

1                   A bill to be entitled  
2     An act relating to building safety; amending s. 399.02,  
3     F.S.; exempting certain elevators from provisions  
4     requiring modifications to heat sensors and electronic  
5     controls; amending s. 399.15, F.S.; providing an  
6     alternative method to allow access to regional emergency  
7     elevators; providing for a uniform lock box; providing for  
8     a master key; providing the Division of State Fire Marshal  
9     with enforcement authority; directing the Department of  
10    Financial Services to select the provider of the uniform  
11    lock box; amending s. 468.8311, F.S.; revising the term  
12    "home inspection services" to include the visual  
13    examination of additional components; amending s.  
14    468.8312, F.S.; providing for fee increases for home  
15    inspection licenses; amending s. 468.8319, F.S.; revising  
16    certain prohibitions with respect to providers of home  
17    inspection services; amending s. 468.832, F.S.;  
18    authorizing the Department of Business and Professional  
19    Regulation to impose penalties against a licensee found  
20    guilty of certain violations; amending s. 468.8324, F.S.;  
21    providing additional requirements for licensure as a home  
22    inspector; amending s. 553.37, F.S.; authorizing  
23    manufacturers to pay inspection fees directly to the  
24    provider of inspection services; providing requirements  
25    for department rules regarding the schedule of fees;  
26    authorizing the department to enter into contracts for the  
27    performance of certain administrative duties; revising  
28    inspection requirements for certain custom manufactured

29 buildings; amending s. 553.375, F.S.; revising the  
30 requirement for recertification of manufactured buildings  
31 prior to relocation; amending s. 553.509, F.S.; deleting  
32 certain requirements for alternate power sources for  
33 elevators for purposes of operating during an emergency;  
34 amending s. 553.73, F.S.; authorizing the Florida Building  
35 Commission to approve amendments relating to equivalency  
36 of standards; authorizing the commission to approve  
37 amendments necessary to accommodate state agency rules to  
38 meet federal requirements for design criteria relating to  
39 public educational facilities and state-licensed  
40 facilities; exempting certain mausoleums from the  
41 requirements of the Florida Building Code; exempting  
42 certain temporary housing provided by the Department of  
43 Corrections from the requirements of the Florida Building  
44 Code; restricting the code or a code enforcement agency  
45 from imposing requirements on certain air conditioning  
46 systems; requiring that the Florida Building Code contain  
47 certain requirements regarding illumination in classroom  
48 units; requiring that classroom units be designed to  
49 provide and maintain an average of 40 foot-candles of  
50 light at each desktop; requiring that public educational  
51 facilities consider using light-emitting diode lighting  
52 before considering other lighting sources; amending s.  
53 553.76, F.S.; authorizing the Florida Building Commission  
54 to adopt rules related to consensus-building  
55 decisionmaking; amending s. 553.775, F.S.; authorizing the  
56 commission to charge a fee for nonbinding interpretations;

57 | amending s. 553.79, F.S.; requiring that state agencies  
58 | enter into contracts for inspection services under the  
59 | alternative plans review and inspection process or with a  
60 | local governmental entity; reenacting s. 553.80(1), F.S.,  
61 | relating to the enforcement of the Florida Building Code,  
62 | to incorporate the amendments made to s. 553.79, F.S., in  
63 | a reference thereto; amending s. 553.841, F.S.; deleting  
64 | provisions requiring that the Department of Community  
65 | Affairs maintain, update, develop, or cause to be  
66 | developed a core curriculum for persons who enforce the  
67 | Florida Building Code; amending s. 553.842, F.S.;  
68 | authorizing rules requiring the payment of product  
69 | evaluation fees directly to the administrator of the  
70 | product evaluation and approval system; requiring that the  
71 | provider remit a portion of the fees to the department to  
72 | cover its costs; providing requirements for the approval  
73 | of applications for state approval of a product; providing  
74 | for certain approved products to be immediately added to  
75 | the list of state-approved products; requiring that the  
76 | commission's oversight committee review approved products;  
77 | revising the list of approved evaluation entities;  
78 | deleting obsolete provisions governing evaluation  
79 | entities; amending s. 553.844, F.S.; providing an  
80 | exemption from the requirements regarding roof and opening  
81 | protections for certain exposed mechanical equipment or  
82 | appliances; providing for future expiration; amending s.  
83 | 553.885, F.S.; revising requirements for carbon monoxide  
84 | alarms; providing an exception for buildings undergoing

85 alterations or repairs; defining the term "addition" as it  
86 relates to the requirement of a carbon monoxide alarm;  
87 amending s. 553.9061, F.S.; revising the energy efficiency  
88 performance options and elements identified by the  
89 commission for purposes of meeting certain goals; amending  
90 s. 553.909, F.S.; revising requirements for pool pump  
91 motors to conform to federal law; amending s. 627.711,  
92 F.S.; conforming provisions to changes made by the act in  
93 which core curriculum courses relating to the Florida  
94 Building Code are deleted; amending s. 633.0215, F.S.;  
95 providing guidelines for the State Fire Marshal to apply  
96 when issuing an expedited declaratory statement; requiring  
97 that the State Fire Marshal issue an expedited declaratory  
98 statement under certain circumstances; providing  
99 requirements for a petition requesting an expedited  
100 declaratory statement; amending s. 633.026, F.S.;  
101 providing legislative intent; providing for the  
102 establishment of the Fire Code Interpretation Committee;  
103 providing for the membership of the committee and  
104 requirements for membership; requiring that nonbinding  
105 interpretations of the Florida Fire Prevention Code be  
106 issued within a specified period after a request is  
107 received; providing for the waiver of such requirement  
108 under certain conditions; requiring that the Division of  
109 State Fire Marshal charge a fee for nonbinding  
110 interpretations; providing that fees may be paid directly  
111 to a contract provider; providing requirements for  
112 requesting a nonbinding interpretation; requiring that the

113 | Division of State Fire Marshal develop a form for  
114 | submitting a petition for a nonbinding interpretation;  
115 | providing for a formal interpretation by the State Fire  
116 | Marshal; requiring that an interpretation of the Florida  
117 | Fire Prevention Code be published on the division's  
118 | website and in the Florida Administrative Weekly; amending  
119 | s. 633.081, F.S.; requiring that the State Fire Marshal  
120 | inspect a building when the State Fire Marshal, rather  
121 | than the Department of Financial Services, has cause to  
122 | believe a violation has occurred; requiring that the  
123 | Division of State Fire Marshal and the Florida Building  
124 | Code Administrators and Inspectors Board enter into a  
125 | reciprocity agreement for purposes of recertifying  
126 | building code inspectors, plan inspectors, building code  
127 | administrators, and firesafety inspectors; requiring that  
128 | the State Fire Marshal develop by rule an advanced  
129 | training and certification program for firesafety  
130 | inspectors who have fire code management responsibilities;  
131 | requiring that the program be consistent with certain  
132 | standards and establish minimum training, education, and  
133 | experience levels for such firesafety inspectors; amending  
134 | s. 633.352, F.S.; providing an exception to requirements  
135 | for recertification as a firefighter; amending s. 633.521,  
136 | F.S.; revising requirements for certification as a fire  
137 | protection system contractor; revising the prerequisites  
138 | for taking the certification examination; authorizing the  
139 | State Fire Marshal to accept more than one source of  
140 | professional certification; revising legislative intent;

141 amending s. 633.524, F.S.; authorizing the State Fire  
 142 Marshal to enter into contracts for examination services;  
 143 providing for the direct payment of examination fees to  
 144 contract providers; amending s. 633.537, F.S.; revising  
 145 the continuing education requirements for certain  
 146 permitholders; amending 633.72, F.S.; revising the terms  
 147 of service for members of the Fire Code Advisory Council;  
 148 repealing s. 718.113(6), F.S., relating to requirements  
 149 for 5-year inspections of certain condominium  
 150 improvements; directing the Florida Building Commission to  
 151 conform provisions of the Florida Building Code with  
 152 revisions made by the act relating to the operation of  
 153 elevators; providing effective dates.

154

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

156

157 Section 1. Subsection (6) of section 399.02, Florida  
 158 Statutes, is amended to read:

159 399.02 General requirements.—

160 (6) The department is empowered to carry out all of the  
 161 provisions of this chapter relating to the inspection and  
 162 regulation of elevators and to enforce the provisions of the  
 163 Florida Building Code, except that updates to the code requiring  
 164 modifications for heat sensors and electronic controls on  
 165 existing elevators, as amended into the Safety Code for Existing  
 166 Elevators and Escalators, ANSI/ASME A17.1 and A17.3, may not be  
 167 enforced on elevators issued a certificate of operation by the  
 168 department before July 1, 2009, until the elevator is replaced.

169 This exception does not apply to any building for which a  
 170 building permit was issued on or after July 1, 2009.

171 Section 2. Present subsection (7) of section 399.15,  
 172 Florida Statutes, is redesignated as subsection (8), and a new  
 173 subsection (7) is added to that section, to read:

174 399.15 Regional emergency elevator access.—

175 (7) As an alternative to complying with the requirements  
 176 of subsection (1), each building in this state which is required  
 177 to meet the provisions of subsections (1) and (2) may instead  
 178 provide for the installation of a uniform lock box that contains  
 179 the keys to all elevators in the building allowing public  
 180 access, including service and freight elevators. The uniform  
 181 lock box must be keyed to allow all uniform lock boxes in each  
 182 of the seven state emergency response regions to operate in fire  
 183 emergency situations using one master key. The master key for  
 184 the uniform lock shall be issued only to the fire department.  
 185 The Division of State Fire Marshal of the Department of  
 186 Financial Services shall enforce this subsection. The Department  
 187 of Financial Services shall select the provider of the uniform  
 188 lock box to be installed in each building in which the  
 189 requirements of this subsection are implemented.

190 Section 3. Effective July 1, 2011, subsection (4) of  
 191 section 468.8311, Florida Statutes, is amended to read:

192 468.8311 Definitions.—As used in this part, the term:

193 (4) "Home inspection services" means a limited visual  
 194 examination of one or more of the following readily accessible  
 195 installed systems and components of a home: the structure,  
 196 electrical system, HVAC system, roof covering, plumbing system,

197 interior components, windows, doors, walls, floors, ceilings,  
 198 exterior components, and site conditions that affect the  
 199 structure, for the purposes of providing a written professional  
 200 opinion of the condition of the home.

201 Section 4. Effective July 1, 2011, section 468.8312,  
 202 Florida Statutes, is amended to read:

203 468.8312 Fees.—

204 (1) The department, by rule, may establish fees to be paid  
 205 for applications, examination, reexamination, licensing and  
 206 renewal, inactive status application and reactivation of  
 207 inactive licenses, recordkeeping, and applications for providers  
 208 of continuing education. The department may also establish by  
 209 rule a delinquency fee. Fees shall be based on department  
 210 estimates of the revenue required to implement the provisions of  
 211 this part. All fees shall be remitted with the appropriate  
 212 application, examination, or license.

213 (2) The initial application and examination fee shall not  
 214 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the  
 215 department to purchase an examination, if the department chooses  
 216 to purchase the examination. The examination fee shall be in an  
 217 amount that covers the cost of obtaining and administering the  
 218 examination and shall be refunded if the applicant is found  
 219 ineligible to sit for the examination. The application fee shall  
 220 be nonrefundable.

221 (3) The initial license fee shall not exceed \$400 ~~\$200~~.

222 (4) The fee for a certificate of authorization shall not  
 223 exceed \$250 ~~\$125~~.

224 (5) The biennial renewal fee shall not exceed \$400 ~~\$200~~.



225 (6) The fee for licensure by endorsement shall not exceed  
 226 \$400 ~~\$200~~.

227 (7) The fee for application for inactive status or for  
 228 reactivation of an inactive license shall not exceed \$400 ~~\$200~~.

229 (8) The fee for applications from providers of continuing  
 230 education may not exceed \$500.

231 Section 5. Effective July 1, 2011, section 468.8319,  
 232 Florida Statutes, is amended to read:

233 468.8319 Prohibitions; penalties.—

234 (1) A person ~~A home inspector, a company that employs a~~  
 235 ~~home inspector, or a company that is controlled by a company~~  
 236 ~~that also has a financial interest in a company employing a home~~  
 237 ~~inspector~~ may not:

238 (a) Practice or offer to practice home inspection services  
 239 unless the person has complied with the provisions of this part;

240 (b) Use the name or title "certified home inspector,"  
 241 "registered home inspector," "licensed home inspector," "home  
 242 inspector," "professional home inspector," or any combination  
 243 thereof unless the person has complied with the provisions of  
 244 this part;

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

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

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

250 (f) Perform or offer to perform, prior to closing, for any  
 251 additional fee, any repairs to a home on which the inspector or  
 252 the inspector's company has prepared a home inspection report.

253 This paragraph does not apply to a home warranty company that is  
 254 affiliated with or retains a home inspector to perform repairs  
 255 pursuant to a claim made under a home warranty contract;

256 (g) Inspect for a fee any property in which the inspector  
 257 or the inspector's company has any financial or transfer  
 258 interest;

259 (h) Offer or deliver any compensation, inducement, or  
 260 reward to any broker or agent therefor for the referral of the  
 261 owner of the inspected property to the inspector or the  
 262 inspection company; or

263 (i) Accept an engagement to make an omission or prepare a  
 264 report in which the inspection itself, or the fee payable for  
 265 the inspection, is contingent upon either the conclusions in the  
 266 report, preestablished findings, or the close of escrow.

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

270 Section 6. Effective July 1, 2011, section 468.832,  
 271 Florida Statutes, is amended to read:

272 468.832 Disciplinary proceedings.—

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

275 (a) Violation of any provision of this part or s.  
 276 455.227(1);

277 (b) Attempting to procure a license to practice home  
 278 inspection services by bribery or fraudulent misrepresentation;

279 (c) Having a license to practice home inspection services  
 280 revoked, suspended, or otherwise acted against, including the

281 denial of licensure, by the licensing authority of another  
 282 state, territory, or country;

283 (d) Being convicted or found guilty of, or entering a plea  
 284 of nolo contendere to, regardless of adjudication, a crime in  
 285 any jurisdiction that directly relates to the practice of home  
 286 inspection services or the ability to practice home inspection  
 287 services;

288 (e) Making or filing a report or record that the licensee  
 289 knows to be false, willfully failing to file a report or record  
 290 required by state or federal law, willfully impeding or  
 291 obstructing such filing, or inducing another person to impede or  
 292 obstruct such filing. Such reports or records shall include only  
 293 those that are signed in the capacity of a licensed home  
 294 inspector;

295 (f) Advertising goods or services in a manner that is  
 296 fraudulent, false, deceptive, or misleading in form or content;

297 (g) Engaging in fraud or deceit, or negligence,  
 298 incompetency, or misconduct, in the practice of home inspection  
 299 services;

300 (h) Failing to perform any statutory or legal obligation  
 301 placed upon a licensed home inspector; violating any provision  
 302 of this chapter, a rule of the department, or a lawful order of  
 303 the department previously entered in a disciplinary hearing; or  
 304 failing to comply with a lawfully issued subpoena of the  
 305 department; or

306 (i) Practicing on a revoked, suspended, inactive, or  
 307 delinquent license.

308 (2) When the department finds any licensee ~~home inspector~~

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309 guilty of any of the grounds set forth in subsection (1), it may  
 310 enter an order imposing one or more of the following penalties:

- 311 (a) Denial of an application for licensure.
- 312 (b) Revocation or suspension of a license.
- 313 (c) Imposition of an administrative fine not to exceed  
 314 \$5,000 for each count or separate offense.
- 315 (d) Issuance of a reprimand.
- 316 (e) Placement of the home inspector on probation for a  
 317 period of time and subject to such conditions as the department  
 318 may specify.
- 319 (f) Restriction of the authorized scope of practice by the  
 320 home inspector.

321 (3) In addition to any other sanction imposed under this  
 322 part, in any final order that imposes sanctions, the department  
 323 may assess costs related to the investigation and prosecution of  
 324 the case.

325 Section 7. Section 468.8324, Florida Statutes, is amended  
 326 to read:

327 468.8324 Grandfather clause.—A person who performs home  
 328 inspection services as defined in this part before July 1, 2011,  
 329 may qualify to be licensed by the department as a home inspector  
 330 if the person meets the licensure requirements of this part, and  
 331 if the person has: ~~by July 1, 2010.~~

332 (1) Received compensation as a home inspector for not less  
 333 than 1 year prior to July 1, 2011; or

334 (2) Performed no fewer than 50 home inspections and  
 335 received compensation for such inspections prior to July 1,  
 336 2011.

337 Section 8. Subsections (2), (8), and (9) of section  
 338 553.37, Florida Statutes, are amended, and subsection (12) is  
 339 added to that section, to read:

340 553.37 Rules; inspections; and insignia.—

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

342 (a) Procedures and qualifications for approval of third-  
 343 party plan review and inspection agencies and of those who  
 344 perform inspections and plan reviews.

345 (b) Investigation of consumer complaints of noncompliance  
 346 of manufactured buildings with the Florida Building Code and the  
 347 Florida Fire Prevention Code.

348 (c) Issuance, cancellation, and revocation of any insignia  
 349 issued by the department and procedures for auditing and  
 350 accounting for disposition of them.

351 (d) Monitoring the manufacturers', inspection agencies',  
 352 and plan review agencies' compliance with this part and the  
 353 Florida Building Code. Monitoring may include, but is not  
 354 limited to, performing audits of plans, inspections of  
 355 manufacturing facilities and observation of the manufacturing  
 356 and inspection process, and onsite inspections of buildings.

357 (e) The performance by the department and its designees  
 358 and contractors of any other functions required by this part.  
 359 All fees paid by product manufacturers shall be used for the  
 360 sole purpose of funding the state product approval system.

361 (8) The department, by rule, shall establish a schedule of  
 362 fees to pay the cost of the administration and enforcement of  
 363 this part. The rule may provide for manufacturers to pay fees,  
 364 including charges incurred for plan review and inspection

365 services, to the administrator directly via the Building Code  
 366 Information System and for the administrator to disburse the  
 367 funds as necessary.

368 (9) The department may delegate its enforcement authority  
 369 to a state department having building construction  
 370 responsibilities or a local government, and may enter into  
 371 contracts for the performance of its administrative duties under  
 372 this part. The department may delegate its plan review and  
 373 inspection authority to one or more of the following in any  
 374 combination:

375 (a) A state department having building construction  
 376 responsibilities;

377 (b) A local government;

378 (c) An approved inspection agency;

379 (d) An approved plan review agency; or

380 (e) An agency of another state.

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

385 Section 9. Section 553.375, Florida Statutes, is amended  
 386 to read:

387 553.375 Recertification of manufactured buildings.—Prior  
 388 to the relocation to a site that has a higher design wind speed,  
 389 modification, or change of occupancy of a manufactured building  
 390 within the state, the manufacturer, dealer, or owner thereof may  
 391 apply to the department for recertification of that manufactured  
 392 building. The department shall, by rule, provide what

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393 information the applicant must submit for recertification and  
394 for plan review and inspection of such manufactured buildings  
395 and shall establish fees for recertification. Upon a  
396 determination by the department that the manufactured building  
397 complies with the applicable building codes, the department  
398 shall issue a recertification insignia. A manufactured building  
399 that bears recertification insignia does not require any  
400 additional approval by an enforcement jurisdiction in which the  
401 building is sold or installed, and is considered to comply with  
402 all applicable codes. As an alternative to recertification by  
403 the department, the manufacturer, dealer, or owner of a  
404 manufactured building may seek appropriate permitting and a  
405 certificate of occupancy from the local jurisdiction in  
406 accordance with procedures generally applicable under the  
407 Florida Building Code.

408 Section 10. Section 553.509, Florida Statutes, is amended  
409 to read:

410 553.509 Vertical accessibility.—

411 (1) Nothing in ss. 553.501-553.513 or the guidelines shall  
412 be construed to relieve the owner of any building, structure, or  
413 facility governed by those sections from the duty to provide  
414 vertical accessibility to all levels above and below the  
415 occupiable grade level, regardless of whether the guidelines  
416 require an elevator to be installed in such building, structure,  
417 or facility, except for:

418 (a) Elevator pits, elevator penthouses, mechanical rooms,  
419 piping or equipment catwalks, and automobile lubrication and  
420 maintenance pits and platforms;

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

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

427 (2) Notwithstanding subsection (1) ~~(a) Any person, firm,~~  
428 ~~or corporation that owns, manages, or operates a residential~~  
429 ~~multifamily dwelling, including a condominium, that is at least~~  
430 ~~75 feet high and contains a public elevator, as described in s.~~  
431 ~~399.035(2) and (3) and rules adopted by the Florida Building~~  
432 ~~Commission, shall have at least one public elevator that is~~  
433 ~~capable of operating on an alternate power source for emergency~~  
434 ~~purposes. Alternate power shall be available for the purpose of~~  
435 ~~allowing all residents access for a specified number of hours~~  
436 ~~each day over a 5-day period following a natural disaster,~~  
437 ~~manmade disaster, emergency, or other civil disturbance that~~  
438 ~~disrupts the normal supply of electricity. The alternate power~~  
439 ~~source that controls elevator operations must also be capable of~~  
440 ~~powering any connected fire alarm system in the building.~~

441 ~~(b) At a minimum, the elevator must be appropriately~~  
442 ~~prewired and prepared to accept an alternate power source and~~  
443 ~~must have a connection on the line side of the main disconnect,~~  
444 ~~pursuant to National Electric Code Handbook, Article 700. In~~  
445 ~~addition to the required power source for the elevator and~~  
446 ~~connected fire alarm system in the building, the alternate power~~  
447 ~~supply must be sufficient to provide emergency lighting to the~~  
448 ~~interior lobbies, hallways, and other portions of the building~~



449 ~~used by the public. Residential multifamily dwellings must have~~  
450 ~~an available generator and fuel source on the property or have~~  
451 ~~proof of a current contract posted in the elevator machine room~~  
452 ~~or other place conspicuous to the elevator inspector affirming a~~  
453 ~~current guaranteed service contract for such equipment and fuel~~  
454 ~~source to operate the elevator on an on-call basis within 24~~  
455 ~~hours after a request. By December 31, 2006, any person, firm or~~  
456 ~~corporation that owns, manages, or operates a residential~~  
457 ~~multifamily dwelling as defined in paragraph (a) must provide to~~  
458 ~~the local building inspection agency verification of engineering~~  
459 ~~plans for residential multifamily dwellings that provide for the~~  
460 ~~capability to generate power by alternate means. Compliance with~~  
461 ~~installation requirements and operational capability~~  
462 ~~requirements must be verified by local building inspectors and~~  
463 ~~reported to the county emergency management agency by December~~  
464 ~~31, 2007.~~

465 ~~(c) Each newly constructed residential multifamily~~  
466 ~~dwelling, including a condominium, that is at least 75 feet high~~  
467 ~~and contains a public elevator, as described in s. 399.035(2)~~  
468 ~~and (3) and rules adopted by the Florida Building Commission,~~  
469 ~~must have at least one public elevator that is capable of~~  
470 ~~operating on an alternate power source for the purpose of~~  
471 ~~allowing all residents access for a specified number of hours~~  
472 ~~each day over a 5-day period following a natural disaster,~~  
473 ~~manmade disaster, emergency, or other civil disturbance that~~  
474 ~~disrupts the normal supply of electricity. The alternate power~~  
475 ~~source that controls elevator operations must be capable of~~  
476 ~~powering any connected fire alarm system in the building. In~~

477 ~~addition to the required power source for the elevator and~~  
478 ~~connected fire alarm system, the alternate power supply must be~~  
479 ~~sufficient to provide emergency lighting to the interior~~  
480 ~~lobbies, hallways, and other portions of the building used by~~  
481 ~~the public. Engineering plans and verification of operational~~  
482 ~~capability must be provided by the local building inspector to~~  
483 ~~the county emergency management agency before occupancy of the~~  
484 ~~newly constructed building.~~

485 ~~(d) Each person, firm, or corporation that is required to~~  
486 ~~maintain an alternate power source under this subsection shall~~  
487 ~~maintain a written emergency operations plan that details the~~  
488 ~~sequence of operations before, during, and after a natural or~~  
489 ~~manmade disaster or other emergency situation. The plan must~~  
490 ~~include, at a minimum, a lifesafety plan for evacuation,~~  
491 ~~maintenance of the electrical and lighting supply, and~~  
492 ~~provisions for the health, safety, and welfare of the residents.~~  
493 ~~In addition, the owner, manager, or operator of the residential~~  
494 ~~multifamily dwelling must keep written records of any contracts~~  
495 ~~for alternative power generation equipment. Also, quarterly~~  
496 ~~inspection records of lifesafety equipment and alternate power~~  
497 ~~generation equipment must be posted in the elevator machine room~~  
498 ~~or other place conspicuous to the elevator inspector, which~~  
499 ~~confirm that such equipment is properly maintained and in good~~  
500 ~~working condition, and copies of contracts for alternate power~~  
501 ~~generation equipment shall be maintained on site for~~  
502 ~~verification. The written emergency operations plan and~~  
503 ~~inspection records shall also be open for periodic inspection by~~  
504 ~~local and state government agencies as deemed necessary. The~~

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505 ~~owner or operator must keep a generator key in a lockbox posted~~  
506 ~~at or near any installed generator unit.~~

507 ~~(c) Multistory affordable residential dwellings for~~  
508 ~~persons age 62 and older that are financed or insured by the~~  
509 ~~United States Department of Housing and Urban Development must~~  
510 ~~make every effort to obtain grant funding from the Federal~~  
511 ~~Government or the Florida Housing Finance Corporation to comply~~  
512 ~~with this subsection. If an owner of such a residential dwelling~~  
513 ~~cannot comply with the requirements of this subsection, the~~  
514 ~~owner must develop a plan with the local emergency management~~  
515 ~~agency to ensure that residents are evacuated to a place of~~  
516 ~~safety in the event of a power outage resulting from a natural~~  
517 ~~or manmade disaster or other emergency situation that disrupts~~  
518 ~~the normal supply of electricity for an extended period of time.~~  
519 ~~A place of safety may include, but is not limited to, relocation~~  
520 ~~to an alternative site within the building or evacuation to a~~  
521 ~~local shelter.~~

522 ~~(f) As a part of the annual elevator inspection required~~  
523 ~~under s. 399.061, certified elevator inspectors shall confirm~~  
524 ~~that all installed generators required by this chapter are in~~  
525 ~~working order, have current inspection records posted in the~~  
526 ~~elevator machine room or other place conspicuous to the elevator~~  
527 ~~inspector, and that the required generator key is present in the~~  
528 ~~lockbox posted at or near the installed generator. If a building~~  
529 ~~does not have an installed generator, the inspector shall~~  
530 ~~confirm that the appropriate rewiring and switching~~  
531 ~~capabilities are present and that a statement is posted in the~~  
532 ~~elevator machine room or other place conspicuous to the elevator~~

533 ~~inspector affirming a current guaranteed contract exists for~~  
 534 ~~contingent services for alternate power is current for the~~  
 535 ~~operating period.~~

536  
 537 However, buildings, structures, and facilities must, at ~~as~~ a  
 538 minimum, comply with the requirements in the Americans with  
 539 Disabilities Act Accessibility Guidelines.

540 Section 11. Subsections (7) and (9) of section 553.73,  
 541 Florida Statutes, are amended, and subsections (14) and (15) are  
 542 added to that section, to read:

543 553.73 Florida Building Code.—

544 (7) Notwithstanding the provisions of subsection (3) or  
 545 subsection (6), the commission may address issues identified in  
 546 this subsection by amending the code pursuant only to the rule  
 547 adoption procedures contained in chapter 120. Provisions of the  
 548 Florida Building Code, including those contained in referenced  
 549 standards and criteria, relating to wind resistance or the  
 550 prevention of water intrusion may not be amended pursuant to  
 551 this subsection to diminish those construction requirements;  
 552 however, the commission may, subject to conditions in this  
 553 subsection, amend the provisions to enhance those construction  
 554 requirements. Following the approval of any amendments to the  
 555 Florida Building Code by the commission and publication of the  
 556 amendments on the commission's website, authorities having  
 557 jurisdiction to enforce the Florida Building Code may enforce  
 558 the amendments. The commission may approve amendments that are  
 559 needed to address:

560 (a) Conflicts within the updated code;

561 (b) Conflicts between the updated code and the Florida  
 562 Fire Prevention Code adopted pursuant to chapter 633;

563 (c) The omission of previously adopted Florida-specific  
 564 amendments to the updated code if such omission is not supported  
 565 by a specific recommendation of a technical advisory committee  
 566 or particular action by the commission;

567 (d) Unintended results from the integration of previously  
 568 adopted Florida-specific amendments with the model code;

569 (e) Equivalency of standards;

570 (f) The specific needs of state agencies when agency rules  
 571 must be updated to reflect federal requirements relating to  
 572 design criteria for public educational facilities and state-  
 573 licensed facilities;

574 (g) ~~(e)~~ Changes to or inconsistencies with federal or state  
 575 law; or

576 (h) ~~(f)~~ Adoption of an updated edition of the National  
 577 Electrical Code if the commission finds that delay of  
 578 implementing the updated edition causes undue hardship to  
 579 stakeholders or otherwise threatens the public health, safety,  
 580 and welfare.

581 (9) The following buildings, structures, and facilities  
 582 are exempt from the Florida Building Code as provided by law,  
 583 and any further exemptions shall be as determined by the  
 584 Legislature and provided by law:

585 (a) Buildings and structures specifically regulated and  
 586 preempted by the Federal Government.

587 (b) Railroads and ancillary facilities associated with the  
 588 railroad.

589 (c) Nonresidential farm buildings on farms.

590 (d) Temporary buildings or sheds used exclusively for  
591 construction purposes.

592 (e) Mobile or modular structures used as temporary  
593 offices, except that the provisions of part II relating to  
594 accessibility by persons with disabilities shall apply to such  
595 mobile or modular structures.

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

599 (g) Temporary sets, assemblies, or structures used in  
600 commercial motion picture or television production, or any  
601 sound-recording equipment used in such production, on or off the  
602 premises.

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

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

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

617  
618 With the exception of paragraphs (a), (b), (c), and (f), in  
619 order to preserve the health, safety, and welfare of the public,  
620 the Florida Building Commission may, by rule adopted pursuant to  
621 chapter 120, provide for exceptions to the broad categories of  
622 buildings exempted in this section, including exceptions for  
623 application of specific sections of the code or standards  
624 adopted therein. The Department of Agriculture and Consumer  
625 Services shall have exclusive authority to adopt by rule,  
626 pursuant to chapter 120, exceptions to nonresidential farm  
627 buildings exempted in paragraph (c) when reasonably necessary to  
628 preserve public health, safety, and welfare. The exceptions must  
629 be based upon specific criteria, such as under-roof floor area,  
630 aggregate electrical service capacity, HVAC system capacity, or  
631 other building requirements. Further, the commission may  
632 recommend to the Legislature additional categories of buildings,  
633 structures, or facilities which should be exempted from the  
634 Florida Building Code, to be provided by law. The Florida  
635 Building Code does not apply to temporary housing provided by  
636 the Department of Corrections to any prisoner in the state  
637 correctional system.

638 (14) The Florida Building Code may not require that an  
639 existing air conditioning system that was installed on the  
640 surface of a roof before July 1, 2010, be raised 18 inches from  
641 the surface on which it is installed until such time as the  
642 system is replaced. An agency or local government having  
643 authority to enforce the Florida Building Code or a local  
644 building code may not require otherwise.

645           (15) The Florida Building Code must require that the  
 646 illumination in classroom units be designed to provide and  
 647 maintain an average of 40 foot-candles of light at each desktop.  
 648 Public educational facilities must consider using light-emitting  
 649 diode lighting before considering other lighting sources.

650           Section 12. Subsection (2) of section 553.76, Florida  
 651 Statutes, is amended to read:

652           553.76 General powers of the commission.—The commission is  
 653 authorized to:

654           (2) Issue memoranda of procedure for its internal  
 655 management and control. The commission may adopt rules related  
 656 to its consensus-based decisionmaking process, including, but  
 657 not limited to, super majority voting requirements for  
 658 commission actions relating to the adoption of the Florida  
 659 Building Code or amendments to the code.

660           Section 13. Subsection (4) of section 553.775, Florida  
 661 Statutes, is amended to read:

662           553.775 Interpretations.—

663           (4) In order to administer this section, the commission  
 664 may adopt by rule and impose a fee for binding and nonbinding  
 665 interpretations to recoup the cost of the proceedings which may  
 666 not exceed \$250 for each request for a review or interpretation.  
 667 For proceedings conducted by or in coordination with a third-  
 668 party, the rule may provide that payment be made directly to the  
 669 third party, who shall remit to the department that portion of  
 670 the fee necessary to cover the costs of the department.

671           Section 14. Subsection (9) of section 553.79, Florida  
 672 Statutes, is amended to read:



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673           553.79 Permits; applications; issuance; inspections.—  
 674           (9) Any state agency whose enabling legislation authorizes  
 675 it to enforce provisions of the Florida Building Code may enter  
 676 into an agreement with any other unit of government to delegate  
 677 its responsibility to enforce those provisions and may expend  
 678 public funds for permit and inspection fees, which fees may be  
 679 no greater than the fees charged others. Inspection services  
 680 that are not required to be performed by a state agency under a  
 681 federal delegation of responsibility or by a state agency under  
 682 the Florida Building Code must be performed under the  
 683 alternative plans review and inspection process created in s.  
 684 553.791 or by a local governmental entity having authority to  
 685 enforce the Florida Building Code.

686           Section 15. For the purpose of incorporating the amendment  
 687 made by this act to section 553.79, Florida Statutes, in a  
 688 reference thereto, subsection (1) of section 553.80, Florida  
 689 Statutes, is reenacted to read:

690           553.80 Enforcement.—

691           (1) Except as provided in paragraphs (a)-(g), each local  
 692 government and each legally constituted enforcement district  
 693 with statutory authority shall regulate building construction  
 694 and, where authorized in the state agency's enabling  
 695 legislation, each state agency shall enforce the Florida  
 696 Building Code required by this part on all public or private  
 697 buildings, structures, and facilities, unless such  
 698 responsibility has been delegated to another unit of government  
 699 pursuant to s. 553.79(9).

700           (a) Construction regulations relating to correctional

701 facilities under the jurisdiction of the Department of  
702 Corrections and the Department of Juvenile Justice are to be  
703 enforced exclusively by those departments.

704 (b) Construction regulations relating to elevator  
705 equipment under the jurisdiction of the Bureau of Elevators of  
706 the Department of Business and Professional Regulation shall be  
707 enforced exclusively by that department.

708 (c) In addition to the requirements of s. 553.79 and this  
709 section, facilities subject to the provisions of chapter 395 and  
710 part II of chapter 400 shall have facility plans reviewed and  
711 construction surveyed by the state agency authorized to do so  
712 under the requirements of chapter 395 and part II of chapter 400  
713 and the certification requirements of the Federal Government.

714 (d) Building plans approved under s. 553.77(3) and state-  
715 approved manufactured buildings, including buildings  
716 manufactured and assembled offsite and not intended for  
717 habitation, such as lawn storage buildings and storage sheds,  
718 are exempt from local code enforcing agency plan reviews except  
719 for provisions of the code relating to erection, assembly, or  
720 construction at the site. Erection, assembly, and construction  
721 at the site are subject to local permitting and inspections.  
722 Lawn storage buildings and storage sheds bearing the insignia of  
723 approval of the department are not subject to s. 553.842. Such  
724 buildings that do not exceed 400 square feet may be delivered  
725 and installed without need of a contractor's or specialty  
726 license.

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

729 provided in subsection (6).

730 (f) The Florida Building Code as it pertains to toll  
 731 collection facilities under the jurisdiction of the turnpike  
 732 enterprise of the Department of Transportation shall be enforced  
 733 exclusively by the turnpike enterprise.

734 (g) Construction regulations relating to secure mental  
 735 health treatment facilities under the jurisdiction of the  
 736 Department of Children and Family Services shall be enforced  
 737 exclusively by the department in conjunction with the Agency for  
 738 Health Care Administration's review authority under paragraph  
 739 (c).

740  
 741 The governing bodies of local governments may provide a schedule  
 742 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
 743 section, for the enforcement of the provisions of this part.

744 Such fees shall be used solely for carrying out the local  
 745 government's responsibilities in enforcing the Florida Building  
 746 Code. The authority of state enforcing agencies to set fees for  
 747 enforcement shall be derived from authority existing on July 1,  
 748 1998. However, nothing contained in this subsection shall  
 749 operate to limit such agencies from adjusting their fee schedule  
 750 in conformance with existing authority.

751 Section 16. Section 553.841, Florida Statutes, is amended  
 752 to read:

753 553.841 Building code compliance and mitigation program.—

754 (1) The Legislature finds that knowledge and understanding  
 755 by persons licensed in the design and construction industries of  
 756 the importance and need for complying with the Florida Building

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757 Code is vital to the public health, safety, and welfare of this  
758 state, especially for mitigating damage caused by hurricanes to  
759 residents and visitors to the state. The Legislature further  
760 finds that the Florida Building Code can be effective only if  
761 all participants in the design and construction industries  
762 maintain a thorough knowledge of the code and additions thereto  
763 which improve construction standards to protect against storm  
764 and other damage. Consequently, the Legislature finds that there  
765 is a need for a program to provide ongoing education and  
766 outreach activities concerning compliance with the Florida  
767 Building Code and hurricane mitigation.

768 (2) The Department of Community Affairs shall administer a  
769 program, designated as the Florida Building Code Compliance and  
770 Mitigation Program, to develop, coordinate, and maintain  
771 education and outreach to persons required to comply with the  
772 Florida Building Code and ensure consistent education, training,  
773 and communication of the code's requirements, including, but not  
774 limited to, methods for mitigation of storm-related damage. The  
775 program shall also operate a clearinghouse through which design,  
776 construction, and building code enforcement licensees,  
777 suppliers, and consumers in this state may find others in order  
778 to exchange information relating to mitigation and facilitate  
779 repairs in the aftermath of a natural disaster.

780 (3) All services and materials under the Florida Building  
781 Code Compliance and Mitigation Program must be provided by a  
782 private, nonprofit corporation under contract with the  
783 department. The term of the contract shall be for 4 years, with  
784 the option of one 4-year renewal at the end of the contract

785 term. The initial contract must be in effect no later than  
786 November 1, 2007. The private, nonprofit corporation must be an  
787 organization whose membership includes trade and professional  
788 organizations whose members consist primarily of persons and  
789 entities that are required to comply with the Florida Building  
790 Code and that are licensed under part XII of chapter 468,  
791 chapter 471, chapter 481, or chapter 489. When selecting the  
792 private, nonprofit corporation for the program, the department  
793 must give primary consideration to the corporation's  
794 demonstrated experience and the ability to:

795 (a) Develop and deliver building code-related education,  
796 training, and outreach;

797 (b) Directly access the majority of persons licensed in  
798 the occupations of design, construction, and building code  
799 enforcement individually and through established statewide trade  
800 and professional association networks;

801 (c) Serve as a clearinghouse to deliver education and  
802 outreach throughout the state. The clearinghouse must serve as a  
803 focal point at which persons licensed to design, construct, and  
804 enforce building codes and suppliers and consumers can find each  
805 other in order to exchange information relating to mitigation  
806 and facilitate repairs in the aftermath of a natural disaster;

807 (d) Accept input from the Florida Building Commission,  
808 licensing regulatory boards, local building departments, and the  
809 design and construction industries in order to improve its  
810 education and outreach programs; and

811 (e) Promote design and construction techniques and  
812 materials for mitigating hurricane damage at a Florida-based

813 trade conference that includes participants from the broadest  
 814 possible range of design and construction trades and  
 815 professions, including from those private and public sector  
 816 entities having jurisdiction over building codes and design and  
 817 construction licensure.

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

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

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

824 ~~(c) The core curriculum developed under this subsection~~  
 825 ~~must be submitted to the Department of Business and Professional~~  
 826 ~~Regulation for approval. Advanced modules developed under this~~  
 827 ~~paragraph must be approved by the commission and submitted to~~  
 828 ~~the respective boards for approval.~~

829 ~~(5) The core curriculum shall cover the information~~  
 830 ~~required to have all categories of participants appropriately~~  
 831 ~~informed as to their technical and administrative~~  
 832 ~~responsibilities in the effective execution of the code process~~  
 833 ~~by all individuals currently licensed under part XII of chapter~~  
 834 ~~468, chapter 471, chapter 481, or chapter 489, except as~~  
 835 ~~otherwise provided in s. 471.017. The core curriculum shall be~~  
 836 ~~prerequisite to the advanced module coursework for all licensees~~  
 837 ~~and shall be completed by individuals licensed in all categories~~  
 838 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~  
 839 ~~chapter 489 within the first 2-year period after initial~~  
 840 ~~licensure. Core course hours taken by licensees to complete this~~

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841 ~~requirement shall count toward fulfillment of required~~  
842 ~~continuing education units under part XII of chapter 468,~~  
843 ~~chapter 471, chapter 481, or chapter 489.~~

844 (5)~~(6)~~ Each biennium, upon receipt of funds by the  
845 Department of Community Affairs from the Construction Industry  
846 Licensing Board and the Electrical Contractors' Licensing Board  
847 provided under ss. 489.109(3) and 489.509(3), the department  
848 shall determine the amount of funds available for the Florida  
849 Building Code Compliance and Mitigation Program.

850 (6)~~(7)~~ If the projects provided through the Florida  
851 Building Code Compliance and Mitigation Program in any state  
852 fiscal year do not require the use of all available funds, the  
853 unused funds shall be carried forward and allocated for use  
854 during the following fiscal year.

855 (7)~~(8)~~ The Florida Building Commission shall provide by  
856 rule for the accreditation of courses related to the Florida  
857 Building Code by accreditors approved by the commission. The  
858 commission shall establish qualifications of accreditors and  
859 criteria for the accreditation of courses by rule. The  
860 commission may revoke the accreditation of a course by an  
861 accreditor if the accreditation is demonstrated to violate this  
862 part or the rules of the commission.

863 (8)~~(9)~~ This section does not prohibit or limit the subject  
864 areas or development of continuing education or training on the  
865 Florida Building Code by any qualified entity.

866 Section 17. Subsections (1), (5), (8), and (17) of section  
867 553.842, Florida Statutes, are amended to read:

868 553.842 Product evaluation and approval.—

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869 (1) The commission shall adopt rules under ss. 120.536(1)  
870 and 120.54 to develop and implement a product evaluation and  
871 approval system that applies statewide to operate in  
872 coordination with the Florida Building Code. The commission may  
873 enter into contracts to provide for administration of the  
874 product evaluation and approval system. The commission's rules  
875 and any applicable contract may provide that payment of fees  
876 related to approvals be made directly to the administrator, who  
877 shall remit to the department that portion of the fee necessary  
878 to cover the department's costs. The product evaluation and  
879 approval system shall provide:

880 (a) Appropriate promotion of innovation and new  
881 technologies.

882 (b) Processing submittals of products from manufacturers  
883 in a timely manner.

884 (c) Independent, third-party qualified and accredited  
885 testing and laboratory facilities, product evaluation entities,  
886 quality assurance agencies, certification agencies, and  
887 validation entities.

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

890 (e) Development of stringent but reasonable testing  
891 criteria based upon existing consensus standards, when  
892 available, for products.

893 (f) Long-term approvals, where feasible. State and local  
894 approvals will be valid until the requirements of the code on  
895 which the approval is based change, the product changes in a  
896 manner affecting its performance as required by the code, or the



897 approval is revoked.

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

899 (h) Cost-effectiveness.

900 (5) Statewide approval of products, methods, or systems of  
901 construction may be achieved by one of the following methods.

902 One of these methods must be used by the commission to approve  
903 the following categories of products: panel walls, exterior  
904 doors, roofing, skylights, windows, shutters, and structural  
905 components as established by the commission by rule.

906 (a) Products for which the code establishes standardized  
907 testing or comparative or rational analysis methods shall be  
908 approved by submittal and validation of one of the following  
909 reports or listings indicating that the product or method or  
910 system of construction was evaluated to be in compliance with  
911 the Florida Building Code and that the product or method or  
912 system of construction is, for the purpose intended, at least  
913 equivalent to that required by the Florida Building Code:

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

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

918 3. A product evaluation report based upon testing or  
919 comparative or rational analysis, or a combination thereof, from  
920 an approved product evaluation entity; or

921 4. A product evaluation report based upon testing or  
922 comparative or rational analysis, or a combination thereof,  
923 developed and signed and sealed by a professional engineer or  
924 architect, licensed in this state.

925  
926 A product evaluation report or a certification mark or listing  
927 of an approved certification agency which demonstrates that the  
928 product or method or system of construction complies with the  
929 Florida Building Code for the purpose intended shall be  
930 equivalent to a test report and test procedure as referenced in  
931 the Florida Building Code. An application for state approval of  
932 a product under subparagraph 1. must be approved by the  
933 department after the commission staff or a designee verifies  
934 that the application and related documentation are complete.  
935 This verification must be completed within 10 days after receipt  
936 of the application. Upon approval by the department, the product  
937 shall be immediately added to the list of state-approved  
938 products maintained under subsection (13). Approvals by the  
939 department shall be reviewed and ratified by the commission's  
940 program oversight committee except for a showing of good cause  
941 that a review by the full commission is necessary.

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

946 1. A product evaluation report based upon testing or  
947 comparative or rational analysis, or a combination thereof, from  
948 an approved product evaluation entity indicating that the  
949 product or method or system of construction was evaluated to be  
950 in compliance with the intent of the Florida Building Code and  
951 that the product or method or system of construction is, for the  
952 purpose intended, at least equivalent to that required by the

953 Florida Building Code; or

954 2. A product evaluation report based upon testing or  
 955 comparative or rational analysis, or a combination thereof,  
 956 developed and signed and sealed by a professional engineer or  
 957 architect, licensed in this state, who certifies that the  
 958 product or method or system of construction is, for the purpose  
 959 intended, at least equivalent to that required by the Florida  
 960 Building Code.

961 (8) The commission may adopt rules to approve the  
 962 following types of entities that produce information on which  
 963 product approvals are based. All of the following entities,  
 964 including engineers and architects, must comply with a  
 965 nationally recognized standard demonstrating independence or no  
 966 conflict of interest:

967 (a) Evaluation entities that meet the criteria for  
 968 approval adopted by the commission by rule. The commission shall  
 969 specifically approve the National Evaluation Service, the  
 970 International Association of Plumbing and Mechanical Officials  
 971 Evaluation Service ~~the International Conference of Building~~  
 972 ~~Officials Evaluation Services~~, the International Code Council  
 973 Evaluation Services, ~~the Building Officials and Code~~  
 974 ~~Administrators International Evaluation Services~~, ~~the Southern~~  
 975 ~~Building Code Congress International Evaluation Services~~, and  
 976 the Miami-Dade County Building Code Compliance Office Product  
 977 Control. Architects and engineers licensed in this state are  
 978 also approved to conduct product evaluations as provided in  
 979 subsection (5).

980 (b) Testing laboratories accredited by national

981 organizations, such as A2LA and the National Voluntary  
 982 Laboratory Accreditation Program, laboratories accredited by  
 983 evaluation entities approved under paragraph (a), and  
 984 laboratories that comply with other guidelines for testing  
 985 laboratories selected by the commission and adopted by rule.

986 (c) Quality assurance entities approved by evaluation  
 987 entities approved under paragraph (a) and by certification  
 988 agencies approved under paragraph (d) and other quality  
 989 assurance entities that comply with guidelines selected by the  
 990 commission and adopted by rule.

991 (d) Certification agencies accredited by nationally  
 992 recognized accreditors and other certification agencies that  
 993 comply with guidelines selected by the commission and adopted by  
 994 rule.

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

997 ~~(17) (a) The Florida Building Commission shall review the~~  
 998 ~~list of evaluation entities in subsection (8) and, in the annual~~  
 999 ~~report required under s. 553.77, shall either recommend~~  
 1000 ~~amendments to the list to add evaluation entities the commission~~  
 1001 ~~determines should be authorized to perform product evaluations~~  
 1002 ~~or shall report on the criteria adopted by rule or to be adopted~~  
 1003 ~~by rule allowing the commission to approve evaluation entities~~  
 1004 ~~that use the commission's product evaluation process. If the~~  
 1005 ~~commission adopts criteria by rule, the rulemaking process must~~  
 1006 ~~be completed by July 1, 2009.~~

1007 ~~(b) Notwithstanding paragraph (8) (a), the International~~  
 1008 ~~Association of Plumbing and Mechanical Officials Evaluation~~

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1009 ~~Services is approved as an evaluation entity until October 1,~~  
 1010 ~~2009. If the association does not obtain permanent approval by~~  
 1011 ~~the commission as an evaluation entity by October 1, 2009,~~  
 1012 ~~products approved on the basis of an association evaluation must~~  
 1013 ~~be substituted by an alternative, approved entity by December~~  
 1014 ~~31, 2009, and on January 1, 2010, any product approval issued by~~  
 1015 ~~the commission based on an association evaluation is void.~~

1016 Section 18. Subsection (4) is added to section 553.844,  
 1017 Florida Statutes, to read:

1018 553.844 Windstorm loss mitigation; requirements for roofs  
 1019 and opening protection.—

1020 (4) Notwithstanding the provisions of this section,  
 1021 exposed mechanical equipment or appliances fastened to rated  
 1022 stands, platforms, curbs, or slabs are deemed to comply with the  
 1023 wind resistance requirements for wind-borne debris regions as  
 1024 defined in s. 1609.2, Buildings Volume, 2007 Florida Building  
 1025 Code, as amended. Further support or enclosure of such  
 1026 mechanical equipment or appliances is not required by a state or  
 1027 local official having authority to enforce the Florida Building  
 1028 Code. This subsection expires December 31, 2012.

1029 Section 19. Section 553.885, Florida Statutes, is amended  
 1030 to read:

1031 553.885 Carbon monoxide alarm required.—

1032 (1) Every separate building or addition to an existing  
 1033 building, other than a hospital, an inpatient hospice facility,  
 1034 or a nursing home facility licensed by the Agency for Health  
 1035 Care Administration, constructed ~~for which a building permit is~~  
 1036 ~~issued for new construction~~ on or after July 1, 2008, and having

1037 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an  
 1038 attached garage, or any other feature, fixture, or element that  
 1039 emits carbon monoxide as a byproduct of combustion shall have an  
 1040 approved operational carbon monoxide alarm installed within 10  
 1041 feet of each room used for sleeping purposes in the new building  
 1042 or addition, or at such other locations as required by the  
 1043 Florida Building Code. The requirements of this subsection may  
 1044 be satisfied with the installation of a battery-powered carbon  
 1045 monoxide alarm or a battery-powered combination carbon monoxide  
 1046 and smoke alarm. For a new hospital, an inpatient hospice  
 1047 facility, or a nursing home facility licensed by the Agency for  
 1048 Health Care Administration, an approved operational carbon  
 1049 monoxide detector shall be installed inside or directly outside  
 1050 of each room or area within the hospital or facility where a  
 1051 fossil-fuel-burning heater, engine, or appliance is located.  
 1052 This detector shall be connected to the fire alarm system of the  
 1053 hospital or facility as a supervisory signal. This subsection  
 1054 does not apply to existing buildings that are undergoing  
 1055 alterations or repairs unless the alteration is an addition as  
 1056 defined in subsection (3).

1057 (2) The Florida Building Commission shall adopt rules to  
 1058 administer this section and shall incorporate such requirements  
 1059 into its next revision of the Florida Building Code.

1060 (3) As used in this section, the term:

1061 (a) "Carbon monoxide alarm" means a device that is meant  
 1062 for the purpose of detecting carbon monoxide, that produces a  
 1063 distinct audible alarm, and that meets the requirements of and  
 1064 is approved by the Florida Building Commission.

1065 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,  
 1066 or other petroleum or hydrocarbon product that emits carbon  
 1067 monoxide as a by-product of combustion.

1068 (c) "Addition" means an extension or increase in floor  
 1069 area, number of stories, or height of a building or structure.

1070 Section 20. Subsection (2) of section 553.9061, Florida  
 1071 Statutes, is amended to read:

1072 553.9061 Scheduled increases in thermal efficiency  
 1073 standards.—

1074 (2) The Florida Building Commission shall identify within  
 1075 code support and compliance documentation the specific building  
 1076 options and elements available to meet the energy performance  
 1077 goals established in subsection (1). Energy efficiency  
 1078 performance options and elements include, but are not limited  
 1079 to:

1080 (a) Energy-efficient water heating systems, including  
 1081 solar water heating.

1082 (b) Energy-efficient appliances.

1083 (c) Energy-efficient windows, doors, and skylights.

1084 (d) Low solar-absorption roofs, also known as "cool  
 1085 roofs."

1086 (e) Enhanced ceiling and wall insulation.

1087 (f) Reduced-leak duct systems and energy-saving devices  
 1088 and features installed within duct systems.

1089 (g) Programmable thermostats.

1090 (h) Energy-efficient lighting systems.

1091 (i) Energy-saving quality installation procedures for  
 1092 replacement air conditioning systems, including, but not limited

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1093 to, equipment sizing analysis and duct testing.

1094 (j) Shading devices, sunscreening materials, and  
 1095 overhangs.

1096 (k) Weatherstripping, caulking, and sealing of exterior  
 1097 openings and penetrations.

1098 Section 21. Subsection (4) of section 553.909, Florida  
 1099 Statutes, is amended to read:

1100 553.909 Setting requirements for appliances; exceptions.-

1101 (4) Pool pump motors shall not be split-phase, shaded-  
 1102 pole, or capacitor start-induction run types. Residential pool  
 1103 pumps and pool pump motors with a total horsepower of 1 HP or  
 1104 more shall have the capability of operating at two or more  
 1105 speeds with a low speed having a rotation rate that is no more  
 1106 than one-half of the motor's maximum rotation rate. Residential  
 1107 pool pump motor controls shall have the capability of operating  
 1108 the pool pump at a minimum of two speeds. The default  
 1109 circulation speed shall be the residential filtration speed,  
 1110 with a higher speed override capability being for a temporary  
 1111 period not to exceed one normal cycle or 24 hours ~~120 minutes~~,  
 1112 whichever is less; except that circulation speed for solar pool  
 1113 heating systems shall be permitted to run at higher speeds  
 1114 during periods of usable solar heat gain.

1115 Section 22. Subsection (2) of section 627.711, Florida  
 1116 Statutes, is amended to read:

1117 627.711 Notice of premium discounts for hurricane loss  
 1118 mitigation; uniform mitigation verification inspection form.-

1119 (2) By July 1, 2007, the Financial Services Commission  
 1120 shall develop by rule a uniform mitigation verification



1121 inspection form that shall be used by all insurers when  
 1122 submitted by policyholders for the purpose of factoring  
 1123 discounts for wind insurance. In developing the form, the  
 1124 commission shall seek input from insurance, construction, and  
 1125 building code representatives. Further, the commission shall  
 1126 provide guidance as to the length of time the inspection results  
 1127 are valid. An insurer shall accept as valid a uniform mitigation  
 1128 verification form certified by the Department of Financial  
 1129 Services or signed by:

1130 (a) A hurricane mitigation inspector certified by the My  
 1131 Safe Florida Home program;

1132 (b) A building code inspector certified under s. 468.607;

1133 (c) A general, building, or residential contractor  
 1134 licensed under s. 489.111;

1135 (d) A professional engineer licensed under s. 471.015 ~~who~~  
 1136 ~~has passed the appropriate equivalency test of the Building Code~~  
 1137 ~~Training Program as required by s. 553.841;~~

1138 (e) A professional architect licensed under s. 481.213; or

1139 (f) Any other individual or entity recognized by the  
 1140 insurer as possessing the necessary qualifications to properly  
 1141 complete a uniform mitigation verification form.

1142 Section 23. Paragraph (b) of subsection (3) of section  
 1143 633.0215, Florida Statutes, is amended, and subsection (13) is  
 1144 added to that section, to read:

1145 633.0215 Florida Fire Prevention Code.—

1146 (3) No later than 180 days before the triennial adoption  
 1147 of the Florida Fire Prevention Code, the State Fire Marshal  
 1148 shall notify each municipal, county, and special district fire

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1149 department of the triennial code adoption and steps necessary  
1150 for local amendments to be included within the code. No later  
1151 than 120 days before the triennial adoption of the Florida Fire  
1152 Prevention Code, each local jurisdiction shall provide the State  
1153 Fire Marshal with copies of its local fire code amendments. The  
1154 State Fire Marshal has the option to process local fire code  
1155 amendments that are received less than 120 days before the  
1156 adoption date of the Florida Fire Prevention Code.

1157 (b) Any local amendment to the Florida Fire Prevention  
1158 Code adopted by a local government shall be effective only until  
1159 the adoption of the new edition of the Florida Fire Prevention  
1160 Code, which shall be every third year. At such time, the State  
1161 Fire Marshal shall adopt such amendment as part of the Florida  
1162 Fire Prevention Code or rescind the amendment. The State Fire  
1163 Marshal shall immediately notify the respective local government  
1164 of the rescission of the amendment and the reason for the  
1165 rescission. After receiving such notice, the respective local  
1166 government may readopt the rescinded amendment. Incorporation of  
1167 local amendments as regional and local concerns and variations  
1168 shall be considered as adoption of an amendment pursuant to this  
1169 section part.

1170 (13) The State Fire Marshal shall issue an expedited  
1171 declaratory statement relating to interpretations of provisions  
1172 of the Florida Fire Prevention Code according to the following  
1173 guidelines:

1174 (a) The declaratory statement shall be rendered in  
1175 accordance with s. 120.565, except that a final decision must be  
1176 issued by the State Fire Marshal within 45 days after the

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1177 division's receipt of a petition seeking an expedited  
 1178 declaratory statement. The State Fire Marshal shall give notice  
 1179 of the petition and the expedited declaratory statement or the  
 1180 denial of the petition in the next available issue of the  
 1181 Florida Administrative Weekly after the petition is filed and  
 1182 after the statement or denial is rendered.

1183 (b) The petitioner must be the owner of the disputed  
 1184 project or the owner's representative.

1185 (c) The petition for an expedited declaratory statement  
 1186 must be:

1187 1. Related to an active project that is under construction  
 1188 or must have been submitted for a permit;

1189 2. The subject of a written notice citing a specific  
 1190 provision of the Florida Fire Prevention Code which is in  
 1191 dispute; and

1192 3. Limited to a single question that is capable of being  
 1193 answered with a "yes" or "no" response.

1194  
 1195 A petition for a declaratory statement which does not meet all  
 1196 of the requirements of this subsection must be denied without  
 1197 prejudice. This subsection does not affect the right of the  
 1198 petitioner as a substantially affected person to seek a  
 1199 declaratory statement under s. 633.01(6).

1200 Section 24. Section 633.026, Florida Statutes, is amended  
 1201 to read:

1202 633.026 Legislative intent; informal interpretations of  
 1203 the Florida Fire Prevention Code.—It is the intent of the  
 1204 Legislature that the Florida Fire Prevention Code be interpreted

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1205 by fire officials and local enforcement agencies in a manner  
 1206 that protects the public safety, health, and welfare by ensuring  
 1207 uniform interpretations throughout this state and by providing  
 1208 just and expeditious processes for resolving disputes regarding  
 1209 such interpretations. It is the intent of the Legislature that  
 1210 such processes provide for the expeditious resolution of the  
 1211 issues presented and that the resulting interpretation of such  
 1212 issues be published on the website of the Division of State Fire  
 1213 Marshal.

1214 (1) The Division of State Fire Marshal shall by rule  
 1215 establish an informal process of rendering nonbinding  
 1216 interpretations of the Florida Fire Prevention Code. The  
 1217 Division of State Fire Marshal may contract with and refer  
 1218 interpretive issues to a nonprofit organization that has  
 1219 experience in interpreting and enforcing the Florida Fire  
 1220 Prevention Code. ~~The Division of State Fire Marshal shall~~  
 1221 ~~immediately implement the process prior to the completion of~~  
 1222 ~~formal rulemaking.~~ It is the intent of the Legislature that the  
 1223 Division of State Fire Marshal establish ~~create~~ a Fire Code  
 1224 Interpretation Committee composed of seven persons and seven  
 1225 alternates, equally representing each area of the state ~~process~~  
 1226 ~~to refer questions to a small group of individuals certified~~  
 1227 ~~under s. 633.081(2), to which a party can pose questions~~  
 1228 regarding the interpretation of the Florida Fire Prevention Code  
 1229 provisions.

1230 (2) Each member and alternate member of the Fire Code  
 1231 Interpretation Committee must be certified as a firesafety  
 1232 inspector pursuant to s. 633.081(2) and must have a minimum of 5

1233 years of experience interpreting and enforcing the Florida Fire  
 1234 Prevention Code and the Life Safety Code. Each member and  
 1235 alternate member must be approved by the Division of State Fire  
 1236 Marshal and deemed by the division to have met these  
 1237 requirements for at least 30 days before participating in a  
 1238 review of a nonbinding interpretation. It is the intent of the  
 1239 Legislature that the process provide for the expeditious  
 1240 resolution of the issues presented and publication of the  
 1241 resulting interpretation on the website of the Division of State  
 1242 Fire Marshal. It is the intent of the Legislature that this  
 1243 program be similar to the program established by the Florida  
 1244 Building Commission in s. 553.775(3)(g).

1245 (3) Each nonbinding interpretation of code provisions must  
 1246 be provided within 10 business days after receipt of a request  
 1247 for interpretation. The response period established in this  
 1248 subsection may be waived only with the written consent of the  
 1249 party requesting the nonbinding interpretation and the Division  
 1250 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be  
 1251 advisory only and nonbinding on the parties or the State Fire  
 1252 Marshal.

1253 (4) In order to administer this section, the Division of  
 1254 State Fire Marshal shall charge ~~department may adopt by rule and~~  
 1255 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~  
 1256 ~~directly to the third party.~~ The fee may not exceed \$150 for  
 1257 each request for a review or interpretation. The division may  
 1258 authorize payment of fees directly to the nonprofit organization  
 1259 under contract pursuant to subsection (1).

1260 (5) A party requesting a nonbinding interpretation who

1261 disagrees with the interpretation issued under this section may  
 1262 apply for a formal interpretation from the State Fire Marshal  
 1263 pursuant to s. 633.01(6).

1264 (6) The Division of State Fire Marshal shall issue or  
 1265 cause to be issued a nonbinding interpretation of the Florida  
 1266 Fire Prevention Code pursuant to this section when requested to  
 1267 do so upon submission of a petition by a fire official or by the  
 1268 owner or owner's representative or the contractor or  
 1269 contractor's representative of a project in dispute. The  
 1270 division shall adopt a petition form by rule and the petition  
 1271 form must be published on the State Fire Marshal's website. The  
 1272 form shall, at a minimum, require:

1273 (a) The name and address of the local fire official,  
 1274 including the address of the county, municipality, or special  
 1275 district.

1276 (b) The name and address of the owner or owner's  
 1277 representative or the contractor or contractor's representative.

1278 (c) A statement of the specific sections of the Florida  
 1279 Fire Prevention Code being interpreted by the local fire  
 1280 official.

1281 (d) An explanation of how the petitioner's substantial  
 1282 interests are being affected by the local interpretation of the  
 1283 Florida Fire Prevention Code.

1284 (e) A statement of the interpretation of the specific  
 1285 sections of the Florida Fire Prevention Code by the local fire  
 1286 official.

1287 (f) A statement of the interpretation that the petitioner  
 1288 contends should be given to the specific sections of the Florida

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1289 Fire Prevention Code and a statement supporting the petitioner's  
 1290 interpretation.

1291 (7) Upon receipt of a petition that meets the requirements  
 1292 of subsection (6), the Division of State Fire Marshal shall  
 1293 immediately provide copies of the petition to the Fire Code  
 1294 Interpretation Committee, and shall publish the petition and any  
 1295 response submitted by the local fire official on the State Fire  
 1296 Marshal's website.

1297 (8) The committee shall conduct proceedings as necessary  
 1298 to resolve the issues and give due regard to the petition, the  
 1299 facts of the matter at issue, specific code sections cited, and  
 1300 any statutory implications affecting the Florida Fire Prevention  
 1301 Code. The committee shall issue an interpretation regarding the  
 1302 provisions of the Florida Fire Prevention Code within 10 days  
 1303 after the filing of a petition. The committee shall issue an  
 1304 interpretation based upon the Florida Fire Prevention Code or,  
 1305 if the code is ambiguous, the intent of the code. The  
 1306 committee's interpretation shall be provided to the petitioner  
 1307 and shall include a notice that if the petitioner disagrees with  
 1308 the interpretation, the petitioner may file a request for formal  
 1309 interpretation by the State Fire Marshal under s. 633.01(6). The  
 1310 committee's interpretation shall be provided to the State Fire  
 1311 Marshal, and the division shall publish the interpretation on  
 1312 the State Fire Marshal's website and in the Florida  
 1313 Administrative Weekly.

1314 Section 25. Section 633.081, Florida Statutes, is amended  
 1315 to read:

1316 633.081 Inspection of buildings and equipment; orders;

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1317 firesafety inspection training requirements; certification;  
1318 disciplinary action.—The State Fire Marshal and her or his  
1319 agents shall, at any reasonable hour, when the State Fire  
1320 Marshal ~~department~~ has reasonable cause to believe that a  
1321 violation of this chapter or s. 509.215, or a rule promulgated  
1322 thereunder, or a minimum firesafety code adopted by a local  
1323 authority, may exist, inspect any and all buildings and  
1324 structures which are subject to the requirements of this chapter  
1325 or s. 509.215 and rules promulgated thereunder. The authority to  
1326 inspect shall extend to all equipment, vehicles, and chemicals  
1327 which are located within the premises of any such building or  
1328 structure.

1329 (1) Each county, municipality, and special district that  
1330 has firesafety enforcement responsibilities shall employ or  
1331 contract with a firesafety inspector. The firesafety inspector  
1332 must conduct all firesafety inspections that are required by  
1333 law. The governing body of a county, municipality, or special  
1334 district that has firesafety enforcement responsibilities may  
1335 provide a schedule of fees to pay only the costs of inspections  
1336 conducted pursuant to this subsection and related administrative  
1337 expenses. Two or more counties, municipalities, or special  
1338 districts that have firesafety enforcement responsibilities may  
1339 jointly employ or contract with a firesafety inspector.

1340 (2) Every firesafety inspection conducted pursuant to  
1341 state or local firesafety requirements shall be by a person  
1342 certified as having met the inspection training requirements set  
1343 by the State Fire Marshal. Such person shall:

1344 (a) Be a high school graduate or the equivalent as



1345 determined by the department;

1346 (b) Not have been found guilty of, or having pleaded  
 1347 guilty or nolo contendere to, a felony or a crime punishable by  
 1348 imprisonment of 1 year or more under the law of the United  
 1349 States, or of any state thereof, which involves moral turpitude,  
 1350 without regard to whether a judgment of conviction has been  
 1351 entered by the court having jurisdiction of such cases;

1352 (c) Have her or his fingerprints on file with the  
 1353 department or with an agency designated by the department;

1354 (d) Have good moral character as determined by the  
 1355 department;

1356 (e) Be at least 18 years of age;

1357 (f) Have satisfactorily completed the firesafety inspector  
 1358 certification examination as prescribed by the department; and

1359 (g)1. Have satisfactorily completed, as determined by the  
 1360 department, a firesafety inspector training program of not less  
 1361 than 200 hours established by the department and administered by  
 1362 agencies and institutions approved by the department for the  
 1363 purpose of providing basic certification training for firesafety  
 1364 inspectors; or

1365 2. Have received in another state training which is  
 1366 determined by the department to be at least equivalent to that  
 1367 required by the department for approved firesafety inspector  
 1368 education and training programs in this state.

1369 (3) Each special state firesafety inspection which is  
 1370 required by law and is conducted by or on behalf of an agency of  
 1371 the state must be performed by an individual who has met the  
 1372 provision of subsection (2), except that the duration of the

1373 training program shall not exceed 120 hours of specific training  
 1374 for the type of property that such special state firesafety  
 1375 inspectors are assigned to inspect.

1376 (4) A firefighter certified pursuant to s. 633.35 may  
 1377 conduct firesafety inspections, under the supervision of a  
 1378 certified firesafety inspector, while on duty as a member of a  
 1379 fire department company conducting inservice firesafety  
 1380 inspections without being certified as a firesafety inspector,  
 1381 if such firefighter has satisfactorily completed an inservice  
 1382 fire department company inspector training program of at least  
 1383 24 hours' duration as provided by rule of the department.

1384 (5) Every firesafety inspector or special state firesafety  
 1385 inspector certificate is valid for a period of 3 years from the  
 1386 date of issuance. Renewal of certification shall be subject to  
 1387 the affected person's completing proper application for renewal  
 1388 and meeting all of the requirements for renewal as established  
 1389 under this chapter or by rule promulgated thereunder, which  
 1390 shall include completion of at least 40 hours during the  
 1391 preceding 3-year period of continuing education as required by  
 1392 the rule of the department or, in lieu thereof, successful  
 1393 passage of an examination as established by the department.

1394 (6) The State Fire Marshal may deny, refuse to renew,  
 1395 suspend, or revoke the certificate of a firesafety inspector or  
 1396 special state firesafety inspector if it finds that any of the  
 1397 following grounds exist:

1398 (a) Any cause for which issuance of a certificate could  
 1399 have been refused had it then existed and been known to the  
 1400 State Fire Marshal.

1401 (b) Violation of this chapter or any rule or order of the  
 1402 State Fire Marshal.

1403 (c) Falsification of records relating to the certificate.

1404 (d) Having been found guilty of or having pleaded guilty  
 1405 or nolo contendere to a felony, whether or not a judgment of  
 1406 conviction has been entered.

1407 (e) Failure to meet any of the renewal requirements.

1408 (f) Having been convicted of a crime in any jurisdiction  
 1409 which directly relates to the practice of fire code inspection,  
 1410 plan review, or administration.

1411 (g) Making or filing a report or record that the  
 1412 certificateholder knows to be false, or knowingly inducing  
 1413 another to file a false report or record, or knowingly failing  
 1414 to file a report or record required by state or local law, or  
 1415 knowingly impeding or obstructing such filing, or knowingly  
 1416 inducing another person to impede or obstruct such filing.

1417 (h) Failing to properly enforce applicable fire codes or  
 1418 permit requirements within this state which the  
 1419 certificateholder knows are applicable by committing willful  
 1420 misconduct, gross negligence, gross misconduct, repeated  
 1421 negligence, or negligence resulting in a significant danger to  
 1422 life or property.

1423 (i) Accepting labor, services, or materials at no charge  
 1424 or at a noncompetitive rate from any person who performs work  
 1425 that is under the enforcement authority of the certificateholder  
 1426 and who is not an immediate family member of the  
 1427 certificateholder. For the purpose of this paragraph, the term  
 1428 "immediate family member" means a spouse, child, parent,

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1429 sibling, grandparent, aunt, uncle, or first cousin of the person  
1430 or the person's spouse or any person who resides in the primary  
1431 residence of the certificateholder.

1432 (7) The Division of State Fire Marshal and the Florida  
1433 Building Code Administrators and Inspectors Board, established  
1434 pursuant to under s. 468.605, shall enter into a reciprocity  
1435 agreement to facilitate joint recognition of continuing  
1436 education recertification hours for certificateholders licensed  
1437 under s. 468.609 and firesafety inspectors certified under  
1438 subsection (2).

1439 (8) The State Fire Marshal shall develop by rule an  
1440 advanced training and certification program for firesafety  
1441 inspectors having fire code management responsibilities. The  
1442 program must be consistent with the appropriate provisions of  
1443 NFPA 1037, or similar standards adopted by the division, and  
1444 establish minimum training, education, and experience levels for  
1445 firesafety inspectors having fire code management  
1446 responsibilities.

1447 (9)~~(7)~~ The department shall provide by rule for the  
1448 certification of firesafety inspectors.

1449 Section 26. Section 633.352, Florida Statutes, is amended  
1450 to read:

1451 633.352 Retention of firefighter certification.—Any  
1452 certified firefighter who has not been active as a firefighter,  
1453 or as a volunteer firefighter with an organized fire department,  
1454 for a period of 3 years shall be required to retake the  
1455 practical portion of the minimum standards state examination  
1456 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida

1457 Administrative Code, in order to maintain her or his  
 1458 certification as a firefighter; however, this requirement does  
 1459 not apply to state-certified firefighters who are certified and  
 1460 employed as full-time firesafety inspectors or firesafety  
 1461 instructors, regardless of the firefighter's employment status  
 1462 ~~as determined by the division~~. The 3-year period begins on the  
 1463 date the certificate of compliance is issued or upon termination  
 1464 of service with an organized fire department.

1465 Section 27. Paragraph (e) of subsection (2) and  
 1466 subsections (3), (10), and (11) of section 633.521, Florida  
 1467 Statutes, are amended to read:

1468 633.521 Certificate application and issuance; permit  
 1469 issuance; examination and investigation of applicant.—

1470 (2)

1471 (e) An applicant may not be examined more than four times  
 1472 during 1 year for certification as a contractor pursuant to this  
 1473 section unless the person is or has been certified and is taking  
 1474 the examination to change classifications. If an applicant does  
 1475 not pass one or more parts of the examination, she or he may  
 1476 take any part of the examination three more times during the 1-  
 1477 year period beginning upon the date she or he originally filed  
 1478 an application to take the examination. If the applicant does  
 1479 not pass the examination within that 1-year period, she or he  
 1480 must file a new application and pay the application and  
 1481 examination fees in order to take the examination or a part of  
 1482 the examination again. However, the applicant may not file a new  
 1483 application sooner than 6 months after the date of her or his  
 1484 last examination. An applicant who passes the examination but

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1485 does not meet the remaining qualifications as provided in  
1486 applicable statutes and rules within 1 year after the  
1487 application date must file a new application, pay the  
1488 application and examination fee, successfully complete a  
1489 prescribed training course approved by the State Fire College or  
1490 an equivalent court approved by the State Fire Marshal, and  
1491 retake and pass the written examination.

1492 (3) (a) As a prerequisite to taking the examination for  
1493 certification as a Contractor I, ~~Contractor II, or Contractor~~  
1494 ~~III~~, the applicant must be at least 18 years of age, be of good  
1495 moral character, and ~~shall~~ possess 4 years' proven experience in  
1496 the employment of a fire protection system Contractor I,  
1497 ~~Contractor II, or Contractor III~~ or a combination of equivalent  
1498 education and experience in both water-based and chemical fire  
1499 suppression systems.

1500 (b) As a prerequisite to taking the examination for  
1501 certification as a Contractor II, the applicant must be at least  
1502 18 years of age, be of good moral character, and have 4 years of  
1503 verifiable employment experience with a fire protection system  
1504 as a Contractor I or Contractor II, or a combination of  
1505 equivalent education and experience in water-based fire  
1506 suppression systems.

1507 (c) Required education and experience for certification as  
1508 a Contractor I, Contractor II, Contractor III, or Contractor IV  
1509 includes training and experience in both installation and system  
1510 layout as defined in s. 633.021.

1511 (d) As a prerequisite to taking the examination for  
1512 certification as a Contractor III, the applicant must be at

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1513 least 18 years of age, be of good moral character, and have 4  
 1514 years of verifiable employment experience with a fire protection  
 1515 system as a Contractor I or Contractor II, or a combination of  
 1516 equivalent education and experience in chemical fire suppression  
 1517 systems.

1518 (e) As a prerequisite to taking the examination for  
 1519 certification as a Contractor IV, the applicant must ~~shall~~ be at  
 1520 least 18 years old, be of good moral character, be licensed as a  
 1521 certified plumbing contractor under chapter 489, and  
 1522 successfully complete a training program acceptable to the State  
 1523 Fire Marshal of not less than 40 contact hours regarding the  
 1524 applicable installation standard used by the Contractor IV as  
 1525 described in NFPA 13D. The State Fire Marshal may adopt rules to  
 1526 administer this subsection ~~have at least 2 years' proven~~  
 1527 ~~experience in the employment of a fire protection system~~  
 1528 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~  
 1529 ~~combination of equivalent education and experience which~~  
 1530 ~~combination need not include experience in the employment of a~~  
 1531 ~~fire protection system contractor.~~

1532 (f) As a prerequisite to taking the examination for  
 1533 certification as a Contractor V, the applicant must ~~shall~~ be at  
 1534 least 18 years old, be of good moral character, and have been  
 1535 licensed as a certified underground utility and excavation  
 1536 contractor or certified plumbing contractor pursuant to chapter  
 1537 489, have verification by an individual who is licensed as a  
 1538 certified utility contractor or certified plumbing contractor  
 1539 pursuant to chapter 489 that the applicant has 4 years' proven  
 1540 experience in the employ of a certified underground utility and

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1541 excavation contractor or certified plumbing contractor, or have  
 1542 a combination of education and experience equivalent to 4 years'  
 1543 proven experience in the employ of a certified underground  
 1544 utility and excavation contractor or certified plumbing  
 1545 contractor.

1546 (g) Within 30 days after the date of the examination, the  
 1547 State Fire Marshal shall inform the applicant in writing whether  
 1548 she or he has qualified or not and, if the applicant has  
 1549 qualified, that she or he is ready to issue a certificate of  
 1550 competency, subject to compliance with the requirements of  
 1551 subsection (4).

1552 (10) Effective July 1, 2008, the State Fire Marshal shall  
 1553 require the National Institute of Certification in Engineering  
 1554 Technologies (NICET), Sub-field of Inspection and Testing of  
 1555 Fire Protection Systems Level II or equivalent training and  
 1556 education as determined by the division as proof that the  
 1557 permitholders are knowledgeable about nationally accepted  
 1558 standards for the inspection of fire protection systems. ~~It is~~  
 1559 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~  
 1560 ~~to accept continuing education of all certificateholders'~~  
 1561 ~~employees who perform inspection functions which specifically~~  
 1562 ~~prepares the permitholder to qualify for NICET II certification.~~

1563 (11) It is intended that a certificateholder, or a  
 1564 permitholder who is employed by a certificateholder, conduct  
 1565 inspections required by this chapter. It is understood that  
 1566 after July 1, 2008, employee turnover may result in a depletion  
 1567 of personnel who are certified under the NICET Sub-field of  
 1568 Inspection and Testing of Fire Protection Systems Level II or



1569 equivalent training and education as required by the Division of  
 1570 State Fire Marshal ~~which is required for permitholders. The~~  
 1571 ~~extensive training and experience necessary to achieve NICET~~  
 1572 ~~Level II certification is recognized.~~ A certificateholder may  
 1573 therefore obtain a provisional permit with an endorsement for  
 1574 inspection, testing, and maintenance of water-based fire  
 1575 extinguishing systems for an employee if the employee has  
 1576 initiated procedures for obtaining Level II certification from  
 1577 the National Institute for Certification in Engineering  
 1578 Technologies Sub-field of Inspection and Testing of Fire  
 1579 Protection Systems and achieved Level I certification or an  
 1580 equivalent level as determined by the State Fire Marshal through  
 1581 verification of experience, training, and examination. The State  
 1582 Fire Marshal may establish rules to administer this subsection.  
 1583 After 2 years of provisional certification, the employee must  
 1584 have achieved NICET Level II certification or obtain equivalent  
 1585 training and education as determined by the division, or cease  
 1586 performing inspections requiring Level II certification. The  
 1587 provisional permit is valid only for the 2 calendar years after  
 1588 the date of issuance, may not be extended, and is not renewable.  
 1589 After the initial 2-year provisional permit expires, the  
 1590 certificateholder must wait 2 additional years before a new  
 1591 provisional permit may be issued. The intent is to prohibit the  
 1592 certificateholder from using employees who never reach NICET  
 1593 Level II status, or equivalent training and education as  
 1594 determined by the division, by continuously obtaining  
 1595 provisional permits.

1596 Section 28. Subsection (3) is added to section 633.524,

1597 Florida Statutes, to read:

1598 633.524 Certificate and permit fees; use and deposit of  
 1599 collected funds.—

1600 (3) The State Fire Marshal may enter into a contract with  
 1601 any qualified public entity or private company in accordance  
 1602 with chapter 287 to provide examinations for any applicant for  
 1603 any examination administered under the jurisdiction of the State  
 1604 Fire Marshal. The State Fire Marshal may direct payments from  
 1605 each applicant for each examination directly to such contracted  
 1606 entity or company.

1607 Section 29. Subsection (4) of section 633.537, Florida  
 1608 Statutes, is amended to read:

1609 633.537 Certificate; expiration; renewal; inactive  
 1610 certificate; continuing education.—

1611 (4) The renewal period for the permit class is the same as  
 1612 that for the employing certificateholder. The continuing  
 1613 education requirements for permitholders are what is required to  
 1614 maintain NICET Sub-field of Inspection and Testing of Fire  
 1615 Protection Systems Level II, equivalent training and education  
 1616 as determined by the division, or higher certification plus 8  
 1617 contact hours of continuing education approved by the State Fire  
 1618 Marshal during each biennial renewal period thereafter. The  
 1619 ~~continuing education curriculum from July 1, 2005, until July 1,~~  
 1620 ~~2008, shall be the preparatory curriculum for NICET II~~  
 1621 ~~certification; after July 1, 2008, the technical curriculum is~~  
 1622 ~~at the discretion of the State Fire Marshal and may be used to~~  
 1623 ~~meet the maintenance of NICET Level II certification and 8~~  
 1624 ~~contact hours of continuing education requirements. It is the~~

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1625 responsibility of the permitholder to maintain NICET II  
 1626 certification or equivalent training and education as determined  
 1627 by the division as a condition of permit renewal after July 1,  
 1628 2008.

1629 Section 30. Subsection (4) of section 633.72, Florida  
 1630 Statutes, is amended to read:

1631 633.72 Florida Fire Code Advisory Council.—

1632 (4) Each appointee shall serve a 4-year term. No member  
 1633 shall serve more than two consecutive terms ~~one term~~. No member  
 1634 of the council shall be paid a salary as such member, but each  
 1635 shall receive travel and expense reimbursement as provided in s.  
 1636 112.061.

1637 Section 31. Subsection (6) of section 718.113, Florida  
 1638 Statutes, is repealed.

1639 Section 32. The Florida Building Commission shall revise  
 1640 the Florida Building Code in order to make it consistent with  
 1641 the revisions made by this act to s. 399.02, Florida Statutes.

1642 Section 33. Except as otherwise expressly provided in this  
 1643 act, this act shall take effect July 1, 2010.