

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; creating s. 455.2122, F.S.;
17 authorizing distance learning courses as an alternative to
18 classroom instruction for certain licenses; prohibiting
19 the department or regulatory board from requiring
20 centralized licensing examinations for certain licenses;
21 creating s. 455.2123, F.S.; authorizing distance learning
22 courses as an alternative to classroom instruction for
23 certain licenses; prohibiting the department or a
24 regulatory board from requiring centralized licensing
25 examinations for certain licenses; amending s. 468.631,
26 F.S.; revising the amount of a surcharge and imposing the
27 surcharge on certain building permits; requiring the unit
28 of government collecting the surcharge to remit the funds

29 to the Department of Business and Professional Regulation;
30 requiring the unit of government collecting the surcharge
31 to retain a portion of the funds to fund certain
32 activities of building departments; requiring that the
33 remaining funds from the surcharge be used to fund the
34 Florida Homeowners' Construction Recovery Fund and the
35 Florida Building Code Administrators and Inspectors Board;
36 amending s. 468.83, F.S.; providing for the creation of
37 the home inspection services licensing program within the
38 Department of Business and Professional Regulation;
39 amending s. 468.8311, F.S.; revising the term "home
40 inspection services"; amending s. 468.8312, F.S.; deleting
41 a fee provision for certain certificates of authorization;
42 amending s. 468.8313, F.S.; revising examination
43 requirements for licensure as a home inspector; providing
44 fingerprinting requirements and procedures for license
45 applications; providing that the applicant is responsible
46 for certain costs; amending s. 468.8318, F.S.; revising
47 requirements and procedures for certification of
48 corporations and partnerships offering home inspection
49 services to the public; deleting provisions relating to
50 required certificates of authorization; amending s.
51 468.8319, F.S.; delaying the enforcement of a prohibition
52 against performing certain activities by a person who is
53 not licensed as a home inspector; revising certain
54 prohibitions with respect to providers of home inspection
55 services; amending s. 468.832, F.S.; providing an
56 additional ground for taking certain disciplinary actions;

57 | amending s. 468.8324, F.S.; specifying additional
58 | requirements for licensure as a home inspector; creating
59 | s. 468.8325, F.S.; requiring the department to adopt rules
60 | to administer part XV of ch. 468, F.S., relating to home
61 | inspectors; amending s. 468.84, F.S.; providing for the
62 | creation of the mold-related services licensing program
63 | within the Department of Business and Professional
64 | Regulation; amending s. 468.8412, F.S.; deleting a fee
65 | provision for certain biennial certificates of
66 | authorization renewal; amending s. 468.8413, F.S.;
67 | revising examination requirements and procedures for
68 | licensure as a mold assessor or mold remediator; providing
69 | fingerprinting requirements and procedures for license
70 | applications; providing that the applicant is responsible
71 | for certain costs; amending s. 468.8414, F.S.; specifying
72 | an additional applicant qualification criterion for
73 | licensure by endorsement; amending s. 468.8418, F.S.;
74 | revising requirements and procedures for certification of
75 | corporations and partnerships offering mold assessment or
76 | mold remediation services to the public; deleting
77 | provisions relating to required certificates of
78 | authorization; amending s. 468.8419, F.S.; delaying the
79 | enforcement of a prohibition against performing certain
80 | activities by a person who is not licensed as a mold
81 | assessor; amending s. 468.842, F.S.; providing an
82 | additional ground for taking certain disciplinary actions;
83 | amending s. 468.8421, F.S.; specifying an insurance
84 | coverage requirement for mold assessors; amending s.

85 468.8423, F.S.; specifying additional requirements for
86 licensure as a mold assessor or mold remediator; creating
87 s. 468.8424, F.S.; requiring the Department of Business
88 and Professional Regulation to adopt rules to administer
89 part XVI of ch. 468, F.S., relating to mold-related
90 services; amending s. 489.103, F.S.; conforming a cross-
91 reference; amending s. 553.37, F.S.; authorizing
92 manufacturers to pay inspection fees directly to the
93 provider of inspection services; providing requirements
94 for rules of the Department of Business and Professional
95 Regulation regarding the schedule of fees; authorizing the
96 department to enter into contracts for the performance of
97 certain administrative duties; revising inspection
98 requirements for certain custom manufactured buildings;
99 amending s. 553.375, F.S.; revising the requirement for
100 recertification of manufactured buildings prior to
101 relocation; amending s. 553.512, F.S.; requiring the
102 Florida Building Commission to establish by rule a fee for
103 certain waiver requests; amending s. 553.721, F.S.;
104 revising the amount of a surcharge and imposing the
105 surcharge on certain building permits; requiring the unit
106 of government collecting the surcharge to electronically
107 remit the funds to the Department of Community Affairs;
108 requiring the unit of government collecting the surcharge
109 to retain a portion of the funds to fund certain
110 activities of building departments; deleting obsolete
111 language; amending s. 553.73, F.S.; conforming cross-
112 references; authorizing counties and municipalities to

113 adopt by ordinance administrative or technical amendments
114 to the Florida Building Code for certain flood-related
115 purposes; specifying requirements and procedures; revising
116 foundation code adoption requirements; authorizing the
117 Florida Building Commission to approve amendments relating
118 to equivalency of standards; exempting certain mausoleums
119 from the requirements of the Florida Building Code;
120 exempting certain temporary housing provided by the
121 Department of Corrections from the requirements of the
122 Florida Building Code; restricting the code, code
123 enforcement agencies, and local governments from imposing
124 requirements on certain mechanical equipment on roofs;
125 amending s. 553.74, F.S.; specifying absence of
126 impermissible conflicts of interest for certain committee
127 or workgroup members while representing clients under
128 certain circumstances; specifying certain prohibited
129 activities for such members; amending s. 553.76, F.S.;
130 authorizing the Florida Building Commission to adopt rules
131 related to consensus-building decisionmaking; amending s.
132 553.775, F.S.; conforming a cross-reference; authorizing
133 the commission to charge a fee for filing certain requests
134 and for nonbinding interpretations; limiting fees for
135 nonbinding interpretations; amending s. 553.79, F.S.;
136 requiring certain inspection services to be performed
137 under the alternative plans review and inspection process
138 or by a local governmental entity; reenacting s.
139 553.80(1), F.S., relating to the enforcement of the
140 Florida Building Code, to incorporate the amendments made

141 to s. 553.79, F.S., in a reference thereto; amending s.
142 553.80, F.S.; specifying nonapplicability of certain
143 exemptions from the Florida Building Code granted by
144 certain enforcement entities under certain circumstances;
145 revising requirements for review of facility plans and
146 construction surveyed for certain hospitals and health
147 care facilities; amending s. 553.841, F.S.; deleting
148 provisions requiring that the Department of Community
149 Affairs maintain, update, develop, or cause to be
150 developed a core curriculum for persons who enforce the
151 Florida Building Code; amending s. 553.842, F.S.;
152 authorizing rules requiring the payment of product
153 evaluation fees directly to the administrator of the
154 product evaluation and approval system; specifying the use
155 of such fees; authorizing the Florida Building Commission
156 to provide by rule for editorial revisions to certain
157 approvals and charge certain fees; providing requirements
158 for the approval of applications for state approval of a
159 product; providing for certain approved products to be
160 immediately added to the list of state-approved products;
161 requiring that the commission's oversight committee review
162 approved products; revising the list of approved
163 evaluation entities; deleting obsolete provisions
164 governing evaluation entities; amending s. 553.844, F.S.;
165 providing an exemption from the requirements regarding
166 roof and opening protections for certain exposed
167 mechanical equipment or appliances; providing for future
168 expiration; amending s. 553.885, F.S.; revising

169 requirements for carbon monoxide alarms; providing an
170 exception for buildings undergoing alterations or repairs;
171 defining the term "addition" as it relates to the
172 requirement of a carbon monoxide alarm; amending s.
173 553.9061, F.S.; revising the energy-efficiency performance
174 options and elements identified by the commission for
175 purposes of meeting certain goals; amending s. 553.909,
176 F.S.; revising a compliance criterion for certain swimming
177 pool pumps or water heaters; revising requirements for
178 residential swimming pool pumps and pump motors; amending
179 s. 553.912, F.S.; providing requirements for replacement
180 air-conditioning systems; amending s. 627.711, F.S.;
181 conforming provisions to changes made by the act in which
182 core curriculum courses relating to the Florida Building
183 Code are deleted; revising the list of persons qualified
184 to sign certain mitigation verification forms for certain
185 purposes; amending s. 633.021, F.S.; providing additional
186 definitions for fire equipment dealers; revising the
187 definition of the term "preengineered systems"; amending
188 s. 633.0215, F.S.; providing guidelines for the State Fire
189 Marshal to apply when issuing an expedited declaratory
190 statement; requiring that the State Fire Marshal issue an
191 expedited declaratory statement under certain
192 circumstances; providing requirements for a petition
193 requesting an expedited declaratory statement; exempting
194 certain condominiums from installing manual fire alarm
195 systems; amending s. 633.0245, F.S.; conforming cross-
196 references; amending s. 633.025, F.S.; prohibiting

197 requiring property owners to install fire sprinklers in
198 certain residential property; amending s. 633.026, F.S.;
199 providing legislative intent; revising authority of the
200 State Fire Marshal to contract with and refer interpretive
201 issues to certain entities; providing for the
202 establishment of the Fire Code Interpretation Committee;
203 providing for the membership of the committee and
204 requirements for membership; requiring that nonbinding
205 interpretations of the Florida Fire Prevention Code be
206 issued within a specified period after a request is
207 received; providing for the waiver of such requirement
208 under certain conditions; requiring that the Division of
209 State Fire Marshal charge a fee for nonbinding
210 interpretations; providing that fees may be paid directly
211 to a contract provider; providing requirements for
212 requesting a nonbinding interpretation; requiring that the
213 Division of State Fire Marshal develop a form for
214 submitting a petition for a nonbinding interpretation;
215 providing for a formal interpretation by the State Fire
216 Marshal; requiring that an interpretation of the Florida
217 Fire Prevention Code be published on the division's
218 website and in the Florida Administrative Weekly; amending
219 s. 626.061, F.S.; authorizing certain fire equipment
220 dealer licensees to maintain inactive license status under
221 certain circumstances; providing requirements; providing
222 for a renewal fee; revising certain continuing education
223 requirements; revising an applicant licensure
224 qualification requirement; amending s. 633.081, F.S.;

225 requiring that the State Fire Marshal inspect a building
226 when the State Fire Marshal, rather than the Department of
227 Financial Services, has cause to believe a violation has
228 occurred; providing exceptions for requirements that
229 certain firesafety inspections be conducted by firesafety
230 inspectors; requiring that the Division of State Fire
231 Marshal and the Florida Building Code Administrators and
232 Inspectors Board enter into a reciprocity agreement for
233 purposes of recertifying building code inspectors, plan
234 inspectors, building code administrators, and firesafety
235 inspectors; requiring that the State Fire Marshal develop
236 by rule an advanced training and certification program for
237 firesafety inspectors who have fire code management
238 responsibilities; requiring that the program be consistent
239 with certain standards and establish minimum training,
240 education, and experience levels for such firesafety
241 inspectors; amending s. 633.082, F.S.; authorizing
242 alternative inspection procedures for certain fire
243 hydrants; requiring periodic testing or operation of
244 certain equipment; providing that nonmandated sprinkler
245 systems may not be required to be removed; amending s.
246 633.352, F.S.; providing an exception to requirements for
247 recertification as a firefighter; amending s. 633.521,
248 F.S.; revising requirements for certification as a fire
249 protection system contractor; revising the prerequisites
250 for taking the certification examination; authorizing the
251 State Fire Marshal to accept more than one source of
252 professional certification; revising legislative intent;

253 amending s. 633.524, F.S.; authorizing the State Fire
 254 Marshal to enter into contracts for examination services;
 255 providing for the direct payment of examination fees to
 256 contract providers; amending s. 633.537, F.S.; revising
 257 the continuing education requirements for certain
 258 permitholders; amending 633.72, F.S.; revising the terms
 259 of service for members of the Fire Code Advisory Council;
 260 repealing s. 718.113(6), F.S., relating to requirements
 261 for 5-year inspections of certain condominium
 262 improvements; directing the Florida Building Commission to
 263 conform provisions of the Florida Building Code with
 264 revisions made by the act relating to the operation of
 265 elevators; requiring the Department of Management Services
 266 to consider the energy efficiency of building materials
 267 used for certain purposes in state buildings or
 268 facilities; requiring the department to adopt rules
 269 relating to installing high-efficiency replacement lamps
 270 in buildings owned by a state agency; providing an
 271 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

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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 in accordance with subsection
342 (3). The Division of State Fire Marshal of the Department of
343 Financial Services shall enforce this subsection.

344 Section 4. Section 455.2122, Florida Statutes, is created
345 to read:

346 455.2122 Education.—A board, or the department where there
347 is no board, shall approve distance learning courses as an
348 alternative to classroom courses to satisfy prelicensure or
349 postlicensure education requirements provided for in part VIII
350 of chapter 468 or part I of chapter 475. A board, or the
351 department when there is no board, may not require centralized
352 examinations for completion of prelicensure or postlicensure
353 education requirements for those professions licensed under part
354 VIII of chapter 468 or part I of chapter 475.

355 Section 5. Section 455.2123, Florida Statutes, is amended
356 to read:

357 455.2123 Continuing education.—A board, or the department
358 when there is no board, may provide by rule that distance
359 learning may be used to satisfy continuing education
360 requirements. A board, or the department when there is no board,
361 shall approve distance learning courses as an alternative to
362 classroom courses to satisfy continuing education requirements
363 provided for in part VIII, part XV, or part XVI of chapter 468
364 or part I or part II of chapter 475 and may not require

365 centralized examinations for completion of continuing education
 366 requirements for the professions licensed under part VIII, part
 367 XV, or part XVI of chapter 468 or part I or part II of chapter
 368 475.

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

371 468.631 Building Code Administrators and Inspectors Fund.—

372 (1) This part shall be funded through a surcharge, to be
 373 assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of
 374 1.5 percent of all permit fees associated with enforcement of
 375 the Florida Building Code as defined by the uniform account
 376 criteria and specifically the uniform account code for building
 377 permits adopted for local government financial reporting
 378 pursuant to s. 218.32 ~~one-half cent per square foot of under-~~
 379 ~~roof floor space permitted, including new construction,~~
 380 ~~renovations, alterations, and additions.~~ The minimum amount
 381 collected on any permit issued shall be \$2. The unit of
 382 government responsible for collecting permit fees pursuant to s.
 383 ~~125.56(4)~~ or s. 166.201 shall collect such surcharge and shall
 384 remit the funds to the department on a quarterly calendar basis
 385 beginning not later than December 31, 2010 ~~1993~~, for the
 386 preceding quarter, and continuing each third month thereafter;
 387 and such unit of government shall ~~may~~ ~~retain an amount up to~~ 10
 388 percent of the surcharge collected to fund the participation of
 389 building departments in the national and state building code
 390 adoption processes and to provide education related to
 391 enforcement of the Florida Building Code ~~projects and activities~~
 392 ~~intended to improve the quality of building code enforcement.~~

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

412 Section 7. Section 468.83, Florida Statutes, is amended to
 413 read:

414 468.83 Home inspection services licensing program;
 415 purpose.—

416 (1) There is created within the department the home
 417 inspection services licensing program.

418 (2) The Legislature recognizes that there is a need to
 419 require the licensing of home inspectors and to ensure that
 420 consumers of home inspection services can rely on the competence

421 of home inspectors, as determined by educational and experience
 422 requirements and testing. Therefore, the Legislature deems it
 423 necessary in the interest of the public welfare to regulate home
 424 inspectors in this state.

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

427 468.8311 Definitions.—As used in this part, the term:

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

435 Section 9. Subsections (4) through (8) of section
 436 468.8312, Florida Statutes, are amended to read:

437 468.8312 Fees.—

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

440 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

441 (5)~~(6)~~ The fee for licensure by endorsement shall not
 442 exceed \$200.

443 (6)~~(7)~~ The fee for application for inactive status or for
 444 reactivation of an inactive license shall not exceed \$200.

445 (7)~~(8)~~ The fee for applications from providers of
 446 continuing education may not exceed \$500.

447 Section 10. Subsections (1) and (2) of section 468.8313,
 448 Florida Statutes, are amended, present subsection (6) of that

449 section is renumbered as subsection (7) and amended, and a new
450 subsection (6) is added to that section, to read:

451 468.8313 Examinations.—

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

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

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

477 such fees and pay for the processing costs due to the Department
478 of Law Enforcement.

479 ~~(7)-(6)~~ The department may adopt rules pursuant to ss.
480 ~~120.536(1) and 120.54~~ to implement the provisions of this
481 section.

482 Section 11. Section 468.8318, Florida Statutes, is amended
483 to read:

484 468.8318 Certification of corporations and partnerships.-

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

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

505 | this section, nor shall any individual practicing home
506 | inspection services be relieved of responsibility for
507 | professional services performed by reason of his or her
508 | employment or relationship with a corporation or partnership.

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

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

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

525 | Section 12. Section 468.8319, Florida Statutes, is amended
526 | to read:

527 | 468.8319 Prohibitions; penalties.—

528 | (1) A person ~~home inspector, a company that employs a home~~
529 | ~~inspector, or a company that is controlled by a company that~~
530 | ~~also has a financial interest in a company employing a home~~
531 | ~~inspector~~ may not:

532 | (a) Effective July 1, 2011, practice or offer to practice

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533 home inspection services unless the person has complied with the
534 provisions of this part;

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

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

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

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

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

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

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

558 (i) Accept an engagement to make an omission or prepare a
559 report in which the inspection itself, or the fee payable for
560 the inspection, is contingent upon either the conclusions in the

561 report, preestablished findings, or the close of escrow.

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

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

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

570 468.832 Disciplinary proceedings.—

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

573 (a) Violation of any provision of this part or s.
 574 455.227(1).~~†~~

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

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

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

586 (e) Making or filing a report or record that the licensee
 587 knows to be false, willfully failing to file a report or record
 588 required by state or federal law, willfully impeding or

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589 obstructing such filing, or inducing another person to impede or
 590 obstruct such filing. Such reports or records shall include only
 591 those that are signed in the capacity of a licensed home
 592 inspector.~~†~~

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

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

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

604 (i) Practicing on a revoked, suspended, inactive, or
 605 delinquent license.

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

608 Section 14. Section 468.8324, Florida Statutes, is amended
 609 to read:

610 468.8324 Grandfather clause.—

611 (1) A person who performs home inspection services as
 612 defined in this part may qualify for licensure ~~to be licensed~~ by
 613 the department as a home inspector if the person submits an
 614 application to the department postmarked on or before March 1,
 615 2011, which shows that the applicant: ~~meets the licensure~~
 616 ~~requirements of this part by July 1, 2010.~~

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

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

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

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

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

642 Section 15. Section 468.8325, Florida Statutes, is created
643 to read:

644 468.8325 Rulemaking authority.—The department shall adopt

645 rules to administer this part.

646 Section 16. Section 468.84, Florida Statutes, is amended
647 to read:

648 468.84 Mold-related services licensing program;
649 legislative purpose.—

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

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

658 Section 17. Subsections (6) through (10) of section
659 468.8412, Florida Statutes, are amended to read:

660 468.8412 Fees.—

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

663 (6)(7) The fee for licensure by endorsement shall not
664 exceed \$200.

665 (7)(8) The fee for application for inactive status shall
666 not exceed \$100.

667 (8)(9) The fee for reactivation of an inactive license
668 shall not exceed \$200.

669 (9)(10) The fee for applications from providers of
670 continuing education may not exceed \$500.

671 Section 18. Subsections (1) and (2) of section 468.8413,
672 Florida Statutes, are amended, and subsection (6) is added to

673 that section, to read:

674 468.8413 Examinations.—

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

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

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

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

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

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

701 of 4 years of documented field experience in conducting
 702 microbial sampling or investigations.

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

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

718 468.8414 Licensure.—

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

723 (a) Is qualified to take the examination as set forth in
 724 s. 468.8413 and has passed a certification examination offered
 725 by a nationally recognized organization that certifies persons
 726 in the specialty of mold assessment or mold remediation that has
 727 been approved by the department as substantially equivalent to
 728 the requirements of this part and s. 455.217; or

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

734 Section 20. Section 468.8418, Florida Statutes, is amended
735 to read:

736 468.8418 Certification of partnerships and corporations.-

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

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

751 Nothing in this section shall be construed to allow a
752 corporation to hold a license to practice mold assessment or
753 mold remediation. No corporation or partnership shall be
754 relieved of responsibility for the conduct or acts of its
755 agents, employees, or officers by reason of its compliance with
756 this section, nor shall any individual practicing mold

757 assessment or mold remediation be relieved of responsibility for
 758 professional services performed by reason of his or her
 759 employment or relationship with a corporation or partnership.

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

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

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

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

779 468.8419 Prohibitions; penalties.—

780 (1) A person ~~mold assessor, a company that employs a mold~~
 781 ~~assessor, or a company that is controlled by a company that also~~
 782 ~~has a financial interest in a company employing a mold assessor~~
 783 may not:

784 (a) Effective July 1, 2011, perform or offer to perform

785 any mold assessment unless the mold assessor has documented
786 training in water, mold, and respiratory protection under s.
787 468.8414(2).

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

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

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

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

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

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

810 (h) Accept an engagement to make an omission of the
811 assessment or conduct an assessment in which the assessment
812 itself, or the fee payable for the assessment, is contingent

813 upon the conclusions of the assessment.

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

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

819 468.842 Disciplinary proceedings.—

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

822 (a) Violation of any provision of this part or s.
 823 455.227(1).~~†~~

824 (b) Attempting to procure a license to practice mold
 825 assessment or mold remediation by bribery or fraudulent
 826 misrepresentations.~~†~~

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

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

836 (e) Making or filing a report or record that the licensee
 837 knows to be false, willfully failing to file a report or record
 838 required by state or federal law, willfully impeding or
 839 obstructing such filing, or inducing another person to impede or
 840 obstruct such filing. Such reports or records shall include only

841 those that are signed in the capacity of a registered mold
 842 assessor or mold remediator.~~‡~~

843 (f) Advertising goods or services in a manner that is
 844 fraudulent, false, deceptive, or misleading in form or content.~~‡~~

845 (g) Engaging in fraud or deceit, or negligence,
 846 incompetency, or misconduct, in the practice of mold assessment
 847 or mold remediation.~~‡~~

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

854 (i) Practicing on a revoked, suspended, inactive, or
 855 delinquent license.

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

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

860 468.8421 Insurance.—

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

865 Section 24. Section 468.8423, Florida Statutes, is amended
 866 to read:

867 468.8423 Grandfather clause.—

868 (1) A person who performs mold assessment or mold

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

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

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

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

892 (3) An applicant may not qualify for licensure under this
893 section if he or she has had a mold assessor or mold remediator
894 license or a license in any related field revoked at any time or
895 suspended within the previous 5 years or has been assessed a
896 fine that exceeds \$500 within the previous 5 years. For purposes

897 of this subsection, a license in a related field includes, but
 898 is not limited to, licensure in real estate, construction, home
 899 inspection, building code administration or inspection, or
 900 indoor air quality.

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

904 Section 25. Section 468.8424, Florida Statutes, is created
 905 to read:

906 468.8424 Rulemaking authority.—The department shall adopt
 907 rules to administer this part.

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

910 489.103 Exemptions.—This part does not apply to:

911 (22) A person licensed pursuant to s. 633.061(1)(d) or
 912 (3)-(2)(b) performing work authorized by such license.

913 Section 27. Subsections (2), (8), and (9) of section
 914 553.37, Florida Statutes, are amended, and subsection (12) is
 915 added to that section, to read:

916 553.37 Rules; inspections; and insignia.—

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

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

921 (b) Investigation of consumer complaints of noncompliance
 922 of manufactured buildings with the Florida Building Code and the
 923 Florida Fire Prevention Code.

924 (c) Issuance, cancellation, and revocation of any insignia

925 issued by the department and procedures for auditing and
 926 accounting for disposition of them.

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

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

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

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

947 (a) A state department having building construction
 948 responsibilities;

949 (b) A local government;

950 (c) An approved inspection agency;

951 (d) An approved plan review agency; or

952 (e) An agency of another state.

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

957 Section 28. Section 553.375, Florida Statutes, is amended
 958 to read:

959 553.375 Recertification of manufactured buildings.—Prior
 960 to the relocation to a site that has a higher design wind speed,
 961 modification, or change of occupancy of a manufactured building
 962 within the state, the manufacturer, dealer, or owner thereof may
 963 apply to the department for recertification of that manufactured
 964 building. The department shall, by rule, provide what
 965 information the applicant must submit for recertification and
 966 for plan review and inspection of such manufactured buildings
 967 and shall establish fees for recertification. Upon a
 968 determination by the department that the manufactured building
 969 complies with the applicable building codes, the department
 970 shall issue a recertification insignia. A manufactured building
 971 that bears recertification insignia does not require any
 972 additional approval by an enforcement jurisdiction in which the
 973 building is sold or installed, and is considered to comply with
 974 all applicable codes. As an alternative to recertification by
 975 the department, the manufacturer, dealer, or owner of a
 976 manufactured building may seek appropriate permitting and a
 977 certificate of occupancy from the local jurisdiction in
 978 accordance with procedures generally applicable under the
 979 Florida Building Code.

980 Section 29. Subsection (1) of section 553.512, Florida

981 Statutes, is amended to read:

982 553.512 Modifications and waivers; advisory council.—

983 (1) The Florida Building Commission shall provide by
 984 regulation criteria for granting individual modifications of, or
 985 exceptions from, the literal requirements of this part upon a
 986 determination of unnecessary, unreasonable, or extreme hardship,
 987 provided such waivers shall not violate federal accessibility
 988 laws and regulations and shall be reviewed by the Accessibility
 989 Advisory Council. The commission shall establish by rule a fee
 990 to be paid upon submitting a request for a waiver as provided in
 991 this section. Notwithstanding any other provision of this
 992 subsection, if an applicant for a waiver demonstrates economic
 993 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver
 994 shall be granted. The commission may not consider waiving any of
 995 the requirements of s. 553.5041 unless the applicant first
 996 demonstrates that she or he has applied for and been denied
 997 waiver or variance from all local government zoning, subdivision
 998 regulations, or other ordinances that prevent compliance
 999 therewith. Further, the commission may not waive the requirement
 1000 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
 1001 accessible routes and minimum width of accessible parking
 1002 spaces.

1003 Section 30. Section 553.721, Florida Statutes, is amended
 1004 to read:

1005 553.721 Surcharge.—

1006 ~~(1)~~ In order for the Department of Community Affairs to
 1007 administer and carry out the purposes of this part and related
 1008 activities, there is hereby created a surcharge, to be assessed

1009 at the rate of 1.5 percent of the permit fees associated with
 1010 enforcement of the Florida Building Code as defined by the
 1011 uniform account criteria and specifically the uniform account
 1012 code for building permits adopted for local government financial
 1013 reporting pursuant to s. 218.32. The minimum amount collected on
 1014 any permit issued shall be \$2 ~~one-half cent per square foot~~
 1015 ~~under roof floor space permitted pursuant to s. 125.56(4) or s.~~
 1016 ~~166.201. However, for additions, alterations, or renovations to~~
 1017 ~~existing buildings, the surcharge shall be computed on the basis~~
 1018 ~~of the square footage being added, altered, or renovated. The~~
 1019 unit of government responsible for collecting a permit fee
 1020 pursuant to s. 125.56(4) or s. 166.201 shall collect such
 1021 surcharge and electronically remit the funds collected to the
 1022 department on a quarterly calendar basis beginning not later
 1023 than December 31, 2010, for the preceding quarter, and
 1024 continuing each third month thereafter, and such unit of
 1025 government shall ~~may~~ retain 10 ~~an amount up to 5~~ percent of the
 1026 surcharge collected to fund the participation of building
 1027 departments in the national and state building code adoption
 1028 processes and to provide education related to enforcement of the
 1029 Florida Building Code ~~cover costs associated with the collection~~
 1030 ~~and remittance of such surcharge. All funds remitted to the~~
 1031 department pursuant to this section ~~subsection~~ shall be
 1032 deposited in the Operating Trust Fund. Funds collected from such
 1033 surcharge shall not be used to fund research on techniques for
 1034 mitigation of radon in existing buildings. Funds used by the
 1035 department as well as funds to be transferred to the Department
 1036 of Health shall be as prescribed in the annual General

1037 Appropriations Act. The department shall adopt rules governing
 1038 the collection and remittance of surcharges in accordance with
 1039 chapter 120.

1040 ~~(2) Notwithstanding subsection (1), and for the 2008-2009~~
 1041 ~~fiscal year only, the amount transferred from the Operating~~
 1042 ~~Trust Fund to the Grants and Donations Trust Fund of the~~
 1043 ~~Department of Community Affairs pursuant to the General~~
 1044 ~~Appropriations Act for the 2008-2009 fiscal year shall be used~~
 1045 ~~for the regional planning councils, civil legal assistance, and~~
 1046 ~~the Front Porch Florida Initiative.~~

1047 Section 31. Subsections (2) and (3) and paragraph (b) of
 1048 subsection (4) of section 553.73, Florida Statutes, are amended,
 1049 present subsections (5) through (13) of that section are
 1050 renumbered as subsections (6) through (14), respectively, a new
 1051 subsection (5) is added to that section, paragraph (a) of
 1052 present subsection (6) and present subsections (7) and (9) of
 1053 that section are amended, and subsection (15) is added to that
 1054 section, to read:

1055 553.73 Florida Building Code.—

1056 (2) The Florida Building Code shall contain provisions or
 1057 requirements for public and private buildings, structures, and
 1058 facilities relative to structural, mechanical, electrical,
 1059 plumbing, energy, and gas systems, existing buildings,
 1060 historical buildings, manufactured buildings, elevators, coastal
 1061 construction, lodging facilities, food sales and food service
 1062 facilities, health care facilities, including assisted living
 1063 facilities, adult day care facilities, hospice residential and
 1064 inpatient facilities and units, and facilities for the control

1065 of radiation hazards, public or private educational facilities,
 1066 swimming pools, and correctional facilities and enforcement of
 1067 and compliance with such provisions or requirements. Further,
 1068 the Florida Building Code must provide for uniform
 1069 implementation of ss. 515.25, 515.27, and 515.29 by including
 1070 standards and criteria for residential swimming pool barriers,
 1071 pool covers, latching devices, door and window exit alarms, and
 1072 other equipment required therein, which are consistent with the
 1073 intent of s. 515.23. Technical provisions to be contained within
 1074 the Florida Building Code are restricted to requirements related
 1075 to the types of materials used and construction methods and
 1076 standards employed in order to meet criteria specified in the
 1077 Florida Building Code. Provisions relating to the personnel,
 1078 supervision or training of personnel, or any other professional
 1079 qualification requirements relating to contractors or their
 1080 workforce may not be included within the Florida Building Code,
 1081 and subsections (4), ~~(5)~~, (6), (7), and (8), and (9) are not to
 1082 be construed to allow the inclusion of such provisions within
 1083 the Florida Building Code by amendment. This restriction applies
 1084 to both initial development and amendment of the Florida
 1085 Building Code.

1086 (3) The commission shall select from available national or
 1087 international model building codes, or other available building
 1088 codes and standards currently recognized by the laws of this
 1089 state, to form the foundation for the Florida Building Code. The
 1090 commission may modify the selected model codes and standards as
 1091 needed to accommodate the specific needs of this state.
 1092 Standards or criteria referenced by the selected model codes

1093 shall be similarly incorporated by reference. If a referenced
 1094 standard or criterion requires amplification or modification to
 1095 be appropriate for use in this state, only the amplification or
 1096 modification shall be specifically set forth in the Florida
 1097 Building Code. The Florida Building Commission may approve
 1098 technical amendments to the code, subject to the requirements of
 1099 subsections (8) ~~(7)~~ and (9) ~~(8)~~, after the amendments have been
 1100 subject to the following conditions:

1101 (a) The proposed amendment has been published on the
 1102 commission's website for a minimum of 45 days and all the
 1103 associated documentation has been made available to any
 1104 interested party before any consideration by any Technical
 1105 Advisory Committee;

1106 (b) In order for a Technical Advisory Committee to make a
 1107 favorable recommendation to the commission, the proposal must
 1108 receive a three-fourths vote of the members present at the
 1109 Technical Advisory Committee meeting and at least half of the
 1110 regular members must be present in order to conduct a meeting;

1111 (c) After Technical Advisory Committee consideration and a
 1112 recommendation for approval of any proposed amendment, the
 1113 proposal must be published on the commission's website for not
 1114 less than 45 days before any consideration by the commission;
 1115 and

1116 (d) Any proposal may be modified by the commission based
 1117 on public testimony and evidence from a public hearing held in
 1118 accordance with chapter 120.

1119
 1120 The commission shall incorporate within sections of the Florida

1121 Building Code provisions which address regional and local
 1122 concerns and variations. The commission shall make every effort
 1123 to minimize conflicts between the Florida Building Code, the
 1124 Florida Fire Prevention Code, and the Life Safety Code.

1125 (4)

1126 (b) Local governments may, subject to the limitations of
 1127 this section, adopt amendments to the technical provisions of
 1128 the Florida Building Code which apply solely within the
 1129 jurisdiction of such government and which provide for more
 1130 stringent requirements than those specified in the Florida
 1131 Building Code, not more than once every 6 months. A local
 1132 government may adopt technical amendments that address local
 1133 needs if:

1134 1. The local governing body determines, following a public
 1135 hearing which has been advertised in a newspaper of general
 1136 circulation at least 10 days before the hearing, that there is a
 1137 need to strengthen the requirements of the Florida Building
 1138 Code. The determination must be based upon a review of local
 1139 conditions by the local governing body, which review
 1140 demonstrates by evidence or data that the geographical
 1141 jurisdiction governed by the local governing body exhibits a
 1142 local need to strengthen the Florida Building Code beyond the
 1143 needs or regional variation addressed by the Florida Building
 1144 Code, that the local need is addressed by the proposed local
 1145 amendment, and that the amendment is no more stringent than
 1146 necessary to address the local need.

1147 2. Such additional requirements are not discriminatory
 1148 against materials, products, or construction techniques of

1149 demonstrated capabilities.

1150 3. Such additional requirements may not introduce a new
1151 subject not addressed in the Florida Building Code.

1152 4. The enforcing agency shall make readily available, in a
1153 usable format, all amendments adopted pursuant to this section.

1154 5. Any amendment to the Florida Building Code shall be
1155 transmitted within 30 days by the adopting local government to
1156 the commission. The commission shall maintain copies of all such
1157 amendments in a format that is usable and obtainable by the
1158 public. Local technical amendments shall not become effective
1159 until 30 days after the amendment has been received and
1160 published by the commission.

1161 6. Any amendment to the Florida Building Code adopted by a
1162 local government pursuant to this paragraph shall be effective
1163 only until the adoption by the commission of the new edition of
1164 the Florida Building Code every third year. At such time, the
1165 commission shall review such amendment for consistency with the
1166 criteria in paragraph (9) ~~(8)~~ (a) and adopt such amendment as part
1167 of the Florida Building Code or rescind the amendment. The
1168 commission shall immediately notify the respective local
1169 government of the rescission of any amendment. After receiving
1170 such notice, the respective local government may readopt the
1171 rescinded amendment pursuant to the provisions of this
1172 paragraph.

1173 7. Each county and municipality desiring to make local
1174 technical amendments to the Florida Building Code shall by
1175 interlocal agreement establish a countywide compliance review
1176 board to review any amendment to the Florida Building Code,

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1177 adopted by a local government within the county pursuant to this
1178 paragraph, that is challenged by any substantially affected
1179 party for purposes of determining the amendment's compliance
1180 with this paragraph. If challenged, the local technical
1181 amendments shall not become effective until time for filing an
1182 appeal pursuant to subparagraph 8. has expired or, if there is
1183 an appeal, until the commission issues its final order
1184 determining the adopted amendment is in compliance with this
1185 subsection.

1186 8. If the compliance review board determines such
1187 amendment is not in compliance with this paragraph, the
1188 compliance review board shall notify such local government of
1189 the noncompliance and that the amendment is invalid and
1190 unenforceable until the local government corrects the amendment
1191 to bring it into compliance. The local government may appeal the
1192 decision of the compliance review board to the commission. If
1193 the compliance review board determines such amendment to be in
1194 compliance with this paragraph, any substantially affected party
1195 may appeal such determination to the commission. Any such appeal
1196 shall be filed with the commission within 14 days of the board's
1197 written determination. The commission shall promptly refer the
1198 appeal to the Division of Administrative Hearings for the
1199 assignment of an administrative law judge. The administrative
1200 law judge shall conduct the required hearing within 30 days, and
1201 shall enter a recommended order within 30 days of the conclusion
1202 of such hearing. The commission shall enter a final order within
1203 30 days thereafter. The provisions of chapter 120 and the
1204 uniform rules of procedure shall apply to such proceedings. The

1205 local government adopting the amendment that is subject to
 1206 challenge has the burden of proving that the amendment complies
 1207 with this paragraph in proceedings before the compliance review
 1208 board and the commission, as applicable. Actions of the
 1209 commission are subject to judicial review pursuant to s. 120.68.
 1210 The compliance review board shall determine whether its
 1211 decisions apply to a respective local jurisdiction or apply
 1212 countywide.

1213 9. An amendment adopted under this paragraph shall include
 1214 a fiscal impact statement which documents the costs and benefits
 1215 of the proposed amendment. Criteria for the fiscal impact
 1216 statement shall include the impact to local government relative
 1217 to enforcement, the impact to property and building owners, as
 1218 well as to industry, relative to the cost of compliance. The
 1219 fiscal impact statement may not be used as a basis for
 1220 challenging the amendment for compliance.

1221 10. In addition to subparagraphs 7. and 9., the commission
 1222 may review any amendments adopted pursuant to this subsection
 1223 and make nonbinding recommendations related to compliance of
 1224 such amendments with this subsection.

1225 (5) Notwithstanding subsection (4), counties and
 1226 municipalities may adopt by ordinance an administrative or
 1227 technical amendment to the Florida Building Code relating to
 1228 flood resistance in order to implement the National Flood
 1229 Insurance Program or incentives. Specifically, an administrative
 1230 amendment may assign the duty to enforce all or portions of
 1231 flood-related code provisions to the appropriate agencies of the
 1232 local government and adopt procedures for variances and

1233 exceptions from flood-related code provisions other than
 1234 provisions for structures seaward of the coastal construction
 1235 control line consistent with the requirements in 44 C.F.R. s.
 1236 60.6. A technical amendment is authorized to the extent it is
 1237 more stringent than the code. A technical amendment is not
 1238 subject to the requirements of subsection (4) and may not be
 1239 rendered void when the code is updated if the amendment is
 1240 adopted for the purpose of participating in the Community Rating
 1241 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment
 1242 had already been adopted by local ordinance prior to July 1,
 1243 2010, or the amendment requires a design flood elevation above
 1244 the base flood elevation. Any amendment adopted pursuant to this
 1245 subsection shall be transmitted to the commission within 30 days
 1246 after being adopted.

1247 (7)~~(6)~~(a) The commission, by rule adopted pursuant to ss.
 1248 120.536(1) and 120.54, shall update the Florida Building Code
 1249 every 3 years. When updating the Florida Building Code, the
 1250 commission shall select the most current version of the
 1251 International Building Code, the International Fuel Gas Code,
 1252 the International Mechanical Code, the International Plumbing
 1253 Code, and the International Residential Code, all of which are
 1254 adopted by the International Code Council, and the National
 1255 Electrical Code, which is adopted by the National Fire
 1256 Protection Association, to form the foundation codes of the
 1257 updated Florida Building Code, if the version has been adopted
 1258 by the applicable model code entity ~~and made available to the~~
 1259 ~~public at least 6 months prior to its selection by the~~
 1260 ~~commission~~. The commission shall select the most current version

1261 of the International Energy Conservation Code (IECC) as a
 1262 foundation code; however, the IECC shall be modified by the
 1263 commission to maintain the efficiencies of the Florida Energy
 1264 Efficiency Code for Building Construction adopted and amended
 1265 pursuant to s. 553.901.

1266 (8)~~(7)~~ Notwithstanding the provisions of subsection (3) or
 1267 subsection (7) ~~(6)~~, the commission may address issues identified
 1268 in this subsection by amending the code pursuant only to the
 1269 rule adoption procedures contained in chapter 120. Provisions of
 1270 the Florida Building Code, including those contained in
 1271 referenced standards and criteria, relating to wind resistance
 1272 or the prevention of water intrusion may not be amended pursuant
 1273 to this subsection to diminish those construction requirements;
 1274 however, the commission may, subject to conditions in this
 1275 subsection, amend the provisions to enhance those construction
 1276 requirements. Following the approval of any amendments to the
 1277 Florida Building Code by the commission and publication of the
 1278 amendments on the commission's website, authorities having
 1279 jurisdiction to enforce the Florida Building Code may enforce
 1280 the amendments. The commission may approve amendments that are
 1281 needed to address:

- 1282 (a) Conflicts within the updated code;
- 1283 (b) Conflicts between the updated code and the Florida
 1284 Fire Prevention Code adopted pursuant to chapter 633;
- 1285 (c) The omission of previously adopted Florida-specific
 1286 amendments to the updated code if such omission is not supported
 1287 by a specific recommendation of a technical advisory committee
 1288 or particular action by the commission;

1289 (d) Unintended results from the integration of previously
 1290 adopted Florida-specific amendments with the model code;
 1291 (e) Equivalency of standards;
 1292 (f)~~(e)~~ Changes to or inconsistencies with federal or state
 1293 law; or
 1294 (g)~~(f)~~ Adoption of an updated edition of the National
 1295 Electrical Code if the commission finds that delay of
 1296 implementing the updated edition causes undue hardship to
 1297 stakeholders or otherwise threatens the public health, safety,
 1298 and welfare.
 1299 (10)~~(9)~~ The following buildings, structures, and
 1300 facilities are exempt from the Florida Building Code as provided
 1301 by law, and any further exemptions shall be as determined by the
 1302 Legislature and provided by law:
 1303 (a) Buildings and structures specifically regulated and
 1304 preempted by the Federal Government.
 1305 (b) Railroads and ancillary facilities associated with the
 1306 railroad.
 1307 (c) Nonresidential farm buildings on farms.
 1308 (d) Temporary buildings or sheds used exclusively for
 1309 construction purposes.
 1310 (e) Mobile or modular structures used as temporary
 1311 offices, except that the provisions of part II relating to
 1312 accessibility by persons with disabilities shall apply to such
 1313 mobile or modular structures.
 1314 (f) Those structures or facilities of electric utilities,
 1315 as defined in s. 366.02, which are directly involved in the
 1316 generation, transmission, or distribution of electricity.

1317 (g) Temporary sets, assemblies, or structures used in
 1318 commercial motion picture or television production, or any
 1319 sound-recording equipment used in such production, on or off the
 1320 premises.

1321 (h) Storage sheds that are not designed for human
 1322 habitation and that have a floor area of 720 square feet or less
 1323 are not required to comply with the mandatory wind-borne-debris-
 1324 impact standards of the Florida Building Code.

1325 (i) Chickees constructed by the Miccosukee Tribe of
 1326 Indians of Florida or the Seminole Tribe of Florida. As used in
 1327 this paragraph, the term "chickee" means an open-sided wooden
 1328 hut that has a thatched roof of palm or palmetto or other
 1329 traditional materials, and that does not incorporate any
 1330 electrical, plumbing, or other nonwood features.

1331 (j) Family mausoleums not exceeding 250 square feet in
 1332 area which are prefabricated and assembled on site or
 1333 preassembled and delivered on site and have walls, roofs, and a
 1334 floor constructed of granite, marble, or reinforced concrete.

1335
 1336 With the exception of paragraphs (a), (b), (c), and (f), in
 1337 order to preserve the health, safety, and welfare of the public,
 1338 the Florida Building Commission may, by rule adopted pursuant to
 1339 chapter 120, provide for exceptions to the broad categories of
 1340 buildings exempted in this section, including exceptions for
 1341 application of specific sections of the code or standards
 1342 adopted therein. The Department of Agriculture and Consumer
 1343 Services shall have exclusive authority to adopt by rule,
 1344 pursuant to chapter 120, exceptions to nonresidential farm

1345 buildings exempted in paragraph (c) when reasonably necessary to
 1346 preserve public health, safety, and welfare. The exceptions must
 1347 be based upon specific criteria, such as under-roof floor area,
 1348 aggregate electrical service capacity, HVAC system capacity, or
 1349 other building requirements. Further, the commission may
 1350 recommend to the Legislature additional categories of buildings,
 1351 structures, or facilities which should be exempted from the
 1352 Florida Building Code, to be provided by law. The Florida
 1353 Building Code does not apply to temporary housing provided by
 1354 the Department of Corrections to any prisoner in the state
 1355 correctional system.

1356 (15) An agency or local government may not require that
 1357 existing mechanical equipment on the surface of a roof be
 1358 installed in compliance with the requirements of the Florida
 1359 Building Code until the equipment is required to be removed or
 1360 replaced.

1361 Section 32. Subsection (5) is added to section 553.74,
 1362 Florida Statutes, to read:

1363 553.74 Florida Building Commission.—

1364 (5) Notwithstanding s. 112.313 or any other provision of
 1365 law, a member of any of commission's technical advisory
 1366 committees or a member of any other advisory committee or
 1367 workgroup of the commission, does not have an impermissible
 1368 conflict of interest when representing clients before the
 1369 commission or one of its committees or workgroups. However, the
 1370 member, in his or her capacity as member of the committee or
 1371 workgroup, may not take part in any discussion on or take action
 1372 on any matter in which he or she has a direct financial

1373 interest.

1374 Section 33. Subsection (2) of section 553.76, Florida
1375 Statutes, is amended to read:

1376 553.76 General powers of the commission.—The commission is
1377 authorized to:

1378 (2) Issue memoranda of procedure for its internal
1379 management and control. The commission may adopt rules related
1380 to its consensus-based decisionmaking process, including, but
1381 not limited to, super majority voting requirements for
1382 commission actions relating to the adoption of the Florida
1383 Building Code or amendments to the code.

1384 Section 34. Subsections (2) and (4) of section 553.775,
1385 Florida Statutes, are amended to read:

1386 553.775 Interpretations.—

1387 (2) Local enforcement agencies, local building officials,
1388 state agencies, and the commission shall interpret provisions of
1389 the Florida Building Code in a manner that is consistent with
1390 declaratory statements and interpretations entered by the
1391 commission, except that conflicts between the Florida Fire
1392 Prevention Code and the Florida Building Code shall be resolved
1393 in accordance with s. 553.73 (11) ~~(10)~~ (c) and (d).

1394 (4) In order to administer this section, the commission
1395 may adopt by rule and impose a fee for filing requests for
1396 declaratory statements and binding and nonbinding
1397 interpretations to recoup the cost of the proceedings which may
1398 not exceed \$125 for each request for a nonbinding interpretation
1399 and \$250 for each request for a binding review or
1400 interpretation. For proceedings conducted by or in coordination

1401 with a third-party, the rule may provide that payment be made
 1402 directly to the third party, who shall remit to the department
 1403 that portion of the fee necessary to cover the costs of the
 1404 department.

1405 Section 35. Subsection (9) of section 553.79, Florida
 1406 Statutes, is amended to read:

1407 553.79 Permits; applications; issuance; inspections.—

1408 (9) Any state agency whose enabling legislation authorizes
 1409 it to enforce provisions of the Florida Building Code may enter
 1410 into an agreement with any other unit of government to delegate
 1411 its responsibility to enforce those provisions and may expend
 1412 public funds for permit and inspection fees, which fees may be
 1413 no greater than the fees charged others. Inspection services
 1414 that are not required to be performed by a state agency under a
 1415 federal delegation of responsibility or by a state agency under
 1416 the Florida Building Code must be performed under the
 1417 alternative plans review and inspection process created in s.
 1418 553.791 or by a local governmental entity having authority to
 1419 enforce the Florida Building Code.

1420 Section 36. For the purpose of incorporating the amendment
 1421 made by this act to section 553.79, Florida Statutes, in a
 1422 reference thereto, subsection (1) of section 553.80, Florida
 1423 Statutes, is reenacted, and paragraph (c) of subsection (1) and
 1424 subsection (3) of that section are amended, to read:

1425 553.80 Enforcement.—

1426 (1) Except as provided in paragraphs (a)-(g), each local
 1427 government and each legally constituted enforcement district
 1428 with statutory authority shall regulate building construction

1429 and, where authorized in the state agency's enabling
 1430 legislation, each state agency shall enforce the Florida
 1431 Building Code required by this part on all public or private
 1432 buildings, structures, and facilities, unless such
 1433 responsibility has been delegated to another unit of government
 1434 pursuant to s. 553.79(9).

1435 (a) Construction regulations relating to correctional
 1436 facilities under the jurisdiction of the Department of
 1437 Corrections and the Department of Juvenile Justice are to be
 1438 enforced exclusively by those departments.

1439 (b) Construction regulations relating to elevator
 1440 equipment under the jurisdiction of the Bureau of Elevators of
 1441 the Department of Business and Professional Regulation shall be
 1442 enforced exclusively by that department.

1443 (c) In addition to the requirements of s. 553.79 and this
 1444 section, facilities subject to the provisions of chapter 395 and
 1445 parts ~~part~~ II and VIII of chapter 400 shall have facility plans
 1446 reviewed and construction surveyed by the state agency
 1447 authorized to do so under the requirements of chapter 395 and
 1448 parts ~~part~~ II and VIII of chapter 400 and the certification
 1449 requirements of the Federal Government. Facilities subject to
 1450 the provisions of part IV of chapter 400 may have facility plans
 1451 reviewed and shall have construction surveyed by the state
 1452 agency authorized to do so under the requirements of part IV of
 1453 chapter 400 and the certification requirements of the Federal
 1454 Government.

1455 (d) Building plans approved under s. 553.77(3) and state-
 1456 approved manufactured buildings, including buildings

1457 manufactured and assembled offsite and not intended for
1458 habitation, such as lawn storage buildings and storage sheds,
1459 are exempt from local code enforcing agency plan reviews except
1460 for provisions of the code relating to erection, assembly, or
1461 construction at the site. Erection, assembly, and construction
1462 at the site are subject to local permitting and inspections.
1463 Lawn storage buildings and storage sheds bearing the insignia of
1464 approval of the department are not subject to s. 553.842. Such
1465 buildings that do not exceed 400 square feet may be delivered
1466 and installed without need of a contractor's or specialty
1467 license.

1468 (e) Construction regulations governing public schools,
1469 state universities, and community colleges shall be enforced as
1470 provided in subsection (6).

1471 (f) The Florida Building Code as it pertains to toll
1472 collection facilities under the jurisdiction of the turnpike
1473 enterprise of the Department of Transportation shall be enforced
1474 exclusively by the turnpike enterprise.

1475 (g) Construction regulations relating to secure mental
1476 health treatment facilities under the jurisdiction of the
1477 Department of Children and Family Services shall be enforced
1478 exclusively by the department in conjunction with the Agency for
1479 Health Care Administration's review authority under paragraph
1480 (c).

1481
1482 The governing bodies of local governments may provide a schedule
1483 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
1484 section, for the enforcement of the provisions of this part.

1485 Such fees shall be used solely for carrying out the local
 1486 government's responsibilities in enforcing the Florida Building
 1487 Code. The authority of state enforcing agencies to set fees for
 1488 enforcement shall be derived from authority existing on July 1,
 1489 1998. However, nothing contained in this subsection shall
 1490 operate to limit such agencies from adjusting their fee schedule
 1491 in conformance with existing authority.

1492 (3) (a) Each enforcement district shall be governed by a
 1493 board, the composition of which shall be determined by the
 1494 affected localities.

1495 (b)1. At its own option, each enforcement district or
 1496 local enforcement agency may adopt ~~promulgate~~ rules granting to
 1497 the owner of a single-family residence one or more exemptions
 1498 from the Florida Building Code relating to:

1499 a. ~~(a)~~ Addition, alteration, or repairs performed by the
 1500 property owner upon his or her own property, provided any
 1501 addition or alteration shall not exceed 1,000 square feet or the
 1502 square footage of the primary structure, whichever is less.

1503 b. ~~(b)~~ Addition, alteration, or repairs by a nonowner
 1504 within a specific cost limitation set by rule, provided the
 1505 total cost shall not exceed \$5,000 within any 12-month period.

1506 c. ~~(c)~~ Building and inspection fees.

1507 2. However, the exemptions under subparagraph 1. do not
 1508 apply to single-family residences that are located in mapped
 1509 flood hazard areas, as defined in the code, unless the
 1510 enforcement district or local enforcement agency has determined
 1511 that the work, which is otherwise exempt, does not constitute a
 1512 substantial improvement, including the repair of substantial

1513 damage, of such single-family residences.

1514 3. Each code exemption, as defined in sub-subparagraphs
 1515 1.a, b., and c. paragraphs (a), (b), and (c), shall be certified
 1516 to the local board 10 days prior to implementation and shall
 1517 only be effective in the territorial jurisdiction of the
 1518 enforcement district or local enforcement agency implementing
 1519 it.

1520 Section 37. Subsections (4) through (9) of section
 1521 553.841, Florida Statutes, are amended to read:

1522 553.841 Building code compliance and mitigation program.—

1523 (4) ~~The department,~~ In administering the Florida Building
 1524 Code Compliance and Mitigation Program, the department shall
 1525 maintain, update, develop, or cause to be developed:

1526 ~~(a) A core curriculum that is prerequisite to the advanced~~
 1527 ~~module coursework.~~

1528 ~~(b) advanced modules designed for use by each profession.~~

1529 ~~(c) The core curriculum developed under this subsection~~
 1530 ~~must be submitted to the Department of Business and Professional~~
 1531 ~~Regulation for approval. Advanced modules developed under this~~
 1532 ~~paragraph must be approved by the commission and submitted to~~
 1533 ~~the respective boards for approval.~~

1534 ~~(5) The core curriculum shall cover the information~~
 1535 ~~required to have all categories of participants appropriately~~
 1536 ~~informed as to their technical and administrative~~
 1537 ~~responsibilities in the effective execution of the code process~~
 1538 ~~by all individuals currently licensed under part XII of chapter~~
 1539 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
 1540 ~~otherwise provided in s. 471.017. The core curriculum shall be~~

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1541 ~~prerequisite to the advanced module coursework for all licensees~~
1542 ~~and shall be completed by individuals licensed in all categories~~
1543 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
1544 ~~chapter 489 within the first 2-year period after initial~~
1545 ~~licensure. Core course hours taken by licensees to complete this~~
1546 ~~requirement shall count toward fulfillment of required~~
1547 ~~continuing education units under part XII of chapter 468,~~
1548 ~~chapter 471, chapter 481, or chapter 489.~~

1549 (5)~~(6)~~ Each biennium, upon receipt of funds by the
1550 Department of Community Affairs from the Construction Industry
1551 Licensing Board and the Electrical Contractors' Licensing Board
1552 provided under ss. 489.109(3) and 489.509(3), the department
1553 shall determine the amount of funds available for the Florida
1554 Building Code Compliance and Mitigation Program.

1555 (6)~~(7)~~ If the projects provided through the Florida
1556 Building Code Compliance and Mitigation Program in any state
1557 fiscal year do not require the use of all available funds, the
1558 unused funds shall be carried forward and allocated for use
1559 during the following fiscal year.

1560 (7)~~(8)~~ The Florida Building Commission shall provide by
1561 rule for the accreditation of courses related to the Florida
1562 Building Code by accreditors approved by the commission. The
1563 commission shall establish qualifications of accreditors and
1564 criteria for the accreditation of courses by rule. The
1565 commission may revoke the accreditation of a course by an
1566 accreditor if the accreditation is demonstrated to violate this
1567 part or the rules of the commission.

1568 (8)~~(9)~~ This section does not prohibit or limit the subject

1569 areas or development of continuing education or training on the
 1570 Florida Building Code by any qualified entity.

1571 Section 38. Subsections (1), (5), (8), and (17) of section
 1572 553.842, Florida Statutes, are amended to read:

1573 553.842 Product evaluation and approval.—

1574 (1) The commission shall adopt rules under ss. 120.536(1)
 1575 and 120.54 to develop and implement a product evaluation and
 1576 approval system that applies statewide to operate in
 1577 coordination with the Florida Building Code. The commission may
 1578 enter into contracts to provide for administration of the
 1579 product evaluation and approval system. The commission's rules
 1580 and any applicable contract may provide that the payment of fees
 1581 related to approvals be made directly to the administrator. Any
 1582 fee paid by a product manufacturer shall be used only for
 1583 funding the product evaluation and approval system. The product
 1584 evaluation and approval system shall provide:

1585 (a) Appropriate promotion of innovation and new
 1586 technologies.

1587 (b) Processing submittals of products from manufacturers
 1588 in a timely manner.

1589 (c) Independent, third-party qualified and accredited
 1590 testing and laboratory facilities, product evaluation entities,
 1591 quality assurance agencies, certification agencies, and
 1592 validation entities.

1593 (d) An easily accessible product acceptance list to
 1594 entities subject to the Florida Building Code.

1595 (e) Development of stringent but reasonable testing
 1596 criteria based upon existing consensus standards, when

1597 available, for products.

1598 (f) Long-term approvals, where feasible. State and local
1599 approvals will be valid until the requirements of the code on
1600 which the approval is based change, the product changes in a
1601 manner affecting its performance as required by the code, or the
1602 approval is revoked. However, the commission may authorize by
1603 rule editorial revisions to approvals and charge a fee as
1604 provided in this section.

1605 (g) Criteria for revocation of a product approval.

1606 (h) Cost-effectiveness.

1607 (5) Statewide approval of products, methods, or systems of
1608 construction may be achieved by one of the following methods.
1609 One of these methods must be used by the commission to approve
1610 the following categories of products: panel walls, exterior
1611 doors, roofing, skylights, windows, shutters, and structural
1612 components as established by the commission by rule.

1613 (a) Products for which the code establishes standardized
1614 testing or comparative or rational analysis methods shall be
1615 approved by submittal and validation of one of the following
1616 reports or listings indicating that the product or method or
1617 system of construction was evaluated to be in compliance with
1618 the Florida Building Code and that the product or method or
1619 system of construction is, for the purpose intended, at least
1620 equivalent to that required by the Florida Building Code:

1621 1. A certification mark or listing of an approved
1622 certification agency, which may be used only for products for
1623 which the code designates standardized testing;

1624 2. A test report from an approved testing laboratory;

1625 3. A product evaluation report based upon testing or
1626 comparative or rational analysis, or a combination thereof, from
1627 an approved product evaluation entity; or

1628 4. A product evaluation report based upon testing or
1629 comparative or rational analysis, or a combination thereof,
1630 developed and signed and sealed by a professional engineer or
1631 architect, licensed in this state.

1632
1633 A product evaluation report or a certification mark or listing
1634 of an approved certification agency which demonstrates that the
1635 product or method or system of construction complies with the
1636 Florida Building Code for the purpose intended shall be
1637 equivalent to a test report and test procedure as referenced in
1638 the Florida Building Code. An application for state approval of
1639 a product under subparagraph 1. must be approved by the
1640 department after the commission staff or a designee verifies
1641 that the application and related documentation are complete.
1642 This verification must be completed within 10 business days
1643 after receipt of the application. Upon approval by the
1644 department, the product shall be immediately added to the list
1645 of state-approved products maintained under subsection (13).
1646 Approvals by the department shall be reviewed and ratified by
1647 the commission's program oversight committee except for a
1648 showing of good cause that a review by the full commission is
1649 necessary. The commission shall adopt rules providing means to
1650 cure deficiencies identified within submittals for products
1651 approved under this paragraph.

1652 (b) Products, methods, or systems of construction for

1653 | which there are no specific standardized testing or comparative
 1654 | or rational analysis methods established in the code may be
 1655 | approved by submittal and validation of one of the following:

1656 | 1. A product evaluation report based upon testing or
 1657 | comparative or rational analysis, or a combination thereof, from
 1658 | an approved product evaluation entity indicating that the
 1659 | product or method or system of construction was evaluated to be
 1660 | in compliance with the intent of the Florida Building Code and
 1661 | that the product or method or system of construction is, for the
 1662 | purpose intended, at least equivalent to that required by the
 1663 | Florida Building Code; or

1664 | 2. A product evaluation report based upon testing or
 1665 | comparative or rational analysis, or a combination thereof,
 1666 | developed and signed and sealed by a professional engineer or
 1667 | architect, licensed in this state, who certifies that the
 1668 | product or method or system of construction is, for the purpose
 1669 | intended, at least equivalent to that required by the Florida
 1670 | Building Code.

1671 | (8) The commission may adopt rules to approve the
 1672 | following types of entities that produce information on which
 1673 | product approvals are based. All of the following entities,
 1674 | including engineers and architects, must comply with a
 1675 | nationally recognized standard demonstrating independence or no
 1676 | conflict of interest:

1677 | (a) Evaluation entities approved pursuant to this
 1678 | paragraph ~~that meet the criteria for approval adopted by the~~
 1679 | ~~commission by rule.~~ The commission shall specifically approve
 1680 | the National Evaluation Service, the International Association

1681 of Plumbing and Mechanical Officials Evaluation Service ~~the~~
 1682 ~~International Conference of Building Officials Evaluation~~
 1683 ~~Services,~~ the International Code Council Evaluation Services,
 1684 ~~the Building Officials and Code Administrators International~~
 1685 ~~Evaluation Services,~~ the Southern Building Code Congress
 1686 ~~International Evaluation Services,~~ and the Miami-Dade County
 1687 Building Code Compliance Office Product Control. Architects and
 1688 engineers licensed in this state are also approved to conduct
 1689 product evaluations as provided in subsection (5).

1690 (b) Testing laboratories accredited by national
 1691 organizations, such as A2LA and the National Voluntary
 1692 Laboratory Accreditation Program, laboratories accredited by
 1693 evaluation entities approved under paragraph (a), and
 1694 laboratories that comply with other guidelines for testing
 1695 laboratories selected by the commission and adopted by rule.

1696 (c) Quality assurance entities approved by evaluation
 1697 entities approved under paragraph (a) and by certification
 1698 agencies approved under paragraph (d) and other quality
 1699 assurance entities that comply with guidelines selected by the
 1700 commission and adopted by rule.

1701 (d) Certification agencies accredited by nationally
 1702 recognized accreditors and other certification agencies that
 1703 comply with guidelines selected by the commission and adopted by
 1704 rule.

1705 (e) Validation entities that comply with accreditation
 1706 standards established by the commission by rule.

1707 ~~(17) (a) The Florida Building Commission shall review the~~
 1708 ~~list of evaluation entities in subsection (8) and, in the annual~~

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1709 ~~report required under s. 553.77, shall either recommend~~
 1710 ~~amendments to the list to add evaluation entities the commission~~
 1711 ~~determines should be authorized to perform product evaluations~~
 1712 ~~or shall report on the criteria adopted by rule or to be adopted~~
 1713 ~~by rule allowing the commission to approve evaluation entities~~
 1714 ~~that use the commission's product evaluation process. If the~~
 1715 ~~commission adopts criteria by rule, the rulemaking process must~~
 1716 ~~be completed by July 1, 2009.~~

1717 ~~(b) Notwithstanding paragraph (8) (a), the International~~
 1718 ~~Association of Plumbing and Mechanical Officials Evaluation~~
 1719 ~~Services is approved as an evaluation entity until October 1,~~
 1720 ~~2009. If the association does not obtain permanent approval by~~
 1721 ~~the commission as an evaluation entity by October 1, 2009,~~
 1722 ~~products approved on the basis of an association evaluation must~~
 1723 ~~be substituted by an alternative, approved entity by December~~
 1724 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
 1725 ~~the commission based on an association evaluation is void.~~

1726 Section 39. Subsection (4) is added to section 553.844,
 1727 Florida Statutes, to read:

1728 553.844 Windstorm loss mitigation; requirements for roofs
 1729 and opening protection.—

1730 (4) Notwithstanding the provisions of this section,
 1731 exposed mechanical equipment or appliances fastened to a roof or
 1732 installed on the ground in compliance with the code using rated
 1733 stands, platforms, curbs, slabs, or other means are deemed to
 1734 comply with the wind resistance requirements of the 2007 Florida
 1735 Building Code, as amended. Further support or enclosure of such
 1736 mechanical equipment or appliances is not required by a state or

1737 local official having authority to enforce the Florida Building
1738 Code. This subsection expires on the effective date of the 2010
1739 Florida Building Code.

1740 Section 40. Section 553.885, Florida Statutes, is amended
1741 to read:

1742 553.885 Carbon monoxide alarm required.—

1743 (1) Every separate building or addition to an existing
1744 building, other than a hospital, an inpatient hospice facility,
1745 or a nursing home facility licensed by the Agency for Health
1746 Care Administration, constructed for which a building permit is
1747 issued for new construction on or after July 1, 2008, and having
1748 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an
1749 attached garage, or other feature, fixture, or element that
1750 emits carbon monoxide as a byproduct of combustion shall have an
1751 approved operational carbon monoxide alarm installed within 10
1752 feet of each room used for sleeping purposes in the new building
1753 or addition, or at such other locations as required by the
1754 Florida Building Code. The requirements of this subsection may
1755 be satisfied with the installation of a hard-wired battery-
1756 powered carbon monoxide alarm or a hard-wired battery-powered
1757 combination carbon monoxide and smoke alarm. For a new hospital,
1758 an inpatient hospice facility, ~~or~~ a nursing home facility
1759 licensed by the Agency for Health Care Administration, or a new
1760 state correctional institution, an approved operational carbon
1761 monoxide detector shall be installed inside or directly outside
1762 of each room or area within the hospital or facility where a
1763 fossil-fuel-burning heater, engine, or appliance is located.
1764 This detector shall be connected to the fire alarm system of the

1765 hospital or facility as a supervisory signal. This subsection
 1766 does not apply to existing buildings that are undergoing
 1767 alterations or repairs unless the alteration is an addition as
 1768 defined in subsection (3).

1769 (2) The Florida Building Commission shall adopt rules to
 1770 administer this section and shall incorporate such requirements
 1771 into its next revision of the Florida Building Code.

1772 (3) As used in this section, the term:

1773 (a) "Carbon monoxide alarm" means a device that is meant
 1774 for the purpose of detecting carbon monoxide, that produces a
 1775 distinct audible alarm, and that meets the requirements of and
 1776 is approved by the Florida Building Commission.

1777 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,
 1778 or other petroleum or hydrocarbon product that emits carbon
 1779 monoxide as a by-product of combustion.

1780 (c) "Addition" means an extension or increase in floor
 1781 area, number of stories, or height of a building or structure.

1782 Section 41. Subsection (2) of section 553.9061, Florida
 1783 Statutes, is amended to read:

1784 553.9061 Scheduled increases in thermal efficiency
 1785 standards.—

1786 (2) The Florida Building Commission shall identify within
 1787 code support and compliance documentation the specific building
 1788 options and elements available to meet the energy performance
 1789 goals established in subsection (1). Energy efficiency
 1790 performance options and elements include, but are not limited
 1791 to:

1792 (a) Energy-efficient water heating systems, including

- 1793 solar water heating.
- 1794 (b) Energy-efficient appliances.
- 1795 (c) Energy-efficient windows, doors, and skylights.
- 1796 (d) Low solar-absorption roofs, also known as "cool
- 1797 roofs."
- 1798 (e) Enhanced ceiling and wall insulation.
- 1799 (f) Reduced-leak duct systems and energy-saving devices
- 1800 and features installed within duct systems.
- 1801 (g) Programmable thermostats.
- 1802 (h) Energy-efficient lighting systems.
- 1803 (i) Energy-saving quality installation procedures for
- 1804 replacement air-conditioning systems, including, but not limited
- 1805 to, equipment sizing analysis and duct inspection.
- 1806 (j) Shading devices, sunscreening materials, and
- 1807 overhangs.
- 1808 (k) Weatherstripping, caulking, and sealing of exterior
- 1809 openings and penetrations.
- 1810 (l) Energy-efficient centralized computer data centers in
- 1811 office buildings.
- 1812 Section 42. Subsections (3) and (4) of section 553.909,
- 1813 Florida Statutes, are amended to read:
- 1814 553.909 Setting requirements for appliances; exceptions.—
- 1815 (3) Commercial or residential swimming pool pumps or water
- 1816 heaters manufactured on or ~~sold~~ after July 1, 2011, shall comply
- 1817 with the requirements of this subsection.
- 1818 (a) Natural gas pool heaters shall not be equipped with
- 1819 constantly burning pilots.
- 1820 (b) Heat pump pool heaters shall have a coefficient of

1821 performance at low temperature of not less than 4.0.

1822 (c) The thermal efficiency of gas-fired pool heaters and
 1823 oil-fired pool heaters shall not be less than 78 percent.

1824 (d) All pool heaters shall have a readily accessible on-
 1825 off switch that is mounted outside the heater and that allows
 1826 shutting off the heater without adjusting the thermostat
 1827 setting.

1828 (4)(a) Residential swimming pool filtration pumps and pump
 1829 motors manufactured on or after July 1, 2011, must comply with
 1830 the requirements in this subsection.

1831 (b) Residential filtration pool pump motors shall not be
 1832 split-phase, shaded-pole, or capacitor start-induction run
 1833 types.

1834 (c) Residential filtration pool pumps and pool pump motors
 1835 with a total horsepower of 1 HP or more shall have the
 1836 capability of operating at two or more speeds with a low speed
 1837 having a rotation rate that is no more than one-half of the
 1838 motor's maximum rotation rate.

1839 (d) Residential filtration pool pump motor controls shall
 1840 have the capability of operating the pool pump at a minimum of
 1841 two speeds. The default circulation speed shall be the
 1842 residential filtration speed, with a higher speed override
 1843 capability being for a temporary period not to exceed one normal
 1844 cycle or 24 hours ~~120 minutes~~, whichever is less; except that
 1845 circulation speed for solar pool heating systems shall be
 1846 permitted to run at higher speeds during periods of usable solar
 1847 heat gain.

1848 Section 43. Section 553.912, Florida Statutes, is amended

1849 to read:

1850 553.912 Air conditioners.—All air conditioners that ~~which~~
 1851 are sold or installed in the state shall meet the minimum
 1852 efficiency ratings of the Florida Energy Efficiency Code for
 1853 Building Construction. These efficiency ratings shall be
 1854 minimums and may be updated in the Florida Energy Efficiency
 1855 Code for Building Construction by the department in accordance
 1856 with s. 553.901, following its determination that more cost-
 1857 effective energy-saving equipment and techniques are available.
 1858 It is the intent of the Legislature that all replacement air-
 1859 conditioning systems be installed using energy-saving, quality
 1860 installation procedures, including, but not limited to,
 1861 equipment sizing analysis and duct inspection.

1862 Section 44. Subsection (2) of section 627.711, Florida
 1863 Statutes, is amended to read:

1864 627.711 Notice of premium discounts for hurricane loss
 1865 mitigation; uniform mitigation verification inspection form.—

1866 (2) By July 1, 2007, the Financial Services Commission
 1867 shall develop by rule a uniform mitigation verification
 1868 inspection form that shall be used by all insurers when
 1869 submitted by policyholders for the purpose of factoring
 1870 discounts for wind insurance. In developing the form, the
 1871 commission shall seek input from insurance, construction, and
 1872 building code representatives. Further, the commission shall
 1873 provide guidance as to the length of time the inspection results
 1874 are valid. An insurer shall accept as valid a uniform mitigation
 1875 verification form certified by the Department of Financial
 1876 Services or signed by:

- 1877 (a) A hurricane mitigation inspector certified by the My
- 1878 Safe Florida Home program;
- 1879 (b) A building code inspector certified under s. 468.607;
- 1880 (c) A general, building, or residential contractor
- 1881 licensed under s. 489.111;
- 1882 (d) A professional engineer licensed under s. 471.015 ~~who~~
- 1883 ~~has passed the appropriate equivalency test of the Building Code~~
- 1884 ~~Training Program as required by s. 553.841;~~
- 1885 (e) A professional architect licensed under s. 481.213; ~~or~~
- 1886 (f) A home inspector licensed under s. 468.8314 who has
- 1887 completed at least 2 hours of mitigation training; or
- 1888 (g)~~(f)~~ Any other individual or entity recognized by the
- 1889 insurer as possessing the necessary qualifications to properly
- 1890 complete a uniform mitigation verification form.

1891 Section 45. Subsections (7) through (28) of section

1892 633.021, Florida Statutes, are renumbered as subsections (8)

1893 through (29), respectively, a new subsection (7) is added to

1894 that section, and present subsection (20) of that section is

1895 amended, to read:

1896 633.021 Definitions.—As used in this chapter:

1897 (7) (a) "Fire equipment dealer Class A" means a licensed

1898 fire equipment dealer whose business is limited to servicing,

1899 recharging, repairing, installing, or inspecting all types of

1900 fire extinguishers and conducting hydrostatic tests on all types

1901 of fire extinguishers.

1902 (b) "Fire equipment dealer Class B" means a licensed fire

1903 equipment dealer whose business is limited to servicing,

1904 recharging, repairing, installing, or inspecting all types of

1905 fire extinguishers, including recharging carbon dioxide units
 1906 and conducting hydrostatic tests on all types of fire
 1907 extinguishers, except carbon dioxide units.

1908 (c) "Fire equipment dealer Class C" means a licensed fire
 1909 equipment dealer whose business is limited to servicing,
 1910 recharging, repairing, installing, or inspecting all types of
 1911 fire extinguishers, except recharging carbon dioxide units, and
 1912 conducting hydrostatic tests on all types of fire extinguishers,
 1913 except carbon dioxide units.

1914 (d) "Fire equipment dealer Class D" means a licensed fire
 1915 equipment dealer whose business is limited to servicing,
 1916 recharging, repairing, installing, hydrotesting, or inspecting
 1917 of all types of preengineered fire extinguishing systems.

1918 (21) (a) ~~(20)~~ A "preengineered system" is a fire suppression
 1919 system which:

- 1920 1. ~~(a)~~ Uses any of a variety of extinguishing agents.
- 1921 2. ~~(b)~~ Is designed to protect specific hazards.
- 1922 3. ~~(c)~~ Must be installed according to pretested limitations
 1923 and configurations specified by the manufacturer and applicable
 1924 National Fire Protection Association (NFPA) standards. Only
 1925 those chapters within the National Fire Protection Association
 1926 standards that pertain to servicing, recharging, repairing,
 1927 installing, hydrotesting, or inspecting any type of
 1928 preengineered fire extinguishing system may be used.

- 1929 4. ~~(d)~~ Must be installed using components specified by the
 1930 manufacturer or components that are listed as equal parts by a
 1931 nationally recognized testing laboratory such as Underwriters
 1932 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

1933 | ~~5.(e)~~ Must be listed by a nationally recognized testing
 1934 | laboratory.

1935 | (b) Preengineered systems consist of and include all of
 1936 | the components and parts providing fire suppression protection,
 1937 | but do not include the equipment being protected, and may
 1938 | incorporate special nozzles, flow rates, methods of application,
 1939 | pressurization levels, and quantities of agents designed by the
 1940 | manufacturer for specific hazards.

1941 | Section 46. Paragraph (b) of subsection (3) of section
 1942 | 633.0215, Florida Statutes, is amended, and subsections (13) and
 1943 | (14) are added to that section, to read:

1944 | 633.0215 Florida Fire Prevention Code.—

1945 | (3) No later than 180 days before the triennial adoption
 1946 | of the Florida Fire Prevention Code, the State Fire Marshal
 1947 | shall notify each municipal, county, and special district fire
 1948 | department of the triennial code adoption and steps necessary
 1949 | for local amendments to be included within the code. No later
 1950 | than 120 days before the triennial adoption of the Florida Fire
 1951 | Prevention Code, each local jurisdiction shall provide the State
 1952 | Fire Marshal with copies of its local fire code amendments. The
 1953 | State Fire Marshal has the option to process local fire code
 1954 | amendments that are received less than 120 days before the
 1955 | adoption date of the Florida Fire Prevention Code.

1956 | (b) Any local amendment to the Florida Fire Prevention
 1957 | Code adopted by a local government shall be effective only until
 1958 | the adoption of the new edition of the Florida Fire Prevention
 1959 | Code, which shall be every third year. At such time, the State
 1960 | Fire Marshal shall adopt such amendment as part of the Florida

1961 Fire Prevention Code or rescind the amendment. The State Fire
 1962 Marshal shall immediately notify the respective local government
 1963 of the rescission of the amendment and the reason for the
 1964 rescission. After receiving such notice, the respective local
 1965 government may readopt the rescinded amendment. Incorporation of
 1966 local amendments as regional and local concerns and variations
 1967 shall be considered as adoption of an amendment pursuant to this
 1968 section part.

1969 (13) (a) The State Fire Marshal shall issue an expedited
 1970 declaratory statement relating to interpretations of provisions
 1971 of the Florida Fire Prevention Code according to the following
 1972 guidelines:

1973 1. The declaratory statement shall be rendered in
 1974 accordance with s. 120.565, except that a final decision must be
 1975 issued by the State Fire Marshal within 45 days after the
 1976 division's receipt of a petition seeking an expedited
 1977 declaratory statement. The State Fire Marshal shall give notice
 1978 of the petition and the expedited declaratory statement or the
 1979 denial of the petition in the next available issue of the
 1980 Florida Administrative Weekly after the petition is filed and
 1981 after the statement or denial is rendered.

1982 2. The petitioner must be the owner of the disputed
 1983 project or the owner's representative.

1984 3. The petition for an expedited declaratory statement
 1985 must be:

1986 a. Related to an active project that is under construction
 1987 or must have been submitted for a permit.

1988 b. The subject of a written notice citing a specific

1989 provision of the Florida Fire Prevention Code which is in
 1990 dispute.

1991 c. Limited to a single question that is capable of being
 1992 answered with a "yes" or "no" response.

1993 (b) A petition for a declaratory statement which does not
 1994 meet all of the requirements of this subsection must be denied
 1995 without prejudice. This subsection does not affect the right of
 1996 the petitioner as a substantially affected person to seek a
 1997 declaratory statement under s. 633.01(6).

1998 (14) A condominium that is one or two stories in height
 1999 and has an exterior corridor providing a means of egress is
 2000 exempt from installing a manual fire alarm system as required in
 2001 s. 9.6 of the most recent edition of the Life Safety Code
 2002 adopted in the Florida Fire Prevention Code.

2003 Section 47. Subsections (2) and (10) of section 633.0245,
 2004 Florida Statutes, are amended to read:

2005 633.0245 State Fire Marshal Nursing Home Fire Protection
 2006 Loan Guarantee Program.—

2007 (2) The State Fire Marshal may enter into limited loan
 2008 guarantee agreements with one or more financial institutions
 2009 qualified as public depositories in this state. Such agreements
 2010 shall provide a limited guarantee by the State of Florida
 2011 covering no more than 50 percent of the principal sum loaned by
 2012 such financial institution to an eligible nursing home, as
 2013 defined in subsection (10), for the sole purpose of the initial
 2014 installation at such nursing home of a fire protection system,
 2015 as defined in s. 633.021(10)~~(9)~~, approved by the State Fire
 2016 Marshal as being in compliance with the provisions of s. 633.022

2017 and rules adopted thereunder.

2018 (10) For purposes of this section, "eligible nursing home"
 2019 means a nursing home facility that provides nursing services as
 2020 defined in chapter 464, is licensed under part II of chapter
 2021 400, and is certified by the Agency for Health Care
 2022 Administration to lack an installed fire protection system as
 2023 defined in s. 633.021 (10) ~~(9)~~.

2024 Section 48. Subsection (11) is added to section 633.025,
 2025 Florida Statutes, to read:

2026 633.025 Minimum firesafety standards.—

2027 (11) Notwithstanding subsection (9), a property owner may
 2028 not be required to install fire sprinklers in any residential
 2029 property based upon the use of such property as a rental
 2030 property or any change in or reclassification of the property's
 2031 primary use to a rental property.

2032 Section 49. Section 633.026, Florida Statutes, is amended
 2033 to read:

2034 633.026 Legislative intent; informal interpretations of
 2035 the Florida Fire Prevention Code.—It is the intent of the
 2036 Legislature that the Florida Fire Prevention Code be interpreted
 2037 by fire officials and local enforcement agencies in a manner
 2038 that reasonably and cost-effectively protects the public safety,
 2039 health, and welfare, ensures uniform interpretations throughout
 2040 this state, and provides just and expeditious processes for
 2041 resolving disputes regarding such interpretations. It is the
 2042 further intent of the Legislature that such processes provide
 2043 for the expeditious resolution of the issues presented and that
 2044 the resulting interpretation of such issues be published on the

2045 website of the Division of State Fire Marshal.

2046 (1) The Division of State Fire Marshal shall by rule
 2047 establish an informal process of rendering nonbinding
 2048 interpretations of the Florida Fire Prevention Code. The
 2049 Division of State Fire Marshal may contract with and refer
 2050 interpretive issues to a third party, selected based upon cost
 2051 effectiveness, quality of services to be performed, and other
 2052 performance-based criteria, which ~~nonprofit organization that~~
 2053 has experience in interpreting and enforcing the Florida Fire
 2054 Prevention Code. ~~The Division of State Fire Marshal shall~~
 2055 ~~immediately implement the process prior to the completion of~~
 2056 ~~formal rulemaking.~~ It is the intent of the Legislature that the
 2057 Division of State Fire Marshal establish ~~create~~ a Fire Code
 2058 Interpretation Committee composed of seven persons and seven
 2059 alternates, equally representing each area of the state ~~process~~
 2060 ~~to refer questions to a small group of individuals certified~~
 2061 ~~under s. 633.081(2), to which a party can pose questions~~
 2062 regarding the interpretation of the Florida Fire Prevention Code
 2063 provisions.

2064 (2) Each member and alternate member of the Fire Code
 2065 Interpretation Committee must be certified as a firesafety
 2066 inspector pursuant to s. 633.081(2) and must have a minimum of 5
 2067 years of experience interpreting and enforcing the Florida Fire
 2068 Prevention Code and the Life Safety Code. Each member and
 2069 alternate member must be approved by the Division of State Fire
 2070 Marshal and deemed by the division to have met these
 2071 requirements for at least 30 days before participating in a
 2072 review of a nonbinding interpretation. ~~It is the intent of the~~

2073 ~~Legislature that the process provide for the expeditious~~
 2074 ~~resolution of the issues presented and publication of the~~
 2075 ~~resulting interpretation on the website of the Division of State~~
 2076 ~~Fire Marshal. It is the intent of the Legislature that this~~
 2077 ~~program be similar to the program established by the Florida~~
 2078 ~~Building Commission in s. 553.775(3)(g).~~

2079 (3) Each nonbinding interpretation of code provisions must
 2080 be provided within 10 business days after receipt of a request
 2081 for interpretation. The response period established in this
 2082 subsection may be waived only with the written consent of the
 2083 party requesting the nonbinding interpretation and the Division
 2084 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
 2085 advisory only and nonbinding on the parties or the State Fire
 2086 Marshal.

2087 (4) In order to administer this section, the Division of
 2088 State Fire Marshal shall charge ~~department may adopt by rule and~~
 2089 ~~impose~~ a fee for nonbinding interpretations, with payment made
 2090 ~~directly to the third party.~~ The fee may not exceed \$150 for
 2091 each request for a review or interpretation. The division may
 2092 authorize payment of fees directly to the nonprofit organization
 2093 under contract pursuant to subsection (1).

2094 (5) A party requesting a nonbinding interpretation who
 2095 disagrees with the interpretation issued under this section may
 2096 apply for a formal interpretation from the State Fire Marshal
 2097 pursuant to s. 633.01(6).

2098 (6) The Division of State Fire Marshal shall issue or
 2099 cause to be issued a nonbinding interpretation of the Florida
 2100 Fire Prevention Code pursuant to this section when requested to

2101 do so upon submission of a petition by a fire official or by the
 2102 owner or owner's representative or the contractor or
 2103 contractor's representative of a project in dispute. The
 2104 division shall adopt a petition form by rule and the petition
 2105 form must be published on the State Fire Marshal's website. The
 2106 form shall, at a minimum, require:

2107 (a) The name and address of the local fire official,
 2108 including the address of the county, municipality, or special
 2109 district.

2110 (b) The name and address of the owner or owner's
 2111 representative or the contractor or contractor's representative.

2112 (c) A statement of the specific sections of the Florida
 2113 Fire Prevention Code being interpreted by the local fire
 2114 official.

2115 (d) An explanation of how the petitioner's substantial
 2116 interests are being affected by the local interpretation of the
 2117 Florida Fire Prevention Code.

2118 (e) A statement of the interpretation of the specific
 2119 sections of the Florida Fire Prevention Code by the local fire
 2120 official.

2121 (f) A statement of the interpretation that the petitioner
 2122 contends should be given to the specific sections of the Florida
 2123 Fire Prevention Code and a statement supporting the petitioner's
 2124 interpretation.

2125 (7) Upon receipt of a petition that meets the requirements
 2126 of subsection (6), the Division of State Fire Marshal shall
 2127 immediately provide copies of the petition to the Fire Code
 2128 Interpretation Committee, and shall publish the petition and any

2129 response submitted by the local fire official on the State Fire
 2130 Marshal's website.

2131 (8) The committee shall conduct proceedings as necessary
 2132 to resolve the issues and give due regard to the petition, the
 2133 facts of the matter at issue, specific code sections cited, and
 2134 any statutory implications affecting the Florida Fire Prevention
 2135 Code. The committee shall issue an interpretation regarding the
 2136 provisions of the Florida Fire Prevention Code within 10 days
 2137 after the filing of a petition. The committee shall issue an
 2138 interpretation based upon the Florida Fire Prevention Code or,
 2139 if the code is ambiguous, the intent of the code. The
 2140 committee's interpretation shall be provided to the petitioner
 2141 and shall include a notice that if the petitioner disagrees with
 2142 the interpretation, the petitioner may file a request for formal
 2143 interpretation by the State Fire Marshal under s. 633.01(6). The
 2144 committee's interpretation shall be provided to the State Fire
 2145 Marshal, and the division shall publish the interpretation on
 2146 the State Fire Marshal's website and in the Florida
 2147 Administrative Weekly.

2148 Section 50. Subsections (2) through (10) of section
 2149 633.061, Florida Statutes, are renumbered as subsections (3)
 2150 through (11), respectively, a new subsection (2) is added to
 2151 that section, and paragraphs (a) and (c) of present subsection
 2152 (3) of that section are amended, to read:

2153 633.061 Fire suppression equipment; license to install or
 2154 maintain.—

2155 (2) A person who holds a valid fire equipment dealer
 2156 license may maintain such license in an inactive status during

2157 which time he or she may not engage in any work under the
 2158 definition of the license held. An inactive status license shall
 2159 be void after 2 years or at the time that the license is
 2160 renewed, whichever comes first. The biennial renewal fee for an
 2161 inactive status license shall be \$75. An inactive status license
 2162 may not be reactivated unless the continuing education
 2163 requirements of this chapter have been fulfilled.

2164 (4)~~(3)~~ (a) Such licenses and permits shall be issued by the
 2165 State Fire Marshal for 2 years beginning January 1, 2000, and
 2166 each 2-year period thereafter and expiring December 31 of the
 2167 second year. All licenses or permits issued will expire on
 2168 December 31 of each odd-numbered year. The failure to renew a
 2169 license or permit by December 31 of the second year will cause
 2170 the license or permit to become inoperative. The holder of an
 2171 inoperative license or permit shall not engage in any activities
 2172 for which a license or permit is required by this section. A
 2173 license or permit which is inoperative because of the failure to
 2174 renew it shall be restored upon payment of the applicable fee
 2175 plus a penalty equal to the applicable fee, if the application
 2176 for renewal is filed no later than the following March 31. If
 2177 the application for restoration is not made before the March
 2178 31st deadline, the fee for restoration shall be equal to the
 2179 original application fee and the penalty provided for herein,
 2180 and, in addition, the State Fire Marshal shall require
 2181 reexamination of the applicant. The fee for a license or permit
 2182 issued for 1 year or less shall be prorated at 50 percent of the
 2183 applicable fee for a biennial license or permit. After initial
 2184 licensure, each licensee or permittee must ~~shall~~ successfully

2185 | complete a course or courses of continuing education for fire
 2186 | equipment technicians of at least 16 ~~32~~ hours. A license or
 2187 | permit may not be renewed unless the licensee or permittee
 2188 | produces documentation of the completion of at least 16 hours of
 2189 | continuing education for fire equipment technicians during the
 2190 | biennial licensure period ~~within 4 years of initial issuance of~~
 2191 | ~~a license or permit and within each 4-year period thereafter or~~
 2192 | ~~no such license or permit shall be renewed.~~ A person who is both
 2193 | a licensee and a permittee shall be required to complete 16 ~~32~~
 2194 | hours of continuing education during each renewal ~~per 4-year~~
 2195 | period. Each licensee shall ensure that all permittees in his or
 2196 | her employment meet their continuing education requirements. The
 2197 | State Fire Marshal shall adopt rules describing the continuing
 2198 | education requirements and shall have the authority upon
 2199 | reasonable belief, to audit a fire equipment dealer to determine
 2200 | compliance with continuing education requirements.

2201 | (c) A license of any class shall not be issued or renewed
 2202 | by the State Fire Marshal and a license of any class shall not
 2203 | remain operative unless:

2204 | 1. The applicant has submitted to the State Fire Marshal
 2205 | evidence of registration as a Florida corporation or evidence of
 2206 | compliance with s. 865.09.

2207 | 2. The State Fire Marshal or his or her designee has by
 2208 | inspection determined that the applicant possesses the equipment
 2209 | required for the class of license sought. The State Fire Marshal
 2210 | shall give an applicant a reasonable opportunity to correct any
 2211 | deficiencies discovered by inspection. A fee of \$50, payable to
 2212 | the State Fire Marshal, shall be required for any subsequent

2213 reinspection.

2214 3. The applicant has submitted to the State Fire Marshal
 2215 proof of insurance providing coverage for comprehensive general
 2216 liability for bodily injury and property damage, products
 2217 liability, completed operations, and contractual liability. The
 2218 State Fire Marshal shall adopt rules providing for the amounts
 2219 of such coverage, but such amounts shall not be less than
 2220 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
 2221 licenses, and \$100,000 for Class C licenses; and the total
 2222 coverage for any class of license held in conjunction with a
 2223 Class D license shall not be less than \$300,000. The State Fire
 2224 Marshal may, at any time after the issuance of a license or its
 2225 renewal, require upon demand, and in no event more than 30 days
 2226 after notice of such demand, the licensee to provide proof of
 2227 insurance, on a form provided by the State Fire Marshal,
 2228 containing confirmation of insurance coverage as required by
 2229 this chapter. Failure, for any length of time, to provide proof
 2230 of insurance coverage as required shall result in the immediate
 2231 suspension of the license until proof of proper insurance is
 2232 provided to the State Fire Marshal. An insurer which provides
 2233 such coverage shall notify the State Fire Marshal of any change
 2234 in coverage or of any termination, cancellation, or nonrenewal
 2235 of any coverage.

2236 4. The applicant applies to the State Fire Marshal,
 2237 provides proof of experience, and successfully completes a
 2238 prescribed training course offered by the State Fire College or
 2239 an equivalent course approved by the State Fire Marshal. This
 2240 subparagraph does not apply to any holder of or applicant for a

2241 permit under paragraph (f) or to a business organization or a
2242 governmental entity seeking initial licensure or renewal of an
2243 existing license solely for the purpose of inspecting,
2244 servicing, repairing, marking, recharging, and maintaining fire
2245 extinguishers used and located on the premises of and owned by
2246 such organization or entity.

2247 5. The applicant has a current retestor identification
2248 number that is appropriate for the license for which the
2249 applicant is applying and that is listed with the United States
2250 Department of Transportation.

2251 6. The applicant has passed, with a grade of at least 70
2252 percent, a written examination testing his or her knowledge of
2253 the rules and statutes regulating the activities authorized by
2254 the license and demonstrating his or her knowledge and ability
2255 to perform those tasks in a competent, lawful, and safe manner.
2256 Such examination shall be developed and administered by the
2257 State Fire Marshal, or his or her designee in accordance with
2258 policies and procedures of the State Fire Marshal. An applicant
2259 shall pay a nonrefundable examination fee of \$50 for each
2260 examination or reexamination scheduled. No reexamination shall
2261 be scheduled sooner than 30 days after any administration of an
2262 examination to an applicant. No applicant shall be permitted to
2263 take an examination for any level of license more than a total
2264 of four times during 1 year, regardless of the number of
2265 applications submitted. As a prerequisite to licensure of the
2266 applicant:

- 2267 a. Must be at least 18 years of age.
2268 b. Must have 4 years of proven experience as a fire

2269 equipment permittee at a level equal to or greater than the
 2270 level of license applied for or have a combination of education
 2271 and experience determined to be equivalent thereto by the State
 2272 Fire Marshal. Having held a permit at the appropriate level for
 2273 the required period constitutes the required experience.

2274 c. Must not have been convicted of, or pled nolo
 2275 contendere to, any felony. If an applicant has been convicted of
 2276 any such felony, the applicant must comply with s.
 2277 112.011(1)(b).

2278
 2279 This subparagraph does not apply to any holder of or applicant
 2280 for a permit under paragraph (f) or to a business organization
 2281 or a governmental entity seeking initial licensure or renewal of
 2282 an existing license solely for the purpose of inspecting,
 2283 servicing, repairing, marking, recharging, hydrotesting, and
 2284 maintaining fire extinguishers used and located on the premises
 2285 of and owned by such organization or entity.

2286 Section 51. Section 633.081, Florida Statutes, is amended
 2287 to read:

2288 633.081 Inspection of buildings and equipment; orders;
 2289 firesafety inspection training requirements; certification;
 2290 disciplinary action.—The State Fire Marshal and her or his
 2291 agents shall, at any reasonable hour, when the State Fire
 2292 Marshal ~~department~~ has reasonable cause to believe that a
 2293 violation of this chapter or s. 509.215, or a rule promulgated
 2294 thereunder, or a minimum firesafety code adopted by a local
 2295 authority, may exist, inspect any and all buildings and
 2296 structures which are subject to the requirements of this chapter

2297 or s. 509.215 and rules promulgated thereunder. The authority to
 2298 inspect shall extend to all equipment, vehicles, and chemicals
 2299 which are located within the premises of any such building or
 2300 structure.

2301 (1) Each county, municipality, and special district that
 2302 has firesafety enforcement responsibilities shall employ or
 2303 contract with a firesafety inspector. Except as provided in s.
 2304 633.082(2), the firesafety inspector must conduct all firesafety
 2305 inspections that are required by law. The governing body of a
 2306 county, municipality, or special district that has firesafety
 2307 enforcement responsibilities may provide a schedule of fees to
 2308 pay only the costs of inspections conducted pursuant to this
 2309 subsection and related administrative expenses. Two or more
 2310 counties, municipalities, or special districts that have
 2311 firesafety enforcement responsibilities may jointly employ or
 2312 contract with a firesafety inspector.

2313 (2) Except as provided in s. 633.082(2), every firesafety
 2314 inspection conducted pursuant to state or local firesafety
 2315 requirements shall be by a person certified as having met the
 2316 inspection training requirements set by the State Fire Marshal.
 2317 Such person shall:

2318 (a) Be a high school graduate or the equivalent as
 2319 determined by the department;

2320 (b) Not have been found guilty of, or having pleaded
 2321 guilty or nolo contendere to, a felony or a crime punishable by
 2322 imprisonment of 1 year or more under the law of the United
 2323 States, or of any state thereof, which involves moral turpitude,
 2324 without regard to whether a judgment of conviction has been

2325 entered by the court having jurisdiction of such cases;
 2326 (c) Have her or his fingerprints on file with the
 2327 department or with an agency designated by the department;
 2328 (d) Have good moral character as determined by the
 2329 department;
 2330 (e) Be at least 18 years of age;
 2331 (f) Have satisfactorily completed the firesafety inspector
 2332 certification examination as prescribed by the department; and
 2333 (g)1. Have satisfactorily completed, as determined by the
 2334 department, a firesafety inspector training program of not less
 2335 than 200 hours established by the department and administered by
 2336 agencies and institutions approved by the department for the
 2337 purpose of providing basic certification training for firesafety
 2338 inspectors; or
 2339 2. Have received in another state training which is
 2340 determined by the department to be at least equivalent to that
 2341 required by the department for approved firesafety inspector
 2342 education and training programs in this state.
 2343 (3) Each special state firesafety inspection which is
 2344 required by law and is conducted by or on behalf of an agency of
 2345 the state must be performed by an individual who has met the
 2346 provision of subsection (2), except that the duration of the
 2347 training program shall not exceed 120 hours of specific training
 2348 for the type of property that such special state firesafety
 2349 inspectors are assigned to inspect.
 2350 (4) A firefighter certified pursuant to s. 633.35 may
 2351 conduct firesafety inspections, under the supervision of a
 2352 certified firesafety inspector, while on duty as a member of a

2353 fire department company conducting inservice firesafety
 2354 inspections without being certified as a firesafety inspector,
 2355 if such firefighter has satisfactorily completed an inservice
 2356 fire department company inspector training program of at least
 2357 24 hours' duration as provided by rule of the department.

2358 (5) Every firesafety inspector or special state firesafety
 2359 inspector certificate is valid for a period of 3 years from the
 2360 date of issuance. Renewal of certification shall be subject to
 2361 the affected person's completing proper application for renewal
 2362 and meeting all of the requirements for renewal as established
 2363 under this chapter or by rule promulgated thereunder, which
 2364 shall include completion of at least 40 hours during the
 2365 preceding 3-year period of continuing education as required by
 2366 the rule of the department or, in lieu thereof, successful
 2367 passage of an examination as established by the department.

2368 (6) The State Fire Marshal may deny, refuse to renew,
 2369 suspend, or revoke the certificate of a firesafety inspector or
 2370 special state firesafety inspector if it finds that any of the
 2371 following grounds exist:

2372 (a) Any cause for which issuance of a certificate could
 2373 have been refused had it then existed and been known to the
 2374 State Fire Marshal.

2375 (b) Violation of this chapter or any rule or order of the
 2376 State Fire Marshal.

2377 (c) Falsification of records relating to the certificate.

2378 (d) Having been found guilty of or having pleaded guilty
 2379 or nolo contendere to a felony, whether or not a judgment of
 2380 conviction has been entered.

2381 (e) Failure to meet any of the renewal requirements.

2382 (f) Having been convicted of a crime in any jurisdiction
 2383 which directly relates to the practice of fire code inspection,
 2384 plan review, or administration.

2385 (g) Making or filing a report or record that the
 2386 certificateholder knows to be false, or knowingly inducing
 2387 another to file a false report or record, or knowingly failing
 2388 to file a report or record required by state or local law, or
 2389 knowingly impeding or obstructing such filing, or knowingly
 2390 inducing another person to impede or obstruct such filing.

2391 (h) Failing to properly enforce applicable fire codes or
 2392 permit requirements within this state which the
 2393 certificateholder knows are applicable by committing willful
 2394 misconduct, gross negligence, gross misconduct, repeated
 2395 negligence, or negligence resulting in a significant danger to
 2396 life or property.

2397 (i) Accepting labor, services, or materials at no charge
 2398 or at a noncompetitive rate from any person who performs work
 2399 that is under the enforcement authority of the certificateholder
 2400 and who is not an immediate family member of the
 2401 certificateholder. For the purpose of this paragraph, the term
 2402 "immediate family member" means a spouse, child, parent,
 2403 sibling, grandparent, aunt, uncle, or first cousin of the person
 2404 or the person's spouse or any person who resides in the primary
 2405 residence of the certificateholder.

2406 (7) The Division of State Fire Marshal and the Florida
 2407 Building Code Administrators and Inspectors Board, established
 2408 pursuant to under s. 468.605, shall enter into a reciprocity

2409 agreement to facilitate joint recognition of continuing
 2410 education recertification hours for certificateholders licensed
 2411 under s. 468.609 and firesafety inspectors certified under
 2412 subsection (2).

2413 (8) The State Fire Marshal shall develop by rule an
 2414 advanced training and certification program for firesafety
 2415 inspectors having fire code management responsibilities. The
 2416 program must be consistent with the appropriate provisions of
 2417 NFPA 1037, or similar standards adopted by the division, and
 2418 establish minimum training, education, and experience levels for
 2419 firesafety inspectors having fire code management
 2420 responsibilities.

2421 (9)-(7) The department shall provide by rule for the
 2422 certification of firesafety inspectors.

2423 Section 52. Subsections (2) and (3) of section 633.082,
 2424 Florida Statutes, are amended to read:

2425 633.082 Inspection of fire control systems, fire hydrants,
 2426 and fire protection systems.—

2427 (2) Fire hydrants and fire protection systems installed in
 2428 public and private properties, except one-family or two-family
 2429 dwellings, ~~in this state~~ shall be inspected following procedures
 2430 established in the nationally recognized inspection, testing,
 2431 and maintenance standards publications NFPA-24 and NFPA-25 as
 2432 set forth in the edition adopted by the State Fire Marshal.
 2433 Quarterly, annual, 3-year, and 5-year inspections consistent
 2434 with the contractual provisions with the owner shall be
 2435 conducted by the certificateholder or permittees employed by the
 2436 certificateholder pursuant to s. 633.521, except that:

2437 (a) Public fire hydrants owned by a governmental entity
2438 shall be inspected following procedures established in the
2439 inspection, testing, and maintenance standards adopted by the
2440 State Fire Marshal or equivalent standards such as those
2441 contained in the latest edition of the American Water Works
2442 Association's Manual M17, "Installation, Field Testing, and
2443 Maintenance of Fire Hydrants."

2444 (b) County, municipal, and special district utilities may
2445 perform fire hydrant inspections required by this section using
2446 designated employees. Such designated employees need not be
2447 certified under this chapter. However, counties, municipalities,
2448 or special districts that use designated employees are
2449 responsible for ensuring that the designated employees are
2450 qualified to perform such inspections.

2451 (3) The inspecting contractor shall provide to the
2452 building owner or hydrant owner and the local authority having
2453 jurisdiction a copy of the applicable inspection report
2454 established under this chapter. The maintenance of fire hydrant
2455 and fire protection systems as well as corrective actions on
2456 deficient systems is the responsibility of the owner of the
2457 system or hydrant. Equipment requiring periodic testing or
2458 operation to ensure its maintenance shall be tested or operated
2459 as specified in the Fire Prevention Code, Life Safety Code,
2460 National Fire Protection Association standards, or as directed
2461 by the agency having jurisdiction, provided that such agency
2462 shall not require a sprinkler system not required by the Fire
2463 Prevention Code, Life Safety Code or National Fire Protection
2464 Association Standards to be removed regardless of its condition.

2465 This section does not prohibit governmental entities from
 2466 inspecting and enforcing firesafety codes.

2467 Section 53. Section 633.352, Florida Statutes, is amended
 2468 to read:

2469 633.352 Retention of firefighter certification.—Any
 2470 certified firefighter who has not been active as a firefighter,
 2471 or as a volunteer firefighter with an organized fire department,
 2472 for a period of 3 years shall be required to retake the
 2473 practical portion of the minimum standards state examination
 2474 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
 2475 Administrative Code, in order to maintain her or his
 2476 certification as a firefighter; however, this requirement does
 2477 not apply to state-certified firefighters who are certified and
 2478 employed as full-time firesafety inspectors or firesafety
 2479 instructors, regardless of the firefighter's employment status
 2480 ~~as determined by the division~~. The 3-year period begins on the
 2481 date the certificate of compliance is issued or upon termination
 2482 of service with an organized fire department.

2483 Section 54. Paragraph (e) of subsection (2) and
 2484 subsections (3), (10), and (11) of section 633.521, Florida
 2485 Statutes, are amended to read:

2486 633.521 Certificate application and issuance; permit
 2487 issuance; examination and investigation of applicant.—

2488 (2)

2489 (e) An applicant may not be examined more than four times
 2490 during 1 year for certification as a contractor pursuant to this
 2491 section unless the person is or has been certified and is taking
 2492 the examination to change classifications. If an applicant does

2493 not pass one or more parts of the examination, she or he may
 2494 take any part of the examination three more times during the 1-
 2495 year period beginning upon the date she or he originally filed
 2496 an application to take the examination. If the applicant does
 2497 not pass the examination within that 1-year period, she or he
 2498 must file a new application and pay the application and
 2499 examination fees in order to take the examination or a part of
 2500 the examination again. However, the applicant may not file a new
 2501 application sooner than 6 months after the date of her or his
 2502 last examination. An applicant who passes the examination but
 2503 does not meet the remaining qualifications as provided in
 2504 applicable statutes and rules within 1 year after the
 2505 application date must file a new application, pay the
 2506 application and examination fee, successfully complete a
 2507 prescribed training course approved by the State Fire College or
 2508 an equivalent course approved by the State Fire Marshal, and
 2509 retake and pass the written examination.

2510 (3) (a) As a prerequisite to taking the examination for
 2511 certification as a Contractor I, ~~Contractor II, or Contractor~~
 2512 ~~III~~, the applicant must be at least 18 years of age, be of good
 2513 moral character, and ~~shall~~ possess 4 years' proven experience in
 2514 the employment of a fire protection system Contractor I,
 2515 ~~Contractor II, or Contractor III~~ or a combination of equivalent
 2516 education and experience in both water-based and chemical fire
 2517 suppression systems.

2518 (b) As a prerequisite to taking the examination for
 2519 certification as a Contractor II, the applicant must be at least
 2520 18 years of age, be of good moral character, and have 4 years of

2521 verifiable employment experience with a fire protection system
 2522 as a Contractor I or Contractor II, or a combination of
 2523 equivalent education and experience in water-based fire
 2524 suppression systems.

2525 (c) Required education and experience for certification as
 2526 a Contractor I, Contractor II, Contractor III, or Contractor IV
 2527 includes training and experience in both installation and system
 2528 layout as defined in s. 633.021.

2529 (d) As a prerequisite to taking the examination for
 2530 certification as a Contractor III, the applicant must be at
 2531 least 18 years of age, be of good moral character, and have 4
 2532 years of verifiable employment experience with a fire protection
 2533 system as a Contractor I or Contractor II, or a combination of
 2534 equivalent education and experience in chemical fire suppression
 2535 systems.

2536 (e) As a prerequisite to taking the examination for
 2537 certification as a Contractor IV, the applicant ~~must shall~~ be at
 2538 least 18 years old, be of good moral character, be licensed as a
 2539 certified plumbing contractor under chapter 489, and
 2540 successfully complete a training program acceptable to the State
 2541 Fire Marshal of not less than 40 contact hours regarding the
 2542 applicable installation standard used by the Contractor IV as
 2543 described in NFPA 13D. The State Fire Marshal may adopt rules to
 2544 administer this subsection ~~have at least 2 years' proven~~
 2545 ~~experience in the employment of a fire protection system~~
 2546 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
 2547 ~~combination of equivalent education and experience which~~
 2548 ~~combination need not include experience in the employment of a~~

2549 ~~fire protection system contractor.~~

2550 (f) As a prerequisite to taking the examination for
 2551 certification as a Contractor V, the applicant must ~~shall~~ be at
 2552 least 18 years old, be of good moral character, and have been
 2553 licensed as a certified underground utility and excavation
 2554 contractor or certified plumbing contractor pursuant to chapter
 2555 489, have verification by an individual who is licensed as a
 2556 certified utility contractor or certified plumbing contractor
 2557 pursuant to chapter 489 that the applicant has 4 years' proven
 2558 experience in the employ of a certified underground utility and
 2559 excavation contractor or certified plumbing contractor, or have
 2560 a combination of education and experience equivalent to 4 years'
 2561 proven experience in the employ of a certified underground
 2562 utility and excavation contractor or certified plumbing
 2563 contractor.

2564 (g) Within 30 days after the date of the examination, the
 2565 State Fire Marshal shall inform the applicant in writing whether
 2566 she or he has qualified or not and, if the applicant has
 2567 qualified, that she or he is ready to issue a certificate of
 2568 competency, subject to compliance with the requirements of
 2569 subsection (4).

2570 (10) ~~Effective July 1, 2008,~~ The State Fire Marshal shall
 2571 require the National Institute of Certification in Engineering
 2572 Technologies (NICET), Sub-field of Inspection and Testing of
 2573 Fire Protection Systems Level II or equivalent training and
 2574 education as determined by the division as proof that the
 2575 permitholders are knowledgeable about nationally accepted
 2576 standards for the inspection of fire protection systems. ~~It is~~

2577 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
 2578 ~~to accept continuing education of all certificateholders'~~
 2579 ~~employees who perform inspection functions which specifically~~
 2580 ~~prepares the permit holder to qualify for NICET II certification.~~

2581 (11) It is intended that a certificateholder, or a
 2582 permit holder who is employed by a certificateholder, conduct
 2583 inspections required by this chapter. It is understood that
 2584 after July 1, 2008, employee turnover may result in a depletion
 2585 of personnel who are certified under the NICET Sub-field of
 2586 Inspection and Testing of Fire Protection Systems Level II or
 2587 equivalent training and education as required by the Division of
 2588 State Fire Marshal which is required for permit holders. The
 2589 extensive training and experience necessary to achieve NICET
 2590 Level II certification is recognized. A certificateholder may
 2591 therefore obtain a provisional permit with an endorsement for
 2592 inspection, testing, and maintenance of water-based fire
 2593 extinguishing systems for an employee if the employee has
 2594 initiated procedures for obtaining Level II certification from
 2595 the National Institute for Certification in Engineering
 2596 Technologies Sub-field of Inspection and Testing of Fire
 2597 Protection Systems and achieved Level I certification or an
 2598 equivalent level as determined by the State Fire Marshal through
 2599 verification of experience, training, and examination. The State
 2600 Fire Marshal may establish rules to administer this subsection.
 2601 After 2 years of provisional certification, the employee must
 2602 have achieved NICET Level II certification or obtain equivalent
 2603 training and education as determined by the division, or cease
 2604 performing inspections requiring Level II certification. The

2605 provisional permit is valid only for the 2 calendar years after
 2606 the date of issuance, may not be extended, and is not renewable.
 2607 After the initial 2-year provisional permit expires, the
 2608 certificateholder must wait 2 additional years before a new
 2609 provisional permit may be issued. The intent is to prohibit the
 2610 certificateholder from using employees who never reach NICET
 2611 Level II status, or equivalent training and education as
 2612 determined by the division, by continuously obtaining
 2613 provisional permits.

2614 Section 55. Subsection (3) is added to section 633.524,
 2615 Florida Statutes, to read:

2616 633.524 Certificate and permit fees; use and deposit of
 2617 collected funds.—

2618 (3) The State Fire Marshal may enter into a contract with
 2619 any qualified public entity or private company in accordance
 2620 with chapter 287 to provide examinations for any applicant for
 2621 any examination administered under the jurisdiction of the State
 2622 Fire Marshal. The State Fire Marshal may direct payments from
 2623 each applicant for each examination directly to such contracted
 2624 entity or company.

2625 Section 56. Subsection (4) of section 633.537, Florida
 2626 Statutes, is amended to read:

2627 633.537 Certificate; expiration; renewal; inactive
 2628 certificate; continuing education.—

2629 (4) The renewal period for the permit class is the same as
 2630 that for the employing certificateholder. The continuing
 2631 education requirements for permitholders are what is required to
 2632 maintain NICET Sub-field of Inspection and Testing of Fire

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2633 Protection Systems Level II, equivalent training and education
 2634 as determined by the division, or higher certification plus 8
 2635 contact hours of continuing education approved by the State Fire
 2636 Marshal during each biennial renewal period thereafter. ~~The~~
 2637 ~~continuing education curriculum from July 1, 2005, until July 1,~~
 2638 ~~2008, shall be the preparatory curriculum for NICET II~~
 2639 ~~certification; after July 1, 2008, the technical curriculum is~~
 2640 ~~at the discretion of the State Fire Marshal and may be used to~~
 2641 ~~meet the maintenance of NICET Level II certification and 8~~
 2642 ~~contact hours of continuing education requirements.~~ It is the
 2643 responsibility of the permit holder to maintain NICET II
 2644 certification or equivalent training and education as determined
 2645 by the division as a condition of permit renewal after July 1,
 2646 2008.

2647 Section 57. Subsection (4) of section 633.72, Florida
 2648 Statutes, is amended to read:

2649 633.72 Florida Fire Code Advisory Council.—

2650 (4) Each appointee shall serve a 4-year term. No member
 2651 shall serve more than two consecutive terms ~~one term~~. No member
 2652 of the council shall be paid a salary as such member, but each
 2653 shall receive travel and expense reimbursement as provided in s.
 2654 112.061.

2655 Section 58. Subsection (6) of section 718.113, Florida
 2656 Statutes, is repealed.

2657 Section 59. The Florida Building Commission shall revise
 2658 the Florida Building Code in order to make it consistent with
 2659 the revisions made by this act to s. 399.02, Florida Statutes.

2660 Section 60. (1) The Department of Management Services

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2661 shall consider the energy efficiency of all materials used in
2662 the construction, alteration, repair, or rebuilding of a
2663 building or facility owned or operated by a state agency.
2664 Whenever feasible, the department shall lease a building or
2665 facility that has high-efficiency lighting.

2666 (2) The Department of Management Services shall adopt
2667 rules requiring a state agency to install high-efficiency lamps
2668 when replacing an existing lamp or installing a new lamp in a
2669 building owned by the state agency.

2670 Section 61. This act shall take effect July 1, 2010.