

CS/CS/CS/CS/HB 663 — Building Safety

by Full Appropriations Council on Education & Economic Development; General Government Policy Council; Military and Local Affairs Policy Committee; Insurance, Business, & Financial Affairs Policy Committee; and Rep. Aubuchon and others (CS/CS/SH 648 by Military Affairs and Domestic Security Committee; Community Affairs Committee; and Senators Bennett and Lynn)

The bill revises various laws related to building safety, including provisions related to the Florida Building Code, the Elevator Safety Code, and the Fire Prevention Code.

The bill provides that the expiration, lapse, non-renewal, or revocation of a building permit issued to the property owner after a 3 year period provided to commence repair or rebuilding constitutes abandonment of the property as homestead.

The bill delays applicability of home inspector and mold assessor licensure and regulation until July 1, 2011, provides home inspector and mold assessor licensing programs under ch. 20, F.S., amends licensure requirements, and provides guidelines for practicing home inspectors and mold assessors to be licensed under a grandfather provision.

Regarding elevator safety, the bill:

- States that the Division of Hotels and Restaurants (division) may enter and have reasonable access to all buildings and rooms or spaces which an existing or newly installed conveyance or equipment are located, authorizing the division to grant variances for undue hardship;
- Exempts elevators issued certificates of operation before July 1, 2008, from any updates to the Elevator Safety Code concerning modifications for Phase II Firefighter Services until July 1, 2015, or until it is replaced or modified, whichever comes first; and
- Provides that a lock box containing all elevator keys and accessible by the master key of the relevant emergency response region may be an alternative method to elevator emergency public access requirements.

Regarding the Florida Building Code, the bill:

- Authorizes distance learning courses as an alternative to continuing education requirements for certain licenses;
- Requires that mold assessors or mold remediators must maintain general liability and errors and omissions for both preliminary and post-remediation mold assessment insurance coverage of at least \$1 million as a requirement for licensure;
- Revises the surcharge on building permit fee for the Building Code Administrators and Inspectors Fund by setting the surcharge rate at 1.5 percent of all permit fees associated with enforcement of the Florida Building Code and provides that the minimum amount collected on any issued permit shall be \$2;
- Authorizes the Department of Community Affairs to contract for administration of the inspection and certification of manufactured buildings and reinstates local jurisdiction over prototype buildings;

- Requires state agencies to contract for inspection services under the alternative plans review and inspection process or with a local governmental entity;
- Permits the Florida Building Commission to charge a fee of no more than \$125 for filing requests for declaratory statements and for nonbinding interpretations of the Florida Building Code;
- Exempts certain mausoleums and prisoner housing from the Florida Building Code; and
- Revises requirements related to: carbon monoxide alarms, residential pool filtration pumps and motors, energy-saving devices, air conditioner installation, ground and roof-mounted mechanical equipment, windstorm mitigation, and classroom and public building illumination.

Relating to fire prevention and safety, the bill:

- Prohibits a property owner from being required to install fire sprinklers in any residential property based on the use, change in use, or reclassification of that property as a rental property;
- Provides guidelines for the State Fire Marshal to follow when issuing expedited declaratory statements;
- Establishes a process for the Division of the State Fire Marshal and the Fire Code Interpretation Committee to issue nonbinding interpretations of the Florida Fire Prevention Code;
- Requires continuing education reciprocity between the Division of the State Fire Marshal and the Building Code Administrators and Inspectors Board;
- Amends certification requirements for fire protection service contractors, fire equipment dealers, and certain firefighters;
- Revises continuing education licensure requirements; and
- Prohibits agencies from requiring the removal of any fire sprinkler systems system that is not required by such codes/standards.

The bill also directs that public fire hydrants owned by a governmental entity be inspected following standards adopted by the State Fire Marshal or equivalent standards. Additionally, the bill provides that county, municipal, and special district utilities may perform fire hydrant inspections with employees that have not been certified by the State Fire Marshal; however, the utilities are responsible for ensuring that the designated employees are qualified to perform such inspections.

The bill repeals the 5-year inspection requirement concerning the maintenance, useful life, and replacement cost of common elements for certain condominiums.

If approved by the Governor, these provisions take effect July 1, 2010.

Vote: Senate 39-0; House 111-3