

1 A bill to be entitled
2 An act relating to building construction and inspection;
3 amending s. 255.252, F.S.; conforming provisions to
4 changes made by the act; amending s. 255.253, F.S.;
5 redefining the term "sustainable building rating" to
6 include the International Green Construction Code;
7 amending ss. 255.257 and 255.2575, F.S.; conforming
8 provisions to changes made by the act; amending s.
9 468.8314, F.S.; expanding the categories of persons who
10 may be certified as qualified for a license by endorsement
11 as a home inspector; amending s. 468.8316, F.S.; revising
12 the continuing education requirements for licensed home
13 inspectors; requiring that the Department of Business and
14 Professional Regulation establish criteria for the
15 approval of continuing education providers and courses;
16 amending s. 468.8319, F.S.; revising the conditions under
17 which referrals by a broker or agent to a home inspector
18 or inspection company are prohibited, to which penalties
19 apply; amending s. 468.8323, F.S.; revising requirements
20 for the content of written home inspection reports;
21 amending s. 468.8324, F.S.; providing alternative
22 licensing criteria for home inspectors for a specified
23 period; amending s. 553.74, F.S.; revising requirements
24 for selecting a member of the Florida Building Commission;
25 amending s. 627.711, F.S.; revising criteria for the
26 mitigation inspectors whose signature an insurer must
27 accept on the uniform mitigation verification inspection
28 form; providing an effective date.

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

Section 1. Subsections (3) and (4) of section 255.252, Florida Statutes, are amended to read:

255.252 Findings and intent.—

(3) In order for ~~that such~~ energy-efficiency and sustainable materials considerations to become a function of building design and a model for future application in the private sector, it is ~~shall be~~ the policy of the state that buildings constructed and financed by the state be designed and constructed to comply with a sustainable building rating the ~~United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the~~ ~~department~~. It is further the policy of the state, if ~~when~~ economically feasible, to retrofit existing state-owned buildings in a manner that minimizes ~~which will minimize~~ the consumption of energy used in the operation and maintenance of such buildings.

(4) In addition to designing and constructing new buildings to be energy-efficient, it is ~~shall be~~ the policy of the state to operate and maintain state facilities in a manner that minimizes ~~which will minimize~~ energy consumption and maximizes ~~maximize~~ building sustainability, and to operate as ~~well as ensure that~~ facilities leased by the state ~~are operated~~

57 | so as to minimize energy use. It is further the policy of the
 58 | state that the renovation of existing state facilities be in
 59 | accordance with a sustainable building rating ~~the United States~~
 60 | ~~Green Building Council (USGBC) Leadership in Energy and~~
 61 | ~~Environmental Design (LEED) rating system, the Green Building~~
 62 | ~~Initiative's Green Globes rating system, the Florida Green~~
 63 | ~~Building Coalition standards, or a nationally recognized, high-~~
 64 | ~~performance green building rating system as approved by the~~
 65 | ~~department~~. State agencies are encouraged to consider shared
 66 | savings financing of ~~such~~ energy-efficiency and conservation
 67 | projects, using contracts that ~~which~~ split the resulting savings
 68 | for a specified period of time between the state agency and the
 69 | private firm or cogeneration contracts and that ~~which~~ otherwise
 70 | permit the state to lower its net energy costs. Such energy
 71 | contracts may be funded from the operating budget.

72 | Section 2. Subsection (7) of section 255.253, Florida
 73 | Statutes, is amended to read:

74 | 255.253 Definitions; ss. 255.251-255.258.—

75 | (7) "Sustainable building rating" means a rating
 76 | established by the United States Green Building Council (USGBC)
 77 | Leadership in Energy and Environmental Design (LEED) rating
 78 | system, the International Green Construction Code (IGCC), the
 79 | Green Building Initiative's Green Globes rating system, the
 80 | Florida Green Building Coalition standards, or a nationally
 81 | recognized, high-performance green building rating system as
 82 | approved by the department.

83 | Section 3. Subsection (4) of section 255.257, Florida
 84 | Statutes, is amended to read:

85 255.257 Energy management; buildings occupied by state
 86 agencies.—

87 (4) ADOPTION OF STANDARDS.—

88 (a) All state agencies shall adopt a sustainable building
 89 rating system ~~the United States Green Building Council (USGBC)~~
 90 ~~Leadership in Energy and Environmental Design (LEED) rating~~
 91 ~~system, the Green Building Initiative's Green Globes rating~~
 92 ~~system, the Florida Green Building Coalition standards, or a~~
 93 ~~nationally recognized, high-performance green building rating~~
 94 ~~system as approved by the department~~ for all new buildings and
 95 renovations to existing buildings.

96 (b) No state agency shall enter into new leasing
 97 agreements for office space that does not meet Energy Star
 98 building standards, except when ~~determined by~~ the appropriate
 99 state agency head determines that no other viable or cost-
 100 effective alternative exists.

101 (c) All state agencies shall develop energy conservation
 102 measures and guidelines for new and existing office space where
 103 state agencies occupy more than 5,000 square feet. These
 104 conservation measures shall focus on programs that may reduce
 105 energy consumption and, when established, provide a net
 106 reduction in occupancy costs.

107 Section 4. Subsection (2) of section 255.2575, Florida
 108 Statutes, is amended to read:

109 255.2575 Energy-efficient and sustainable buildings.—

110 (2) All county, municipal, school district, water
 111 management district, state university, community college, and
 112 ~~Florida~~ state court buildings shall be constructed to comply

113 ~~with a sustainable building rating system meet the United States~~
 114 ~~Green Building Council (USGBC) Leadership in Energy and~~
 115 ~~Environmental Design (LEED) rating system, the Green Building~~
 116 ~~Initiative's Green Globes rating system, the Florida Green~~
 117 ~~Building Coalition standards, or a nationally recognized, high-~~
 118 ~~performance green building rating system as approved by the~~
 119 ~~Department of Management Services. This section applies shall~~
 120 ~~apply~~ to all county, municipal, school district, water
 121 management district, state university, community college, and
 122 ~~Florida~~ state court buildings the architectural plans of which
 123 are commenced after July 1, 2008.

124 Section 5. Subsection (3) of section 468.8314, Florida
 125 Statutes, is amended to read:

126 468.8314 Licensure.—

127 (3) The department shall certify as qualified for a
 128 license by endorsement an applicant who is of good moral
 129 character as determined in s. 468.8313 and who:

130 (a) Holds a valid license to practice home inspection
 131 services in another state or territory of the United States,
 132 whose educational requirements are substantially equivalent to
 133 those required by this part, and has passed a national,
 134 regional, state, or territorial licensing examination that is
 135 substantially equivalent to the examination required by this
 136 part;

137 (b) Possesses a one and two family dwelling inspector
 138 certification issued by the International Code Council or the
 139 Southern Building Code Congress International;

140 (c) Has been certified as a one and two family dwelling

141 inspector by the Florida Building Code Administrators and
 142 Inspectors Board under part XII of this chapter; or
 143 (d) Possesses a Division I contractor license under part I
 144 of chapter 489.

145 Section 6. Subsection (1) of section 468.8316, Florida
 146 Statutes, is amended to read:

147 468.8316 Continuing education.—

148 (1) The department may not renew a license until the
 149 licensee submits proof satisfactory to the department that,
 150 during the 2 years before ~~prior to~~ his or her application for
 151 renewal, the licensee has completed at least 14 hours of
 152 continuing education. Of the 14 hours, at least 2 hours of
 153 continuing education must be in hurricane mitigation training
 154 that includes hurricane mitigation techniques and compliance
 155 with the uniform mitigation verification inspection form
 156 developed under s. 627.711(2). The department shall adopt rules
 157 establishing criteria for the approval of continuing education
 158 providers and courses ~~course content shall be approved by the~~
 159 ~~department by rule.~~

160 Section 7. Paragraph (h) of subsection (1) of section
 161 468.8319, Florida Statutes, is amended to read:

162 468.8319 Prohibitions; penalties.—

163 (1) A person may not:

164 (h) Offer or deliver any compensation, inducement, or
 165 reward to any broker or agent therefor for the referral of the
 166 buyer ~~owner~~ of the inspected property to the inspector or the
 167 inspection company.

168 Section 8. Paragraphs (a) and (b) of subsection (1) of

169 section 468.8323, Florida Statutes, are amended to read:

170 468.8323 Home inspection report.—Upon completion of each
 171 home inspection for compensation, the home inspector shall
 172 provide a written report prepared for the client.

173 (1) The home inspector shall report:

174 (a) On those systems and components inspected that, in the
 175 professional opinion of the inspector, are ~~significantly~~
 176 deficient or are near the end of their service lives.

177 (b) If not self-evident, a reason why the system or
 178 component reported under paragraph (a) is ~~significantly~~
 179 deficient or near the end of its service life.

180 Section 9. Subsections (1) and (2) of section 468.8324,
 181 Florida Statutes, are amended, and a new subsection (2) is added
 182 to that section, to read:

183 468.8324 Grandfather clause.—

184 (1) A person who performs home inspection services as
 185 defined in this part may qualify for licensure by the department
 186 as a home inspector if the person submits an application to the
 187 department postmarked on or before March 1, 2011, which shows
 188 that the applicant:

189 (a) Is certified as a home inspector by a state or
 190 national association that requires, for such certification,
 191 successful completion of a proctored examination on home
 192 inspection services and completes at least 14 hours of
 193 verifiable education on such services; or

194 (b) Has at least 3 years of experience as a home inspector
 195 at the time of application and has completed 14 hours of
 196 verifiable education on home inspection services. To establish

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197 the 3 years of experience, an applicant must submit at least 120
 198 home inspection reports prepared by the applicant.

199 ~~(2)~~ The department may investigate the validity of a home
 200 inspection report submitted under this paragraph ~~(1)(b)~~ and, if
 201 the applicant submits a false report, may take disciplinary
 202 action against the applicant under s. 468.832(1)(e) or (g).

203 (2) A person who performs home inspection services may
 204 qualify for licensure by the department as a home inspector if
 205 the person submits an application to the department postmarked
 206 on or before December 31, 2011, which shows that the applicant
 207 is qualified for a license by endorsement under s.
 208 468.8314(3)(b), (c), or (d).

209 Section 10. Paragraph (v) of subsection (1) of section
 210 553.74, Florida Statutes, is amended to read:

211 553.74 Florida Building Commission.—

212 (1) The Florida Building Commission is created and shall
 213 be located within the Department of Community Affairs for
 214 administrative purposes. Members shall be appointed by the
 215 Governor subject to confirmation by the Senate. The commission
 216 shall be composed of 25 members, consisting of the following:

217 (v) One member who is a representative of the green
 218 building industry and who is a third-party commission agent, a
 219 Florida board member of the United States Green Building Council
 220 or Green Building Initiative, a professional who is accredited
 221 under the International Green Construction Code (IGCC), or a
 222 professional who is accredited under Leadership in Energy and
 223 Environmental Design (LEED) ~~LEED-accredited professional.~~

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225 Any person serving on the commission under paragraph (c) or
 226 paragraph (h) on October 1, 2003, and who has served less than
 227 two full terms is eligible for reappointment to the commission
 228 regardless of whether he or she meets the new qualification.

229 Section 11. Paragraph (a) of subsection (2) of section
 230 627.711, Florida Statutes, is amended to read:

231 627.711 Notice of premium discounts for hurricane loss
 232 mitigation; uniform mitigation verification inspection form.—

233 (2) (a) The Financial Services Commission shall develop by
 234 rule a uniform mitigation verification inspection form that
 235 shall be used by all insurers when submitted by policyholders
 236 for the purpose of factoring discounts for wind insurance. In
 237 developing the form, the commission shall seek input from
 238 insurance, construction, and building code representatives.
 239 Further, the commission shall provide guidance as to the length
 240 of time the inspection results are valid. An insurer shall
 241 accept as valid a uniform mitigation verification form signed by
 242 the following authorized mitigation inspectors:

243 1. A home inspector licensed under s. 468.8314 ~~who has~~
 244 ~~completed at least 3 hours of hurricane mitigation training~~
 245 ~~which includes hurricane mitigation techniques and compliance~~
 246 ~~with the uniform mitigation verification form and completion of~~
 247 ~~a proficiency exam. Thereafter, home inspectors licensed under~~
 248 ~~s. 468.8314 must complete at least 2 hours of continuing~~
 249 ~~education, as part of the existing licensure renewal~~
 250 ~~requirements each year, related to mitigation inspection and the~~
 251 ~~uniform mitigation form;~~

252 2. A building code inspector certified under s. 468.607;

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253 3. A general, building, or residential contractor licensed
254 under s. 489.111;

255 4. A professional engineer licensed under s. 471.015;

256 5. A professional architect licensed under s. 481.213; or

257 6. Any other individual or entity recognized by the
258 insurer as possessing the necessary qualifications to properly
259 complete a uniform mitigation verification form.

260 Section 12. This act shall take effect July 1, 2011.