

By the Committees on Military Affairs and Domestic Security; and  
Community Affairs; and Senator Bennett

583-05280-10

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1                                   A bill to be entitled  
2           An act relating to building safety; amending s.  
3           196.031, F.S.; specifying an additional condition that  
4           constitutes an abandonment of homestead property for  
5           purposes of a homestead exemption; amending s. 399.02,  
6           F.S.; authorizing the Division of Hotels and  
7           Restaurants of the Department of Business and  
8           Professional Regulation to have access to places in  
9           which a conveyance and equipment are located;  
10          authorizing the division to grant variances from  
11          certain rules for undue hardship; prohibiting the  
12          enforcement of Phase II Firefighters' Service on  
13          certain elevators for a specified period; amending s.  
14          399.15, F.S.; providing an alternative method to allow  
15          access to regional emergency elevators; providing for  
16          a uniform lock box; providing for a master key;  
17          providing the Division of State Fire Marshal with  
18          enforcement authority; directing the Department of  
19          Financial Services to select the provider of the  
20          uniform lock box; creating s. 455.2122, F.S.;  
21          authorizing distance learning courses as an  
22          alternative to classroom instruction for certain  
23          licenses; prohibiting the department or regulatory  
24          board from requiring centralized licensing  
25          examinations for certain licenses; amending s.  
26          455.2123, F.S.; authorizing distance learning courses  
27          as an alternative to classroom instruction for certain  
28          licenses; prohibiting the department or a regulatory  
29          board from requiring centralized licensing

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30 examinations for certain licenses; amending s.  
31 468.631, F.S.; revising the amount of a surcharge on  
32 certain building permits; requiring the unit of  
33 government collecting the surcharge to remit the funds  
34 to the Department of Business and Professional  
35 Regulation; requiring the unit of government  
36 collecting the surcharge to retain a portion of the  
37 funds to fund certain activities of building  
38 departments; requiring that the remaining funds from  
39 the surcharge be used to fund the Florida Homeowners'  
40 Construction Recovery Fund and the Florida Building  
41 Code Administrators and Inspectors Board; reducing the  
42 amount of information that must be reported to the  
43 Department of Business and Professional Regulation by  
44 a unit of government responsible for collecting  
45 certain permit fees; amending s. 468.83, F.S.;  
46 providing for the creation of the home inspection  
47 services licensing program within the Department of  
48 Business and Professional Regulation; amending s.  
49 468.8311, F.S.; revising the term "home inspection  
50 services"; amending s. 468.8312, F.S.; deleting a fee  
51 provision for certain certificates of authorization;  
52 amending s. 468.8313, F.S.; revising examination  
53 requirements for licensure as a home inspector;  
54 providing fingerprinting requirements and procedures  
55 for license applications; providing that the applicant  
56 is responsible for certain costs; amending s.  
57 468.8318, F.S.; revising requirements and procedures  
58 for certification of corporations and partnerships

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59 offering home inspection services to the public;  
60 deleting provisions relating to required certificates  
61 of authorization; amending s. 468.8319, F.S.; delaying  
62 the enforcement of a prohibition against performing  
63 certain activities by a person who is not licensed as  
64 a home inspector; revising certain prohibitions with  
65 respect to providers of home inspection services;  
66 amending s. 468.832, F.S.; providing an additional  
67 ground for taking certain disciplinary actions;  
68 amending s. 468.8324, F.S.; specifying additional  
69 requirements for licensure as a home inspector;  
70 creating s. 468.8325, F.S.; requiring the department  
71 to adopt rules to administer part XV of ch. 468, F.S.,  
72 relating to home inspectors; amending s. 468.84, F.S.;  
73 providing for the creation of the mold-related  
74 services licensing program within the Department of  
75 Business and Professional Regulation; amending s.  
76 468.8412, F.S.; deleting a fee provision for certain  
77 biennial certificates of authorization renewal;  
78 amending s. 468.8413, F.S.; revising examination  
79 requirements and procedures for licensure as a mold  
80 assessor or mold remediator; providing fingerprinting  
81 requirements and procedures for license applications;  
82 providing that the applicant is responsible for  
83 certain costs; amending s. 468.8414, F.S.; specifying  
84 an additional applicant qualification criterion for  
85 licensure by endorsement; amending s. 468.8418, F.S.;  
86 revising requirements and procedures for certification  
87 of corporations and partnerships offering mold

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88 assessment or mold remediation services to the public;  
89 deleting provisions relating to required certificates  
90 of authorization; amending s. 468.8419, F.S.; delaying  
91 the enforcement of a prohibition against performing  
92 certain activities by a person who is not licensed as  
93 a mold assessor; amending s. 468.842, F.S.; providing  
94 an additional ground for taking certain disciplinary  
95 actions; amending s. 468.8421, F.S.; specifying an  
96 insurance coverage requirement for mold assessors;  
97 amending s. 468.8423, F.S.; specifying additional  
98 requirements for licensure as a mold assessor or mold  
99 remediator; creating s. 468.8424, F.S.; requiring the  
100 Department of Business and Professional Regulation to  
101 adopt rules to administer part XVI of ch. 468, F.S.,  
102 relating to mold-related services; amending s.  
103 489.103, F.S.; conforming a cross-reference; amending  
104 s. 489.5335, F.S.; deleting certain core curriculum  
105 requirements that a person holding a journeyman  
106 license in the electrical trade must satisfy in order  
107 to work in more than one county or municipality;  
108 amending s. 553.37, F.S.; authorizing manufacturers to  
109 pay inspection fees directly to the provider of  
110 inspection services; providing requirements for rules  
111 of the Department of Business and Professional  
112 Regulation regarding the schedule of fees; authorizing  
113 the department to enter into contracts for the  
114 performance of certain administrative duties; revising  
115 inspection requirements for certain custom  
116 manufactured buildings; amending s. 553.375, F.S.;

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117       revising the requirement for recertification of  
118       manufactured buildings prior to relocation; amending  
119       s. 553.512, F.S.; requiring the Florida Building  
120       Commission to establish by rule a fee for certain  
121       waiver requests; amending s. 553.721, F.S.; revising  
122       the amount of a surcharge on certain building permits;  
123       requiring the unit of government collecting the  
124       surcharge to electronically remit the funds to the  
125       Department of Community Affairs; requiring the unit of  
126       government collecting the surcharge to retain a  
127       portion of the funds to fund certain activities of  
128       building departments; requiring the remaining funds  
129       from the surcharge to be used to fund the Florida  
130       Building Commission and the Department of Community  
131       Affairs; amending s. 553.73, F.S.; conforming cross-  
132       references; authorizing counties and municipalities to  
133       adopt by ordinance administrative or technical  
134       amendments to the Florida Building Code for certain  
135       flood-related purposes; specifying requirements and  
136       procedures; revising foundation code adoption  
137       requirements; authorizing the Florida Building  
138       Commission to approve amendments relating to  
139       equivalency of standards; exempting certain mausoleums  
140       from the requirements of the Florida Building Code;  
141       exempting certain temporary housing provided by the  
142       Department of Corrections from the requirements of the  
143       Florida Building Code; restricting the code, code  
144       enforcement agencies, and local governments from  
145       imposing requirements on certain mechanical equipment

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146 on roofs; requiring that the Florida Building Code  
147 contain certain requirements regarding illumination in  
148 classroom units; requiring that classroom units be  
149 designed to provide and maintain an average of 40  
150 foot-candles of light at each desktop; requiring that  
151 public educational facilities consider using light-  
152 emitting diode lighting before considering other  
153 lighting sources; amending s. 553.74, F.S.; specifying  
154 absence of impermissible conflicts of interest for  
155 certain committee or workgroup members while  
156 representing clients under certain circumstances;  
157 specifying certain prohibited activities for such  
158 members; amending s. 553.76, F.S.; authorizing the  
159 Florida Building Commission to adopt rules related to  
160 consensus-based decisionmaking; amending s. 553.775,  
161 F.S.; conforming a cross-reference; authorizing the  
162 commission to charge a fee for filing certain requests  
163 and for nonbinding interpretations; limiting fees for  
164 nonbinding interpretations; amending s. 553.79, F.S.;  
165 requiring certain inspection services to be performed  
166 under the alternative process for plan review and  
167 inspection or by a local governmental entity;  
168 reenacting s. 553.80(1), F.S., relating to the  
169 enforcement of the Florida Building Code, to  
170 incorporate the amendments made to s. 553.79, F.S., in  
171 a reference thereto; amending s. 553.80, F.S.;  
172 specifying nonapplicability of certain exemptions from  
173 the Florida Building Code granted by certain  
174 enforcement entities under certain circumstances;

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175 revising requirements for review of facility plans and  
176 construction surveyed for certain hospitals and health  
177 care facilities; amending s. 553.841, F.S.; deleting  
178 provisions requiring that the Department of Community  
179 Affairs maintain, update, develop, or cause to be  
180 developed a core curriculum for persons who enforce  
181 the Florida Building Code; amending s. 553.842, F.S.;  
182 authorizing rules requiring the payment of product  
183 evaluation fees directly to the administrator of the  
184 product evaluation and approval system; specifying the  
185 use of such fees; authorizing the Florida Building  
186 Commission to provide by rule for editorial revisions  
187 to certain approvals and charge certain fees;  
188 providing requirements for the approval of  
189 applications for state approval of a product;  
190 providing for certain approved products to be  
191 immediately added to the list of state-approved  
192 products; requiring that the commission's oversight  
193 committee review approved products; revising the list  
194 of approved evaluation entities; deleting obsolete  
195 provisions governing evaluation entities; amending s.  
196 553.844, F.S.; providing an exemption from the  
197 requirements regarding protections for certain exposed  
198 mechanical equipment or appliances; providing for  
199 future expiration; amending s. 553.885, F.S.; revising  
200 requirements for carbon monoxide alarms; providing an  
201 exception for buildings undergoing alterations or  
202 repairs; defining the term "addition" as it relates to  
203 the requirement of a carbon monoxide alarm; amending

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204 s. 553.9061, F.S.; revising the energy-efficiency  
205 performance options and elements identified by the  
206 commission for purposes of meeting certain goals;  
207 amending s. 553.909, F.S.; revising a compliance  
208 criterion for certain swimming pool pumps or water  
209 heaters; revising requirements for residential  
210 swimming pool pumps and pump motors; amending s.  
211 553.912, F.S.; providing requirements for replacement  
212 air-conditioning systems; amending s. 627.711, F.S.;  
213 revising provisions relating to a uniform mitigation  
214 verification inspection form for factoring discounts  
215 for wind insurance; providing that such form is valid  
216 if signed by a home inspector who has completed a  
217 specified number of hours of mitigation training;  
218 amending s. 633.021, F.S.; providing additional  
219 definitions for fire equipment dealers; revising the  
220 definition of the term "preengineered systems";  
221 amending s. 633.0215, F.S.; providing guidelines for  
222 the State Fire Marshal to apply when issuing an  
223 expedited declaratory statement; requiring that the  
224 State Fire Marshal issue an expedited declaratory  
225 statement under certain circumstances; providing  
226 requirements for a petition requesting an expedited  
227 declaratory statement; exempting certain condominiums  
228 from installing manual fire alarm systems; amending s.  
229 633.0245, F.S.; conforming cross-references; amending  
230 s. 633.025, F.S.; providing that property owners are  
231 not required to install fire sprinklers in residential  
232 properties based on the use of that property as a



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233 rental property or any change in or reclassification  
234 of the property's primary use to a rental property;  
235 amending s. 633.026, F.S.; providing legislative  
236 intent; revising the authority of the State Fire  
237 Marshal to contract with and refer interpretive issues  
238 to certain entities; providing for the establishment  
239 of the Fire Code Interpretation Committee; providing  
240 for the membership of the committee and requirements  
241 for membership; requiring that nonbinding  
242 interpretations of the Florida Fire Prevention Code be  
243 issued within a specified period after a request is  
244 received; providing for the waiver of such requirement  
245 under certain conditions; requiring that the Division  
246 of State Fire Marshal charge a fee for nonbinding  
247 interpretations; providing that fees may be paid  
248 directly to a contract provider; providing  
249 requirements for requesting a nonbinding  
250 interpretation; requiring that the Division of State  
251 Fire Marshal develop a form for submitting a petition  
252 for a nonbinding interpretation; providing for a  
253 formal interpretation by the State Fire Marshal;  
254 requiring that an interpretation of the Florida Fire  
255 Prevention Code be published on the division's website  
256 and in the Florida Administrative Weekly; amending s.  
257 626.061, F.S.; authorizing certain fire equipment  
258 dealer licensees to maintain inactive license status  
259 under certain circumstances; providing requirements;  
260 providing for a renewal fee; revising certain  
261 continuing education requirements; revising an

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262 applicant licensure qualification requirement;  
263 amending s. 633.081, F.S.; requiring that the State  
264 Fire Marshal inspect a building when the State Fire  
265 Marshal, rather than the Department of Financial  
266 Services, has cause to believe a violation has  
267 occurred; providing exceptions for requirements that  
268 certain firesafety inspections be conducted by  
269 firesafety inspectors; requiring that the Division of  
270 State Fire Marshal and the Florida Building Code  
271 Administrators and Inspectors Board enter into a  
272 reciprocity agreement for purposes of recertifying  
273 building code inspectors, plan inspectors, building  
274 code administrators, and firesafety inspectors;  
275 requiring that the State Fire Marshal develop by rule  
276 an advanced training and certification program for  
277 firesafety inspectors who have fire code management  
278 responsibilities; requiring that the program be  
279 consistent with certain standards and establish  
280 minimum training, education, and experience levels for  
281 such firesafety inspectors; amending s. 633.082, F.S.;  
282 authorizing alternative inspection procedures for  
283 certain fire hydrants; requiring periodic testing or  
284 operation of certain equipment; prohibiting an agency  
285 having jurisdiction from requiring the removal of a  
286 nonmandatory sprinkler system; amending s. 633.352,  
287 F.S.; providing an exception to requirements for  
288 recertification as a firefighter; amending s. 633.521,  
289 F.S.; revising requirements for certification as a  
290 fire protection system contractor; revising the

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291 prerequisites for taking the certification  
292 examination; authorizing the State Fire Marshal to  
293 accept more than one source of professional  
294 certification; revising legislative intent; amending  
295 s. 633.524, F.S.; authorizing the State Fire Marshal  
296 to enter into contracts for examination services;  
297 providing for the direct payment of examination fees  
298 to contract providers; amending s. 633.537, F.S.;

299 revising the continuing education requirements for  
300 certain permitholders; amending s. 633.72, F.S.;

301 revising the terms of service for members of the Fire  
302 Code Advisory Council; repealing s. 718.113(6), F.S.,  
303 relating to requirements for 5-year inspections of  
304 certain condominium improvements; directing the  
305 Florida Building Commission to conform provisions of  
306 the Florida Building Code with revisions made by the  
307 act relating to the operation of elevators; requiring  
308 the Department of Management Services to consider the  
309 energy efficiency of buildings owned or operated by a  
310 state agency; requiring the Department of Management  
311 Services to lease buildings and facilities having  
312 high-efficiency lighting and consider energy  
313 efficiency when leasing buildings when feasible;

314 requiring the Department of Management Services to  
315 adopt rules requiring state agencies to install high-  
316 efficiency lamps when replacing an existing lamp or  
317 installing a new lamp in a building owned by a state  
318 agency; providing effective dates.

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

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

324 196.031 Exemption of homesteads.—

325 (6) When homestead property is damaged or destroyed by  
326 misfortune or calamity and the property is uninhabitable on  
327 January 1 after the damage or destruction occurs, the homestead  
328 exemption may be granted if the property is otherwise qualified  
329 and if the property owner notifies the property appraiser that  
330 he or she intends to repair or rebuild the property and live in  
331 the property as his or her primary residence after the property  
332 is repaired or rebuilt and does not claim a homestead exemption  
333 on any other property or otherwise violate this section. Failure  
334 by the property owner to commence the repair or rebuilding of  
335 the homestead property within 3 years after January 1 following  
336 the property's damage or destruction constitutes abandonment of  
337 the property as a homestead. After the 3-year period, the  
338 expiration, lapse, nonrenewal, or revocation of a building  
339 permit issued to the property owner for such repairs or  
340 rebuilding also constitutes abandonment of the property as  
341 homestead.

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

345 399.02 General requirements.—

346 (6) (a) The department is empowered to carry out all of the  
347 provisions of this chapter relating to the inspection and  
348 regulation of elevators and to enforce the provisions of the

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349 Florida Building Code.

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

354 (8) The division may grant variances for undue hardship  
355 pursuant to s. 120.542 and the rules adopted under this section.  
356 Such rules must include a process for requests for variances.  
357 The division may not grant a request for a variance unless it  
358 finds that the variance will not adversely affect the safety of  
359 the public.

360 (9) Updates to the Safety Code for Existing Elevators and  
361 Escalators, ASME A17.1 and A17.3, which require Phase II  
362 Firefighters' Service on elevators may not be enforced until  
363 July 1, 2015, or until the elevator is replaced or requires  
364 major modification, whichever occurs first, on elevators in  
365 condominiums or multifamily residential buildings, including  
366 those that are part of a continuing care facility licensed under  
367 chapter 651, or similar retirement community with apartments,  
368 having a certificate of occupancy by the local building  
369 authority which was issued before July 1, 2008. This exception  
370 does not prevent an elevator owner from requesting a variance  
371 from the applicable codes before or after July 1, 2015. This  
372 subsection does not prohibit the division from granting  
373 variances pursuant to s. 120.542 and subsection (8). The  
374 division shall adopt rules to administer this subsection.

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

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378 399.15 Regional emergency elevator access.-

379 (7) As an alternative to complying with the requirements of  
380 subsection (1), each building in this state which is required to  
381 meet the provisions of subsections (1) and (2) may instead  
382 provide for the installation of a uniform lock box that contains  
383 the keys to all elevators in the building allowing public  
384 access, including service and freight elevators. The uniform  
385 lock box must be keyed to allow all uniform lock boxes in each  
386 of the seven state emergency response regions to operate in fire  
387 emergency situations using one master key. The master key for  
388 the uniform lock shall be issued only to the fire department.  
389 The Division of State Fire Marshal of the Department of  
390 Financial Services shall enforce this subsection. The Department  
391 of Financial Services shall select the provider of the uniform  
392 lock box to be installed in each building in which the  
393 requirements of this subsection are implemented.

394 Section 4. Section 455.2122, Florida Statutes, is created  
395 to read:

396 455.2122 Education.-A board, or the department where there  
397 is no board, shall approve distance learning courses as an  
398 alternative to classroom courses to satisfy prelicensure or  
399 postlicensure education requirements provided for in part VIII  
400 of chapter 468 or part I of chapter 475. A board, or the  
401 department when there is no board, may not require centralized  
402 examinations for completion of prelicensure or postlicensure  
403 education requirements for those professions licensed under part  
404 VIII of chapter 468 or part I of chapter 475.

405 Section 5. Section 455.2123, Florida Statutes, is amended  
406 to read:

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407 455.2123 Continuing education.—A board, or the department  
408 when there is no board, may provide by rule that distance  
409 learning may be used to satisfy continuing education  
410 requirements. A board, or the department when there is no board,  
411 shall approve distance learning courses as an alternative to  
412 classroom courses to satisfy continuing education requirements  
413 provided for in part VIII, part XV, or part XVI of chapter 468  
414 or part I or part II of chapter 475 and may not require  
415 centralized examinations for completion of continuing education  
416 requirements for the professions licensed under part VIII, part  
417 XV, or part XVI of chapter 468 or part I or part II of chapter  
418 475.

419 Section 6. Effective October 1, 2010, section 468.631,  
420 Florida Statutes, is amended to read:

421 468.631 Building Code Administrators and Inspectors Fund.—

422 (1) This part shall be funded through a surcharge, to be  
423 assessed pursuant to s. 125.56~~(4)~~ or s. 166.201 at the rate of  
424 1.5 percent of all permit fees associated with enforcement of  
425 the Florida Building Code as defined by the uniform account  
426 criteria and specifically the uniform account code for building  
427 permits adopted for local government financial reporting  
428 pursuant to s. 218.32 ~~one-half cent per square foot of under-~~  
429 roof floor space permitted, including new construction,  
430 renovations, alterations, and additions. The minimum amount  
431 collected on any permit issued shall be \$2. The unit of  
432 government responsible for collecting permit fees pursuant to s.  
433 125.56~~(4)~~ or s. 166.201 shall collect such surcharge and shall  
434 remit the funds to the department on a quarterly calendar basis  
435 beginning not later than December 31, 2010 ~~1993~~, for the

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436 preceding quarter, and continuing each third month thereafter;  
437 and such unit of government shall ~~may~~ retain ~~an amount up to~~ 10  
438 percent of the surcharge collected to fund the participation of  
439 building departments in the national and state building code  
440 promulgation processes and to provide education related to  
441 enforcement of the Florida Building Code ~~projects and activities~~  
442 ~~intended to improve the quality of building code enforcement.~~  
443 There is created within the Professional Regulation Trust Fund a  
444 separate account to be known as the Building Code Administrators  
445 and Inspectors Fund, which shall deposit and disburse funds as  
446 necessary for the implementation of this part. The proceeds from  
447 this surcharge shall be allocated equally to fund the Florida  
448 Homeowners' Construction Recovery Fund established by s. 489.140  
449 and the functions of the Building Code Administrators and  
450 Inspectors Board. ~~The department shall annually establish the~~  
451 ~~amount needed to fund the certification and regulation of~~  
452 ~~building code administrators, plans examiners, and building code~~  
453 ~~inspectors. Any funds collected in excess of the amount needed~~  
454 ~~to adequately fund the certification and regulation of building~~  
455 ~~code administrators, plans examiners, and building code~~  
456 ~~inspectors shall be deposited into the Florida Homeowners'~~  
457 ~~Construction Recovery Fund established by s. 489.140. If the~~  
458 ~~Florida Homeowners' Construction Recovery Fund is fully funded~~  
459 ~~as provided by s. 489.140, any remaining funds shall be~~  
460 ~~distributed to the Construction Industry Licensing Board for use~~  
461 ~~in the regulation of certified and registered contractors.~~  
462 (2) The unit of government responsible for collecting  
463 permit fees under this section shall report to the department  
464 quarterly the number of permits issued ~~for under roof floor~~



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465 ~~space during the quarter, the total square footage for the~~  
466 ~~number of permits issued for under-roof floor space during the~~  
467 ~~quarter,~~ and the calculation of the amount of funds being  
468 remitted to the department. The report shall be attested to by  
469 the officer in charge of collecting permit fees.

470 Section 7. Section 468.83, Florida Statutes, is amended to  
471 read:

472 468.83 Home inspection services licensing program;  
473 purpose.-

474 (1) There is created within the department the home  
475 inspection services licensing program.

476 (2) The Legislature recognizes that there is a need to  
477 require the licensing of home inspectors and to ensure that  
478 consumers of home inspection services can rely on the competence  
479 of home inspectors, as determined by educational and experience  
480 requirements and testing. Therefore, the Legislature deems it  
481 necessary in the interest of the public welfare to regulate home  
482 inspectors in this state.

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

485 468.8311 Definitions.-As used in this part, the term:

486 (4) "Home inspection services" means a limited visual  
487 examination of ~~one or more of~~ the following readily accessible  
488 installed systems and components of a home: the structure,  
489 electrical system, HVAC system, roof covering, plumbing system,  
490 interior components, exterior components, and site conditions  
491 that affect the structure, for the purposes of providing a  
492 written professional opinion of the condition of the home.

493 Section 9. Subsections (4) through (8) of section 468.8312,

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494 Florida Statutes, are amended to read:

495 468.8312 Fees.—

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

498 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

499 (5)~~(6)~~ The fee for licensure by endorsement shall not  
500 exceed \$200.

501 (6)~~(7)~~ The fee for application for inactive status or for  
502 reactivation of an inactive license shall not exceed \$200.

503 (7)~~(8)~~ The fee for applications from providers of  
504 continuing education may not exceed \$500.

505 Section 10. Subsections (1) and (2) of section 468.8313,  
506 Florida Statutes, are amended, present subsection (6) of that  
507 section is renumbered as subsection (7) and amended, and a new  
508 subsection (6) is added to that section, to read:

509 468.8313 Examinations.—

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

514 (2) An applicant may ~~shall be entitled to take the~~  
515 ~~licensure examination for the purpose of determining whether he~~  
516 ~~or she is qualified to practice in this state as a home~~  
517 ~~inspector if~~ he or she passes the required examination, the  
518 ~~applicant~~ is of good moral character, and completes ~~has~~  
519 ~~completed~~ a course of study of at least ~~no less than~~ 120 hours  
520 that covers all of the following components of a home:  
521 structure, electrical system, HVAC system, roof covering,  
522 plumbing system, interior components, exterior components, and

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523 site conditions that affect the structure.

524 (6) An applicant for a license shall submit, together with  
525 the application, a complete set of electronic fingerprints to  
526 the department. The department shall submit the fingerprints to  
527 the Department of Law Enforcement for state processing, and the  
528 Department of Law Enforcement shall forward them to the Federal  
529 Bureau of Investigation for national processing, to determine  
530 whether the applicant has a criminal history record. The  
531 department shall review the background results to determine if  
532 an applicant meets licensure requirements. The applicant is  
533 responsible for the cost associated with processing the  
534 fingerprints. The authorized agencies or vendors shall collect  
535 such fees and pay the processing costs due to the Department of  
536 Law Enforcement.

537 (7)~~(6)~~ The department may adopt rules pursuant to ss.  
538 ~~120.536(1) and 120.54~~ to implement the provisions of this  
539 section.

540 Section 11. Section 468.8318, Florida Statutes, is amended  
541 to read:

542 468.8318 Certification of corporations and partnerships.—

543 ~~(1) The department shall issue a certificate of~~  
544 ~~authorization to a corporation or partnership offering home~~  
545 ~~inspection services to the public if the corporation or~~  
546 ~~partnership satisfies all of the requirements of this part.~~

547 ~~(2)~~ The practice of or the offer to practice home  
548 inspection services by licensees through a corporation or  
549 partnership offering home inspection services to the public, or  
550 by a corporation or partnership offering such services to the  
551 public through licensees under this part as agents, employees,

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552 officers, or partners, is permitted subject to the provisions of  
553 this part, provided that all personnel of the corporation or  
554 partnership who act in its behalf as home inspectors in this  
555 state are licensed as provided by this part; ~~and further~~  
556 ~~provided that the corporation or partnership has been issued a~~  
557 ~~certificate of authorization by the department as provided in~~  
558 ~~this section.~~ Nothing in this section shall be construed to  
559 allow a corporation to hold a license to practice home  
560 inspection services. No corporation or partnership shall be  
561 relieved of responsibility for the conduct or acts of its  
562 agents, employees, or officers by reason of its compliance with  
563 this section, nor shall any individual practicing home  
564 inspection services be relieved of responsibility for  
565 professional services performed by reason of his or her  
566 employment or relationship with a corporation or partnership.

567 ~~(3) For the purposes of this section, a certificate of~~  
568 ~~authorization shall be required for a corporation, partnership,~~  
569 ~~association, or person practicing under a fictitious name and~~  
570 ~~offering home inspection services to the public; however, when~~  
571 ~~an individual is practicing home inspection services in his or~~  
572 ~~her own given name, he or she shall not be required to register~~  
573 ~~under this section.~~

574 ~~(4) Each certificate of authorization shall be renewed~~  
575 ~~every 2 years. Each partnership and corporation certified under~~  
576 ~~this section shall notify the department within 1 month of any~~  
577 ~~change in the information contained in the application upon~~  
578 ~~which the certification is based.~~

579 ~~(5) Disciplinary action against a corporation or~~  
580 ~~partnership shall be administered in the same manner and on the~~

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581 ~~same grounds as disciplinary action against a licensed home~~  
582 ~~inspector.~~

583 Section 12. Section 468.8319, Florida Statutes, is amended  
584 to read:

585 468.8319 Prohibitions; penalties.—

586 (1) A person ~~home inspector, a company that employs a home~~  
587 ~~inspector, or a company that is controlled by a company that~~  
588 ~~also has a financial interest in a company employing a home~~  
589 ~~inspector~~ may not:

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

593 (b) Effective July 1, 2011, use the name or title  
594 "certified home inspector," "registered home inspector,"  
595 "licensed home inspector," "home inspector," "professional home  
596 inspector," or any combination thereof unless the person has  
597 complied with the provisions of this part;

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

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

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

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

609 (g) Inspect ~~for a fee~~ any property in which the inspector

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610 or the inspector's company has any financial or transfer  
611 interest;

612 (h) Offer or deliver any compensation, inducement, or  
613 reward to any broker or agent therefor for the referral of the  
614 owner of the inspected property to the inspector or the  
615 inspection company; or

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

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

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

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

628 468.832 Disciplinary proceedings.—

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

631 (a) Violation of any provision of this part or s.  
632 455.227(1).~~†~~

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

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

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639 (d) Being convicted or found guilty of, or entering a plea  
640 of nolo contendere to, regardless of adjudication, a crime in  
641 any jurisdiction that directly relates to the practice of home  
642 inspection services or the ability to practice home inspection  
643 services.~~†~~

644 (e) Making or filing a report or record that the licensee  
645 knows to be false, willfully failing to file a report or record  
646 required by state or federal law, willfully impeding or  
647 obstructing such filing, or inducing another person to impede or  
648 obstruct such filing. Such reports or records shall include only  
649 those that are signed in the capacity of a licensed home  
650 inspector.~~†~~

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

653 (g) Engaging in fraud or deceit, or negligence,  
654 incompetency, or misconduct, in the practice of home inspection  
655 services.~~†~~

656 (h) Failing to perform any statutory or legal obligation  
657 placed upon a licensed home inspector; violating any provision  
658 of this chapter, a rule of the department, or a lawful order of  
659 the department previously entered in a disciplinary hearing; or  
660 failing to comply with a lawfully issued subpoena of the  
661 department.~~†~~~~or~~

662 (i) Practicing on a revoked, suspended, inactive, or  
663 delinquent license.

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

666 Section 14. Section 468.8324, Florida Statutes, is amended  
667 to read:

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668 468.8324 Grandfather clause.-

669 (1) A person who performs home inspection services as  
670 defined in this part may qualify for licensure ~~to be licensed~~ by  
671 the department as a home inspector if the person submits an  
672 application to the department postmarked on or before March 1,  
673 2011, which shows that the applicant: ~~meets the licensure~~  
674 ~~requirements of this part by July 1, 2010.~~

675 (a) Is certified as a home inspector by a state or national  
676 association that requires, for such certification, successful  
677 completion of a proctored examination on home inspection  
678 services and completes at least 14 hours of verifiable education  
679 on such services; or

680 (b) Has at least 3 years of experience as a home inspector  
681 at the time of application and has completed 14 hours of  
682 verifiable education on home inspection services. To establish  
683 the 3 years of experience, an applicant must submit at least 120  
684 home inspection reports prepared by the applicant.

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

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



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

700       Section 15. Section 468.8325, Florida Statutes, is created  
701 to read:

702       468.8325 Rulemaking authority.—The department shall adopt  
703 rules to administer this part.

704       Section 16. Section 468.84, Florida Statutes, is amended to  
705 read:

706       468.84 Mold-related services licensing program; legislative  
707 purpose.—

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

710       (2) The Legislature finds it necessary in the interest of  
711 the public safety and welfare, to prevent damage to real and  
712 personal property, to avert economic injury to the residents of  
713 this state, and to regulate persons and companies that hold  
714 themselves out to the public as qualified to perform mold-  
715 related services.

716       Section 17. Subsections (6) through (10) of section  
717 468.8412, Florida Statutes, are amended to read:

718       468.8412 Fees.—

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

721       (6)(7) The fee for licensure by endorsement shall not  
722 exceed \$200.

723       (7)(8) The fee for application for inactive status shall  
724 not exceed \$100.

725       (8)(9) The fee for reactivation of an inactive license

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726 shall not exceed \$200.

727 ~~(9)-(10)~~ The fee for applications from providers of  
728 continuing education may not exceed \$500.

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

732 468.8413 Examinations.—

733 (1) A person desiring to be licensed as a mold assessor or  
734 mold remediator must ~~shall~~ apply to the department after  
735 satisfying the examination requirements of this part ~~to take a~~  
736 ~~licensure examination.~~

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

742 (a)1. For a mold remediator, at least a 2-year associate of  
743 arts degree, or the equivalent, with at least 30 semester hours  
744 in microbiology, engineering, architecture, industrial hygiene,  
745 occupational safety, or a related field of science from an  
746 accredited institution and a minimum of 1 year of documented  
747 field experience in a field related to mold remediation; or

748 2. A high school diploma or the equivalent with a minimum  
749 of 4 years of documented field experience in a field related to  
750 mold remediation.

751 (b)1. For a mold assessor, at least a 2-year associate of  
752 arts degree, or the equivalent, with at least 30 semester hours  
753 in microbiology, engineering, architecture, industrial hygiene,  
754 occupational safety, or a related field of science from an

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755 accredited institution and a minimum of 1 year of documented  
756 field experience in conducting microbial sampling or  
757 investigations; or

758 2. A high school diploma or the equivalent with a minimum  
759 of 4 years of documented field experience in conducting  
760 microbial sampling or investigations.

761 (6) An applicant for a license shall submit, together with  
762 the application, a complete set of electronic fingerprints to  
763 the department. The department shall submit the fingerprints to  
764 the Department of Law Enforcement for state processing, and the  
765 Department of Law Enforcement shall forward them to the Federal  
766 Bureau of Investigation for national processing, to determine  
767 whether the applicant has a criminal history record. The  
768 department shall review the background results to determine if  
769 an applicant meets licensure requirements. The applicant is  
770 responsible for the cost associated with processing the  
771 fingerprints. The authorized agencies or vendors shall collect  
772 such fees and pay the processing costs due to the Department of  
773 Law Enforcement.

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

776 468.8414 Licensure.—

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

780 (a) Is qualified to take the examination as set forth in s.  
781 468.8413 and has passed a certification examination offered by a  
782 nationally recognized organization that certifies persons in the  
783 specialty of mold assessment or mold remediation that has been

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784 approved by the department as substantially equivalent to the  
785 requirements of this part and s. 455.217; or

786 (b) Holds a valid license to practice mold assessment or  
787 mold remediation issued by another state or territory of the  
788 United States if the criteria for issuance of the license were  
789 substantially the same as the licensure criteria that is  
790 established by this part as determined by the department.

791 Section 20. Section 468.8418, Florida Statutes, is amended  
792 to read:

793 468.8418 Certification of partnerships and corporations.—

794 ~~(1) The department shall issue a certificate of~~  
795 ~~authorization to a corporation or partnership offering mold~~  
796 ~~assessment or mold remediation services to the public if the~~  
797 ~~corporation or partnership satisfies all of the requirements of~~  
798 ~~this part.~~

799 ~~(2) The practice of or the offer to practice mold~~  
800 ~~assessment or mold remediation by licensees through a~~  
801 ~~corporation or partnership offering mold assessment or mold~~  
802 ~~remediation to the public, or by a corporation or partnership~~  
803 ~~offering such services to the public through licensees under~~  
804 ~~this part as agents, employees, officers, or partners, is~~  
805 ~~permitted subject to the provisions of this part, provided that~~  
806 ~~the corporation or partnership has been issued a certificate of~~  
807 ~~authorization by the department as provided in this section.~~

808 Nothing in this section shall be construed to allow a  
809 corporation to hold a license to practice mold assessment or  
810 mold remediation. No corporation or partnership shall be  
811 relieved of responsibility for the conduct or acts of its  
812 agents, employees, or officers by reason of its compliance with

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813 this section, nor shall any individual practicing mold  
814 assessment or mold remediation be relieved of responsibility for  
815 professional services performed by reason of his or her  
816 employment or relationship with a corporation or partnership.

817 ~~(3) For the purposes of this section, a certificate of~~  
818 ~~authorization shall be required for a corporation, partnership,~~  
819 ~~association, or person practicing under a fictitious name,~~  
820 ~~offering mold assessment or mold remediation; however, when an~~  
821 ~~individual is practicing mold assessment or mold remediation~~  
822 ~~under his or her own given name, he or she shall not be required~~  
823 ~~to register under this section.~~

824 ~~(4) Each certificate of authorization shall be renewed~~  
825 ~~every 2 years. Each partnership and corporation certified under~~  
826 ~~this section shall notify the department within 1 month of any~~  
827 ~~change in the information contained in the application upon~~  
828 ~~which the certification is based.~~

829 ~~(5) Disciplinary action against a corporation or~~  
830 ~~partnership shall be administered in the same manner and on the~~  
831 ~~same grounds as disciplinary action against a licensed mold~~  
832 ~~assessor or mold remediator.~~

833 Section 21. Subsection (1) of section 468.8419, Florida  
834 Statutes, is amended, and subsection (4) is added to that  
835 section, to read:

836 468.8419 Prohibitions; penalties.—

837 (1) A person ~~mold assessor, a company that employs a mold~~  
838 ~~assessor, or a company that is controlled by a company that also~~  
839 ~~has a financial interest in a company employing a mold assessor~~  
840 may not:

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

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842 mold assessment unless the mold assessor has documented training  
843 in water, mold, and respiratory protection under s. 468.8414(2).

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

847 (c) Use the name or title "certified mold assessor,"  
848 "registered mold assessor," "licensed mold assessor," "mold  
849 assessor," "professional mold assessor," or any combination  
850 thereof unless the person has complied with the provisions of  
851 this part.

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

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

857 (f) Accept any compensation, inducement, or reward from a  
858 mold remediator or mold remediator's company for the referral of  
859 any business to the mold remediator or the mold remediator's  
860 company.

861 (g) Offer any compensation, inducement, or reward to a mold  
862 remediator or mold remediator's company for the referral of any  
863 business from the mold remediator or the mold remediator's  
864 company.

865 (h) Accept an engagement to make an omission of the  
866 assessment or conduct an assessment in which the assessment  
867 itself, or the fee payable for the assessment, is contingent  
868 upon the conclusions of the assessment.

869 (4) This section does not apply to unlicensed activity as  
870 described in paragraph (1)(a), paragraph (1)(b), or s. 455.228

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871 which occurs before July 1, 2011.

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

874 468.842 Disciplinary proceedings.—

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

877 (a) Violation of any provision of this part or s.  
878 455.227(1).†

879 (b) Attempting to procure a license to practice mold  
880 assessment or mold remediation by bribery or fraudulent  
881 misrepresentations.†

882 (c) Having a license to practice mold assessment or mold  
883 remediation revoked, suspended, or otherwise acted against,  
884 including the denial of licensure, by the licensing authority of  
885 another state, territory, or country.†

886 (d) Being convicted or found guilty of, or entering a plea  
887 of nolo contendere to, regardless of adjudication, a crime in  
888 any jurisdiction that directly relates to the practice of mold  
889 assessment or mold remediation or the ability to practice mold  
890 assessment or mold remediation.†

891 (e) Making or filing a report or record that the licensee  
892 knows to be false, willfully failing to file a report or record  
893 required by state or federal law, willfully impeding or  
894 obstructing such filing, or inducing another person to impede or  
895 obstruct such filing. Such reports or records shall include only  
896 those that are signed in the capacity of a registered mold  
897 assessor or mold remediator.†

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

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900 (g) Engaging in fraud or deceit, or negligence,  
901 incompetency, or misconduct, in the practice of mold assessment  
902 or mold remediation.~~†~~

903 (h) Failing to perform any statutory or legal obligation  
904 placed upon a licensed mold assessor or mold remediator;  
905 violating any provision of this chapter, a rule of the  
906 department, or a lawful order of the department previously  
907 entered in a disciplinary hearing; or failing to comply with a  
908 lawfully issued subpoena of the department.~~†~~~~or~~

909 (i) Practicing on a revoked, suspended, inactive, or  
910 delinquent license.

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

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

915 468.8421 Insurance.—

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

920 Section 24. Section 468.8423, Florida Statutes, is amended  
921 to read:

922 468.8423 Grandfather clause.—

923 (1) A person who performs mold assessment or mold  
924 remediation as defined in this part may qualify to be licensed  
925 by the department as a mold assessor or mold remediator if the  
926 person submits his or her application to the department by March  
927 1, 2011, whether postmarked or delivered by that date, and if  
928 the person: meets the licensure requirements of this part by



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929 ~~July 1, 2010.~~

930 (a) Is certified as a mold assessor or mold remediator by a  
931 state or national association that requires, for such  
932 certification, successful completion of a proctored examination  
933 on mold assessment or mold remediation, as applicable, and  
934 completes at least 60 hours of education on mold assessment or  
935 at least 30 hours of education on mold remediation, as  
936 applicable; or

937 (b) At the time of application, has at least 3 years of  
938 experience as a mold assessor or mold remediator. To establish  
939 the 3 years of experience, an applicant must submit at least 40  
940 mold assessments or remediation invoices prepared by the  
941 applicant.

942 (2) The department may investigate the validity of a mold  
943 assessment or remediation invoice submitted under paragraph  
944 (1)(b) and, if the applicant submits a false assessment or  
945 invoice, may take disciplinary action against the applicant  
946 under s. 468.842(1)(e) or (g).

947 (3) An applicant may not qualify for licensure under this  
948 section if he or she has had a mold assessor or mold remediator  
949 license or a license in any related field revoked at any time or  
950 suspended within the previous 5 years or has been assessed a  
951 fine that exceeds \$500 within the previous 5 years. For purposes  
952 of this subsection, a license in a related field includes, but  
953 is not limited to, licensure in real estate, construction, home  
954 inspection, building code administration or inspection, or  
955 indoor air quality.

956 (4) An applicant for licensure under this section must  
957 comply with the good moral character and insurance requirements

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958 of this part.

959 Section 25. Section 468.8424, Florida Statutes, is created  
960 to read:

961 468.8424 Rulemaking authority.—The department shall adopt  
962 rules to administer this part.

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

965 489.103 Exemptions.—This part does not apply to:

966 (22) A person licensed pursuant to s. 633.061(1)(d) or  
967 (3)~~(2)~~(b) performing work authorized by such license.

968 Section 27. Subsection (1) of section 489.5335, Florida  
969 Statutes, is amended to read:

970 489.5335 Journeyman; reciprocity; standards.—

971 (1) An individual who holds a valid, active journeyman  
972 license in the electrical trade issued by any county or  
973 municipality in this state may work as a journeyman in any other  
974 county or municipality of this state without taking an  
975 additional examination or paying an additional license fee, if  
976 he or she:

977 (a) Has scored at least 70 percent, or after October 1,  
978 1997, at least 75 percent, on a proctored journeyman Block and  
979 Associates examination or other proctored examination approved  
980 by the board for the electrical trade;

981 (b) Has completed an apprenticeship program registered with  
982 the Department of Labor and Employment Security and demonstrates  
983 4 years' verifiable practical experience in the electrical  
984 trade, or demonstrates 6 years' verifiable practical experience  
985 in the electrical trade;

986 (c) Has satisfactorily completed specialized and advanced

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987 module coursework approved by the Florida Building Commission,  
988 as part of the building code training program established in s.  
989 553.841, specific to the discipline, ~~and successfully completed~~  
990 ~~the program's core curriculum courses or passed an equivalency~~  
991 ~~test in lieu of taking the core curriculum courses and provided~~  
992 ~~proof of completion of such curriculum courses or examination~~  
993 ~~and obtained a certificate from the board pursuant to this part~~  
994 ~~or,~~ pursuant to authorization by the certifying authority,  
995 provides proof of completion of such curriculum or coursework  
996 within 6 months after such certification; and

997 (d) Has not had a license suspended or revoked within the  
998 last 5 years.

999 Section 28. Subsections (2), (8), and (9) of section  
1000 553.37, Florida Statutes, are amended, and subsection (12) is  
1001 added to that section, to read:

1002 553.37 Rules; inspections; and insignia.—

1003 (2) The department shall adopt rules to address:

1004 (a) Procedures and qualifications for approval of third-  
1005 party plan review and inspection agencies and of those who  
1006 perform inspections and plan reviews.

1007 (b) Investigation of consumer complaints of noncompliance  
1008 of manufactured buildings with the Florida Building Code and the  
1009 Florida Fire Prevention Code.

1010 (c) Issuance, cancellation, and revocation of any insignia  
1011 issued by the department and procedures for auditing and  
1012 accounting for disposition of them.

1013 (d) Monitoring the manufacturers', inspection agencies',  
1014 and plan review agencies' compliance with this part and the  
1015 Florida Building Code. Monitoring may include, but is not

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1016 limited to, performing audits of plans, inspections of  
1017 manufacturing facilities and observation of the manufacturing  
1018 and inspection process, and onsite inspections of buildings.

1019 (e) The performance by the department and its designees and  
1020 contractors of any other functions required by this part.

1021 (8) The department, by rule, shall establish a schedule of  
1022 fees to pay the cost of the administration and enforcement of  
1023 this part. The rule may provide for manufacturers to pay fees to  
1024 the administrator directly via the Building Code Information  
1025 System.

1026 (9) The department may delegate its enforcement authority  
1027 to a state department having building construction  
1028 responsibilities or a local government, and may enter into  
1029 contracts for the performance of its administrative duties under  
1030 this part. The department may delegate its plan review and  
1031 inspection authority to one or more of the following in any  
1032 combination:

1033 (a) A state department having building construction  
1034 responsibilities;

1035 (b) A local government;

1036 (c) An approved inspection agency;

1037 (d) An approved plan review agency; or

1038 (e) An agency of another state.

1039 (12) Custom or one-of-a-kind prototype manufactured  
1040 buildings are not required to have state approval, but must be  
1041 in compliance with all local requirements of the governmental  
1042 agency having jurisdiction at the installation site.

1043 Section 29. Section 553.375, Florida Statutes, is amended  
1044 to read:

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1045           553.375 Recertification of manufactured buildings.—Prior to  
1046 the relocation to a site that has a higher design wind speed,  
1047 modification, or change of occupancy of a manufactured building  
1048 within the state, the manufacturer, dealer, or owner thereof may  
1049 apply to the department for recertification of that manufactured  
1050 building. The department shall, by rule, provide what  
1051 information the applicant must submit for recertification and  
1052 for plan review and inspection of such manufactured buildings  
1053 and shall establish fees for recertification. Upon a  
1054 determination by the department that the manufactured building  
1055 complies with the applicable building codes, the department  
1056 shall issue a recertification insignia. A manufactured building  
1057 that bears recertification insignia does not require any  
1058 additional approval by an enforcement jurisdiction in which the  
1059 building is sold or installed, and is considered to comply with  
1060 all applicable codes. As an alternative to recertification by  
1061 the department, the manufacturer, dealer, or owner of a  
1062 manufactured building may seek appropriate permitting and a  
1063 certificate of occupancy from the local jurisdiction in  
1064 accordance with procedures generally applicable under the  
1065 Florida Building Code.

1066           Section 30. Subsection (1) of section 553.512, Florida  
1067 Statutes, is amended to read:

1068           553.512 Modifications and waivers; advisory council.—

1069           (1) The Florida Building Commission shall provide by  
1070 regulation criteria for granting individual modifications of, or  
1071 exceptions from, the literal requirements of this part upon a  
1072 determination of unnecessary, unreasonable, or extreme hardship,  
1073 provided such waivers shall not violate federal accessibility

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1074 laws and regulations and shall be reviewed by the Accessibility  
1075 Advisory Council. The commission shall establish by rule a fee  
1076 to be paid upon submitting a request for a waiver as provided in  
1077 this section. Notwithstanding any other provision of this  
1078 subsection, if an applicant for a waiver demonstrates economic  
1079 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver  
1080 shall be granted. The commission may not consider waiving any of  
1081 the requirements of s. 553.5041 unless the applicant first  
1082 demonstrates that she or he has applied for and been denied  
1083 waiver or variance from all local government zoning, subdivision  
1084 regulations, or other ordinances that prevent compliance  
1085 therewith. Further, the commission may not waive the requirement  
1086 of s. 553.5041(5)(a) and (c)1. governing the minimum width of  
1087 accessible routes and minimum width of accessible parking  
1088 spaces.

1089 Section 31. Effective October 1, 2010, section 553.721,  
1090 Florida Statutes, is amended to read:

1091 553.721 Surcharge.—

1092 ~~(1)~~ In order for the Department of Community Affairs to  
1093 administer and carry out the purposes of this part and related  
1094 activities, there is hereby created a surcharge, to be assessed  
1095 at the rate of 1.5 percent of all permit fees associated with  
1096 enforcement of the Florida Building Code as defined by the  
1097 uniform account criteria and specifically the uniform account  
1098 code for building permits adopted for local government financial  
1099 reporting pursuant to s. 218.32. The minimum amount collected on  
1100 any permit issued shall be \$2 ~~one-half cent per square foot~~  
1101 ~~under-roof floor space permitted pursuant to s. 125.56(4) or s.~~  
1102 ~~166.201. However, for additions, alterations, or renovations to~~

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1103 ~~existing buildings, the surcharge shall be computed on the basis~~  
1104 ~~of the square footage being added, altered, or renovated.~~ The  
1105 unit of government responsible for collecting a permit fee  
1106 pursuant to s. 125.56(4) or s. 166.201 shall collect such  
1107 surcharge and electronically remit the funds collected to the  
1108 department on a quarterly calendar basis beginning not later  
1109 than December 31, 2010, for the preceding quarter, and  
1110 continuing each third month thereafter, and such unit of  
1111 government shall ~~may~~ retain 10 ~~an amount up to 5~~ percent of the  
1112 surcharge collected to fund the participation of building  
1113 departments in the national and state building code promulgation  
1114 processes and to provide education related to enforcement of the  
1115 Florida Building Code ~~cover costs associated with the collection~~  
1116 ~~and remittance of such surcharge.~~ All funds remitted to the  
1117 department pursuant to this subsection shall be deposited in the  
1118 Operating Trust Fund. Funds collected from such surcharge shall  
1119 be used exclusively for the duties of the Florida Building  
1120 Commission and the Department of Community Affairs under this  
1121 chapter ~~not be used to fund research on techniques for~~  
1122 ~~mitigation of radon in existing buildings.~~ Funds used by the  
1123 department as well as funds to be transferred to the Department  
1124 of Health shall be as prescribed in the annual General  
1125 Appropriations Act. The department shall adopt rules governing  
1126 the collection and remittance of surcharges in accordance with  
1127 chapter 120.

1128 ~~(2) Notwithstanding subsection (1), and for the 2008-2009~~  
1129 ~~fiscal year only, the amount transferred from the Operating~~  
1130 ~~Trust Fund to the Grants and Donations Trust Fund of the~~  
1131 ~~Department of Community Affairs pursuant to the General~~

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1132 ~~Appropriations Act for the 2008-2009 fiscal year shall be used~~  
1133 ~~for the regional planning councils, civil legal assistance, and~~  
1134 ~~the Front Porch Florida Initiative.~~

1135 Section 32. Subsections (2) and (3) and paragraph (b) of  
1136 subsection (4) of section 553.73, Florida Statutes, are amended,  
1137 present subsections (5) through (13) of that section are  
1138 renumbered as subsections (6) through (14), respectively, a new  
1139 subsection (5) is added to that section, paragraph (a) of  
1140 present subsection (6) and present subsections (7) and (9) of  
1141 that section are amended, and subsections (15) and (16) are  
1142 added to that section, to read:

1143 553.73 Florida Building Code.—

1144 (2) The Florida Building Code shall contain provisions or  
1145 requirements for public and private buildings, structures, and  
1146 facilities relative to structural, mechanical, electrical,  
1147 plumbing, energy, and gas systems, existing buildings,  
1148 historical buildings, manufactured buildings, elevators, coastal  
1149 construction, lodging facilities, food sales and food service  
1150 facilities, health care facilities, including assisted living  
1151 facilities, adult day care facilities, hospice residential and  
1152 inpatient facilities and units, and facilities for the control  
1153 of radiation hazards, public or private educational facilities,  
1154 swimming pools, and correctional facilities and enforcement of  
1155 and compliance with such provisions or requirements. Further,  
1156 the Florida Building Code must provide for uniform  
1157 implementation of ss. 515.25, 515.27, and 515.29 by including  
1158 standards and criteria for residential swimming pool barriers,  
1159 pool covers, latching devices, door and window exit alarms, and  
1160 other equipment required therein, which are consistent with the



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1161 intent of s. 515.23. Technical provisions to be contained within  
1162 the Florida Building Code are restricted to requirements related  
1163 to the types of materials used and construction methods and  
1164 standards employed in order to meet criteria specified in the  
1165 Florida Building Code. Provisions relating to the personnel,  
1166 supervision or training of personnel, or any other professional  
1167 qualification requirements relating to contractors or their  
1168 workforce may not be included within the Florida Building Code,  
1169 and subsections (4), ~~(5)~~, (6), (7), ~~and (8)~~, and (9) are not to  
1170 be construed to allow the inclusion of such provisions within  
1171 the Florida Building Code by amendment. This restriction applies  
1172 to both initial development and amendment of the Florida  
1173 Building Code.

1174 (3) The commission shall select from available national or  
1175 international model building codes, or other available building  
1176 codes and standards currently recognized by the laws of this  
1177 state, to form the foundation for the Florida Building Code. The  
1178 commission may modify the selected model codes and standards as  
1179 needed to accommodate the specific needs of this state.

1180 Standards or criteria referenced by the selected model codes  
1181 shall be similarly incorporated by reference. If a referenced  
1182 standard or criterion requires amplification or modification to  
1183 be appropriate for use in this state, only the amplification or  
1184 modification shall be specifically set forth in the Florida  
1185 Building Code. The Florida Building Commission may approve  
1186 technical amendments to the code, subject to the requirements of  
1187 subsections (8) ~~(7)~~ and (9) ~~(8)~~, after the amendments have been  
1188 subject to the following conditions:

1189 (a) The proposed amendment has been published on the

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1190 commission's website for a minimum of 45 days and all the  
1191 associated documentation has been made available to any  
1192 interested party before any consideration by any Technical  
1193 Advisory Committee;

1194 (b) In order for a Technical Advisory Committee to make a  
1195 favorable recommendation to the commission, the proposal must  
1196 receive a three-fourths vote of the members present at the  
1197 Technical Advisory Committee meeting and at least half of the  
1198 regular members must be present in order to conduct a meeting;

1199 (c) After Technical Advisory Committee consideration and a  
1200 recommendation for approval of any proposed amendment, the  
1201 proposal must be published on the commission's website for not  
1202 less than 45 days before any consideration by the commission;  
1203 and

1204 (d) Any proposal may be modified by the commission based on  
1205 public testimony and evidence from a public hearing held in  
1206 accordance with chapter 120.

1207  
1208 The commission shall incorporate within sections of the Florida  
1209 Building Code provisions which address regional and local  
1210 concerns and variations. The commission shall make every effort  
1211 to minimize conflicts between the Florida Building Code, the  
1212 Florida Fire Prevention Code, and the Life Safety Code.

1213 (4)

1214 (b) Local governments may, subject to the limitations of  
1215 this section, adopt amendments to the technical provisions of  
1216 the Florida Building Code which apply solely within the  
1217 jurisdiction of such government and which provide for more  
1218 stringent requirements than those specified in the Florida

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1219 Building Code, not more than once every 6 months. A local  
1220 government may adopt technical amendments that address local  
1221 needs if:

1222 1. The local governing body determines, following a public  
1223 hearing which has been advertised in a newspaper of general  
1224 circulation at least 10 days before the hearing, that there is a  
1225 need to strengthen the requirements of the Florida Building  
1226 Code. The determination must be based upon a review of local  
1227 conditions by the local governing body, which review  
1228 demonstrates by evidence or data that the geographical  
1229 jurisdiction governed by the local governing body exhibits a  
1230 local need to strengthen the Florida Building Code beyond the  
1231 needs or regional variation addressed by the Florida Building  
1232 Code, that the local need is addressed by the proposed local  
1233 amendment, and that the amendment is no more stringent than  
1234 necessary to address the local need.

1235 2. Such additional requirements are not discriminatory  
1236 against materials, products, or construction techniques of  
1237 demonstrated capabilities.

1238 3. Such additional requirements may not introduce a new  
1239 subject not addressed in the Florida Building Code.

1240 4. The enforcing agency shall make readily available, in a  
1241 usable format, all amendments adopted pursuant to this section.

1242 5. Any amendment to the Florida Building Code shall be  
1243 transmitted within 30 days by the adopting local government to  
1244 the commission. The commission shall maintain copies of all such  
1245 amendments in a format that is usable and obtainable by the  
1246 public. Local technical amendments shall not become effective  
1247 until 30 days after the amendment has been received and

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1248 published by the commission.

1249         6. Any amendment to the Florida Building Code adopted by a  
1250 local government pursuant to this paragraph shall be effective  
1251 only until the adoption by the commission of the new edition of  
1252 the Florida Building Code every third year. At such time, the  
1253 commission shall review such amendment for consistency with the  
1254 criteria in paragraph (9)~~(8)~~(a) and adopt such amendment as part  
1255 of the Florida Building Code or rescind the amendment. The  
1256 commission shall immediately notify the respective local  
1257 government of the rescission of any amendment. After receiving  
1258 such notice, the respective local government may readopt the  
1259 rescinded amendment pursuant to the provisions of this  
1260 paragraph.

1261         7. Each county and municipality desiring to make local  
1262 technical amendments to the Florida Building Code shall by  
1263 interlocal agreement establish a countywide compliance review  
1264 board to review any amendment to the Florida Building Code,  
1265 adopted by a local government within the county pursuant to this  
1266 paragraph, that is challenged by any substantially affected  
1267 party for purposes of determining the amendment's compliance  
1268 with this paragraph. If challenged, the local technical  
1269 amendments shall not become effective until time for filing an  
1270 appeal pursuant to subparagraph 8. has expired or, if there is  
1271 an appeal, until the commission issues its final order  
1272 determining the adopted amendment is in compliance with this  
1273 subsection.

1274         8. If the compliance review board determines such amendment  
1275 is not in compliance with this paragraph, the compliance review  
1276 board shall notify such local government of the noncompliance

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1277 and that the amendment is invalid and unenforceable until the  
1278 local government corrects the amendment to bring it into  
1279 compliance. The local government may appeal the decision of the  
1280 compliance review board to the commission. If the compliance  
1281 review board determines such amendment to be in compliance with  
1282 this paragraph, any substantially affected party may appeal such  
1283 determination to the commission. Any such appeal shall be filed  
1284 with the commission within 14 days of the board's written  
1285 determination. The commission shall promptly refer the appeal to  
1286 the Division of Administrative Hearings for the assignment of an  
1287 administrative law judge. The administrative law judge shall  
1288 conduct the required hearing within 30 days, and shall enter a  
1289 recommended order within 30 days of the conclusion of such  
1290 hearing. The commission shall enter a final order within 30 days  
1291 thereafter. The provisions of chapter 120 and the uniform rules  
1292 of procedure shall apply to such proceedings. The local  
1293 government adopting the amendment that is subject to challenge  
1294 has the burden of proving that the amendment complies with this  
1295 paragraph in proceedings before the compliance review board and  
1296 the commission, as applicable. Actions of the commission are  
1297 subject to judicial review pursuant to s. 120.68. The compliance  
1298 review board shall determine whether its decisions apply to a  
1299 respective local jurisdiction or apply countywide.

1300 9. An amendment adopted under this paragraph shall include  
1301 a fiscal impact statement which documents the costs and benefits  
1302 of the proposed amendment. Criteria for the fiscal impact  
1303 statement shall include the impact to local government relative  
1304 to enforcement, the impact to property and building owners, as  
1305 well as to industry, relative to the cost of compliance. The

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1306 fiscal impact statement may not be used as a basis for  
1307 challenging the amendment for compliance.

1308 10. In addition to subparagraphs 7. and 9., the commission  
1309 may review any amendments adopted pursuant to this subsection  
1310 and make nonbinding recommendations related to compliance of  
1311 such amendments with this subsection.

1312 (5) Notwithstanding subsection (4), counties and  
1313 municipalities may adopt by ordinance an administrative or  
1314 technical amendment to the Florida Building Code relating to  
1315 flood resistance in order to implement the National Flood  
1316 Insurance Program or incentives. Specifically, an administrative  
1317 amendment may assign the duty to enforce all or portions of  
1318 flood-related code provisions to the appropriate agencies of the  
1319 local government and adopt procedures for variances and  
1320 exceptions from flood-related code provisions other than  
1321 provisions for structures seaward of the coastal construction  
1322 control line consistent with the requirements in 44 C.F.R. s.  
1323 60.6. A technical amendment is authorized to the extent that it  
1324 is more stringent than the code. A technical amendment is not  
1325 subject to the requirements of subsection (4) and may not be  
1326 rendered void when the code is updated if the amendment is  
1327 adopted for the purpose of participating in the Community Rating  
1328 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment  
1329 had already been adopted by local ordinance prior to July 1,  
1330 2010, or the amendment requires a design flood elevation above  
1331 the base flood elevation. Any amendment adopted pursuant to this  
1332 subsection shall be transmitted to the commission within 30 days  
1333 after adoption.

1334 (7)~~(6)~~(a) The commission, by rule adopted pursuant to ss.

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1335 120.536(1) and 120.54, shall update the Florida Building Code  
1336 every 3 years. When updating the Florida Building Code, the  
1337 commission shall select the most current version of the  
1338 International Building Code, the International Fuel Gas Code,  
1339 the International Mechanical Code, the International Plumbing  
1340 Code, and the International Residential Code, all of which are  
1341 adopted by the International Code Council, and the National  
1342 Electrical Code, which is adopted by the National Fire  
1343 Protection Association, to form the foundation codes of the  
1344 updated Florida Building Code, if the version has been adopted  
1345 by the applicable model code entity ~~and made available to the~~  
1346 ~~public at least 6 months prior to its selection by the~~  
1347 ~~commission~~. The commission shall select the most current version  
1348 of the International Energy Conservation Code (IECC) as a  
1349 foundation code; however, the IECC shall be modified by the  
1350 commission to maintain the efficiencies of the Florida Energy  
1351 Efficiency Code for Building Construction adopted and amended  
1352 pursuant to s. 553.901.

1353 (8)~~(7)~~ Notwithstanding the provisions of subsection (3) or  
1354 subsection (7) ~~(6)~~, the commission may address issues identified  
1355 in this subsection by amending the code pursuant only to the  
1356 rule adoption procedures contained in chapter 120. Provisions of  
1357 the Florida Building Code, including those contained in  
1358 referenced standards and criteria, relating to wind resistance  
1359 or the prevention of water intrusion may not be amended pursuant  
1360 to this subsection to diminish those construction requirements;  
1361 however, the commission may, subject to conditions in this  
1362 subsection, amend the provisions to enhance those construction  
1363 requirements. Following the approval of any amendments to the

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1364 Florida Building Code by the commission and publication of the  
1365 amendments on the commission's website, authorities having  
1366 jurisdiction to enforce the Florida Building Code may enforce  
1367 the amendments. The commission may approve amendments that are  
1368 needed to address:

1369 (a) Conflicts within the updated code;

1370 (b) Conflicts between the updated code and the Florida Fire  
1371 Prevention Code adopted pursuant to chapter 633;

1372 (c) The omission of previously adopted Florida-specific  
1373 amendments to the updated code if such omission is not supported  
1374 by a specific recommendation of a technical advisory committee  
1375 or particular action by the commission;

1376 (d) Unintended results from the integration of previously  
1377 adopted Florida-specific amendments with the model code;

1378 (e) Equivalency of standards;

1379 (f) ~~(e)~~ Changes to or inconsistencies with federal or state  
1380 law; or

1381 (g) ~~(f)~~ Adoption of an updated edition of the National  
1382 Electrical Code if the commission finds that delay of  
1383 implementing the updated edition causes undue hardship to  
1384 stakeholders or otherwise threatens the public health, safety,  
1385 and welfare.

1386 (10) ~~(9)~~ The following buildings, structures, and facilities  
1387 are exempt from the Florida Building Code as provided by law,  
1388 and any further exemptions shall be as determined by the  
1389 Legislature and provided by law:

1390 (a) Buildings and structures specifically regulated and  
1391 preempted by the Federal Government.

1392 (b) Railroads and ancillary facilities associated with the



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1393 railroad.

1394 (c) Nonresidential farm buildings on farms.

1395 (d) Temporary buildings or sheds used exclusively for  
1396 construction purposes.

1397 (e) Mobile or modular structures used as temporary offices,  
1398 except that the provisions of part II relating to accessibility  
1399 by persons with disabilities shall apply to such mobile or  
1400 modular structures.

1401 (f) Those structures or facilities of electric utilities,  
1402 as defined in s. 366.02, which are directly involved in the  
1403 generation, transmission, or distribution of electricity.

1404 (g) Temporary sets, assemblies, or structures used in  
1405 commercial motion picture or television production, or any  
1406 sound-recording equipment used in such production, on or off the  
1407 premises.

1408 (h) Storage sheds that are not designed for human  
1409 habitation and that have a floor area of 720 square feet or less  
1410 are not required to comply with the mandatory wind-borne-debris-  
1411 impact standards of the Florida Building Code.

1412 (i) Chickees constructed by the Miccosukee Tribe of Indians  
1413 of Florida or the Seminole Tribe of Florida. As used in this  
1414 paragraph, the term "chickee" means an open-sided wooden hut  
1415 that has a thatched roof of palm or palmetto or other  
1416 traditional materials, and that does not incorporate any  
1417 electrical, plumbing, or other nonwood features.

1418 (j) Family mausoleums not exceeding 250 square feet in area  
1419 which are prefabricated and assembled on site or preassembled  
1420 and delivered on site and have walls, roofs, and a floor  
1421 constructed of granite, marble, or reinforced concrete.

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1422  
1423 With the exception of paragraphs (a), (b), (c), and (f), in  
1424 order to preserve the health, safety, and welfare of the public,  
1425 the Florida Building Commission may, by rule adopted pursuant to  
1426 chapter 120, provide for exceptions to the broad categories of  
1427 buildings exempted in this section, including exceptions for  
1428 application of specific sections of the code or standards  
1429 adopted therein. The Department of Agriculture and Consumer  
1430 Services shall have exclusive authority to adopt by rule,  
1431 pursuant to chapter 120, exceptions to nonresidential farm  
1432 buildings exempted in paragraph (c) when reasonably necessary to  
1433 preserve public health, safety, and welfare. The exceptions must  
1434 be based upon specific criteria, such as under-roof floor area,  
1435 aggregate electrical service capacity, HVAC system capacity, or  
1436 other building requirements. Further, the commission may  
1437 recommend to the Legislature additional categories of buildings,  
1438 structures, or facilities which should be exempted from the  
1439 Florida Building Code, to be provided by law. The Florida  
1440 Building Code does not apply to temporary housing provided by  
1441 the Department of Corrections to any prisoner in the state  
1442 correctional system.

1443 (15) An agency or local government may not require that  
1444 existing mechanical equipment on the surface of a roof be  
1445 installed in compliance with the requirements of the Florida  
1446 Building Code until the equipment is required to be removed or  
1447 replaced.

1448 (16) The Florida Building Code must require that the  
1449 illumination in classroom units be designed to provide and  
1450 maintain an average of 40 foot-candles of light at each desktop.

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1451 Public educational facilities must consider using light-emitting  
1452 diode lighting before considering other lighting sources.

1453 Section 33. Subsection (5) is added to section 553.74,  
1454 Florida Statutes, to read:

1455 553.74 Florida Building Commission.—

1456 (5) Notwithstanding s. 112.313 or any other provision of  
1457 law, a member of any of the commission's technical advisory  
1458 committees, or a member of any other advisory committee or  
1459 workgroup of the commission, does not have an impermissible  
1460 conflict of interest when representing clients before the  
1461 commission or one of its committees or workgroups. However, the  
1462 member, in his or her capacity as a member of the committee or  
1463 workgroup, may not take part in any discussion regarding or take  
1464 action on any matter in which he or she has a direct financial  
1465 interest.

1466 Section 34. Subsection (2) of section 553.76, Florida  
1467 Statutes, is amended to read:

1468 553.76 General powers of the commission.—The commission is  
1469 authorized to:

1470 (2) Issue memoranda of procedure for its internal  
1471 management and control. The commission may adopt rules related  
1472 to its consensus-based decisionmaking process, including, but  
1473 not limited to, super majority voting requirements for  
1474 commission actions relating to the adoption of the Florida  
1475 Building Code or amendments to the code.

1476 Section 35. Subsections (2) and (4) of section 553.775,  
1477 Florida Statutes, are amended to read:

1478 553.775 Interpretations.—

1479 (2) Local enforcement agencies, local building officials,

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1480 state agencies, and the commission shall interpret provisions of  
1481 the Florida Building Code in a manner that is consistent with  
1482 declaratory statements and interpretations entered by the  
1483 commission, except that conflicts between the Florida Fire  
1484 Prevention Code and the Florida Building Code shall be resolved  
1485 in accordance with s. 553.73~~(11)-(10)~~(c) and (d).

1486 (4) In order to administer this section, the commission may  
1487 adopt by rule and impose a fee for filing requests for  
1488 declaratory statements and binding and nonbinding  
1489 interpretations to recoup the cost of the proceedings which may  
1490 not exceed \$125 for each request for a nonbinding interpretation  
1491 and \$250 for each request for a binding review or  
1492 interpretation. For proceedings conducted by or in coordination  
1493 with a third-party, the rule may provide that payment be made  
1494 directly to the third party, who shall remit to the department  
1495 that portion of the fee necessary to cover the costs of the  
1496 department.

1497 Section 36. Subsection (9) of section 553.79, Florida  
1498 Statutes, is amended to read:

1499 553.79 Permits; applications; issuance; inspections.-

1500 (9) Any state agency whose enabling legislation authorizes  
1501 it to enforce provisions of the Florida Building Code may enter  
1502 into an agreement with any other unit of government to delegate  
1503 its responsibility to enforce those provisions and may expend  
1504 public funds for permit and inspection fees, which fees may be  
1505 no greater than the fees charged others. Inspection services  
1506 that are not required to be performed by a state agency under a  
1507 federal delegation of responsibility or by a state agency under  
1508 the Florida Building Code must be performed under the

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1509 alternative plans review and inspection process created in s.  
1510 553.791 or by a local governmental entity having authority to  
1511 enforce the Florida Building Code.

1512 Section 37. For the purpose of incorporating the amendment  
1513 made by this act to section 553.79, Florida Statutes, in a  
1514 reference thereto, subsection (1) of section 553.80, Florida  
1515 Statutes, is reenacted, and paragraph (c) of subsection (1) and  
1516 subsection (3) of that section are amended, to read:

1517 553.80 Enforcement.—

1518 (1) Except as provided in paragraphs (a)-(g), each local  
1519 government and each legally constituted enforcement district  
1520 with statutory authority shall regulate building construction  
1521 and, where authorized in the state agency's enabling  
1522 legislation, each state agency shall enforce the Florida  
1523 Building Code required by this part on all public or private  
1524 buildings, structures, and facilities, unless such  
1525 responsibility has been delegated to another unit of government  
1526 pursuant to s. 553.79(9).

1527 (a) Construction regulations relating to correctional  
1528 facilities under the jurisdiction of the Department of  
1529 Corrections and the Department of Juvenile Justice are to be  
1530 enforced exclusively by those departments.

1531 (b) Construction regulations relating to elevator equipment  
1532 under the jurisdiction of the Bureau of Elevators of the  
1533 Department of Business and Professional Regulation shall be  
1534 enforced exclusively by that department.

1535 (c) In addition to the requirements of s. 553.79 and this  
1536 section, facilities subject to the provisions of chapter 395 and  
1537 parts ~~part~~ II and VIII of chapter 400 shall have facility plans

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1538 reviewed and construction surveyed by the state agency  
1539 authorized to do so under the requirements of chapter 395 and  
1540 parts ~~part~~ II and VIII of chapter 400 and the certification  
1541 requirements of the Federal Government. Facilities subject to  
1542 the provisions of part IV of chapter 400 may have facility plans  
1543 reviewed and shall have construction surveyed by the state  
1544 agency authorized to do so under the requirements of part IV of  
1545 chapter 400 and the certification requirements of the Federal  
1546 Government.

1547 (d) Building plans approved under s. 553.77(3) and state-  
1548 approved manufactured buildings, including buildings  
1549 manufactured and assembled offsite and not intended for  
1550 habitation, such as lawn storage buildings and storage sheds,  
1551 are exempt from local code enforcing agency plan reviews except  
1552 for provisions of the code relating to erection, assembly, or  
1553 construction at the site. Erection, assembly, and construction  
1554 at the site are subject to local permitting and inspections.  
1555 Lawn storage buildings and storage sheds bearing the insignia of  
1556 approval of the department are not subject to s. 553.842. Such  
1557 buildings that do not exceed 400 square feet may be delivered  
1558 and installed without need of a contractor's or specialty  
1559 license.

1560 (e) Construction regulations governing public schools,  
1561 state universities, and community colleges shall be enforced as  
1562 provided in subsection (6).

1563 (f) The Florida Building Code as it pertains to toll  
1564 collection facilities under the jurisdiction of the turnpike  
1565 enterprise of the Department of Transportation shall be enforced  
1566 exclusively by the turnpike enterprise.

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1567 (g) Construction regulations relating to secure mental  
1568 health treatment facilities under the jurisdiction of the  
1569 Department of Children and Family Services shall be enforced  
1570 exclusively by the department in conjunction with the Agency for  
1571 Health Care Administration's review authority under paragraph  
1572 (c).

1573  
1574 The governing bodies of local governments may provide a schedule  
1575 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
1576 section, for the enforcement of the provisions of this part.  
1577 Such fees shall be used solely for carrying out the local  
1578 government's responsibilities in enforcing the Florida Building  
1579 Code. The authority of state enforcing agencies to set fees for  
1580 enforcement shall be derived from authority existing on July 1,  
1581 1998. However, nothing contained in this subsection shall  
1582 operate to limit such agencies from adjusting their fee schedule  
1583 in conformance with existing authority.

1584 (3) (a) Each enforcement district shall be governed by a  
1585 board, the composition of which shall be determined by the  
1586 affected localities.

1587 (b)1. At its own option, each enforcement district or local  
1588 enforcement agency may adopt ~~promulgate~~ rules granting to the  
1589 owner of a single-family residence one or more exemptions from  
1590 the Florida Building Code relating to:

1591 a. ~~(a)~~ Addition, alteration, or repairs performed by the  
1592 property owner upon his or her own property, provided any  
1593 addition or alteration shall not exceed 1,000 square feet or the  
1594 square footage of the primary structure, whichever is less.

1595 b. ~~(b)~~ Addition, alteration, or repairs by a nonowner within

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1596 a specific cost limitation set by rule, provided the total cost  
1597 shall not exceed \$5,000 within any 12-month period.

1598 ~~c.(e)~~ Building and inspection fees.

1599 2. However, the exemptions under subparagraph 1. do not  
1600 apply to single-family residences that are located in mapped  
1601 flood hazard areas, as defined in the code, unless the  
1602 enforcement district or local enforcement agency has determined  
1603 that the work, which is otherwise exempt, does not constitute a  
1604 substantial improvement, including the repair of substantial  
1605 damage, of such single-family residences.

1606 3. Each code exemption, as defined in sub-subparagraphs  
1607 1.a., b., and c. paragraphs (a), (b), and (c), shall be  
1608 certified to the local board 10 days prior to implementation and  
1609 shall only be effective in the territorial jurisdiction of the  
1610 enforcement district or local enforcement agency implementing  
1611 it.

1612 Section 38. Subsections (4) through (9) of section 553.841,  
1613 Florida Statutes, are amended to read:

1614 553.841 Building code compliance and mitigation program.—

1615 (4) ~~The department,~~ In administering the Florida Building  
1616 Code Compliance and Mitigation Program, the department shall  
1617 maintain, update, develop, or cause to be developed:

1618 ~~(a) A core curriculum that is prerequisite to the advanced~~  
1619 ~~module coursework.~~

1620 ~~(b) advanced modules designed for use by each profession.~~

1621 ~~(c) The core curriculum developed under this subsection~~  
1622 ~~must be submitted to the Department of Business and Professional~~  
1623 ~~Regulation for approval. Advanced modules developed under this~~  
1624 ~~paragraph must be approved by the commission and submitted to~~



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1625 ~~the respective boards for approval.~~

1626 ~~(5) The core curriculum shall cover the information~~  
1627 ~~required to have all categories of participants appropriately~~  
1628 ~~informed as to their technical and administrative~~  
1629 ~~responsibilities in the effective execution of the code process~~  
1630 ~~by all individuals currently licensed under part XII of chapter~~  
1631 ~~468, chapter 471, chapter 481, or chapter 489, except as~~  
1632 ~~otherwise provided in s. 471.017. The core curriculum shall be~~  
1633 ~~prerequisite to the advanced module coursework for all licensees~~  
1634 ~~and shall be completed by individuals licensed in all categories~~  
1635 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~  
1636 ~~chapter 489 within the first 2-year period after initial~~  
1637 ~~licensure. Core course hours taken by licensees to complete this~~  
1638 ~~requirement shall count toward fulfillment of required~~  
1639 ~~continuing education units under part XII of chapter 468,~~  
1640 ~~chapter 471, chapter 481, or chapter 489.~~

1641 (5)~~(6)~~ Each biennium, upon receipt of funds by the  
1642 Department of Community Affairs from the Construction Industry  
1643 Licensing Board and the Electrical Contractors' Licensing Board  
1644 provided under ss. 489.109(3) and 489.509(3), the department  
1645 shall determine the amount of funds available for the Florida  
1646 Building Code Compliance and Mitigation Program.

1647 (6)~~(7)~~ If the projects provided through the Florida  
1648 Building Code Compliance and Mitigation Program in any state  
1649 fiscal year do not require the use of all available funds, the  
1650 unused funds shall be carried forward and allocated for use  
1651 during the following fiscal year.

1652 (7)~~(8)~~ The Florida Building Commission shall provide by  
1653 rule for the accreditation of courses related to the Florida

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1654 Building Code by accreditors approved by the commission. The  
1655 commission shall establish qualifications of accreditors and  
1656 criteria for the accreditation of courses by rule. The  
1657 commission may revoke the accreditation of a course by an  
1658 accreditor if the accreditation is demonstrated to violate this  
1659 part or the rules of the commission.

1660 ~~(8)(9)~~ This section does not prohibit or limit the subject  
1661 areas or development of continuing education or training on the  
1662 Florida Building Code by any qualified entity.

1663 Section 39. Subsections (1), (5), (8), and (17) of section  
1664 553.842, Florida Statutes, are amended to read:

1665 553.842 Product evaluation and approval.—

1666 (1) The commission shall adopt rules under ss. 120.536(1)  
1667 and 120.54 to develop and implement a product evaluation and  
1668 approval system that applies statewide to operate in  
1669 coordination with the Florida Building Code. The commission may  
1670 enter into contracts to provide for administration of the  
1671 product evaluation and approval system. The commission's rules  
1672 and any applicable contract may provide that the payment of fees  
1673 related to approvals be made directly to the administrator. Any  
1674 fee paid by a product manufacturer shall be used only for  
1675 funding the product evaluation and approval system. The product  
1676 evaluation and approval system shall provide:

1677 (a) Appropriate promotion of innovation and new  
1678 technologies.

1679 (b) Processing submittals of products from manufacturers in  
1680 a timely manner.

1681 (c) Independent, third-party qualified and accredited  
1682 testing and laboratory facilities, product evaluation entities,

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1683 quality assurance agencies, certification agencies, and  
1684 validation entities.

1685 (d) An easily accessible product acceptance list to  
1686 entities subject to the Florida Building Code.

1687 (e) Development of stringent but reasonable testing  
1688 criteria based upon existing consensus standards, when  
1689 available, for products.

1690 (f) Long-term approvals, where feasible. State and local  
1691 approvals will be valid until the requirements of the code on  
1692 which the approval is based change, the product changes in a  
1693 manner affecting its performance as required by the code, or the  
1694 approval is revoked. However, the commission may authorize by  
1695 rule editorial revisions to approvals and charge a fee as  
1696 provided in this section.

1697 (g) Criteria for revocation of a product approval.

1698 (h) Cost-effectiveness.

1699 (5) Statewide approval of products, methods, or systems of  
1700 construction may be achieved by one of the following methods.  
1701 One of these methods must be used by the commission to approve  
1702 the following categories of products: panel walls, exterior  
1703 doors, roofing, skylights, windows, shutters, and structural  
1704 components as established by the commission by rule.

1705 (a) Products for which the code establishes standardized  
1706 testing or comparative or rational analysis methods shall be  
1707 approved by submittal and validation of one of the following  
1708 reports or listings indicating that the product or method or  
1709 system of construction was evaluated to be in compliance with  
1710 the Florida Building Code and that the product or method or  
1711 system of construction is, for the purpose intended, at least

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1712 equivalent to that required by the Florida Building Code:

1713 1. A certification mark or listing of an approved  
1714 certification agency, which may be used only for products for  
1715 which the code designates standardized testing;

1716 2. A test report from an approved testing laboratory;

1717 3. A product evaluation report based upon testing or  
1718 comparative or rational analysis, or a combination thereof, from  
1719 an approved product evaluation entity; or

1720 4. A product evaluation report based upon testing or  
1721 comparative or rational analysis, or a combination thereof,  
1722 developed and signed and sealed by a professional engineer or  
1723 architect, licensed in this state.

1724  
1725 A product evaluation report or a certification mark or listing  
1726 of an approved certification agency which demonstrates that the  
1727 product or method or system of construction complies with the  
1728 Florida Building Code for the purpose intended shall be  
1729 equivalent to a test report and test procedure as referenced in  
1730 the Florida Building Code. An application for state approval of  
1731 a product under subparagraph 1. must be approved by the  
1732 department after the commission staff or a designee verifies  
1733 that the application and related documentation are complete.  
1734 This verification must be completed within 10 business days  
1735 after receipt of the application. Upon approval by the  
1736 department, the product shall be immediately added to the list  
1737 of state-approved products maintained under subsection (13).  
1738 Approvals by the department shall be reviewed and ratified by  
1739 the commission's program oversight committee except for a  
1740 showing of good cause that a review by the full commission is

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1741 necessary. The commission shall adopt rules providing a means to  
1742 cure deficiencies identified within submittals for products  
1743 approved under this paragraph.

1744 (b) Products, methods, or systems of construction for which  
1745 there are no specific standardized testing or comparative or  
1746 rational analysis methods established in the code may be  
1747 approved by submittal and validation of one of the following:

1748 1. A product evaluation report based upon testing or  
1749 comparative or rational analysis, or a combination thereof, from  
1750 an approved product evaluation entity indicating that the  
1751 product or method or system of construction was evaluated to be  
1752 in compliance with the intent of the Florida Building Code and  
1753 that the product or method or system of construction is, for the  
1754 purpose intended, at least equivalent to that required by the  
1755 Florida Building Code; or

1756 2. A product evaluation report based upon testing or  
1757 comparative or rational analysis, or a combination thereof,  
1758 developed and signed and sealed by a professional engineer or  
1759 architect, licensed in this state, who certifies that the  
1760 product or method or system of construction is, for the purpose  
1761 intended, at least equivalent to that required by the Florida  
1762 Building Code.

1763 (8) The commission may adopt rules to approve the following  
1764 types of entities that produce information on which product  
1765 approvals are based. All of the following entities, including  
1766 engineers and architects, must comply with a nationally  
1767 recognized standard demonstrating independence or no conflict of  
1768 interest:

1769 (a) Evaluation entities approved pursuant to this paragraph

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1770 ~~that meet the criteria for approval adopted by the commission by~~  
1771 ~~rule.~~ The commission shall specifically approve the National  
1772 Evaluation Service, the International Association of Plumbing  
1773 and Mechanical Officials Evaluation Service ~~the International~~  
1774 ~~Conference of Building Officials Evaluation Services,~~ the  
1775 International Code Council Evaluation Services, ~~the Building~~  
1776 ~~Officials and Code Administrators International Evaluation~~  
1777 ~~Services,~~ ~~the Southern Building Code Congress International~~  
1778 ~~Evaluation Services,~~ and the Miami-Dade County Building Code  
1779 Compliance Office Product Control. Architects and engineers  
1780 licensed in this state are also approved to conduct product  
1781 evaluations as provided in subsection (5).

1782 (b) Testing laboratories accredited by national  
1783 organizations, such as A2LA and the National Voluntary  
1784 Laboratory Accreditation Program, laboratories accredited by  
1785 evaluation entities approved under paragraph (a), and  
1786 laboratories that comply with other guidelines for testing  
1787 laboratories selected by the commission and adopted by rule.

1788 (c) Quality assurance entities approved by evaluation  
1789 entities approved under paragraph (a) and by certification  
1790 agencies approved under paragraph (d) and other quality  
1791 assurance entities that comply with guidelines selected by the  
1792 commission and adopted by rule.

1793 (d) Certification agencies accredited by nationally  
1794 recognized accreditors and other certification agencies that  
1795 comply with guidelines selected by the commission and adopted by  
1796 rule.

1797 (e) Validation entities that comply with accreditation  
1798 standards established by the commission by rule.

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1799       ~~(17)(a) The Florida Building Commission shall review the~~  
1800 ~~list of evaluation entities in subsection (8) and, in the annual~~  
1801 ~~report required under s. 553.77, shall either recommend~~  
1802 ~~amendments to the list to add evaluation entities the commission~~  
1803 ~~determines should be authorized to perform product evaluations~~  
1804 ~~or shall report on the criteria adopted by rule or to be adopted~~  
1805 ~~by rule allowing the commission to approve evaluation entities~~  
1806 ~~that use the commission's product evaluation process. If the~~  
1807 ~~commission adopts criteria by rule, the rulemaking process must~~  
1808 ~~be completed by July 1, 2009.~~

1809       ~~(b) Notwithstanding paragraph (8)(a), the International~~  
1810 ~~Association of Plumbing and Mechanical Officials Evaluation~~  
1811 ~~Services is approved as an evaluation entity until October 1,~~  
1812 ~~2009. If the association does not obtain permanent approval by~~  
1813 ~~the commission as an evaluation entity by October 1, 2009,~~  
1814 ~~products approved on the basis of an association evaluation must~~  
1815 ~~be substituted by an alternative, approved entity by December~~  
1816 ~~31, 2009, and on January 1, 2010, any product approval issued by~~  
1817 ~~the commission based on an association evaluation is void.~~

1818       Section 40. Subsection (4) is added to section 553.844,  
1819 Florida Statutes, to read:

1820       553.844 Windstorm loss mitigation; requirements for roofs  
1821 and opening protection.—

1822       (4) Notwithstanding the provisions of this section, exposed  
1823 mechanical equipment or appliances fastened to a roof or  
1824 installed on the ground in compliance with the code using rated  
1825 stands, platforms, curbs, slabs, or other means are deemed to  
1826 comply with the wind-resistance requirements of the 2007 Florida  
1827 Building Code, as amended. Further support or enclosure of such

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1828 mechanical equipment or appliances may not be required by a  
1829 state or local official having authority to enforce the Florida  
1830 Building Code. This subsection expires on the effective date of  
1831 the 2010 Florida Building Code.

1832 Section 41. Section 553.885, Florida Statutes, is amended  
1833 to read:

1834 553.885 Carbon monoxide alarm required.—

1835 (1) Every separate building or addition to an existing  
1836 building, other than a hospital, an inpatient hospice facility,  
1837 or a nursing home facility licensed by the Agency for Health  
1838 Care Administration, constructed ~~for which a building permit is~~  
1839 ~~issued for new construction~~ on or after July 1, 2008, and having  
1840 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an  
1841 attached garage, or other feature, fixture, or element that  
1842 emits carbon monoxide as a byproduct of combustion shall have an  
1843 approved operational carbon monoxide alarm installed within 10  
1844 feet of each room used for sleeping purposes in the new building  
1845 or addition, or at such other locations as required by the  
1846 Florida Building Code. The requirements of this subsection may  
1847 be satisfied with the installation of a hard-wired or battery-  
1848 powered carbon monoxide alarm or a hard-wired or battery-powered  
1849 combination carbon monoxide and smoke alarm. For a new hospital,  
1850 an inpatient hospice facility, ~~or~~ a nursing home facility  
1851 licensed by the Agency for Health Care Administration, or a new  
1852 state correctional institution, an approved operational carbon  
1853 monoxide detector shall be installed inside or directly outside  
1854 of each room or area within the hospital or facility where a  
1855 fossil-fuel-burning heater, engine, or appliance is located.  
1856 This detector shall be connected to the fire alarm system of the



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1857 hospital or facility as a supervisory signal. This subsection  
1858 does not apply to existing buildings that are undergoing  
1859 alterations or repairs unless the alteration is an addition as  
1860 defined in subsection (3).

1861 (2) The Florida Building Commission shall adopt rules to  
1862 administer this section and shall incorporate such requirements  
1863 into its next revision of the Florida Building Code.

1864 (3) As used in this section, the term:

1865 (a) "Carbon monoxide alarm" means a device that is meant  
1866 for the purpose of detecting carbon monoxide, that produces a  
1867 distinct audible alarm, and that meets the requirements of and  
1868 is approved by the Florida Building Commission.

1869 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases, or  
1870 other petroleum or hydrocarbon product that emits carbon  
1871 monoxide as a by-product of combustion.

1872 (c) "Addition" means an extension or increase in floor  
1873 area, number of stories, or height of a building or structure.

1874 Section 42. Subsection (2) of section 553.9061, Florida  
1875 Statutes, is amended to read:

1876 553.9061 Scheduled increases in thermal efficiency  
1877 standards.—

1878 (2) The Florida Building Commission shall identify within  
1879 code support and compliance documentation the specific building  
1880 options and elements available to meet the energy performance  
1881 goals established in subsection (1). Energy efficiency  
1882 performance options and elements include, but are not limited  
1883 to:

1884 (a) Energy-efficient water heating systems, including solar  
1885 water heating.

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- 1886 (b) Energy-efficient appliances.
- 1887 (c) Energy-efficient windows, doors, and skylights.
- 1888 (d) Low solar-absorption roofs, also known as "cool roofs."
- 1889 (e) Enhanced ceiling and wall insulation.
- 1890 (f) Reduced-leak duct systems and energy-saving devices and
- 1891 features installed within duct systems.
- 1892 (g) Programmable thermostats.
- 1893 (h) Energy-efficient lighting systems.
- 1894 (i) Energy-saving quality installation procedures for
- 1895 replacement air-conditioning systems, including, but not limited
- 1896 to, equipment sizing analysis and duct inspection.
- 1897 (j) Shading devices, sunscreening materials, and overhangs.
- 1898 (k) Weatherstripping, caulking, and sealing of exterior
- 1899 openings and penetrations.
- 1900 (l) Energy-efficient centralized computer data centers in
- 1901 office buildings.
- 1902 Section 43. Subsections (3) and (4) of section 553.909,
- 1903 Florida Statutes, are amended to read:
- 1904 553.909 Setting requirements for appliances; exceptions.—
- 1905 (3) Commercial or residential swimming pool pumps or water
- 1906 heaters manufactured on or ~~sold~~ after July 1, 2011, shall comply
- 1907 with the requirements of this subsection.
- 1908 (a) Natural gas pool heaters shall not be equipped with
- 1909 constantly burning pilots.
- 1910 (b) Heat pump pool heaters shall have a coefficient of
- 1911 performance at low temperature of not less than 4.0.
- 1912 (c) The thermal efficiency of gas-fired pool heaters and
- 1913 oil-fired pool heaters shall not be less than 78 percent.
- 1914 (d) All pool heaters shall have a readily accessible on-off

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1915 switch that is mounted outside the heater and that allows  
1916 shutting off the heater without adjusting the thermostat  
1917 setting.

1918 (4) (a) Residential swimming pool filtration pumps and pump  
1919 motors manufactured on or after July 1, 2011, must comply with  
1920 the requirements in this subsection.

1921 (b) Residential filtration pool pump motors shall not be  
1922 split-phase, shaded-pole, or capacitor start-induction run  
1923 types.

1924 (c) Residential filtration pool pumps and pool pump motors  
1925 with a total horsepower of 1 HP or more shall have the  
1926 capability of operating at two or more speeds with a low speed  
1927 having a rotation rate that is no more than one-half of the  
1928 motor's maximum rotation rate.

1929 (d) Residential filtration pool pump motor controls shall  
1930 have the capability of operating the pool pump at a minimum of  
1931 two speeds. The default circulation speed shall be the  
1932 residential filtration speed, with a higher speed override  
1933 capability being for a temporary period not to exceed one normal  
1934 cycle or 24 hours ~~120 minutes~~, whichever is less; except that  
1935 circulation speed for solar pool heating systems shall be  
1936 permitted to run at higher speeds during periods of usable solar  
1937 heat gain.

1938 Section 44. Section 553.912, Florida Statutes, is amended  
1939 to read:

1940 553.912 Air conditioners.—All air conditioners that ~~which~~  
1941 are sold or installed in the state shall meet the minimum  
1942 efficiency ratings of the Florida Energy Efficiency Code for  
1943 Building Construction. These efficiency ratings shall be

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1944 minimums and may be updated in the Florida Energy Efficiency  
1945 Code for Building Construction by the department in accordance  
1946 with s. 553.901, following its determination that more cost-  
1947 effective energy-saving equipment and techniques are available.  
1948 It is the intent of the Legislature that all replacement air-  
1949 conditioning systems should be installed using energy-saving,  
1950 quality installation procedures, including, but not limited to,  
1951 equipment sizing analysis and duct inspection.

1952 Section 45. Subsection (2) of section 627.711, Florida  
1953 Statutes, is amended to read:

1954 627.711 Notice of premium discounts for hurricane loss  
1955 mitigation; uniform mitigation verification inspection form.—

1956 (2) By July 1, 2007, the Financial Services Commission  
1957 shall develop by rule a uniform mitigation verification  
1958 inspection form that shall be used by all insurers when  
1959 submitted by policyholders for the purpose of factoring  
1960 discounts for wind insurance. In developing the form, the  
1961 commission shall seek input from insurance, construction, and  
1962 building code representatives. Further, the commission shall  
1963 provide guidance as to the length of time the inspection results  
1964 are valid. An insurer shall accept as valid a uniform mitigation  
1965 verification form certified by the Department of Financial  
1966 Services or signed by:

1967 (a) A hurricane mitigation inspector certified by the My  
1968 Safe Florida Home program;

1969 (b) A building code inspector certified under s. 468.607;

1970 (c) A general, building, or residential contractor licensed  
1971 under s. 489.111;

1972 (d) A professional engineer licensed under s. 471.015 ~~who~~

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1973 ~~has passed the appropriate equivalency test of the Building Code~~  
1974 ~~Training Program as required by s. 553.841;~~

1975 (e) A professional architect licensed under s. 481.213; ~~or~~

1976 (f) A home inspector licensed under s. 468.8314 who has  
1977 completed at least 2 hours of mitigation training; or

1978 (g) ~~(f)~~ Any other individual or entity recognized by the  
1979 insurer as possessing the necessary qualifications to properly  
1980 complete a uniform mitigation verification form.

1981 Section 46. Subsections (7) through (28) of section  
1982 633.021, Florida Statutes, are renumbered as subsections (8)  
1983 through (29), respectively, a new subsection (7) is added to  
1984 that section, and present subsection (20) of that section is  
1985 amended, to read:

1986 633.021 Definitions.—As used in this chapter:

1987 (7) (a) "Fire equipment dealer Class A" means a licensed  
1988 fire equipment dealer whose business is limited to servicing,  
1989 recharging, repairing, installing, or inspecting all types of  
1990 fire extinguishers and conducting hydrostatic tests on all types  
1991 of fire extinguishers.

1992 (b) "Fire equipment dealer Class B" means a licensed fire  
1993 equipment dealer whose business is limited to servicing,  
1994 recharging, repairing, installing, or inspecting all types of  
1995 fire extinguishers, including recharging carbon dioxide units  
1996 and conducting hydrostatic tests on all types of fire  
1997 extinguishers, except carbon dioxide units.

1998 (c) "Fire equipment dealer Class C" means a licensed fire  
1999 equipment dealer whose business is limited to servicing,  
2000 recharging, repairing, installing, or inspecting all types of  
2001 fire extinguishers, except recharging carbon dioxide units, and

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2002 conducting hydrostatic tests on all types of fire extinguishers,  
2003 except carbon dioxide units.

2004 (d) "Fire equipment dealer Class D" means a licensed fire  
2005 equipment dealer whose business is limited to servicing,  
2006 recharging, repairing, installing, hydrotesting, or inspecting  
2007 of all types of preengineered fire extinguishing systems.

2008 (21) (a) ~~(20)~~ A "preengineered system" is a fire suppression  
2009 system ~~that~~ ~~which~~:

2010 1. ~~(a)~~ Uses any of a variety of extinguishing agents.

2011 2. ~~(b)~~ Is designed to protect specific hazards.

2012 3. ~~(c)~~ Must be installed according to pretested limitations  
2013 and configurations specified by the manufacturer and applicable  
2014 National Fire Protection Association (NFPA) standards. Only  
2015 those chapters within the National Fire Protection Association  
2016 standards which pertain to servicing, recharging, repairing,  
2017 installing, hydrotesting, or inspecting any type of  
2018 preengineered fire extinguishing system may be used.

2019 4. ~~(d)~~ Must be installed using components specified by the  
2020 manufacturer or components that are listed as equal parts by a  
2021 nationally recognized testing laboratory such as Underwriters  
2022 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

2023 5. ~~(e)~~ Must be listed by a nationally recognized testing  
2024 laboratory.

2025 (b) Preengineered systems consist of and include all of the  
2026 components and parts providing fire suppression protection, but  
2027 do not include the equipment being protected, and may  
2028 incorporate special nozzles, flow rates, methods of application,  
2029 pressurization levels, and quantities of agents designed by the  
2030 manufacturer for specific hazards.

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2031 Section 47. Paragraph (b) of subsection (3) of section  
2032 633.0215, Florida Statutes, is amended, and subsections (13) and  
2033 (14) are added to that section, to read:

2034 633.0215 Florida Fire Prevention Code.—

2035 (3) No later than 180 days before the triennial adoption of  
2036 the Florida Fire Prevention Code, the State Fire Marshal shall  
2037 notify each municipal, county, and special district fire  
2038 department of the triennial code adoption and steps necessary  
2039 for local amendments to be included within the code. No later  
2040 than 120 days before the triennial adoption of the Florida Fire  
2041 Prevention Code, each local jurisdiction shall provide the State  
2042 Fire Marshal with copies of its local fire code amendments. The  
2043 State Fire Marshal has the option to process local fire code  
2044 amendments that are received less than 120 days before the  
2045 adoption date of the Florida Fire Prevention Code.

2046 (b) Any local amendment to the Florida Fire Prevention Code  
2047 adopted by a local government shall be effective only until the  
2048 adoption of the new edition of the Florida Fire Prevention Code,  
2049 which shall be every third year. At such time, the State Fire  
2050 Marshal shall adopt such amendment as part of the Florida Fire  
2051 Prevention Code or rescind the amendment. The State Fire Marshal  
2052 shall immediately notify the respective local government of the  
2053 rescission of the amendment and the reason for the rescission.  
2054 After receiving such notice, the respective local government may  
2055 readopt the rescinded amendment. Incorporation of local  
2056 amendments as regional and local concerns and variations shall  
2057 be considered as adoption of an amendment pursuant to this  
2058 section part.

2059 (13) (a) The State Fire Marshal shall issue an expedited

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2060 declaratory statement relating to interpretations of provisions  
2061 of the Florida Fire Prevention Code according to the following  
2062 guidelines:

2063 1. The declaratory statement shall be rendered in  
2064 accordance with s. 120.565, except that a final decision must be  
2065 issued by the State Fire Marshal within 45 days after the  
2066 division's receipt of a petition seeking an expedited  
2067 declaratory statement. The State Fire Marshal shall give notice  
2068 of the petition and the expedited declaratory statement or the  
2069 denial of the petition in the next available issue of the  
2070 Florida Administrative Weekly after the petition is filed and  
2071 after the statement or denial is rendered.

2072 2. The petitioner must be the owner of the disputed project  
2073 or the owner's representative.

2074 3. The petition for an expedited declaratory statement must  
2075 be:

2076 a. Related to an active project that is under construction  
2077 or must have been submitted for a permit.

2078 b. The subject of a written notice citing a specific  
2079 provision of the Florida Fire Prevention Code which is in  
2080 dispute.

2081 c. Limited to a single question that is capable of being  
2082 answered with a "yes" or "no" response.

2083 (b) A petition for a declaratory statement which does not  
2084 meet all of the requirements of this subsection must be denied  
2085 without prejudice. This subsection does not affect the right of  
2086 the petitioner as a substantially affected person to seek a  
2087 declaratory statement under s. 633.01(6).

2088 (14) A condominium that is one or two stories in height and



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2089 has an exterior corridor providing a means of egress is exempt  
2090 from installing a manual fire alarm system as required in s. 9.6  
2091 of the most recent edition of the Life Safety Code adopted in  
2092 the Florida Fire Prevention Code.

2093 Section 48. Subsections (2) and (10) of section 633.0245,  
2094 Florida Statutes, are amended to read:

2095 633.0245 State Fire Marshal Nursing Home Fire Protection  
2096 Loan Guarantee Program.—

2097 (2) The State Fire Marshal may enter into limited loan  
2098 guarantee agreements with one or more financial institutions  
2099 qualified as public depositories in this state. Such agreements  
2100 shall provide a limited guarantee by the State of Florida  
2101 covering no more than 50 percent of the principal sum loaned by  
2102 such financial institution to an eligible nursing home, as  
2103 defined in subsection (10), for the sole purpose of the initial  
2104 installation at such nursing home of a fire protection system,  
2105 as defined in s. 633.021~~(10)(9)~~, approved by the State Fire  
2106 Marshal as being in compliance with the provisions of s. 633.022  
2107 and rules adopted thereunder.

2108 (10) For purposes of this section, "eligible nursing home"  
2109 means a nursing home facility that provides nursing services as  
2110 defined in chapter 464, is licensed under part II of chapter  
2111 400, and is certified by the Agency for Health Care  
2112 Administration to lack an installed fire protection system as  
2113 defined in s. 633.021~~(10)(9)~~.

2114 Section 49. Subsection (11) is added to section 633.025,  
2115 Florida Statutes, to read:

2116 633.025 Minimum firesafety standards.—

2117 (11) Notwithstanding the provisions of subsection (9), a

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2118 property owner shall not be required to install fire sprinklers  
2119 in any residential property based on the use of such property as  
2120 a rental property or any change in or reclassification of the  
2121 property's primary use to a rental property.

2122 Section 50. Section 633.026, Florida Statutes, is amended  
2123 to read:

2124 633.026 Legislative intent; informal interpretations of the  
2125 Florida Fire Prevention Code.—It is the intent of the  
2126 Legislature that the Florida Fire Prevention Code be interpreted  
2127 by fire officials and local enforcement agencies in a manner  
2128 that reasonably and cost-effectively protects the public safety,  
2129 health, and welfare, ensures uniform interpretations throughout  
2130 this state, and provides just and expeditious processes for  
2131 resolving disputes regarding such interpretations. It is the  
2132 further intent of the Legislature that such processes provide  
2133 for the expeditious resolution of the issues presented and that  
2134 the resulting interpretation of such issues be published on the  
2135 website of the Division of State Fire Marshal.

2136 (1) The Division of State Fire Marshal shall by rule  
2137 establish an informal process of rendering nonbinding  
2138 interpretations of the Florida Fire Prevention Code. The  
2139 Division of State Fire Marshal may contract with and refer  
2140 interpretive issues to a third party, selected based upon cost-  
2141 effectiveness, quality of services to be performed, and other  
2142 performance-based criteria, which ~~nonprofit organization that~~  
2143 has experience in interpreting and enforcing the Florida Fire  
2144 Prevention Code. ~~The Division of State Fire Marshal shall~~  
2145 ~~immediately implement the process prior to the completion of~~  
2146 ~~formal rulemaking.~~ It is the intent of the Legislature that the

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2147 Division of State Fire Marshal establish ~~create~~ a Fire Code  
2148 Interpretation Committee composed of seven persons and seven  
2149 alternates, equally representing each area of the state ~~process~~  
2150 ~~to refer questions to a small group of individuals certified~~  
2151 ~~under s. 633.081(2), to which a party can pose questions~~  
2152 regarding the interpretation of the Florida Fire Prevention Code  
2153 provisions.

2154 (2) Each member and alternate member of the Fire Code  
2155 Interpretation Committee must be certified as a firesafety  
2156 inspector pursuant to s. 633.081(2) and must have a minimum of 5  
2157 years of experience interpreting and enforcing the Florida Fire  
2158 Prevention Code and the Life Safety Code. Each member and  
2159 alternate member must be approved by the Division of State Fire  
2160 Marshal and deemed by the division to have met these  
2161 requirements for at least 30 days before participating in a  
2162 review of a nonbinding interpretation. It is the intent of the  
2163 ~~Legislature that the process provide for the expeditious~~  
2164 ~~resolution of the issues presented and publication of the~~  
2165 ~~resulting interpretation on the website of the Division of State~~  
2166 ~~Fire Marshal. It is the intent of the Legislature that this~~  
2167 ~~program be similar to the program established by the Florida~~  
2168 ~~Building Commission in s. 553.775(3)(g).~~

2169 (3) Each nonbinding interpretation of code provisions must  
2170 be provided within 10 business days after receipt of a request  
2171 for interpretation. The response period established in this  
2172 subsection may be waived only with the written consent of the  
2173 party requesting the nonbinding interpretation and the Division  
2174 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be  
2175 advisory only and nonbinding on the parties or the State Fire

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2176 Marshal.

2177 (4) In order to administer this section, the Division of  
2178 State Fire Marshal shall charge ~~department may adopt by rule and~~  
2179 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~  
2180 ~~directly to the third party.~~ The fee may not exceed \$150 for  
2181 each request for a review or interpretation. The division may  
2182 authorize payment of fees directly to the nonprofit organization  
2183 under contract pursuant to subsection (1).

2184 (5) A party requesting a nonbinding interpretation who  
2185 disagrees with the interpretation issued under this section may  
2186 apply for a formal interpretation from the State Fire Marshal  
2187 pursuant to s. 633.01(6).

2188 (6) The Division of State Fire Marshal shall issue or cause  
2189 to be issued a nonbinding interpretation of the Florida Fire  
2190 Prevention Code pursuant to this section when requested to do so  
2191 upon submission of a petition by a fire official or by the owner  
2192 or owner's representative or the contractor or contractor's  
2193 representative of a project in dispute. The division shall adopt  
2194 a petition form by rule and the petition form must be published  
2195 on the State Fire Marshal's website. The form shall, at a  
2196 minimum, require:

2197 (a) The name and address of the local fire official,  
2198 including the address of the county, municipality, or special  
2199 district.

2200 (b) The name and address of the owner or owner's  
2201 representative or the contractor or contractor's representative.

2202 (c) A statement of the specific sections of the Florida  
2203 Fire Prevention Code being interpreted by the local fire  
2204 official.

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2205 (d) An explanation of how the petitioner's substantial  
2206 interests are being affected by the local interpretation of the  
2207 Florida Fire Prevention Code.

2208 (e) A statement of the interpretation of the specific  
2209 sections of the Florida Fire Prevention Code by the local fire  
2210 official.

2211 (f) A statement of the interpretation that the petitioner  
2212 contends should be given to the specific sections of the Florida  
2213 Fire Prevention Code and a statement supporting the petitioner's  
2214 interpretation.

2215 (7) Upon receipt of a petition that meets the requirements  
2216 of subsection (6), the Division of State Fire Marshal shall  
2217 immediately provide copies of the petition to the Fire Code  
2218 Interpretation Committee, and shall publish the petition and any  
2219 response submitted by the local fire official on the State Fire  
2220 Marshal's website.

2221 (8) The committee shall conduct proceedings as necessary to  
2222 resolve the issues and give due regard to the petition, the  
2223 facts of the matter at issue, specific code sections cited, and  
2224 any statutory implications affecting the Florida Fire Prevention  
2225 Code. The committee shall issue an interpretation regarding the  
2226 provisions of the Florida Fire Prevention Code within 10 days  
2227 after the filing of a petition. The committee shall issue an  
2228 interpretation based upon the Florida Fire Prevention Code or,  
2229 if the code is ambiguous, the intent of the code. The  
2230 committee's interpretation shall be provided to the petitioner  
2231 and shall include a notice that if the petitioner disagrees with  
2232 the interpretation, the petitioner may file a request for formal  
2233 interpretation by the State Fire Marshal under s. 633.01(6). The

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2234 committee's interpretation shall be provided to the State Fire  
2235 Marshal, and the division shall publish the interpretation on  
2236 the State Fire Marshal's website and in the Florida  
2237 Administrative Weekly.

2238 Section 51. Present subsections (2) through (10) of section  
2239 633.061, Florida Statutes, are renumbered as subsections (3)  
2240 through (11), respectively, a new subsection (2) is added to  
2241 that section, and paragraphs (a) and (c) of present subsection  
2242 (3) of that section are amended, to read:

2243 633.061 Fire suppression equipment; license to install or  
2244 maintain.—

2245 (2) A person who holds a valid fire equipment dealer  
2246 license may maintain such license in an inactive status during  
2247 which time he or she may not engage in any work under the  
2248 definition of the license held. An inactive status license shall  
2249 be void after 2 years or at the time that the license is  
2250 renewed, whichever comes first. The biennial renewal fee for an  
2251 inactive status license shall be \$75. An inactive status license  
2252 may not be reactivated unless the continuing education  
2253 requirements of this chapter have been fulfilled.

2254 (4)~~(3)~~ (a) Such licenses and permits shall be issued by the  
2255 State Fire Marshal for 2 years beginning January 1, 2000, and  
2256 each 2-year period thereafter and expiring December 31 of the  
2257 second year. All licenses or permits issued will expire on  
2258 December 31 of each odd-numbered year. The failure to renew a  
2259 license or permit by December 31 of the second year will cause  
2260 the license or permit to become inoperative. The holder of an  
2261 inoperative license or permit shall not engage in any activities  
2262 for which a license or permit is required by this section. A

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2263 license or permit which is inoperative because of the failure to  
2264 renew it shall be restored upon payment of the applicable fee  
2265 plus a penalty equal to the applicable fee, if the application  
2266 for renewal is filed no later than the following March 31. If  
2267 the application for restoration is not made before the March  
2268 31st deadline, the fee for restoration shall be equal to the  
2269 original application fee and the penalty provided for herein,  
2270 and, in addition, the State Fire Marshal shall require  
2271 reexamination of the applicant. The fee for a license or permit  
2272 issued for 1 year or less shall be prorated at 50 percent of the  
2273 applicable fee for a biennial license or permit. After initial  
2274 licensure, each licensee or permittee must ~~shall~~ successfully  
2275 complete a course or courses of continuing education for fire  
2276 equipment technicians of at least 16 ~~32~~ hours. A license or  
2277 permit may not be renewed unless the licensee or permittee  
2278 produces documentation of the completion of at least 16 hours of  
2279 continuing education for fire equipment technicians during the  
2280 biennial licensure period within 4 years of initial issuance of  
2281 ~~a license or permit and within each 4-year period thereafter or~~  
2282 ~~no such license or permit shall be renewed.~~ A person who is both  
2283 a licensee and a permittee shall be required to complete 16 ~~32~~  
2284 hours of continuing education during each renewal ~~per 4-year~~  
2285 period. Each licensee shall ensure that all permittees in his or  
2286 her employment meet their continuing education requirements. The  
2287 State Fire Marshal shall adopt rules describing the continuing  
2288 education requirements and shall have the authority upon  
2289 reasonable belief, to audit a fire equipment dealer to determine  
2290 compliance with continuing education requirements.

2291 (c) A license of any class shall not be issued or renewed

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2292 by the State Fire Marshal and a license of any class shall not  
2293 remain operative unless:

2294 1. The applicant has submitted to the State Fire Marshal  
2295 evidence of registration as a Florida corporation or evidence of  
2296 compliance with s. 865.09.

2297 2. The State Fire Marshal or his or her designee has by  
2298 inspection determined that the applicant possesses the equipment  
2299 required for the class of license sought. The State Fire Marshal  
2300 shall give an applicant a reasonable opportunity to correct any  
2301 deficiencies discovered by inspection. A fee of \$50, payable to  
2302 the State Fire Marshal, shall be required for any subsequent  
2303 reinspection.

2304 3. The applicant has submitted to the State Fire Marshal  
2305 proof of insurance providing coverage for comprehensive general  
2306 liability for bodily injury and property damage, products  
2307 liability, completed operations, and contractual liability. The  
2308 State Fire Marshal shall adopt rules providing for the amounts  
2309 of such coverage, but such amounts shall not be less than  
2310 \$300,000 for Class A or Class D licenses, \$200,000 for Class B  
2311 licenses, and \$100,000 for Class C licenses; and the total  
2312 coverage for any class of license held in conjunction with a  
2313 Class D license shall not be less than \$300,000. The State Fire  
2314 Marshal may, at any time after the issuance of a license or its  
2315 renewal, require upon demand, and in no event more than 30 days  
2316 after notice of such demand, the licensee to provide proof of  
2317 insurance, on a form provided by the State Fire Marshal,  
2318 containing confirmation of insurance coverage as required by  
2319 this chapter. Failure, for any length of time, to provide proof  
2320 of insurance coverage as required shall result in the immediate



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2321 suspension of the license until proof of proper insurance is  
2322 provided to the State Fire Marshal. An insurer which provides  
2323 such coverage shall notify the State Fire Marshal of any change  
2324 in coverage or of any termination, cancellation, or nonrenewal  
2325 of any coverage.

2326 4. The applicant applies to the State Fire Marshal,  
2327 provides proof of experience, and successfully completes a  
2328 prescribed training course offered by the State Fire College or  
2329 an equivalent course approved by the State Fire Marshal. This  
2330 subparagraph does not apply to any holder of or applicant for a  
2331 permit under paragraph (f) or to a business organization or a  
2332 governmental entity seeking initial licensure or renewal of an  
2333 existing license solely for the purpose of inspecting,  
2334 servicing, repairing, marking, recharging, and maintaining fire  
2335 extinguishers used and located on the premises of and owned by  
2336 such organization or entity.

2337 5. The applicant has a current retestor identification  
2338 number that is appropriate for the license for which the  
2339 applicant is applying and that is listed with the United States  
2340 Department of Transportation.

2341 6. The applicant has passed, with a grade of at least 70  
2342 percent, a written examination testing his or her knowledge of  
2343 the rules and statutes regulating the activities authorized by  
2344 the license and demonstrating his or her knowledge and ability  
2345 to perform those tasks in a competent, lawful, and safe manner.  
2346 Such examination shall be developed and administered by the  
2347 State Fire Marshal, or his or her designee in accordance with  
2348 policies and procedures of the State Fire Marshal. An applicant  
2349 shall pay a nonrefundable examination fee of \$50 for each

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2350 examination or reexamination scheduled. No reexamination shall  
2351 be scheduled sooner than 30 days after any administration of an  
2352 examination to an applicant. No applicant shall be permitted to  
2353 take an examination for any level of license more than a total  
2354 of four times during 1 year, regardless of the number of  
2355 applications submitted. As a prerequisite to licensure of the  
2356 applicant:

2357       a. Must be at least 18 years of age.

2358       b. Must have 4 years of proven experience as a fire  
2359 equipment permittee at a level equal to or greater than the  
2360 level of license applied for or have a combination of education  
2361 and experience determined to be equivalent thereto by the State  
2362 Fire Marshal. Having held a permit at the appropriate level for  
2363 the required period constitutes the required experience.

2364       c. Must not have been convicted of, or pled nolo contendere  
2365 to, any felony. If an applicant has been convicted of any such  
2366 felony, the applicant must comply with s. 112.011(1)(b).

2367

2368 This subparagraph does not apply to any holder of or applicant  
2369 for a permit under paragraph (f) or to a business organization  
2370 or a governmental entity seeking initial licensure or renewal of  
2371 an existing license solely for the purpose of inspecting,  
2372 servicing, repairing, marking, recharging, hydrotesting, and  
2373 maintaining fire extinguishers used and located on the premises  
2374 of and owned by such organization or entity.

2375       Section 52. Section 633.081, Florida Statutes, is amended  
2376 to read:

2377       633.081 Inspection of buildings and equipment; orders;  
2378 firesafety inspection training requirements; certification;

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2379 disciplinary action.—The State Fire Marshal and her or his  
2380 agents shall, at any reasonable hour, when the State Fire  
2381 Marshal department has reasonable cause to believe that a  
2382 violation of this chapter or s. 509.215, or a rule promulgated  
2383 thereunder, or a minimum firesafety code adopted by a local  
2384 authority, may exist, inspect any and all buildings and  
2385 structures which are subject to the requirements of this chapter  
2386 or s. 509.215 and rules promulgated thereunder. The authority to  
2387 inspect shall extend to all equipment, vehicles, and chemicals  
2388 which are located within the premises of any such building or  
2389 structure.

2390 (1) Each county, municipality, and special district that  
2391 has firesafety enforcement responsibilities shall employ or  
2392 contract with a firesafety inspector. Except as provided in s.  
2393 633.082(2), the firesafety inspector must conduct all firesafety  
2394 inspections that are required by law. The governing body of a  
2395 county, municipality, or special district that has firesafety  
2396 enforcement responsibilities may provide a schedule of fees to  
2397 pay only the costs of inspections conducted pursuant to this  
2398 subsection and related administrative expenses. Two or more  
2399 counties, municipalities, or special districts that have  
2400 firesafety enforcement responsibilities may jointly employ or  
2401 contract with a firesafety inspector.

2402 (2) Except as provided in s. 633.082(2), every firesafety  
2403 inspection conducted pursuant to state or local firesafety  
2404 requirements shall be by a person certified as having met the  
2405 inspection training requirements set by the State Fire Marshal.  
2406 Such person shall:

2407 (a) Be a high school graduate or the equivalent as

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2408 determined by the department;

2409 (b) Not have been found guilty of, or having pleaded guilty  
2410 or nolo contendere to, a felony or a crime punishable by  
2411 imprisonment of 1 year or more under the law of the United  
2412 States, or of any state thereof, which involves moral turpitude,  
2413 without regard to whether a judgment of conviction has been  
2414 entered by the court having jurisdiction of such cases;

2415 (c) Have her or his fingerprints on file with the  
2416 department or with an agency designated by the department;

2417 (d) Have good moral character as determined by the  
2418 department;

2419 (e) Be at least 18 years of age;

2420 (f) Have satisfactorily completed the firesafety inspector  
2421 certification examination as prescribed by the department; and

2422 (g)1. Have satisfactorily completed, as determined by the  
2423 department, a firesafety inspector training program of not less  
2424 than 200 hours established by the department and administered by  
2425 agencies and institutions approved by the department for the  
2426 purpose of providing basic certification training for firesafety  
2427 inspectors; or

2428 2. Have received in another state training which is  
2429 determined by the department to be at least equivalent to that  
2430 required by the department for approved firesafety inspector  
2431 education and training programs in this state.

2432 (3) Each special state firesafety inspection which is  
2433 required by law and is conducted by or on behalf of an agency of  
2434 the state must be performed by an individual who has met the  
2435 provision of subsection (2), except that the duration of the  
2436 training program shall not exceed 120 hours of specific training

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2437 for the type of property that such special state firesafety  
2438 inspectors are assigned to inspect.

2439 (4) A firefighter certified pursuant to s. 633.35 may  
2440 conduct firesafety inspections, under the supervision of a  
2441 certified firesafety inspector, while on duty as a member of a  
2442 fire department company conducting inservice firesafety  
2443 inspections without being certified as a firesafety inspector,  
2444 if such firefighter has satisfactorily completed an inservice  
2445 fire department company inspector training program of at least  
2446 24 hours' duration as provided by rule of the department.

2447 (5) Every firesafety inspector or special state firesafety  
2448 inspector certificate is valid for a period of 3 years from the  
2449 date of issuance. Renewal of certification shall be subject to  
2450 the affected person's completing proper application for renewal  
2451 and meeting all of the requirements for renewal as established  
2452 under this chapter or by rule promulgated thereunder, which  
2453 shall include completion of at least 40 hours during the  
2454 preceding 3-year period of continuing education as required by  
2455 the rule of the department or, in lieu thereof, successful  
2456 passage of an examination as established by the department.

2457 (6) The State Fire Marshal may deny, refuse to renew,  
2458 suspend, or revoke the certificate of a firesafety inspector or  
2459 special state firesafety inspector if it finds that any of the  
2460 following grounds exist:

2461 (a) Any cause for which issuance of a certificate could  
2462 have been refused had it then existed and been known to the  
2463 State Fire Marshal.

2464 (b) Violation of this chapter or any rule or order of the  
2465 State Fire Marshal.

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- 2466 (c) Falsification of records relating to the certificate.
- 2467 (d) Having been found guilty of or having pleaded guilty or  
2468 nolo contendere to a felony, whether or not a judgment of  
2469 conviction has been entered.
- 2470 (e) Failure to meet any of the renewal requirements.
- 2471 (f) Having been convicted of a crime in any jurisdiction  
2472 which directly relates to the practice of fire code inspection,  
2473 plan review, or administration.
- 2474 (g) Making or filing a report or record that the  
2475 certificateholder knows to be false, or knowingly inducing  
2476 another to file a false report or record, or knowingly failing  
2477 to file a report or record required by state or local law, or  
2478 knowingly impeding or obstructing such filing, or knowingly  
2479 inducing another person to impede or obstruct such filing.
- 2480 (h) Failing to properly enforce applicable fire codes or  
2481 permit requirements within this state which the  
2482 certificateholder knows are applicable by committing willful  
2483 misconduct, gross negligence, gross misconduct, repeated  
2484 negligence, or negligence resulting in a significant danger to  
2485 life or property.
- 2486 (i) Accepting labor, services, or materials at no charge or  
2487 at a noncompetitive rate from any person who performs work that  
2488 is under the enforcement authority of the certificateholder and  
2489 who is not an immediate family member of the certificateholder.  
2490 For the purpose of this paragraph, the term "immediate family  
2491 member" means a spouse, child, parent, sibling, grandparent,  
2492 aunt, uncle, or first cousin of the person or the person's  
2493 spouse or any person who resides in the primary residence of the  
2494 certificateholder.

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2495       (7) The Division of State Fire Marshal and the Florida  
2496 Building Code Administrators and Inspectors Board, established  
2497 pursuant to under s. 468.605, shall enter into a reciprocity  
2498 agreement to facilitate joint recognition of continuing  
2499 education recertification hours for certificateholders licensed  
2500 under s. 468.609 and firesafety inspectors certified under  
2501 subsection (2).

2502       (8) The State Fire Marshal shall develop by rule an  
2503 advanced training and certification program for firesafety  
2504 inspectors having fire code management responsibilities. The  
2505 program must be consistent with the appropriate provisions of  
2506 NFPA 1037, or similar standards adopted by the division, and  
2507 establish minimum training, education, and experience levels for  
2508 firesafety inspectors having fire code management  
2509 responsibilities.

2510       (9)~~(7)~~ The department shall provide by rule for the  
2511 certification of firesafety inspectors.

2512       Section 53. Subsections (2) and (3) of section 633.082,  
2513 Florida Statutes, are amended to read:

2514       633.082 Inspection of fire control systems, fire hydrants,  
2515 and fire protection systems.—

2516       (2) Fire hydrants and fire protection systems installed in  
2517 public and private properties, except one-family or two-family  
2518 dwellings, ~~in this state~~ shall be inspected following procedures  
2519 established in the nationally recognized inspection, testing,  
2520 and maintenance standards publications NFPA-24 and NFPA-25 as  
2521 set forth in the edition adopted by the State Fire Marshal.  
2522 Quarterly, annual, 3-year, and 5-year inspections consistent  
2523 with the contractual provisions with the owner shall be

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2524 conducted by the certificateholder or permittees employed by the  
2525 certificateholder pursuant to s. 633.521, except that:

2526 (a) Public fire hydrants owned by a governmental entity  
2527 shall be inspected following procedures established in the  
2528 inspection, testing, and maintenance standards adopted by the  
2529 State Fire Marshal or equivalent standards such as those  
2530 contained in the latest edition of the American Water Works  
2531 Association's Manual M17, "Installation, Field Testing, and  
2532 Maintenance of Fire Hydrants."

2533 (b) County, municipal, and special district utilities may  
2534 perform fire hydrant inspections required by this section using  
2535 designated employees. Such designated employees need not be  
2536 certified under this chapter. However, counties, municipalities,  
2537 or special districts that use designated employees are  
2538 responsible for ensuring that the designated employees are  
2539 qualified to perform such inspections.

2540 (3) The inspecting contractor shall provide to the building  
2541 owner or hydrant owner and the local authority having  
2542 jurisdiction a copy of the applicable inspection report  
2543 established under this chapter. The maintenance of fire hydrant  
2544 and fire protection systems as well as corrective actions on  
2545 deficient systems is the responsibility of the owner of the  
2546 system or hydrant. Equipment requiring periodic testing or  
2547 operation to ensure its maintenance shall be tested or operated  
2548 as specified in the Fire Prevention Code, Life Safety Code,  
2549 National Fire Protection Association standards, or as directed  
2550 by the agency having jurisdiction, provided that such agency  
2551 shall not require a sprinkler system not required by the Fire  
2552 Prevention Code, Life Safety Code or National Fire Protection



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2553 Association Standards to be removed regardless of its condition.

2554 This section does not prohibit governmental entities from  
2555 inspecting and enforcing firesafety codes.

2556 Section 54. Section 633.352, Florida Statutes, is amended  
2557 to read:

2558 633.352 Retention of firefighter certification.—Any  
2559 certified firefighter who has not been active as a firefighter,  
2560 or as a volunteer firefighter with an organized fire department,  
2561 for a period of 3 years shall be required to retake the  
2562 practical portion of the minimum standards state examination  
2563 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida  
2564 Administrative Code, in order to maintain her or his  
2565 certification as a firefighter; however, this requirement does  
2566 not apply to state-certified firefighters who are certified and  
2567 employed as full-time firesafety inspectors or firesafety  
2568 instructors, regardless of the firefighter's employment status  
2569 ~~as determined by the division~~. The 3-year period begins on the  
2570 date the certificate of compliance is issued or upon termination  
2571 of service with an organized fire department.

2572 Section 55. Paragraph (e) of subsection (2) and subsections  
2573 (3), (10), and (11) of section 633.521, Florida Statutes, are  
2574 amended to read:

2575 633.521 Certificate application and issuance; permit  
2576 issuance; examination and investigation of applicant.—

2577 (2)

2578 (e) An applicant may not be examined more than four times  
2579 during 1 year for certification as a contractor pursuant to this  
2580 section unless the person is or has been certified and is taking  
2581 the examination to change classifications. If an applicant does

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2582 not pass one or more parts of the examination, she or he may  
2583 take any part of the examination three more times during the 1-  
2584 year period beginning upon the date she or he originally filed  
2585 an application to take the examination. If the applicant does  
2586 not pass the examination within that 1-year period, she or he  
2587 must file a new application and pay the application and  
2588 examination fees in order to take the examination or a part of  
2589 the examination again. However, the applicant may not file a new  
2590 application sooner than 6 months after the date of her or his  
2591 last examination. An applicant who passes the examination but  
2592 does not meet the remaining qualifications as provided in  
2593 applicable statutes and rules within 1 year after the  
2594 application date must file a new application, pay the  
2595 application and examination fee, successfully complete a  
2596 prescribed training course approved by the State Fire College or  
2597 an equivalent course approved by the State Fire Marshal, and  
2598 retake and pass the written examination.

2599 (3) (a) As a prerequisite to taking the examination for  
2600 certification as a Contractor I, ~~Contractor II, or Contractor~~  
2601 ~~III~~, the applicant must be at least 18 years of age, be of good  
2602 moral character, and ~~shall~~ possess 4 years' proven experience in  
2603 the employment of a fire protection system Contractor I, ~~7~~  
2604 ~~Contractor II, or Contractor III~~ or a combination of equivalent  
2605 education and experience in both water-based and chemical fire  
2606 suppression systems.

2607 (b) As a prerequisite to taking the examination for  
2608 certification as a Contractor II, the applicant must be at least  
2609 18 years of age, be of good moral character, and have 4 years of  
2610 verifiable employment experience with a fire protection system

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2611 as a Contractor I or Contractor II, or a combination of  
2612 equivalent education and experience in water-based fire  
2613 suppression systems.

2614 (c) Required education and experience for certification as  
2615 a Contractor I, Contractor II, Contractor III, or Contractor IV  
2616 includes training and experience in both installation and system  
2617 layout as defined in s. 633.021.

2618 (d) As a prerequisite to taking the examination for  
2619 certification as a Contractor III, the applicant must be at  
2620 least 18 years of age, be of good moral character, and have 4  
2621 years of verifiable employment experience with a fire protection  
2622 system as a Contractor I or Contractor II, or a combination of  
2623 equivalent education and experience in chemical fire suppression  
2624 systems.

2625 (e) As a prerequisite to taking the examination for  
2626 certification as a Contractor IV, the applicant ~~must shall~~ be at  
2627 least 18 years old, be of good moral character, be licensed as a  
2628 certified plumbing contractor under chapter 489, and  
2629 successfully complete a training program acceptable to the State  
2630 Fire Marshal of not less than 40 contact hours regarding the  
2631 applicable installation standard used by the Contractor IV as  
2632 described in NFPA 13D. The State Fire Marshal may adopt rules to  
2633 administer this subsection ~~have at least 2 years' proven~~  
2634 ~~experience in the employment of a fire protection system~~  
2635 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~  
2636 ~~combination of equivalent education and experience which~~  
2637 ~~combination need not include experience in the employment of a~~  
2638 ~~fire protection system contractor.~~

2639 (f) As a prerequisite to taking the examination for

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2640 certification as a Contractor V, the applicant must ~~shall~~ be at  
2641 least 18 years old, be of good moral character, and have been  
2642 licensed as a certified underground utility and excavation  
2643 contractor or certified plumbing contractor pursuant to chapter  
2644 489, have verification by an individual who is licensed as a  
2645 certified utility contractor or certified plumbing contractor  
2646 pursuant to chapter 489 that the applicant has 4 years' proven  
2647 experience in the employ of a certified underground utility and  
2648 excavation contractor or certified plumbing contractor, or have  
2649 a combination of education and experience equivalent to 4 years'  
2650 proven experience in the employ of a certified underground  
2651 utility and excavation contractor or certified plumbing  
2652 contractor.

2653 (g) Within 30 days after the date of the examination, the  
2654 State Fire Marshal shall inform the applicant in writing whether  
2655 she or he has qualified or not and, if the applicant has  
2656 qualified, that she or he is ready to issue a certificate of  
2657 competency, subject to compliance with the requirements of  
2658 subsection (4).

2659 ~~(10) Effective July 1, 2008,~~ The State Fire Marshal shall  
2660 require the National Institute of Certification in Engineering  
2661 Technologies (NICET), Sub-field of Inspection and Testing of  
2662 Fire Protection Systems Level II or equivalent training and  
2663 education as determined by the division as proof that the  
2664 permitholders are knowledgeable about nationally accepted  
2665 standards for the inspection of fire protection systems. ~~It is~~  
2666 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~  
2667 ~~to accept continuing education of all certificateholders'~~  
2668 ~~employees who perform inspection functions which specifically~~

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2669 ~~prepares the permit holder to qualify for NICET II certification.~~

2670 (11) It is intended that a certificateholder, or a  
2671 permit holder who is employed by a certificateholder, conduct  
2672 inspections required by this chapter. It is understood that  
2673 after July 1, 2008, employee turnover may result in a depletion  
2674 of personnel who are certified under the NICET Sub-field of  
2675 Inspection and Testing of Fire Protection Systems Level II or  
2676 equivalent training and education as required by the Division of  
2677 State Fire Marshal ~~which is required for permit holders. The~~  
2678 ~~extensive training and experience necessary to achieve NICET~~  
2679 ~~Level II certification is recognized.~~ A certificateholder may  
2680 therefore obtain a provisional permit with an endorsement for  
2681 inspection, testing, and maintenance of water-based fire  
2682 extinguishing systems for an employee if the employee has  
2683 initiated procedures for obtaining Level II certification from  
2684 the National Institute for Certification in Engineering  
2685 Technologies Sub-field of Inspection and Testing of Fire  
2686 Protection Systems and achieved Level I certification or an  
2687 equivalent level as determined by the State Fire Marshal through  
2688 verification of experience, training, and examination. The State  
2689 Fire Marshal may establish rules to administer this subsection.  
2690 After 2 years of provisional certification, the employee must  
2691 have achieved NICET Level II certification or obtain equivalent  
2692 training and education as determined by the division, or cease  
2693 performing inspections requiring Level II certification. The  
2694 provisional permit is valid only for the 2 calendar years after  
2695 the date of issuance, may not be extended, and is not renewable.  
2696 After the initial 2-year provisional permit expires, the  
2697 certificateholder must wait 2 additional years before a new

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2698 provisional permit may be issued. The intent is to prohibit the  
2699 certificateholder from using employees who never reach NICET  
2700 Level II status, or equivalent training and education as  
2701 determined by the division, by continuously obtaining  
2702 provisional permits.

2703 Section 56. Subsection (3) is added to section 633.524,  
2704 Florida Statutes, to read:

2705 633.524 Certificate and permit fees; use and deposit of  
2706 collected funds.—

2707 (3) The State Fire Marshal may enter into a contract with  
2708 any qualified public entity or private company in accordance  
2709 with chapter 287 to provide examinations for any applicant for  
2710 any examination administered under the jurisdiction of the State  
2711 Fire Marshal. The State Fire Marshal may direct payments from  
2712 each applicant for each examination directly to such contracted  
2713 entity or company.

2714 Section 57. Subsection (4) of section 633.537, Florida  
2715 Statutes, is amended to read:

2716 633.537 Certificate; expiration; renewal; inactive  
2717 certificate; continuing education.—

2718 (4) The renewal period for the permit class is the same as  
2719 that for the employing certificateholder. The continuing  
2720 education requirements for permitholders are what is required to  
2721 maintain NICET Sub-field of Inspection and Testing of Fire  
2722 Protection Systems Level II, equivalent training and education  
2723 as determined by the division, or higher certification plus 8  
2724 contact hours of continuing education approved by the State Fire  
2725 Marshal during each biennial renewal period thereafter. ~~The~~  
2726 ~~continuing education curriculum from July 1, 2005, until July 1,~~

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2727 2008, ~~shall be the preparatory curriculum for NICET II~~  
2728 ~~certification; after July 1, 2008, the technical curriculum is~~  
2729 ~~at the discretion of the State Fire Marshal and may be used to~~  
2730 ~~meet the maintenance of NICET Level II certification and 8~~  
2731 ~~contact hours of continuing education requirements. It is the~~  
2732 ~~responsibility of the permit holder to maintain NICET II~~  
2733 ~~certification or equivalent training and education as determined~~  
2734 ~~by the division as a condition of permit renewal after July 1,  
2735 ~~2008.~~~~

2736 Section 58. Subsection (4) of section 633.72, Florida  
2737 Statutes, is amended to read:

2738 633.72 Florida Fire Code Advisory Council.—

2739 (4) Each appointee shall serve a 4-year term. No member  
2740 shall serve more than two consecutive terms ~~one term~~. No member  
2741 of the council shall be paid a salary as such member, but each  
2742 shall receive travel and expense reimbursement as provided in s.  
2743 112.061.

2744 Section 59. Subsection (6) of section 718.113, Florida  
2745 Statutes, is repealed.

2746 Section 60. The Florida Building Commission shall revise  
2747 the Florida Building Code in order to make it consistent with  
2748 the revisions made by this act to s. 399.02, Florida Statutes.

2749 Section 61. (1) The Department of Management Services shall  
2750 consider the energy efficiency of all materials used in the  
2751 construction, alteration, repair, or rebuilding of a building or  
2752 facility owned or operated by a state agency. Whenever feasible,  
2753 the department shall lease a building or facility that has high-  
2754 efficiency lighting.

2755 (2) The Department of Management Services shall adopt rules

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2756 requiring a state agency to install high-efficiency lamps when  
2757 replacing an existing lamp or installing a new lamp in a  
2758 building owned by the state agency.

2759       Section 62. Except as otherwise expressly provided in this  
2760 act, this act shall take effect July 1, 2010.

2761