public safety,
2181 health, and welfare, ensures uniform interpretations throughout
2182 this state, and provides just and expeditious processes for
2183 resolving disputes regarding such interpretations. It is the
2184 further intent of the Legislature that such processes provide

2185 for the expeditious resolution of the issues presented and that
 2186 the resulting interpretation of such issues be published on the
 2187 website of the Division of State Fire Marshal.

2188 (1) The Division of State Fire Marshal shall by rule
 2189 establish an informal process of rendering nonbinding
 2190 interpretations of the Florida Fire Prevention Code. The
 2191 Division of State Fire Marshal may contract with and refer
 2192 interpretive issues to a third party, selected based upon cost
 2193 effectiveness, quality of services to be performed, and other
 2194 performance-based criteria, which ~~nonprofit organization that~~
 2195 has experience in interpreting and enforcing the Florida Fire
 2196 Prevention Code. ~~The Division of State Fire Marshal shall~~
 2197 ~~immediately implement the process prior to the completion of~~
 2198 ~~formal rulemaking.~~ It is the intent of the Legislature that the
 2199 Division of State Fire Marshal establish ~~create~~ a Fire Code
 2200 Interpretation Committee composed of seven persons and seven
 2201 alternates, equally representing each area of the state ~~process~~
 2202 ~~to refer questions to a small group of individuals certified~~
 2203 ~~under s. 633.081(2), to which a party can pose questions~~
 2204 regarding the interpretation of the Florida Fire Prevention Code
 2205 provisions.

2206 (2) Each member and alternate member of the Fire Code
 2207 Interpretation Committee must be certified as a firesafety
 2208 inspector pursuant to s. 633.081(2) and must have a minimum of 5
 2209 years of experience interpreting and enforcing the Florida Fire
 2210 Prevention Code and the Life Safety Code. Each member and
 2211 alternate member must be approved by the Division of State Fire
 2212 Marshal and deemed by the division to have met these

2213 requirements for at least 30 days before participating in a
 2214 review of a nonbinding interpretation. ~~It is the intent of the~~
 2215 ~~Legislature that the process provide for the expeditious~~
 2216 ~~resolution of the issues presented and publication of the~~
 2217 ~~resulting interpretation on the website of the Division of State~~
 2218 ~~Fire Marshal. It is the intent of the Legislature that this~~
 2219 ~~program be similar to the program established by the Florida~~
 2220 ~~Building Commission in s. 553.775(3)(g).~~

2221 (3) Each nonbinding interpretation of code provisions must
 2222 be provided within 10 business days after receipt of a request
 2223 for interpretation. The response period established in this
 2224 subsection may be waived only with the written consent of the
 2225 party requesting the nonbinding interpretation and the Division
 2226 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
 2227 advisory only and nonbinding on the parties or the State Fire
 2228 Marshal.

2229 (4) In order to administer this section, the Division of
 2230 State Fire Marshal shall charge ~~department may adopt by rule and~~
 2231 ~~impose~~ a fee for nonbinding interpretations, with payment made
 2232 directly to the third party. The fee may not exceed \$150 for
 2233 each request for a review or interpretation. The division may
 2234 authorize payment of fees directly to the nonprofit organization
 2235 under contract pursuant to subsection (1).

2236 (5) A party requesting a nonbinding interpretation who
 2237 disagrees with the interpretation issued under this section may
 2238 apply for a formal interpretation from the State Fire Marshal
 2239 pursuant to s. 633.01(6).

2240 (6) The Division of State Fire Marshal shall issue or

2241 cause to be issued a nonbinding interpretation of the Florida
 2242 Fire Prevention Code pursuant to this section when requested to
 2243 do so upon submission of a petition by a fire official or by the
 2244 owner or owner's representative or the contractor or
 2245 contractor's representative of a project in dispute. The
 2246 division shall adopt a petition form by rule and the petition
 2247 form must be published on the State Fire Marshal's website. The
 2248 form shall, at a minimum, require:

2249 (a) The name and address of the local fire official,
 2250 including the address of the county, municipality, or special
 2251 district.

2252 (b) The name and address of the owner or owner's
 2253 representative or the contractor or contractor's representative.

2254 (c) A statement of the specific sections of the Florida
 2255 Fire Prevention Code being interpreted by the local fire
 2256 official.

2257 (d) An explanation of how the petitioner's substantial
 2258 interests are being affected by the local interpretation of the
 2259 Florida Fire Prevention Code.

2260 (e) A statement of the interpretation of the specific
 2261 sections of the Florida Fire Prevention Code by the local fire
 2262 official.

2263 (f) A statement of the interpretation that the petitioner
 2264 contends should be given to the specific sections of the Florida
 2265 Fire Prevention Code and a statement supporting the petitioner's
 2266 interpretation.

2267 (7) Upon receipt of a petition that meets the requirements
 2268 of subsection (6), the Division of State Fire Marshal shall

2269 immediately provide copies of the petition to the Fire Code
 2270 Interpretation Committee, and shall publish the petition and any
 2271 response submitted by the local fire official on the State Fire
 2272 Marshal's website.

2273 (8) The committee shall conduct proceedings as necessary
 2274 to resolve the issues and give due regard to the petition, the
 2275 facts of the matter at issue, specific code sections cited, and
 2276 any statutory implications affecting the Florida Fire Prevention
 2277 Code. The committee shall issue an interpretation regarding the
 2278 provisions of the Florida Fire Prevention Code within 10 days
 2279 after the filing of a petition. The committee shall issue an
 2280 interpretation based upon the Florida Fire Prevention Code or,
 2281 if the code is ambiguous, the intent of the code. The
 2282 committee's interpretation shall be provided to the petitioner
 2283 and shall include a notice that if the petitioner disagrees with
 2284 the interpretation, the petitioner may file a request for formal
 2285 interpretation by the State Fire Marshal under s. 633.01(6). The
 2286 committee's interpretation shall be provided to the State Fire
 2287 Marshal, and the division shall publish the interpretation on
 2288 the State Fire Marshal's website and in the Florida
 2289 Administrative Weekly.

2290 Section 51. Subsections (2) through (10) of section
 2291 633.061, Florida Statutes, are renumbered as subsections (3)
 2292 through (11), respectively, a new subsection (2) is added to
 2293 that section, and paragraphs (a) and (c) of present subsection
 2294 (3) of that section are amended, to read:

2295 633.061 Fire suppression equipment; license to install or
 2296 maintain.—

2297 (2) A person who holds a valid fire equipment dealer
2298 license may maintain such license in an inactive status during
2299 which time he or she may not engage in any work under the
2300 definition of the license held. An inactive status license shall
2301 be void after 2 years or at the time that the license is
2302 renewed, whichever comes first. The biennial renewal fee for an
2303 inactive status license shall be \$75. An inactive status license
2304 may not be reactivated unless the continuing education
2305 requirements of this chapter have been fulfilled.

2306 (4)~~(3)~~(a) Such licenses and permits shall be issued by the
2307 State Fire Marshal for 2 years beginning January 1, 2000, and
2308 each 2-year period thereafter and expiring December 31 of the
2309 second year. All licenses or permits issued will expire on
2310 December 31 of each odd-numbered year. The failure to renew a
2311 license or permit by December 31 of the second year will cause
2312 the license or permit to become inoperative. The holder of an
2313 inoperative license or permit shall not engage in any activities
2314 for which a license or permit is required by this section. A
2315 license or permit which is inoperative because of the failure to
2316 renew it shall be restored upon payment of the applicable fee
2317 plus a penalty equal to the applicable fee, if the application
2318 for renewal is filed no later than the following March 31. If
2319 the application for restoration is not made before the March
2320 31st deadline, the fee for restoration shall be equal to the
2321 original application fee and the penalty provided for herein,
2322 and, in addition, the State Fire Marshal shall require
2323 reexamination of the applicant. The fee for a license or permit
2324 issued for 1 year or less shall be prorated at 50 percent of the

2325 applicable fee for a biennial license or permit. After initial
 2326 licensure, each licensee or permittee must ~~shall~~ successfully
 2327 complete a course or courses of continuing education for fire
 2328 equipment technicians of at least 16 ~~32~~ hours. A license or
 2329 permit may not be renewed unless the licensee or permittee
 2330 produces documentation of the completion of at least 16 hours of
 2331 continuing education for fire equipment technicians during the
 2332 biennial licensure period ~~within 4 years of initial issuance of~~
 2333 ~~a license or permit and within each 4-year period thereafter or~~
 2334 ~~no such license or permit shall be renewed.~~ A person who is both
 2335 a licensee and a permittee shall be required to complete 16 ~~32~~
 2336 hours of continuing education during each renewal ~~per 4-year~~
 2337 period. Each licensee shall ensure that all permittees in his or
 2338 her employment meet their continuing education requirements. The
 2339 State Fire Marshal shall adopt rules describing the continuing
 2340 education requirements and shall have the authority upon
 2341 reasonable belief, to audit a fire equipment dealer to determine
 2342 compliance with continuing education requirements.

2343 (c) A license of any class shall not be issued or renewed
 2344 by the State Fire Marshal and a license of any class shall not
 2345 remain operative unless:

2346 1. The applicant has submitted to the State Fire Marshal
 2347 evidence of registration as a Florida corporation or evidence of
 2348 compliance with s. 865.09.

2349 2. The State Fire Marshal or his or her designee has by
 2350 inspection determined that the applicant possesses the equipment
 2351 required for the class of license sought. The State Fire Marshal
 2352 shall give an applicant a reasonable opportunity to correct any

2353 deficiencies discovered by inspection. A fee of \$50, payable to
2354 the State Fire Marshal, shall be required for any subsequent
2355 reinspection.

2356 3. The applicant has submitted to the State Fire Marshal
2357 proof of insurance providing coverage for comprehensive general
2358 liability for bodily injury and property damage, products
2359 liability, completed operations, and contractual liability. The
2360 State Fire Marshal shall adopt rules providing for the amounts
2361 of such coverage, but such amounts shall not be less than
2362 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
2363 licenses, and \$100,000 for Class C licenses; and the total
2364 coverage for any class of license held in conjunction with a
2365 Class D license shall not be less than \$300,000. The State Fire
2366 Marshal may, at any time after the issuance of a license or its
2367 renewal, require upon demand, and in no event more than 30 days
2368 after notice of such demand, the licensee to provide proof of
2369 insurance, on a form provided by the State Fire Marshal,
2370 containing confirmation of insurance coverage as required by
2371 this chapter. Failure, for any length of time, to provide proof
2372 of insurance coverage as required shall result in the immediate
2373 suspension of the license until proof of proper insurance is
2374 provided to the State Fire Marshal. An insurer which provides
2375 such coverage shall notify the State Fire Marshal of any change
2376 in coverage or of any termination, cancellation, or nonrenewal
2377 of any coverage.

2378 4. The applicant applies to the State Fire Marshal,
2379 provides proof of experience, and successfully completes a
2380 prescribed training course offered by the State Fire College or

2381 an equivalent course approved by the State Fire Marshal. This
2382 subparagraph does not apply to any holder of or applicant for a
2383 permit under paragraph (f) or to a business organization or a
2384 governmental entity seeking initial licensure or renewal of an
2385 existing license solely for the purpose of inspecting,
2386 servicing, repairing, marking, recharging, and maintaining fire
2387 extinguishers used and located on the premises of and owned by
2388 such organization or entity.

2389 5. The applicant has a current retestor identification
2390 number that is appropriate for the license for which the
2391 applicant is applying and that is listed with the United States
2392 Department of Transportation.

2393 6. The applicant has passed, with a grade of at least 70
2394 percent, a written examination testing his or her knowledge of
2395 the rules and statutes regulating the activities authorized by
2396 the license and demonstrating his or her knowledge and ability
2397 to perform those tasks in a competent, lawful, and safe manner.
2398 Such examination shall be developed and administered by the
2399 State Fire Marshal, or his or her designee in accordance with
2400 policies and procedures of the State Fire Marshal. An applicant
2401 shall pay a nonrefundable examination fee of \$50 for each
2402 examination or reexamination scheduled. No reexamination shall
2403 be scheduled sooner than 30 days after any administration of an
2404 examination to an applicant. No applicant shall be permitted to
2405 take an examination for any level of license more than a total
2406 of four times during 1 year, regardless of the number of
2407 applications submitted. As a prerequisite to licensure of the
2408 applicant:

- 2409 a. Must be at least 18 years of age.
- 2410 b. Must have 4 years of proven experience as a fire
- 2411 equipment permittee at a level equal to or greater than the
- 2412 level of license applied for or have a combination of education
- 2413 and experience determined to be equivalent thereto by the State
- 2414 Fire Marshal. Having held a permit at the appropriate level for
- 2415 the required period constitutes the required experience.
- 2416 c. Must not have been convicted of, or pled nolo
- 2417 contendere to, any felony. If an applicant has been convicted of
- 2418 any such felony, the applicant must comply with s.
- 2419 112.011(1)(b).

2420

2421 This subparagraph does not apply to any holder of or applicant

2422 for a permit under paragraph (f) or to a business organization

2423 or a governmental entity seeking initial licensure or renewal of

2424 an existing license solely for the purpose of inspecting,

2425 servicing, repairing, marking, recharging, hydrotesting, and

2426 maintaining fire extinguishers used and located on the premises

2427 of and owned by such organization or entity.

2428 Section 52. Section 633.081, Florida Statutes, is amended

2429 to read:

2430 633.081 Inspection of buildings and equipment; orders;

2431 firesafety inspection training requirements; certification;

2432 disciplinary action.—The State Fire Marshal and her or his

2433 agents shall, at any reasonable hour, when the State Fire

2434 Marshal department ~~department~~ has reasonable cause to believe that a

2435 violation of this chapter or s. 509.215, or a rule promulgated

2436 thereunder, or a minimum firesafety code adopted by a local

2437 authority, may exist, inspect any and all buildings and
2438 structures which are subject to the requirements of this chapter
2439 or s. 509.215 and rules promulgated thereunder. The authority to
2440 inspect shall extend to all equipment, vehicles, and chemicals
2441 which are located within the premises of any such building or
2442 structure.

2443 (1) Each county, municipality, and special district that
2444 has firesafety enforcement responsibilities shall employ or
2445 contract with a firesafety inspector. Except as provided in s.
2446 633.082(2), the firesafety inspector must conduct all firesafety
2447 inspections that are required by law. The governing body of a
2448 county, municipality, or special district that has firesafety
2449 enforcement responsibilities may provide a schedule of fees to
2450 pay only the costs of inspections conducted pursuant to this
2451 subsection and related administrative expenses. Two or more
2452 counties, municipalities, or special districts that have
2453 firesafety enforcement responsibilities may jointly employ or
2454 contract with a firesafety inspector.

2455 (2) Except as provided in s. 633.082(2), every firesafety
2456 inspection conducted pursuant to state or local firesafety
2457 requirements shall be by a person certified as having met the
2458 inspection training requirements set by the State Fire Marshal.
2459 Such person shall:

2460 (a) Be a high school graduate or the equivalent as
2461 determined by the department;

2462 (b) Not have been found guilty of, or having pleaded
2463 guilty or nolo contendere to, a felony or a crime punishable by
2464 imprisonment of 1 year or more under the law of the United

2465 States, or of any state thereof, which involves moral turpitude,
 2466 without regard to whether a judgment of conviction has been
 2467 entered by the court having jurisdiction of such cases;

2468 (c) Have her or his fingerprints on file with the
 2469 department or with an agency designated by the department;

2470 (d) Have good moral character as determined by the
 2471 department;

2472 (e) Be at least 18 years of age;

2473 (f) Have satisfactorily completed the firesafety inspector
 2474 certification examination as prescribed by the department; and

2475 (g)1. Have satisfactorily completed, as determined by the
 2476 department, a firesafety inspector training program of not less
 2477 than 200 hours established by the department and administered by
 2478 agencies and institutions approved by the department for the
 2479 purpose of providing basic certification training for firesafety
 2480 inspectors; or

2481 2. Have received in another state training which is
 2482 determined by the department to be at least equivalent to that
 2483 required by the department for approved firesafety inspector
 2484 education and training programs in this state.

2485 (3) Each special state firesafety inspection which is
 2486 required by law and is conducted by or on behalf of an agency of
 2487 the state must be performed by an individual who has met the
 2488 provision of subsection (2), except that the duration of the
 2489 training program shall not exceed 120 hours of specific training
 2490 for the type of property that such special state firesafety
 2491 inspectors are assigned to inspect.

2492 (4) A firefighter certified pursuant to s. 633.35 may

2493 | conduct firesafety inspections, under the supervision of a
 2494 | certified firesafety inspector, while on duty as a member of a
 2495 | fire department company conducting inservice firesafety
 2496 | inspections without being certified as a firesafety inspector,
 2497 | if such firefighter has satisfactorily completed an inservice
 2498 | fire department company inspector training program of at least
 2499 | 24 hours' duration as provided by rule of the department.

2500 | (5) Every firesafety inspector or special state firesafety
 2501 | inspector certificate is valid for a period of 3 years from the
 2502 | date of issuance. Renewal of certification shall be subject to
 2503 | the affected person's completing proper application for renewal
 2504 | and meeting all of the requirements for renewal as established
 2505 | under this chapter or by rule promulgated thereunder, which
 2506 | shall include completion of at least 40 hours during the
 2507 | preceding 3-year period of continuing education as required by
 2508 | the rule of the department or, in lieu thereof, successful
 2509 | passage of an examination as established by the department.

2510 | (6) The State Fire Marshal may deny, refuse to renew,
 2511 | suspend, or revoke the certificate of a firesafety inspector or
 2512 | special state firesafety inspector if it finds that any of the
 2513 | following grounds exist:

2514 | (a) Any cause for which issuance of a certificate could
 2515 | have been refused had it then existed and been known to the
 2516 | State Fire Marshal.

2517 | (b) Violation of this chapter or any rule or order of the
 2518 | State Fire Marshal.

2519 | (c) Falsification of records relating to the certificate.

2520 | (d) Having been found guilty of or having pleaded guilty

2521 or nolo contendere to a felony, whether or not a judgment of
 2522 conviction has been entered.

2523 (e) Failure to meet any of the renewal requirements.

2524 (f) Having been convicted of a crime in any jurisdiction
 2525 which directly relates to the practice of fire code inspection,
 2526 plan review, or administration.

2527 (g) Making or filing a report or record that the
 2528 certificateholder knows to be false, or knowingly inducing
 2529 another to file a false report or record, or knowingly failing
 2530 to file a report or record required by state or local law, or
 2531 knowingly impeding or obstructing such filing, or knowingly
 2532 inducing another person to impede or obstruct such filing.

2533 (h) Failing to properly enforce applicable fire codes or
 2534 permit requirements within this state which the
 2535 certificateholder knows are applicable by committing willful
 2536 misconduct, gross negligence, gross misconduct, repeated
 2537 negligence, or negligence resulting in a significant danger to
 2538 life or property.

2539 (i) Accepting labor, services, or materials at no charge
 2540 or at a noncompetitive rate from any person who performs work
 2541 that is under the enforcement authority of the certificateholder
 2542 and who is not an immediate family member of the
 2543 certificateholder. For the purpose of this paragraph, the term
 2544 "immediate family member" means a spouse, child, parent,
 2545 sibling, grandparent, aunt, uncle, or first cousin of the person
 2546 or the person's spouse or any person who resides in the primary
 2547 residence of the certificateholder.

2548 (7) The Division of State Fire Marshal and the Florida

2549 Building Code Administrators and Inspectors Board, established
 2550 pursuant to under s. 468.605, shall enter into a reciprocity
 2551 agreement to facilitate joint recognition of continuing
 2552 education recertification hours for certificateholders licensed
 2553 under s. 468.609 and firesafety inspectors certified under
 2554 subsection (2).

2555 (8) The State Fire Marshal shall develop by rule an
 2556 advanced training and certification program for firesafety
 2557 inspectors having fire code management responsibilities. The
 2558 program must be consistent with the appropriate provisions of
 2559 NFPA 1037, or similar standards adopted by the division, and
 2560 establish minimum training, education, and experience levels for
 2561 firesafety inspectors having fire code management
 2562 responsibilities.

2563 (9)~~(7)~~ The department shall provide by rule for the
 2564 certification of firesafety inspectors.

2565 Section 53. Subsections (2) and (3) of section 633.082,
 2566 Florida Statutes, are amended to read:

2567 633.082 Inspection of fire control systems, fire hydrants,
 2568 and fire protection systems.—

2569 (2) Fire hydrants and fire protection systems installed in
 2570 public and private properties, except one-family or two-family
 2571 dwellings, ~~in this state~~ shall be inspected following procedures
 2572 established in the nationally recognized inspection, testing,
 2573 and maintenance standards publications NFPA-24 and NFPA-25 as
 2574 set forth in the edition adopted by the State Fire Marshal.
 2575 Quarterly, annual, 3-year, and 5-year inspections consistent
 2576 with the contractual provisions with the owner shall be

2577 | conducted by the certificateholder or permittees employed by the
 2578 | certificateholder pursuant to s. 633.521, except that:

2579 | (a) Public fire hydrants owned by a governmental entity
 2580 | shall be inspected following procedures established in the
 2581 | inspection, testing, and maintenance standards adopted by the
 2582 | State Fire Marshal or equivalent standards such as those
 2583 | contained in the latest edition of the American Water Works
 2584 | Association's Manual M17, "Installation, Field Testing, and
 2585 | Maintenance of Fire Hydrants."

2586 | (b) County, municipal, and special district utilities may
 2587 | perform fire hydrant inspections required by this section using
 2588 | designated employees. Such designated employees need not be
 2589 | certified under this chapter. However, counties, municipalities,
 2590 | or special districts that use designated employees are
 2591 | responsible for ensuring that the designated employees are
 2592 | qualified to perform such inspections.

2593 | (3) The inspecting contractor shall provide to the
 2594 | building owner or hydrant owner and the local authority having
 2595 | jurisdiction a copy of the applicable inspection report
 2596 | established under this chapter. The maintenance of fire hydrant
 2597 | and fire protection systems as well as corrective actions on
 2598 | deficient systems is the responsibility of the owner of the
 2599 | system or hydrant. Equipment requiring periodic testing or
 2600 | operation to ensure its maintenance shall be tested or operated
 2601 | as specified in the Fire Prevention Code, Life Safety Code,
 2602 | National Fire Protection Association standards, or as directed
 2603 | by the agency having jurisdiction, provided that such agency
 2604 | shall not require a sprinkler system not required by the Fire

2605 Prevention Code, Life Safety Code or National Fire Protection
 2606 Association Standards to be removed regardless of its condition.

2607 This section does not prohibit governmental entities from
 2608 inspecting and enforcing firesafety codes.

2609 Section 54. Section 633.352, Florida Statutes, is amended
 2610 to read:

2611 633.352 Retention of firefighter certification.—Any
 2612 certified firefighter who has not been active as a firefighter,
 2613 or as a volunteer firefighter with an organized fire department,
 2614 for a period of 3 years shall be required to retake the
 2615 practical portion of the minimum standards state examination
 2616 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
 2617 Administrative Code, in order to maintain her or his
 2618 certification as a firefighter; however, this requirement does
 2619 not apply to state-certified firefighters who are certified and
 2620 employed as full-time firesafety inspectors or firesafety
 2621 instructors, regardless of the firefighter's employment status
 2622 ~~as determined by the division~~. The 3-year period begins on the
 2623 date the certificate of compliance is issued or upon termination
 2624 of service with an organized fire department.

2625 Section 55. Paragraph (e) of subsection (2) and
 2626 subsections (3), (10), and (11) of section 633.521, Florida
 2627 Statutes, are amended to read:

2628 633.521 Certificate application and issuance; permit
 2629 issuance; examination and investigation of applicant.—

2630 (2)

2631 (e) An applicant may not be examined more than four times
 2632 during 1 year for certification as a contractor pursuant to this

2633 section unless the person is or has been certified and is taking
 2634 the examination to change classifications. If an applicant does
 2635 not pass one or more parts of the examination, she or he may
 2636 take any part of the examination three more times during the 1-
 2637 year period beginning upon the date she or he originally filed
 2638 an application to take the examination. If the applicant does
 2639 not pass the examination within that 1-year period, she or he
 2640 must file a new application and pay the application and
 2641 examination fees in order to take the examination or a part of
 2642 the examination again. However, the applicant may not file a new
 2643 application sooner than 6 months after the date of her or his
 2644 last examination. An applicant who passes the examination but
 2645 does not meet the remaining qualifications as provided in
 2646 applicable statutes and rules within 1 year after the
 2647 application date must file a new application, pay the
 2648 application and examination fee, successfully complete a
 2649 prescribed training course approved by the State Fire College or
 2650 an equivalent course approved by the State Fire Marshal, and
 2651 retake and pass the written examination.

2652 (3) (a) As a prerequisite to taking the examination for
 2653 certification as a Contractor I, ~~Contractor II, or Contractor~~
 2654 ~~III~~, the applicant must be at least 18 years of age, be of good
 2655 moral character, and ~~shall~~ possess 4 years' proven experience in
 2656 the employment of a fire protection system Contractor I, ~~or~~
 2657 ~~Contractor II, or Contractor III~~ or a combination of equivalent
 2658 education and experience in both water-based and chemical fire
 2659 suppression systems.

2660 (b) As a prerequisite to taking the examination for

2661 certification as a Contractor II, the applicant must be at least
 2662 18 years of age, be of good moral character, and have 4 years of
 2663 verifiable employment experience with a fire protection system
 2664 as a Contractor I or Contractor II, or a combination of
 2665 equivalent education and experience in water-based fire
 2666 suppression systems.

2667 (c) Required education and experience for certification as
 2668 a Contractor I, Contractor II, Contractor III, or Contractor IV
 2669 includes training and experience in both installation and system
 2670 layout as defined in s. 633.021.

2671 (d) As a prerequisite to taking the examination for
 2672 certification as a Contractor III, the applicant must be at
 2673 least 18 years of age, be of good moral character, and have 4
 2674 years of verifiable employment experience with a fire protection
 2675 system as a Contractor I or Contractor II, or a combination of
 2676 equivalent education and experience in chemical fire suppression
 2677 systems.

2678 (e) As a prerequisite to taking the examination for
 2679 certification as a Contractor IV, the applicant ~~must shall~~ be at
 2680 least 18 years old, be of good moral character, be licensed as a
 2681 certified plumbing contractor under chapter 489, and
 2682 successfully complete a training program acceptable to the State
 2683 Fire Marshal of not less than 40 contact hours regarding the
 2684 applicable installation standard used by the Contractor IV as
 2685 described in NFPA 13D. The State Fire Marshal may adopt rules to
 2686 administer this subsection ~~have at least 2 years' proven~~
 2687 ~~experience in the employment of a fire protection system~~
 2688 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~

2689 ~~combination of equivalent education and experience which~~
 2690 ~~combination need not include experience in the employment of a~~
 2691 ~~fire protection system contractor.~~

2692 (f) As a prerequisite to taking the examination for
 2693 certification as a Contractor V, the applicant must ~~shall~~ be at
 2694 least 18 years old, be of good moral character, and have been
 2695 licensed as a certified underground utility and excavation
 2696 contractor or certified plumbing contractor pursuant to chapter
 2697 489, have verification by an individual who is licensed as a
 2698 certified utility contractor or certified plumbing contractor
 2699 pursuant to chapter 489 that the applicant has 4 years' proven
 2700 experience in the employ of a certified underground utility and
 2701 excavation contractor or certified plumbing contractor, or have
 2702 a combination of education and experience equivalent to 4 years'
 2703 proven experience in the employ of a certified underground
 2704 utility and excavation contractor or certified plumbing
 2705 contractor.

2706 (g) Within 30 days after the date of the examination, the
 2707 State Fire Marshal shall inform the applicant in writing whether
 2708 she or he has qualified or not and, if the applicant has
 2709 qualified, that she or he is ready to issue a certificate of
 2710 competency, subject to compliance with the requirements of
 2711 subsection (4).

2712 (10) ~~Effective July 1, 2008,~~ The State Fire Marshal shall
 2713 require the National Institute of Certification in Engineering
 2714 Technologies (NICET), Sub-field of Inspection and Testing of
 2715 Fire Protection Systems Level II or equivalent training and
 2716 education as determined by the division as proof that the

2717 | permitholders are knowledgeable about nationally accepted
2718 | standards for the inspection of fire protection systems. ~~It is~~
2719 | ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
2720 | ~~to accept continuing education of all certificateholders'~~
2721 | ~~employees who perform inspection functions which specifically~~
2722 | ~~prepares the permitholder to qualify for NICET II certification.~~

2723 | (11) It is intended that a certificateholder, or a
2724 | permitholder who is employed by a certificateholder, conduct
2725 | inspections required by this chapter. It is understood that
2726 | after July 1, 2008, employee turnover may result in a depletion
2727 | of personnel who are certified under the NICET Sub-field of
2728 | Inspection and Testing of Fire Protection Systems Level II or
2729 | equivalent training and education as required by the Division of
2730 | State Fire Marshal ~~which is required for permitholders. The~~
2731 | ~~extensive training and experience necessary to achieve NICET~~
2732 | ~~Level II certification is recognized.~~ A certificateholder may
2733 | ~~therefore~~ obtain a provisional permit with an endorsement for
2734 | inspection, testing, and maintenance of water-based fire
2735 | extinguishing systems for an employee if the employee has
2736 | initiated procedures for obtaining Level II certification from
2737 | the National Institute for Certification in Engineering
2738 | Technologies Sub-field of Inspection and Testing of Fire
2739 | Protection Systems and achieved Level I certification or an
2740 | equivalent level as determined by the State Fire Marshal through
2741 | verification of experience, training, and examination. The State
2742 | Fire Marshal may establish rules to administer this subsection.
2743 | After 2 years of provisional certification, the employee must
2744 | have achieved NICET Level II certification or obtain equivalent

2745 training and education as determined by the division, or cease
2746 performing inspections requiring Level II certification. The
2747 provisional permit is valid only for the 2 calendar years after
2748 the date of issuance, may not be extended, and is not renewable.
2749 After the initial 2-year provisional permit expires, the
2750 certificateholder must wait 2 additional years before a new
2751 provisional permit may be issued. The intent is to prohibit the
2752 certificateholder from using employees who never reach NICET
2753 Level II status, or equivalent training and education as
2754 determined by the division, by continuously obtaining
2755 provisional permits.

2756 Section 56. Subsection (3) is added to section 633.524,
2757 Florida Statutes, to read:

2758 633.524 Certificate and permit fees; use and deposit of
2759 collected funds.—

2760 (3) The State Fire Marshal may enter into a contract with
2761 any qualified public entity or private company in accordance
2762 with chapter 287 to provide examinations for any applicant for
2763 any examination administered under the jurisdiction of the State
2764 Fire Marshal. The State Fire Marshal may direct payments from
2765 each applicant for each examination directly to such contracted
2766 entity or company.

2767 Section 57. Subsection (4) of section 633.537, Florida
2768 Statutes, is amended to read:

2769 633.537 Certificate; expiration; renewal; inactive
2770 certificate; continuing education.—

2771 (4) The renewal period for the permit class is the same as
2772 that for the employing certificateholder. The continuing

2773 education requirements for permitholders are what is required to
 2774 maintain NICET Sub-field of Inspection and Testing of Fire
 2775 Protection Systems Level II, equivalent training and education
 2776 as determined by the division, or higher certification plus 8
 2777 contact hours of continuing education approved by the State Fire
 2778 Marshal during each biennial renewal period thereafter. ~~The~~
 2779 ~~continuing education curriculum from July 1, 2005, until July 1,~~
 2780 ~~2008, shall be the preparatory curriculum for NICET II~~
 2781 ~~certification; after July 1, 2008, the technical curriculum is~~
 2782 ~~at the discretion of the State Fire Marshal and may be used to~~
 2783 ~~meet the maintenance of NICET Level II certification and 8~~
 2784 ~~contact hours of continuing education requirements.~~ It is the
 2785 responsibility of the permitholder to maintain NICET II
 2786 certification or equivalent training and education as determined
 2787 by the division as a condition of permit renewal after July 1,
 2788 2008.

2789 Section 58. Subsection (4) of section 633.72, Florida
 2790 Statutes, is amended to read:

2791 633.72 Florida Fire Code Advisory Council.—

2792 (4) Each appointee shall serve a 4-year term. No member
 2793 shall serve more than two consecutive terms ~~one term~~. No member
 2794 of the council shall be paid a salary as such member, but each
 2795 shall receive travel and expense reimbursement as provided in s.
 2796 112.061.

2797 Section 59. Subsection (6) of section 718.113, Florida
 2798 Statutes, is repealed.

2799 Section 60. The Florida Building Commission shall revise
 2800 the Florida Building Code in order to make it consistent with

CS/CS/CS/HB 663

2010

2801 the revisions made by this act to s. 399.02, Florida Statutes.

2802 Section 61. This act shall take effect July 1, 2010.