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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1 A bill to be entitled
2 An act relating to building safety; amending s. 196.031,
3 F.S.; specifying an additional condition that constitutes
4 an abandonment of homestead property for homestead
5 exemption purposes; amending s. 399.02, F.S.; authorizing
6 the Division of Hotels and Restaurants of the Department
7 of Business and Professional Regulation to have access to
8 places in which a conveyance and equipment are located;
9 authorizing the division to grant variances from certain
10 rules for undue hardship; prohibiting the enforcement of
11 Phase II Firefighters' Service on certain elevators for a
12 specified period; amending s. 399.15, F.S.; providing an
13 alternative method to allow access to regional emergency
14 elevators; providing for a uniform lock box; providing for
15 a master key; providing the Division of State Fire Marshal
16 with enforcement authority; creating s. 455.2122, F.S.;
17 authorizing distance learning courses as an alternative to
18 classroom instruction for certain licenses; prohibiting
19 the department or regulatory board from requiring
20 centralized licensing examinations for certain licenses;
21 creating s. 455.2123, F.S.; authorizing distance learning
22 courses as an alternative to classroom instruction for
23 certain licenses; prohibiting the department or a
24 regulatory board from requiring centralized licensing
25 examinations for certain licenses; amending s. 468.631,
26 F.S.; revising the amount of a surcharge and imposing the
27 surcharge on certain building permits; requiring the unit
28 of government collecting the surcharge to remit the funds

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

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

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

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

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

85 | 468.8423, F.S.; specifying additional requirements for
86 | licensure as a mold assessor or mold remediator; creating
87 | s. 468.8424, F.S.; requiring the Department of Business
88 | and Professional Regulation to adopt rules to administer
89 | part XVI of ch. 468, F.S., relating to mold-related
90 | services; amending s. 489.103, F.S.; conforming a cross-
91 | reference; amending s. 489.5335, F.S.; revising education
92 | requirements for electrical trade journeyman eligibility
93 | to work in certain localities; amending s. 553.37, F.S.;
94 | authorizing manufacturers to pay inspection fees directly
95 | to the provider of inspection services; providing
96 | requirements for rules of the Department of Business and
97 | Professional Regulation regarding the schedule of fees;
98 | authorizing the department to enter into contracts for the
99 | performance of certain administrative duties; revising
100 | inspection requirements for certain custom manufactured
101 | buildings; amending s. 553.375, F.S.; revising the
102 | requirement for recertification of manufactured buildings
103 | prior to relocation; amending s. 553.512, F.S.; requiring
104 | the Florida Building Commission to establish by rule a fee
105 | for certain waiver requests; amending s. 553.721, F.S.;
106 | revising the amount of a surcharge and imposing the
107 | surcharge on certain building permits; requiring the unit
108 | of government collecting the surcharge to electronically
109 | remit the funds to the Department of Community Affairs;
110 | requiring the unit of government collecting the surcharge
111 | to retain a portion of the funds to fund certain
112 | activities of building departments; revising requirements

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

113 | for use of funds collected from the surcharge; deleting
 114 | obsolete language; amending s. 553.73, F.S.; conforming
 115 | cross-references; authorizing counties and municipalities
 116 | to adopt by ordinance administrative or technical
 117 | amendments to the Florida Building Code for certain flood-
 118 | related purposes; specifying requirements and procedures;
 119 | revising foundation code adoption requirements;
 120 | authorizing the Florida Building Commission to approve
 121 | amendments relating to equivalency of standards; exempting
 122 | certain mausoleums from the requirements of the Florida
 123 | Building Code; exempting certain temporary housing
 124 | provided by the Department of Corrections from the
 125 | requirements of the Florida Building Code; restricting the
 126 | code, code enforcement agencies, and local governments
 127 | from imposing requirements on certain mechanical equipment
 128 | on roofs; providing Florida Building Code requirements for
 129 | classroom lighting; prohibiting incorporation into the
 130 | Florida Building Code of certain mandatory residential
 131 | fire sprinkler provisions of the International Residential
 132 | Code; providing an exception; amending s. 553.74, F.S.;
 133 | specifying absence of impermissible conflicts of interest
 134 | for certain committee or workgroup members while
 135 | representing clients under certain circumstances;
 136 | specifying certain prohibited activities for such members;
 137 | amending s. 553.76, F.S.; authorizing the Florida Building
 138 | Commission to adopt rules related to consensus-building
 139 | decisionmaking; amending s. 553.775, F.S.; conforming a
 140 | cross-reference; authorizing the commission to charge a

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

141 fee for filing certain requests and for nonbinding
142 interpretations; limiting fees for nonbinding
143 interpretations; amending s. 553.79, F.S.; requiring
144 certain inspection services to be performed under the
145 alternative plans review and inspection process or by a
146 local governmental entity; reenacting s. 553.80(1), F.S.,
147 relating to the enforcement of the Florida Building Code,
148 to incorporate the amendments made to s. 553.79, F.S., in
149 a reference thereto; amending s. 553.80, F.S.; specifying
150 nonapplicability of certain exemptions from the Florida
151 Building Code granted by certain enforcement entities
152 under certain circumstances; revising requirements for
153 review of facility plans and construction surveyed for
154 certain hospitals and health care facilities; amending s.
155 553.841, F.S.; deleting provisions requiring that the
156 Department of Community Affairs maintain, update, develop,
157 or cause to be developed a core curriculum for persons who
158 enforce the Florida Building Code; amending s. 553.842,
159 F.S.; authorizing rules requiring the payment of product
160 evaluation fees directly to the administrator of the
161 product evaluation and approval system; specifying the use
162 of such fees; authorizing the Florida Building Commission
163 to provide by rule for editorial revisions to certain
164 approvals and charge certain fees; providing requirements
165 for the approval of applications for state approval of a
166 product; providing for certain approved products to be
167 immediately added to the list of state-approved products;
168 requiring that the commission's oversight committee review

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

169 approved products; revising the list of approved
 170 evaluation entities; deleting obsolete provisions
 171 governing evaluation entities; amending s. 553.844, F.S.;
 172 providing an exemption from the requirements regarding
 173 roof and opening protections for certain exposed
 174 mechanical equipment or appliances; providing for future
 175 expiration; amending s. 553.885, F.S.; revising
 176 requirements for carbon monoxide alarms; providing an
 177 exception for buildings undergoing alterations or repairs;
 178 defining the term "addition" as it relates to the
 179 requirement of a carbon monoxide alarm; amending s.
 180 553.9061, F.S.; revising the energy-efficiency performance
 181 options and elements identified by the commission for
 182 purposes of meeting certain goals; amending s. 553.909,
 183 F.S.; revising a compliance criterion for certain swimming
 184 pool pumps or water heaters; revising requirements for
 185 residential swimming pool pumps and pump motors; amending
 186 s. 553.912, F.S.; providing requirements for replacement
 187 air-conditioning systems; amending s. 627.711, F.S.;
 188 conforming provisions to changes made by the act in which
 189 core curriculum courses relating to the Florida Building
 190 Code are deleted; revising the list of persons qualified
 191 to sign certain mitigation verification forms for certain
 192 purposes; authorizing insurers to accept forms from
 193 certain other persons; providing requirements for persons
 194 authorized to sign mitigation forms; prohibiting
 195 misconduct in performing hurricane mitigation inspection
 196 or completing uniform mitigation forms causing certain

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

197 | harm; specifying what constitutes misconduct; authorizing
198 | certain licensing boards to commence disciplinary
199 | proceedings and impose administrative fines and sanctions;
200 | providing for liability of mitigation inspectors;
201 | requiring certain entities to file reports of evidence of
202 | fraud; providing for immunity from liability for reporting
203 | fraud; providing for investigative reports from the
204 | Division of Insurance Fraud; providing penalties;
205 | authorizing insurers to require independent verification
206 | of uniform mitigation verification forms; amending s.
207 | 633.021, F.S.; providing additional definitions for fire
208 | equipment dealers; revising the definition of the term
209 | "preengineered systems"; amending s. 633.0215, F.S.;
210 | providing guidelines for the State Fire Marshal to apply
211 | when issuing an expedited declaratory statement; requiring
212 | that the State Fire Marshal issue an expedited declaratory
213 | statement under certain circumstances; providing
214 | requirements for a petition requesting an expedited
215 | declaratory statement; exempting certain condominiums from
216 | installing manual fire alarm systems; amending s.
217 | 633.0245, F.S.; conforming cross-references; amending s.
218 | 633.025, F.S.; prohibiting requiring property owners to
219 | install fire sprinklers in certain residential property;
220 | amending s. 633.026, F.S.; providing legislative intent;
221 | revising authority of the State Fire Marshal to contract
222 | with and refer interpretive issues to certain entities;
223 | providing for the establishment of the Fire Code
224 | Interpretation Committee; providing for the membership of

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

225 | the committee and requirements for membership; requiring
226 | that nonbinding interpretations of the Florida Fire
227 | Prevention Code be issued within a specified period after
228 | a request is received; providing for the waiver of such
229 | requirement under certain conditions; requiring that the
230 | Division of State Fire Marshal charge a fee for nonbinding
231 | interpretations; providing that fees may be paid directly
232 | to a contract provider; providing requirements for
233 | requesting a nonbinding interpretation; requiring that the
234 | Division of State Fire Marshal develop a form for
235 | submitting a petition for a nonbinding interpretation;
236 | providing for a formal interpretation by the State Fire
237 | Marshal; requiring that an interpretation of the Florida
238 | Fire Prevention Code be published on the division's
239 | website and in the Florida Administrative Weekly; amending
240 | s. 633.061, F.S.; authorizing certain fire equipment
241 | dealer licensees to maintain inactive license status under
242 | certain circumstances; providing requirements; providing
243 | for a renewal fee; revising certain continuing education
244 | requirements; revising an applicant licensure
245 | qualification requirement; amending s. 633.081, F.S.;
246 | requiring that the State Fire Marshal inspect a building
247 | when the State Fire Marshal, rather than the Department of
248 | Financial Services, has cause to believe a violation has
249 | occurred; providing exceptions for requirements that
250 | certain firesafety inspections be conducted by firesafety
251 | inspectors; requiring that the Division of State Fire
252 | Marshal and the Florida Building Code Administrators and

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

253 | Inspectors Board enter into a reciprocity agreement for
254 | purposes of recertifying building code inspectors, plan
255 | inspectors, building code administrators, and firesafety
256 | inspectors; requiring that the State Fire Marshal develop
257 | by rule an advanced training and certification program for
258 | firesafety inspectors who have fire code management
259 | responsibilities; requiring that the program be consistent
260 | with certain standards and establish minimum training,
261 | education, and experience levels for such firesafety
262 | inspectors; amending s. 633.082, F.S.; authorizing
263 | alternative inspection procedures for certain fire
264 | hydrants; requiring periodic testing or operation of
265 | certain equipment; providing that nonmandated sprinkler
266 | systems may not be required to be removed; amending s.
267 | 633.352, F.S.; providing an exception to requirements for
268 | recertification as a firefighter; amending s. 633.521,
269 | F.S.; revising requirements for certification as a fire
270 | protection system contractor; revising the prerequisites
271 | for taking the certification examination; authorizing the
272 | State Fire Marshal to accept more than one source of
273 | professional certification; revising legislative intent;
274 | amending s. 633.524, F.S.; authorizing the State Fire
275 | Marshal to enter into contracts for examination services;
276 | providing for the direct payment of examination fees to
277 | contract providers; amending s. 633.537, F.S.; revising
278 | the continuing education requirements for certain
279 | permitholders; amending 633.72, F.S.; revising the terms
280 | of service for members of the Fire Code Advisory Council;

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

281 repealing s. 718.113(6), F.S., relating to requirements
 282 for 5-year inspections of certain condominium
 283 improvements; directing the Florida Building Commission to
 284 conform provisions of the Florida Building Code with
 285 revisions made by the act relating to the operation of
 286 elevators; requiring the Department of Management Services
 287 to consider the energy efficiency of building materials
 288 used for certain purposes in state buildings or
 289 facilities; requiring the department to adopt rules
 290 relating to installing high-efficiency replacement lamps
 291 in buildings owned by a state agency; providing effective
 292 dates.

293

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

295

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

298 196.031 Exemption of homesteads.—

299 (6) When homestead property is damaged or destroyed by
 300 misfortune or calamity and the property is uninhabitable on
 301 January 1 after the damage or destruction occurs, the homestead
 302 exemption may be granted if the property is otherwise qualified
 303 and if the property owner notifies the property appraiser that
 304 he or she intends to repair or rebuild the property and live in
 305 the property as his or her primary residence after the property
 306 is repaired or rebuilt and does not claim a homestead exemption
 307 on any other property or otherwise violate this section. Failure
 308 by the property owner to commence the repair or rebuilding of

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

309 the homestead property within 3 years after January 1 following
 310 the property's damage or destruction constitutes abandonment of
 311 the property as a homestead. After the 3-year period, the
 312 expiration, lapse, nonrenewal, or revocation of a building
 313 permit issued to the property owner for such repairs or
 314 rebuilding also constitutes abandonment of the property as
 315 homestead.

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

319 399.02 General requirements.—

320 (6) (a) The department is empowered to carry out all of the
 321 provisions of this chapter relating to the inspection and
 322 regulation of elevators and to enforce the provisions of the
 323 Florida Building Code.

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

328 (8) The division may grant variances for undue hardship
 329 pursuant to s. 120.542 and the rules adopted under this section.
 330 Such rules must include a process for requests for variances.
 331 The division may not grant a request for a variance unless it
 332 finds that the variance will not adversely affect the safety of
 333 the public.

334 (9) Updates to the Safety Code for Existing Elevators and
 335 Escalators, ASME A17.1 and A17.3, which require Phase II
 336 Firefighters' Service on elevators may not be enforced until

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

337 July 1, 2015, or until the elevator is replaced or requires
 338 major modification, whichever occurs first, on elevators in
 339 condominiums or multifamily residential buildings, including
 340 those that are part of a continuing care facility licensed under
 341 chapter 651, or similar retirement community with apartments,
 342 having a certificate of occupancy by the local building
 343 authority that was issued before July 1, 2008. This exception
 344 does not prevent an elevator owner from requesting a variance
 345 from the applicable codes before or after July 1, 2015. This
 346 subsection does not prohibit the division from granting
 347 variances pursuant to s. 120.542 and subsection (8). The
 348 division shall adopt rules to administer this subsection.

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

352 399.15 Regional emergency elevator access.—

353 (7) As an alternative to complying with the requirements
 354 of subsection (1), each building in this state which is required
 355 to meet the provisions of subsections (1) and (2) may instead
 356 provide for the installation of a uniform lock box that contains
 357 the keys to all elevators in the building allowing public
 358 access, including service and freight elevators. The uniform
 359 lock box must be keyed to allow all uniform lock boxes in each
 360 of the seven state emergency response regions to operate in fire
 361 emergency situations using one master key. The master key for
 362 the uniform lock shall be issued in accordance with subsection
 363 (3). The Division of State Fire Marshal of the Department of
 364 Financial Services shall enforce this subsection.

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

365 Section 4. Section 455.2122, Florida Statutes, is created
 366 to read:

367 455.2122 Education.—A board, or the department where there
 368 is no board, shall approve distance learning courses as an
 369 alternative to classroom courses to satisfy prelicensure or
 370 postlicensure education requirements provided for in part VIII
 371 of chapter 468 or part I of chapter 475. A board, or the
 372 department when there is no board, may not require centralized
 373 examinations for completion of prelicensure or postlicensure
 374 education requirements for those professions licensed under part
 375 VIII of chapter 468 or part I of chapter 475.

376 Section 5. Section 455.2123, Florida Statutes, is amended
 377 to read:

378 455.2123 Continuing education.—A board, or the department
 379 when there is no board, may provide by rule that distance
 380 learning may be used to satisfy continuing education
 381 requirements. A board, or the department when there is no board,
 382 shall approve distance learning courses as an alternative to
 383 classroom courses to satisfy continuing education requirements
 384 provided for in part VIII, part XV, or part XVI of chapter 468
 385 or part I or part II of chapter 475 and may not require
 386 centralized examinations for completion of continuing education
 387 requirements for the professions licensed under part VIII, part
 388 XV, or part XVI of chapter 468 or part I or part II of chapter
 389 475.

390 Section 6. Effective October 1, 2010, subsection (1) of
 391 section 468.631, Florida Statutes, is amended to read:

392 468.631 Building Code Administrators and Inspectors Fund.—

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

393 (1) This part shall be funded through a surcharge, to be
 394 assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of
 395 1.5 percent of all permit fees associated with enforcement of
 396 the Florida Building Code as defined by the uniform account
 397 criteria and specifically the uniform account code for building
 398 permits adopted for local government financial reporting
 399 pursuant to s. 218.32 ~~one-half cent per square foot of under-~~
 400 ~~roof floor space permitted, including new construction,~~
 401 ~~renovations, alterations, and additions.~~ The minimum amount
 402 collected on any permit issued shall be \$2. The unit of
 403 government responsible for collecting permit fees pursuant to s.
 404 ~~125.56(4)~~ or s. 166.201 shall collect such surcharge and shall
 405 remit the funds to the department on a quarterly calendar basis
 406 beginning not later than December 31, 2010 ~~1993~~, for the
 407 preceding quarter, and continuing each third month thereafter;
 408 and such unit of government shall ~~may~~ retain ~~an amount up to~~ 10
 409 percent of the surcharge collected to fund the participation of
 410 building departments in the national and state building code
 411 adoption processes and to provide education related to
 412 enforcement of the Florida Building Code ~~projects and activities~~
 413 ~~intended to improve the quality of building code enforcement.~~
 414 There is created within the Professional Regulation Trust Fund a
 415 separate account to be known as the Building Code Administrators
 416 and Inspectors Fund, which shall deposit and disburse funds as
 417 necessary for the implementation of this part. The proceeds from
 418 this surcharge shall be allocated equally to fund the Florida
 419 Homeowners' Construction Recovery Fund established by s. 489.140
 420 and the functions of the Building Code Administrators and

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

421 ~~Inspectors Board. The department shall annually establish the~~
422 ~~amount needed to fund the certification and regulation of~~
423 ~~building code administrators, plans examiners, and building code~~
424 ~~inspectors. Any funds collected in excess of the amount needed~~
425 ~~to adequately fund the certification and regulation of building~~
426 ~~code administrators, plans examiners, and building code~~
427 ~~inspectors shall be deposited into the Florida Homeowners'~~
428 ~~Construction Recovery Fund established by s. 489.140. If the~~
429 ~~Florida Homeowners' Construction Recovery Fund is fully funded~~
430 ~~as provided by s. 489.140, any remaining funds shall be~~
431 ~~distributed to the Construction Industry Licensing Board for use~~
432 ~~in the regulation of certified and registered contractors.~~

433 Section 7. Section 468.83, Florida Statutes, is amended to
434 read:

435 468.83 Home inspection services licensing program;
436 purpose.—

437 (1) There is created within the department the home
438 inspection services licensing program.

439 (2) The Legislature recognizes that there is a need to
440 require the licensing of home inspectors and to ensure that
441 consumers of home inspection services can rely on the competence
442 of home inspectors, as determined by educational and experience
443 requirements and testing. Therefore, the Legislature deems it
444 necessary in the interest of the public welfare to regulate home
445 inspectors in this state.

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

448 468.8311 Definitions.—As used in this part, the term:

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

449 (4) "Home inspection services" means a limited visual
 450 examination of ~~one or more of~~ the following readily accessible
 451 installed systems and components of a home: the structure,
 452 electrical system, HVAC system, roof covering, plumbing system,
 453 interior components, exterior components, and site conditions
 454 that affect the structure, for the purposes of providing a
 455 written professional opinion of the condition of the home.

456 Section 9. Subsections (4) through (8) of section
 457 468.8312, Florida Statutes, are amended to read:

458 468.8312 Fees.—

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

461 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

462 (5)~~(6)~~ The fee for licensure by endorsement shall not
 463 exceed \$200.

464 (6)~~(7)~~ The fee for application for inactive status or for
 465 reactivation of an inactive license shall not exceed \$200.

466 (7)~~(8)~~ The fee for applications from providers of
 467 continuing education may not exceed \$500.

468 Section 10. Subsections (1) and (2) of section 468.8313,
 469 Florida Statutes, are amended, present subsection (6) of that
 470 section is renumbered as subsection (7) and amended, and a new
 471 subsection (6) is added to that section, to read:

472 468.8313 Examinations.—

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

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

477 (2) An applicant ~~may shall be entitled to take the~~
 478 ~~licensure examination for the purpose of determining whether he~~
 479 ~~or she is qualified to~~ practice in this state as a home
 480 inspector if he or she passes the required examination, ~~the~~
 481 ~~applicant~~ is of good moral character, and completes ~~has~~
 482 ~~completed~~ a course of study of at least ~~no less than~~ 120 hours
 483 that covers all of the following components of a home:
 484 structure, electrical system, HVAC system, roof covering,
 485 plumbing system, interior components, exterior components, and
 486 site conditions that affect the structure.

487 (6) An applicant for a license shall submit, together with
 488 the application, a complete set of electronic fingerprints to
 489 the department. The department shall submit the fingerprints to
 490 the Department of Law Enforcement for state processing, and the
 491 Department of Law Enforcement shall forward them to the Federal
 492 Bureau of Investigation for national processing, to determine
 493 whether the applicant has a criminal history record. The
 494 department shall review the background results to determine if
 495 an applicant meets licensure requirements. The applicant is
 496 responsible for the cost associated with processing the
 497 fingerprints. The authorized agencies or vendors shall collect
 498 such fees and pay for the processing costs due to the Department
 499 of Law Enforcement.

500 (7) ~~(6)~~ The department may adopt rules ~~pursuant to ss.~~
 501 ~~120.536(1) and 120.54~~ to implement the provisions of this
 502 section.

503 Section 11. Section 468.8318, Florida Statutes, is amended
 504 to read:

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

505 468.8318 Certification of corporations and partnerships.-

506 ~~(1) The department shall issue a certificate of~~
 507 ~~authorization to a corporation or partnership offering home~~
 508 ~~inspection services to the public if the corporation or~~
 509 ~~partnership satisfies all of the requirements of this part.~~

510 ~~(2) The practice of or the offer to practice home~~
 511 ~~inspection services by licensees through a corporation or~~
 512 ~~partnership offering home inspection services to the public, or~~
 513 ~~by a corporation or partnership offering such services to the~~
 514 ~~public through licensees under this part as agents, employees,~~
 515 ~~officers, or partners, is permitted subject to the provisions of~~
 516 ~~this part, provided that all personnel of the corporation or~~
 517 ~~partnership who act in its behalf as home inspectors in this~~
 518 ~~state are licensed as provided by this part; and further~~
 519 ~~provided that the corporation or partnership has been issued a~~
 520 ~~certificate of authorization by the department as provided in~~
 521 ~~this section. Nothing in this section shall be construed to~~
 522 ~~allow a corporation to hold a license to practice home~~
 523 ~~inspection services. No corporation or partnership shall be~~
 524 ~~relieved of responsibility for the conduct or acts of its~~
 525 ~~agents, employees, or officers by reason of its compliance with~~
 526 ~~this section, nor shall any individual practicing home~~
 527 ~~inspection services be relieved of responsibility for~~
 528 ~~professional services performed by reason of his or her~~
 529 ~~employment or relationship with a corporation or partnership.~~

530 ~~(3) For the purposes of this section, a certificate of~~
 531 ~~authorization shall be required for a corporation, partnership,~~
 532 ~~association, or person practicing under a fictitious name and~~

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

533 ~~offering home inspection services to the public; however, when~~
 534 ~~an individual is practicing home inspection services in his or~~
 535 ~~her own given name, he or she shall not be required to register~~
 536 ~~under this section.~~

537 ~~(4) Each certificate of authorization shall be renewed~~
 538 ~~every 2 years. Each partnership and corporation certified under~~
 539 ~~this section shall notify the department within 1 month of any~~
 540 ~~change in the information contained in the application upon~~
 541 ~~which the certification is based.~~

542 ~~(5) Disciplinary action against a corporation or~~
 543 ~~partnership shall be administered in the same manner and on the~~
 544 ~~same grounds as disciplinary action against a licensed home~~
 545 ~~inspector.~~

546 Section 12. Section 468.8319, Florida Statutes, is amended
 547 to read:

548 468.8319 Prohibitions; penalties.—

549 (1) A person ~~home inspector, a company that employs a home~~
 550 ~~inspector, or a company that is controlled by a company that~~
 551 ~~also has a financial interest in a company employing a home~~
 552 ~~inspector~~ may not:

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

556 (b) Effective July 1, 2011, use the name or title
 557 "certified home inspector," "registered home inspector,"
 558 "licensed home inspector," "home inspector," "professional home
 559 inspector," or any combination thereof unless the person has
 560 complied with the provisions of this part;

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

- 561 (c) Present as his or her own the license of another;
- 562 (d) Knowingly give false or forged evidence to the
- 563 department or an employee thereof;
- 564 (e) Use or attempt to use a license that has been
- 565 suspended or revoked;
- 566 (f) Perform or offer to perform, ~~prior to closing, for any~~
- 567 ~~additional fee,~~ any repairs to a home on which the inspector or
- 568 the inspector's company has prepared a home inspection report.
- 569 This paragraph does not apply to a home warranty company that is
- 570 affiliated with or retains a home inspector to perform repairs
- 571 pursuant to a claim made under a home warranty contract;
- 572 (g) Inspect ~~for a fee~~ any property in which the inspector
- 573 or the inspector's company has any financial or transfer
- 574 interest;
- 575 (h) Offer or deliver any compensation, inducement, or
- 576 reward to any broker or agent therefor for the referral of the
- 577 owner of the inspected property to the inspector or the
- 578 inspection company; or
- 579 (i) Accept an engagement to make an omission or prepare a
- 580 report in which the inspection itself, or the fee payable for
- 581 the inspection, is contingent upon either the conclusions in the
- 582 report, preestablished findings, or the close of escrow.
- 583 (2) Any person who is found to be in violation of any
- 584 provision of this section commits a misdemeanor of the first
- 585 degree, punishable as provided in s. 775.082 or s. 775.083.
- 586 (3) This section does not apply to unlicensed activity as
- 587 described in paragraph (1)(a), paragraph (1)(b), or s. 455.228
- 588 which occurs before July 1, 2011.

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

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

591 468.832 Disciplinary proceedings.—

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

594 (a) Violation of any provision of this part or s.
 595 455.227(1) .†

596 (b) Attempting to procure a license to practice home
 597 inspection services by bribery or fraudulent misrepresentation .†

598 (c) Having a license to practice home inspection services
 599 revoked, suspended, or otherwise acted against, including the
 600 denial of licensure, by the licensing authority of another
 601 state, territory, or country .†

602 (d) Being convicted or found guilty of, or entering a plea
 603 of nolo contendere to, regardless of adjudication, a crime in
 604 any jurisdiction that directly relates to the practice of home
 605 inspection services or the ability to practice home inspection
 606 services .†

607 (e) Making or filing a report or record that the licensee
 608 knows to be false, willfully failing to file a report or record
 609 required by state or federal law, willfully impeding or
 610 obstructing such filing, or inducing another person to impede or
 611 obstruct such filing. Such reports or records shall include only
 612 those that are signed in the capacity of a licensed home
 613 inspector .†

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

616 (g) Engaging in fraud or deceit, or negligence,

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

617 incompetency, or misconduct, in the practice of home inspection
618 services.~~†~~

619 (h) Failing to perform any statutory or legal obligation
620 placed upon a licensed home inspector; violating any provision
621 of this chapter, a rule of the department, or a lawful order of
622 the department previously entered in a disciplinary hearing; or
623 failing to comply with a lawfully issued subpoena of the
624 department.~~†~~~~or~~

625 (i) Practicing on a revoked, suspended, inactive, or
626 delinquent license.

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

629 Section 14. Section 468.8324, Florida Statutes, is amended
630 to read:

631 468.8324 Grandfather clause.—

632 (1) A person who performs home inspection services as
633 defined in this part may qualify for licensure ~~to be licensed~~ by
634 the department as a home inspector if the person submits an
635 application to the department postmarked on or before March 1,
636 2011, which shows that the applicant: ~~meets the licensure~~
637 ~~requirements of this part by July 1, 2010.~~

638 (a) Is certified as a home inspector by a state or
639 national association that requires, for such certification,
640 successful completion of a proctored examination on home
641 inspection services and completes at least 14 hours of
642 verifiable education on such services; or

643 (b) Has at least 3 years of experience as a home inspector
644 at the time of application and has completed 14 hours of

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

645 verifiable education on home inspection services. To establish
646 the 3 years of experience, an applicant must submit at least 120
647 home inspection reports prepared by the applicant.

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

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

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

663 Section 15. Section 468.8325, Florida Statutes, is created
664 to read:

665 468.8325 Rulemaking authority.—The department shall adopt
666 rules to administer this part.

667 Section 16. Section 468.84, Florida Statutes, is amended
668 to read:

669 468.84 Mold-related services licensing program;
670 legislative purpose.—

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

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

673 (2) The Legislature finds it necessary in the interest of
 674 the public safety and welfare, to prevent damage to real and
 675 personal property, to avert economic injury to the residents of
 676 this state, and to regulate persons and companies that hold
 677 themselves out to the public as qualified to perform mold-
 678 related services.

679 Section 17. Subsections (6) through (10) of section
 680 468.8412, Florida Statutes, are amended to read:

681 468.8412 Fees.—

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

684 (6)~~(7)~~ The fee for licensure by endorsement shall not
 685 exceed \$200.

686 (7)~~(8)~~ The fee for application for inactive status shall
 687 not exceed \$100.

688 (8)~~(9)~~ The fee for reactivation of an inactive license
 689 shall not exceed \$200.

690 (9)~~(10)~~ The fee for applications from providers of
 691 continuing education may not exceed \$500.

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

695 468.8413 Examinations.—

696 (1) A person desiring to be licensed as a mold assessor or
 697 mold remediator must ~~shall~~ apply to the department after
 698 satisfying the examination requirements of this part ~~to take a~~
 699 ~~licensure examination.~~

700 (2) An applicant may ~~shall be entitled to take the~~

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

701 ~~licensure examination to~~ practice in this state as a mold
 702 assessor or mold remediator if he or she passes the required
 703 examination, the applicant is of good moral character, and
 704 completes ~~has satisfied~~ one of the following requirements:

705 (a)1. For a mold remediator, at least a 2-year associate
 706 of arts degree, or the equivalent, with at least 30 semester
 707 hours in microbiology, engineering, architecture, industrial
 708 hygiene, occupational safety, or a related field of science from
 709 an accredited institution and a minimum of 1 year of documented
 710 field experience in a field related to mold remediation; or

711 2. A high school diploma or the equivalent with a minimum
 712 of 4 years of documented field experience in a field related to
 713 mold remediation.

714 (b)1. For a mold assessor, at least a 2-year associate of
 715 arts degree, or the equivalent, with at least 30 semester hours
 716 in microbiology, engineering, architecture, industrial hygiene,
 717 occupational safety, or a related field of science from an
 718 accredited institution and a minimum of 1 year of documented
 719 field experience in conducting microbial sampling or
 720 investigations; or

721 2. A high school diploma or the equivalent with a minimum
 722 of 4 years of documented field experience in conducting
 723 microbial sampling or investigations.

724 (6) An applicant for a license shall submit, together with
 725 the application, a complete set of electronic fingerprints to
 726 the department. The department shall submit the fingerprints to
 727 the Department of Law Enforcement for state processing, and the
 728 Department of Law Enforcement shall forward them to the Federal

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

729 Bureau of Investigation for national processing, to determine
 730 whether the applicant has a criminal history record. The
 731 department shall review the background results to determine if
 732 an applicant meets licensure requirements. The applicant is
 733 responsible for the cost associated with processing the
 734 fingerprints. The authorized agencies or vendors shall collect
 735 such fees and pay for the processing costs due to the Department
 736 of Law Enforcement.

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

739 468.8414 Licensure.—

740 (3) The department shall certify as qualified for a
 741 license by endorsement an applicant who is of good moral
 742 character, who has the insurance coverage required under s.
 743 468.8421, and who:

744 (a) Is qualified to take the examination as set forth in
 745 s. 468.8413 and has passed a certification examination offered
 746 by a nationally recognized organization that certifies persons
 747 in the specialty of mold assessment or mold remediation that has
 748 been approved by the department as substantially equivalent to
 749 the requirements of this part and s. 455.217; or

750 (b) Holds a valid license to practice mold assessment or
 751 mold remediation issued by another state or territory of the
 752 United States if the criteria for issuance of the license were
 753 substantially the same as the licensure criteria that is
 754 established by this part as determined by the department.

755 Section 20. Section 468.8418, Florida Statutes, is amended
 756 to read:

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

757 468.8418 Certification of partnerships and corporations.-

758 ~~(1) The department shall issue a certificate of~~
 759 ~~authorization to a corporation or partnership offering mold~~
 760 ~~assessment or mold remediation services to the public if the~~
 761 ~~corporation or partnership satisfies all of the requirements of~~
 762 ~~this part.~~

763 ~~(2) The practice of or the offer to practice mold~~
 764 ~~assessment or mold remediation by licensees through a~~
 765 ~~corporation or partnership offering mold assessment or mold~~
 766 ~~remediation to the public, or by a corporation or partnership~~
 767 ~~offering such services to the public through licensees under~~
 768 ~~this part as agents, employees, officers, or partners, is~~
 769 ~~permitted subject to the provisions of this part, provided that~~
 770 ~~the corporation or partnership has been issued a certificate of~~
 771 ~~authorization by the department as provided in this section.~~
 772 Nothing in this section shall be construed to allow a
 773 corporation to hold a license to practice mold assessment or
 774 mold remediation. No corporation or partnership shall be
 775 relieved of responsibility for the conduct or acts of its
 776 agents, employees, or officers by reason of its compliance with
 777 this section, nor shall any individual practicing mold
 778 assessment or mold remediation be relieved of responsibility for
 779 professional services performed by reason of his or her
 780 employment or relationship with a corporation or partnership.

781 ~~(3) For the purposes of this section, a certificate of~~
 782 ~~authorization shall be required for a corporation, partnership,~~
 783 ~~association, or person practicing under a fictitious name,~~
 784 ~~offering mold assessment or mold remediation; however, when an~~

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

785 ~~individual is practicing mold assessment or mold remediation~~
 786 ~~under his or her own given name, he or she shall not be required~~
 787 ~~to register under this section.~~

788 ~~(4) Each certificate of authorization shall be renewed~~
 789 ~~every 2 years. Each partnership and corporation certified under~~
 790 ~~this section shall notify the department within 1 month of any~~
 791 ~~change in the information contained in the application upon~~
 792 ~~which the certification is based.~~

793 ~~(5) Disciplinary action against a corporation or~~
 794 ~~partnership shall be administered in the same manner and on the~~
 795 ~~same grounds as disciplinary action against a licensed mold~~
 796 ~~assessor or mold remediator.~~

797 Section 21. Subsection (1) of section 468.8419, Florida
 798 Statutes, is amended, and subsection (4) is added to that
 799 section, to read:

800 468.8419 Prohibitions; penalties.—

801 (1) A person ~~mold assessor, a company that employs a mold~~
 802 ~~assessor, or a company that is controlled by a company that also~~
 803 ~~has a financial interest in a company employing a mold assessor~~
 804 may not:

805 (a) Effective July 1, 2011, perform or offer to perform
 806 any mold assessment unless the mold assessor has documented
 807 training in water, mold, and respiratory protection under s.
 808 468.8414(2).

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

812 (c) Use the name or title "certified mold assessor,"

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

813 "registered mold assessor," "licensed mold assessor," "mold
 814 assessor," "professional mold assessor," or any combination
 815 thereof unless the person has complied with the provisions of
 816 this part.

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

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

823 (f) Accept any compensation, inducement, or reward from a
 824 mold remediator or mold remediator's company for the referral of
 825 any business to the mold remediator or the mold remediator's
 826 company.

827 (g) Offer any compensation, inducement, or reward to a
 828 mold remediator or mold remediator's company for the referral of
 829 any business from the mold remediator or the mold remediator's
 830 company.

831 (h) Accept an engagement to make an omission of the
 832 assessment or conduct an assessment in which the assessment
 833 itself, or the fee payable for the assessment, is contingent
 834 upon the conclusions of the assessment.

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

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

840 468.842 Disciplinary proceedings.—

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

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

843 (a) Violation of any provision of this part or s.
844 455.227(1) .†

845 (b) Attempting to procure a license to practice mold
846 assessment or mold remediation by bribery or fraudulent
847 misrepresentations .†

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

852 (d) Being convicted or found guilty of, or entering a plea
853 of nolo contendere to, regardless of adjudication, a crime in
854 any jurisdiction that directly relates to the practice of mold
855 assessment or mold remediation or the ability to practice mold
856 assessment or mold remediation .†

857 (e) Making or filing a report or record that the licensee
858 knows to be false, willfully failing to file a report or record
859 required by state or federal law, willfully impeding or
860 obstructing such filing, or inducing another person to impede or
861 obstruct such filing. Such reports or records shall include only
862 those that are signed in the capacity of a registered mold
863 assessor or mold remediator .†

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

866 (g) Engaging in fraud or deceit, or negligence,
867 incompetency, or misconduct, in the practice of mold assessment
868 or mold remediation .†

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

869 (h) Failing to perform any statutory or legal obligation
 870 placed upon a licensed mold assessor or mold remediator;
 871 violating any provision of this chapter, a rule of the
 872 department, or a lawful order of the department previously
 873 entered in a disciplinary hearing; or failing to comply with a
 874 lawfully issued subpoena of the department.~~;~~ ~~or~~

875 (i) Practicing on a revoked, suspended, inactive, or
 876 delinquent license.

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

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

881 468.8421 Insurance.—

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

886 Section 24. Section 468.8423, Florida Statutes, is amended
 887 to read:

888 468.8423 Grandfather clause.—

889 (1) A person who performs mold assessment or mold
 890 remediation as defined in this part may qualify to be licensed
 891 by the department as a mold assessor or mold remediator if the
 892 person submits his or her application to the department by March
 893 1, 2011, whether postmarked or delivered by that date, and if
 894 the person: meets the licensure requirements of this part by
 895 July 1, 2010.

896 (a) Is certified as a mold assessor or mold remediator by

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

897 a state or national association that requires, for such
 898 certification, successful completion of a proctored examination
 899 on mold assessment or mold remediation, as applicable, and
 900 completes at least 60 hours of education on mold assessment or
 901 at least 30 hours of education on mold remediation, as
 902 applicable; or

903 (b) At the time of application, has at least 3 years of
 904 experience as a mold assessor or mold remediator. To establish
 905 the 3 years of experience, an applicant must submit at least 40
 906 mold assessments or remediation invoices prepared by the
 907 applicant.

908 (2) The department may investigate the validity of a mold
 909 assessment or remediation invoice submitted under paragraph
 910 (1)(b) and, if the applicant submits a false assessment or
 911 invoice, may take disciplinary action against the applicant
 912 under s. 468.842(1)(e) or (g).

913 (3) An applicant may not qualify for licensure under this
 914 section if he or she has had a mold assessor or mold remediator
 915 license or a license in any related field revoked at any time or
 916 suspended within the previous 5 years or has been assessed a
 917 fine that exceeds \$500 within the previous 5 years. For purposes
 918 of this subsection, a license in a related field includes, but
 919 is not limited to, licensure in real estate, construction, home
 920 inspection, building code administration or inspection, or
 921 indoor air quality.

922 (4) An applicant for licensure under this section must
 923 comply with the good moral character and insurance requirements
 924 of this part.

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

925 Section 25. Section 468.8424, Florida Statutes, is created
 926 to read:

927 468.8424 Rulemaking authority.—The department shall adopt
 928 rules to administer this part.

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

931 489.103 Exemptions.—This part does not apply to:

932 (22) A person licensed pursuant to s. 633.061(1)(d) or
 933 (3)~~(2)~~(b) performing work authorized by such license.

934 Section 27. Paragraph (c) of subsection (1) of section
 935 489.5335, Florida Statutes, is amended to read:

936 489.5335 Journeyman; reciprocity; standards.—

937 (1) An individual who holds a valid, active journeyman
 938 license in the electrical trade issued by any county or
 939 municipality in this state may work as a journeyman in any other
 940 county or municipality of this state without taking an
 941 additional examination or paying an additional license fee, if
 942 he or she:

943 (c) Has satisfactorily completed specialized and advanced
 944 module coursework approved by the Florida Building Commission,
 945 as part of the building code training program established in s.
 946 553.841, specific to the discipline, ~~and successfully completed~~
 947 ~~the program's core curriculum courses or passed an equivalency~~
 948 ~~test in lieu of taking the core curriculum courses and provided~~
 949 ~~proof of completion of such curriculum courses or examination~~
 950 ~~and obtained a certificate from the board pursuant to this part~~
 951 or, pursuant to authorization by the certifying authority,
 952 provides proof of completion of such curriculum or coursework

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

953 within 6 months after such certification; and
 954 Section 28. Subsections (2), (8), and (9) of section
 955 553.37, Florida Statutes, are amended, and subsection (12) is
 956 added to that section, to read:
 957 553.37 Rules; inspections; and insignia.—
 958 (2) The department shall adopt rules to address:
 959 (a) Procedures and qualifications for approval of third-
 960 party plan review and inspection agencies and of those who
 961 perform inspections and plan reviews.
 962 (b) Investigation of consumer complaints of noncompliance
 963 of manufactured buildings with the Florida Building Code and the
 964 Florida Fire Prevention Code.
 965 (c) Issuance, cancellation, and revocation of any insignia
 966 issued by the department and procedures for auditing and
 967 accounting for disposition of them.
 968 (d) Monitoring the manufacturers', inspection agencies',
 969 and plan review agencies' compliance with this part and the
 970 Florida Building Code. Monitoring may include, but is not
 971 limited to, performing audits of plans, inspections of
 972 manufacturing facilities and observation of the manufacturing
 973 and inspection process, and onsite inspections of buildings.
 974 (e) The performance by the department and its designees
 975 and contractors of any other functions required by this part.
 976 (8) The department, by rule, shall establish a schedule of
 977 fees to pay the cost of the administration and enforcement of
 978 this part. The rule may provide for manufacturers to pay fees to
 979 the administrator directly via the Building Code Information
 980 System.

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

981 (9) The department may delegate its enforcement authority
 982 to a state department having building construction
 983 responsibilities or a local government and may enter into
 984 contracts for the performance of its administrative duties under
 985 this part. The department may delegate its plan review and
 986 inspection authority to one or more of the following in any
 987 combination:

- 988 (a) A state department having building construction
- 989 responsibilities;
- 990 (b) A local government;
- 991 (c) An approved inspection agency;
- 992 (d) An approved plan review agency; or
- 993 (e) An agency of another state.

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

998 Section 29. Section 553.375, Florida Statutes, is amended
 999 to read:

1000 553.375 Recertification of manufactured buildings.—Prior
 1001 to the relocation to a site that has a higher design wind speed,
 1002 modification, or change of occupancy of a manufactured building
 1003 within the state, the manufacturer, dealer, or owner thereof may
 1004 apply to the department for recertification of that manufactured
 1005 building. The department shall, by rule, provide what
 1006 information the applicant must submit for recertification and
 1007 for plan review and inspection of such manufactured buildings
 1008 and shall establish fees for recertification. Upon a

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1009 determination by the department that the manufactured building
 1010 complies with the applicable building codes, the department
 1011 shall issue a recertification insignia. A manufactured building
 1012 that bears recertification insignia does not require any
 1013 additional approval by an enforcement jurisdiction in which the
 1014 building is sold or installed, and is considered to comply with
 1015 all applicable codes. As an alternative to recertification by
 1016 the department, the manufacturer, dealer, or owner of a
 1017 manufactured building may seek appropriate permitting and a
 1018 certificate of occupancy from the local jurisdiction in
 1019 accordance with procedures generally applicable under the
 1020 Florida Building Code.

1021 Section 30. Subsection (1) of section 553.512, Florida
 1022 Statutes, is amended to read:

1023 553.512 Modifications and waivers; advisory council.—

1024 (1) The Florida Building Commission shall provide by
 1025 regulation criteria for granting individual modifications of, or
 1026 exceptions from, the literal requirements of this part upon a
 1027 determination of unnecessary, unreasonable, or extreme hardship,
 1028 provided such waivers shall not violate federal accessibility
 1029 laws and regulations and shall be reviewed by the Accessibility
 1030 Advisory Council. The commission shall establish by rule a fee
 1031 to be paid upon submitting a request for a waiver as provided in
 1032 this section. Notwithstanding any other provision of this
 1033 subsection, if an applicant for a waiver demonstrates economic
 1034 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver
 1035 shall be granted. The commission may not consider waiving any of
 1036 the requirements of s. 553.5041 unless the applicant first

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1037 demonstrates that she or he has applied for and been denied
 1038 waiver or variance from all local government zoning, subdivision
 1039 regulations, or other ordinances that prevent compliance
 1040 therewith. Further, the commission may not waive the requirement
 1041 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
 1042 accessible routes and minimum width of accessible parking
 1043 spaces.

1044 Section 31. Effective October 1, 2010, section 553.721,
 1045 Florida Statutes, is amended to read:

1046 553.721 Surcharge.—

1047 ~~(1)~~ In order for the Department of Community Affairs to
 1048 administer and carry out the purposes of this part and related
 1049 activities, there is hereby created a surcharge, to be assessed
 1050 at the rate of 1.5 percent of the permit fees associated with
 1051 enforcement of the Florida Building Code as defined by the
 1052 uniform account criteria and specifically the uniform account
 1053 code for building permits adopted for local government financial
 1054 reporting pursuant to s. 218.32. The minimum amount collected on
 1055 any permit issued shall be \$2 one-half cent per square foot
 1056 under roof floor space permitted pursuant to s. 125.56(4) or s.
 1057 166.201. However, for additions, alterations, or renovations to
 1058 existing buildings, the surcharge shall be computed on the basis
 1059 of the square footage being added, altered, or renovated. The
 1060 unit of government responsible for collecting a permit fee
 1061 pursuant to s. 125.56(4) or s. 166.201 shall collect such
 1062 surcharge and electronically remit the funds collected to the
 1063 department on a quarterly calendar basis beginning not later
 1064 than December 31, 2010, for the preceding quarter, and

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1065 continuing each third month thereafter, and such unit of
 1066 government shall ~~may~~ retain 10 ~~an amount up to 5~~ percent of the
 1067 surcharge collected to fund the participation of building
 1068 departments in the national and state building code adoption
 1069 processes and to provide education related to enforcement of the
 1070 Florida Building Code ~~cover costs associated with the collection~~
 1071 ~~and remittance of such surcharge~~. All funds remitted to the
 1072 department pursuant to this section ~~subsection~~ shall be
 1073 deposited in the Operating Trust Fund. Funds collected from such
 1074 surcharge shall be used exclusively for the duties of the
 1075 Florida Building Commission and the Department of Community
 1076 Affairs under this chapter and shall not be used to fund
 1077 research on techniques for mitigation of radon in existing
 1078 buildings. Funds used by the department as well as funds to be
 1079 transferred to the Department of Health shall be as prescribed
 1080 in the annual General Appropriations Act. The department shall
 1081 adopt rules governing the collection and remittance of
 1082 surcharges in accordance with chapter 120.

1083 ~~(2) Notwithstanding subsection (1), and for the 2008-2009~~
 1084 ~~fiscal year only, the amount transferred from the Operating~~
 1085 ~~Trust Fund to the Grants and Donations Trust Fund of the~~
 1086 ~~Department of Community Affairs pursuant to the General~~
 1087 ~~Appropriations Act for the 2008-2009 fiscal year shall be used~~
 1088 ~~for the regional planning councils, civil legal assistance, and~~
 1089 ~~the Front Porch Florida Initiative.~~

1090 Section 32. Subsections (2) and (3) and paragraph (b) of
 1091 subsection (4) of section 553.73, Florida Statutes, are amended,
 1092 present subsections (5) through (13) of that section are

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1093 | renumbered as subsections (6) through (14), respectively, a new
1094 | subsection (5) is added to that section, paragraph (a) of
1095 | present subsection (6) and present subsections (7) and (9) of
1096 | that section are amended, and subsections (15), (16), and (17)
1097 | are added to that section, to read:

1098 | 553.73 Florida Building Code.—

1099 | (2) The Florida Building Code shall contain provisions or
1100 | requirements for public and private buildings, structures, and
1101 | facilities relative to structural, mechanical, electrical,
1102 | plumbing, energy, and gas systems, existing buildings,
1103 | historical buildings, manufactured buildings, elevators, coastal
1104 | construction, lodging facilities, food sales and food service
1105 | facilities, health care facilities, including assisted living
1106 | facilities, adult day care facilities, hospice residential and
1107 | inpatient facilities and units, and facilities for the control
1108 | of radiation hazards, public or private educational facilities,
1109 | swimming pools, and correctional facilities and enforcement of
1110 | and compliance with such provisions or requirements. Further,
1111 | the Florida Building Code must provide for uniform
1112 | implementation of ss. 515.25, 515.27, and 515.29 by including
1113 | standards and criteria for residential swimming pool barriers,
1114 | pool covers, latching devices, door and window exit alarms, and
1115 | other equipment required therein, which are consistent with the
1116 | intent of s. 515.23. Technical provisions to be contained within
1117 | the Florida Building Code are restricted to requirements related
1118 | to the types of materials used and construction methods and
1119 | standards employed in order to meet criteria specified in the
1120 | Florida Building Code. Provisions relating to the personnel,

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1121 supervision or training of personnel, or any other professional
 1122 qualification requirements relating to contractors or their
 1123 workforce may not be included within the Florida Building Code,
 1124 and subsections (4), ~~(5)~~, (6), (7), ~~and (8)~~, and (9) are not to
 1125 be construed to allow the inclusion of such provisions within
 1126 the Florida Building Code by amendment. This restriction applies
 1127 to both initial development and amendment of the Florida
 1128 Building Code.

1129 (3) The commission shall select from available national or
 1130 international model building codes, or other available building
 1131 codes and standards currently recognized by the laws of this
 1132 state, to form the foundation for the Florida Building Code. The
 1133 commission may modify the selected model codes and standards as
 1134 needed to accommodate the specific needs of this state.
 1135 Standards or criteria referenced by the selected model codes
 1136 shall be similarly incorporated by reference. If a referenced
 1137 standard or criterion requires amplification or modification to
 1138 be appropriate for use in this state, only the amplification or
 1139 modification shall be specifically set forth in the Florida
 1140 Building Code. The Florida Building Commission may approve
 1141 technical amendments to the code, subject to the requirements of
 1142 subsections (8) ~~(7)~~ and (9) ~~(8)~~, after the amendments have been
 1143 subject to the following conditions:

1144 (a) The proposed amendment has been published on the
 1145 commission's website for a minimum of 45 days and all the
 1146 associated documentation has been made available to any
 1147 interested party before any consideration by any Technical
 1148 Advisory Committee;

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1149 (b) In order for a Technical Advisory Committee to make a
 1150 favorable recommendation to the commission, the proposal must
 1151 receive a three-fourths vote of the members present at the
 1152 Technical Advisory Committee meeting and at least half of the
 1153 regular members must be present in order to conduct a meeting;

1154 (c) After Technical Advisory Committee consideration and a
 1155 recommendation for approval of any proposed amendment, the
 1156 proposal must be published on the commission's website for not
 1157 less than 45 days before any consideration by the commission;
 1158 and

1159 (d) Any proposal may be modified by the commission based
 1160 on public testimony and evidence from a public hearing held in
 1161 accordance with chapter 120.

1162
 1163 The commission shall incorporate within sections of the Florida
 1164 Building Code provisions which address regional and local
 1165 concerns and variations. The commission shall make every effort
 1166 to minimize conflicts between the Florida Building Code, the
 1167 Florida Fire Prevention Code, and the Life Safety Code.

1168 (4)

1169 (b) Local governments may, subject to the limitations of
 1170 this section, adopt amendments to the technical provisions of
 1171 the Florida Building Code which apply solely within the
 1172 jurisdiction of such government and which provide for more
 1173 stringent requirements than those specified in the Florida
 1174 Building Code, not more than once every 6 months. A local
 1175 government may adopt technical amendments that address local
 1176 needs if:

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1177 1. The local governing body determines, following a public
 1178 hearing which has been advertised in a newspaper of general
 1179 circulation at least 10 days before the hearing, that there is a
 1180 need to strengthen the requirements of the Florida Building
 1181 Code. The determination must be based upon a review of local
 1182 conditions by the local governing body, which review
 1183 demonstrates by evidence or data that the geographical
 1184 jurisdiction governed by the local governing body exhibits a
 1185 local need to strengthen the Florida Building Code beyond the
 1186 needs or regional variation addressed by the Florida Building
 1187 Code, that the local need is addressed by the proposed local
 1188 amendment, and that the amendment is no more stringent than
 1189 necessary to address the local need.

1190 2. Such additional requirements are not discriminatory
 1191 against materials, products, or construction techniques of
 1192 demonstrated capabilities.

1193 3. Such additional requirements may not introduce a new
 1194 subject not addressed in the Florida Building Code.

1195 4. The enforcing agency shall make readily available, in a
 1196 usable format, all amendments adopted pursuant to this section.

1197 5. Any amendment to the Florida Building Code shall be
 1198 transmitted within 30 days by the adopting local government to
 1199 the commission. The commission shall maintain copies of all such
 1200 amendments in a format that is usable and obtainable by the
 1201 public. Local technical amendments shall not become effective
 1202 until 30 days after the amendment has been received and
 1203 published by the commission.

1204 6. Any amendment to the Florida Building Code adopted by a

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1205 local government pursuant to this paragraph shall be effective
 1206 only until the adoption by the commission of the new edition of
 1207 the Florida Building Code every third year. At such time, the
 1208 commission shall review such amendment for consistency with the
 1209 criteria in paragraph (9)~~(8)~~(a) and adopt such amendment as part
 1210 of the Florida Building Code or rescind the amendment. The
 1211 commission shall immediately notify the respective local
 1212 government of the rescission of any amendment. After receiving
 1213 such notice, the respective local government may readopt the
 1214 rescinded amendment pursuant to the provisions of this
 1215 paragraph.

1216 7. Each county and municipality desiring to make local
 1217 technical amendments to the Florida Building Code shall by
 1218 interlocal agreement establish a countywide compliance review
 1219 board to review any amendment to the Florida Building Code,
 1220 adopted by a local government within the county pursuant to this
 1221 paragraph, that is challenged by any substantially affected
 1222 party for purposes of determining the amendment's compliance
 1223 with this paragraph. If challenged, the local technical
 1224 amendments shall not become effective until time for filing an
 1225 appeal pursuant to subparagraph 8. has expired or, if there is
 1226 an appeal, until the commission issues its final order
 1227 determining the adopted amendment is in compliance with this
 1228 subsection.

1229 8. If the compliance review board determines such
 1230 amendment is not in compliance with this paragraph, the
 1231 compliance review board shall notify such local government of
 1232 the noncompliance and that the amendment is invalid and

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1233 unenforceable until the local government corrects the amendment
1234 to bring it into compliance. The local government may appeal the
1235 decision of the compliance review board to the commission. If
1236 the compliance review board determines such amendment to be in
1237 compliance with this paragraph, any substantially affected party
1238 may appeal such determination to the commission. Any such appeal
1239 shall be filed with the commission within 14 days of the board's
1240 written determination. The commission shall promptly refer the
1241 appeal to the Division of Administrative Hearings for the
1242 assignment of an administrative law judge. The administrative
1243 law judge shall conduct the required hearing within 30 days, and
1244 shall enter a recommended order within 30 days of the conclusion
1245 of such hearing. The commission shall enter a final order within
1246 30 days thereafter. The provisions of chapter 120 and the
1247 uniform rules of procedure shall apply to such proceedings. The
1248 local government adopting the amendment that is subject to
1249 challenge has the burden of proving that the amendment complies
1250 with this paragraph in proceedings before the compliance review
1251 board and the commission, as applicable. Actions of the
1252 commission are subject to judicial review pursuant to s. 120.68.
1253 The compliance review board shall determine whether its
1254 decisions apply to a respective local jurisdiction or apply
1255 countywide.

1256 9. An amendment adopted under this paragraph shall include
1257 a fiscal impact statement which documents the costs and benefits
1258 of the proposed amendment. Criteria for the fiscal impact
1259 statement shall include the impact to local government relative
1260 to enforcement, the impact to property and building owners, as

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1261 well as to industry, relative to the cost of compliance. The
 1262 fiscal impact statement may not be used as a basis for
 1263 challenging the amendment for compliance.

1264 10. In addition to subparagraphs 7. and 9., the commission
 1265 may review any amendments adopted pursuant to this subsection
 1266 and make nonbinding recommendations related to compliance of
 1267 such amendments with this subsection.

1268 (5) Notwithstanding subsection (4), counties and
 1269 municipalities may adopt by ordinance an administrative or
 1270 technical amendment to the Florida Building Code relating to
 1271 flood resistance in order to implement the National Flood
 1272 Insurance Program or incentives. Specifically, an administrative
 1273 amendment may assign the duty to enforce all or portions of
 1274 flood-related code provisions to the appropriate agencies of the
 1275 local government and adopt procedures for variances and
 1276 exceptions from flood-related code provisions other than
 1277 provisions for structures seaward of the coastal construction
 1278 control line consistent with the requirements in 44 C.F.R. s.
 1279 60.6. A technical amendment is authorized to the extent it is
 1280 more stringent than the code. A technical amendment is not
 1281 subject to the requirements of subsection (4) and may not be
 1282 rendered void when the code is updated if the amendment is
 1283 adopted for the purpose of participating in the Community Rating
 1284 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment
 1285 had already been adopted by local ordinance prior to July 1,
 1286 2010, or the amendment requires a design flood elevation above
 1287 the base flood elevation. Any amendment adopted pursuant to this
 1288 subsection shall be transmitted to the commission within 30 days

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1289 after being adopted.

1290 (7)~~(6)~~(a) The commission, by rule adopted pursuant to ss.
 1291 120.536(1) and 120.54, shall update the Florida Building Code
 1292 every 3 years. When updating the Florida Building Code, the
 1293 commission shall select the most current version of the
 1294 International Building Code, the International Fuel Gas Code,
 1295 the International Mechanical Code, the International Plumbing
 1296 Code, and the International Residential Code, all of which are
 1297 adopted by the International Code Council, and the National
 1298 Electrical Code, which is adopted by the National Fire
 1299 Protection Association, to form the foundation codes of the
 1300 updated Florida Building Code, if the version has been adopted
 1301 by the applicable model code entity ~~and made available to the~~
 1302 ~~public at least 6 months prior to its selection by the~~
 1303 ~~commission~~. The commission shall select the most current version
 1304 of the International Energy Conservation Code (IECC) as a
 1305 foundation code; however, the IECC shall be modified by the
 1306 commission to maintain the efficiencies of the Florida Energy
 1307 Efficiency Code for Building Construction adopted and amended
 1308 pursuant to s. 553.901.

1309 (8)~~(7)~~ Notwithstanding the provisions of subsection (3) or
 1310 subsection (7)~~(6)~~, the commission may address issues identified
 1311 in this subsection by amending the code pursuant only to the
 1312 rule adoption procedures contained in chapter 120. Provisions of
 1313 the Florida Building Code, including those contained in
 1314 referenced standards and criteria, relating to wind resistance
 1315 or the prevention of water intrusion may not be amended pursuant
 1316 to this subsection to diminish those construction requirements;

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1317 | however, the commission may, subject to conditions in this
 1318 | subsection, amend the provisions to enhance those construction
 1319 | requirements. Following the approval of any amendments to the
 1320 | Florida Building Code by the commission and publication of the
 1321 | amendments on the commission's website, authorities having
 1322 | jurisdiction to enforce the Florida Building Code may enforce
 1323 | the amendments. The commission may approve amendments that are
 1324 | needed to address:

- 1325 | (a) Conflicts within the updated code;
- 1326 | (b) Conflicts between the updated code and the Florida
 1327 | Fire Prevention Code adopted pursuant to chapter 633;
- 1328 | (c) The omission of previously adopted Florida-specific
 1329 | amendments to the updated code if such omission is not supported
 1330 | by a specific recommendation of a technical advisory committee
 1331 | or particular action by the commission;
- 1332 | (d) Unintended results from the integration of previously
 1333 | adopted Florida-specific amendments with the model code;
- 1334 | (e) Equivalency of standards;
- 1335 | (f)~~(e)~~ Changes to or inconsistencies with federal or state
 1336 | law; or
- 1337 | (g)~~(f)~~ Adoption of an updated edition of the National
 1338 | Electrical Code if the commission finds that delay of
 1339 | implementing the updated edition causes undue hardship to
 1340 | stakeholders or otherwise threatens the public health, safety,
 1341 | and welfare.

1342 | (10)~~(9)~~ The following buildings, structures, and
 1343 | facilities are exempt from the Florida Building Code as provided
 1344 | by law, and any further exemptions shall be as determined by the

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

- 1345 Legislature and provided by law:
- 1346 (a) Buildings and structures specifically regulated and
- 1347 preempted by the Federal Government.
- 1348 (b) Railroads and ancillary facilities associated with the
- 1349 railroad.
- 1350 (c) Nonresidential farm buildings on farms.
- 1351 (d) Temporary buildings or sheds used exclusively for
- 1352 construction purposes.
- 1353 (e) Mobile or modular structures used as temporary
- 1354 offices, except that the provisions of part II relating to
- 1355 accessibility by persons with disabilities shall apply to such
- 1356 mobile or modular structures.
- 1357 (f) Those structures or facilities of electric utilities,
- 1358 as defined in s. 366.02, which are directly involved in the
- 1359 generation, transmission, or distribution of electricity.
- 1360 (g) Temporary sets, assemblies, or structures used in
- 1361 commercial motion picture or television production, or any
- 1362 sound-recording equipment used in such production, on or off the
- 1363 premises.
- 1364 (h) Storage sheds that are not designed for human
- 1365 habitation and that have a floor area of 720 square feet or less
- 1366 are not required to comply with the mandatory wind-borne-debris-
- 1367 impact standards of the Florida Building Code.
- 1368 (i) Chickees constructed by the Miccosukee Tribe of
- 1369 Indians of Florida or the Seminole Tribe of Florida. As used in
- 1370 this paragraph, the term "chickee" means an open-sided wooden
- 1371 hut that has a thatched roof of palm or palmetto or other
- 1372 traditional materials, and that does not incorporate any

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1373 electrical, plumbing, or other nonwood features.

1374 (j) Family mausoleums not exceeding 250 square feet in

1375 area which are prefabricated and assembled on site or

1376 preassembled and delivered on site and have walls, roofs, and a

1377 floor constructed of granite, marble, or reinforced concrete.

1378

1379 With the exception of paragraphs (a), (b), (c), and (f), in

1380 order to preserve the health, safety, and welfare of the public,

1381 the Florida Building Commission may, by rule adopted pursuant to

1382 chapter 120, provide for exceptions to the broad categories of

1383 buildings exempted in this section, including exceptions for

1384 application of specific sections of the code or standards

1385 adopted therein. The Department of Agriculture and Consumer

1386 Services shall have exclusive authority to adopt by rule,

1387 pursuant to chapter 120, exceptions to nonresidential farm

1388 buildings exempted in paragraph (c) when reasonably necessary to

1389 preserve public health, safety, and welfare. The exceptions must

1390 be based upon specific criteria, such as under-roof floor area,

1391 aggregate electrical service capacity, HVAC system capacity, or

1392 other building requirements. Further, the commission may

1393 recommend to the Legislature additional categories of buildings,

1394 structures, or facilities which should be exempted from the

1395 Florida Building Code, to be provided by law. The Florida

1396 Building Code does not apply to temporary housing provided by

1397 the Department of Corrections to any prisoner in the state

1398 correctional system.

1399 (15) An agency or local government may not require that

1400 existing mechanical equipment on the surface of a roof be

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1401 installed in compliance with the requirements of the Florida
 1402 Building Code until the equipment is required to be removed or
 1403 replaced.

1404 (16) The Florida Building Code must require that the
 1405 illumination in classroom units be designed to provide and
 1406 maintain an average of 40 foot-candles of light at each desktop.
 1407 Public educational facilities must consider using light-emitting
 1408 diode lighting before considering other lighting sources.

1409 (17) The provisions of section R313 of the most current
 1410 version of the International Residential Code relating to
 1411 mandated fire sprinklers may not be incorporated into the
 1412 Florida Building Code as adopted by the Florida Building
 1413 Commission and may not be adopted as a local amendment to the
 1414 Florida Building Code. This subsection does not apply to a local
 1415 government that has a lawfully adopted ordinance relating to
 1416 fire sprinklers which has been in effect since January 1, 2010.

1417 Section 33. Subsection (5) is added to section 553.74,
 1418 Florida Statutes, to read:

1419 553.74 Florida Building Commission.—

1420 (5) Notwithstanding s. 112.313 or any other provision of
 1421 law, a member of any of commission's technical advisory
 1422 committees or a member of any other advisory committee or
 1423 workgroup of the commission, does not have an impermissible
 1424 conflict of interest when representing clients before the
 1425 commission or one of its committees or workgroups. However, the
 1426 member, in his or her capacity as member of the committee or
 1427 workgroup, may not take part in any discussion on or take action
 1428 on any matter in which he or she has a direct financial

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1429 interest.

1430 Section 34. Subsection (2) of section 553.76, Florida
 1431 Statutes, is amended to read:

1432 553.76 General powers of the commission.—The commission is
 1433 authorized to:

1434 (2) Issue memoranda of procedure for its internal
 1435 management and control. The commission may adopt rules related
 1436 to its consensus-based decisionmaking process, including, but
 1437 not limited to, super majority voting requirements for
 1438 commission actions relating to the adoption of the Florida
 1439 Building Code or amendments to the code.

1440 Section 35. Subsections (2) and (4) of section 553.775,
 1441 Florida Statutes, are amended to read:

1442 553.775 Interpretations.—

1443 (2) Local enforcement agencies, local building officials,
 1444 state agencies, and the commission shall interpret provisions of
 1445 the Florida Building Code in a manner that is consistent with
 1446 declaratory statements and interpretations entered by the
 1447 commission, except that conflicts between the Florida Fire
 1448 Prevention Code and the Florida Building Code shall be resolved
 1449 in accordance with s. 553.73 (11) ~~(10)~~ (c) and (d).

1450 (4) In order to administer this section, the commission
 1451 may adopt by rule and impose a fee for filing requests for
 1452 declaratory statements and binding and nonbinding
 1453 interpretations to recoup the cost of the proceedings which may
 1454 not exceed \$125 for each request for a nonbinding interpretation
 1455 and \$250 for each request for a binding review or
 1456 interpretation. For proceedings conducted by or in coordination

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1457 with a third-party, the rule may provide that payment be made
 1458 directly to the third party, who shall remit to the department
 1459 that portion of the fee necessary to cover the costs of the
 1460 department.

1461 Section 36. Subsection (9) of section 553.79, Florida
 1462 Statutes, is amended to read:

1463 553.79 Permits; applications; issuance; inspections.—

1464 (9) Any state agency whose enabling legislation authorizes
 1465 it to enforce provisions of the Florida Building Code may enter
 1466 into an agreement with any other unit of government to delegate
 1467 its responsibility to enforce those provisions and may expend
 1468 public funds for permit and inspection fees, which fees may be
 1469 no greater than the fees charged others. Inspection services
 1470 that are not required to be performed by a state agency under a
 1471 federal delegation of responsibility or by a state agency under
 1472 the Florida Building Code must be performed under the
 1473 alternative plans review and inspection process created in s.
 1474 553.791 or by a local governmental entity having authority to
 1475 enforce the Florida Building Code.

1476 Section 37. For the purpose of incorporating the amendment
 1477 made by this act to section 553.79, Florida Statutes, in a
 1478 reference thereto, subsection (1) of section 553.80, Florida
 1479 Statutes, is reenacted, and paragraph (c) of subsection (1) and
 1480 subsection (3) of that section are amended, to read:

1481 553.80 Enforcement.—

1482 (1) Except as provided in paragraphs (a)-(g), each local
 1483 government and each legally constituted enforcement district
 1484 with statutory authority shall regulate building construction

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1485 and, where authorized in the state agency's enabling
 1486 legislation, each state agency shall enforce the Florida
 1487 Building Code required by this part on all public or private
 1488 buildings, structures, and facilities, unless such
 1489 responsibility has been delegated to another unit of government
 1490 pursuant to s. 553.79(9).

1491 (a) Construction regulations relating to correctional
 1492 facilities under the jurisdiction of the Department of
 1493 Corrections and the Department of Juvenile Justice are to be
 1494 enforced exclusively by those departments.

1495 (b) Construction regulations relating to elevator
 1496 equipment under the jurisdiction of the Bureau of Elevators of
 1497 the Department of Business and Professional Regulation shall be
 1498 enforced exclusively by that department.

1499 (c) In addition to the requirements of s. 553.79 and this
 1500 section, facilities subject to the provisions of chapter 395 and
 1501 parts ~~part~~ II and VIII of chapter 400 shall have facility plans
 1502 reviewed and construction surveyed by the state agency
 1503 authorized to do so under the requirements of chapter 395 and
 1504 parts ~~part~~ II and VIII of chapter 400 and the certification
 1505 requirements of the Federal Government. Facilities subject to
 1506 the provisions of part IV of chapter 400 may have facility plans
 1507 reviewed and shall have construction surveyed by the state
 1508 agency authorized to do so under the requirements of part IV of
 1509 chapter 400 and the certification requirements of the Federal
 1510 Government.

1511 (d) Building plans approved under s. 553.77(3) and state-
 1512 approved manufactured buildings, including buildings

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1513 manufactured and assembled offsite and not intended for
 1514 habitation, such as lawn storage buildings and storage sheds,
 1515 are exempt from local code enforcing agency plan reviews except
 1516 for provisions of the code relating to erection, assembly, or
 1517 construction at the site. Erection, assembly, and construction
 1518 at the site are subject to local permitting and inspections.
 1519 Lawn storage buildings and storage sheds bearing the insignia of
 1520 approval of the department are not subject to s. 553.842. Such
 1521 buildings that do not exceed 400 square feet may be delivered
 1522 and installed without need of a contractor's or specialty
 1523 license.

1524 (e) Construction regulations governing public schools,
 1525 state universities, and community colleges shall be enforced as
 1526 provided in subsection (6).

1527 (f) The Florida Building Code as it pertains to toll
 1528 collection facilities under the jurisdiction of the turnpike
 1529 enterprise of the Department of Transportation shall be enforced
 1530 exclusively by the turnpike enterprise.

1531 (g) Construction regulations relating to secure mental
 1532 health treatment facilities under the jurisdiction of the
 1533 Department of Children and Family Services shall be enforced
 1534 exclusively by the department in conjunction with the Agency for
 1535 Health Care Administration's review authority under paragraph
 1536 (c).

1537
 1538 The governing bodies of local governments may provide a schedule
 1539 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
 1540 section, for the enforcement of the provisions of this part.

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1541 Such fees shall be used solely for carrying out the local
 1542 government's responsibilities in enforcing the Florida Building
 1543 Code. The authority of state enforcing agencies to set fees for
 1544 enforcement shall be derived from authority existing on July 1,
 1545 1998. However, nothing contained in this subsection shall
 1546 operate to limit such agencies from adjusting their fee schedule
 1547 in conformance with existing authority.

1548 (3) (a) Each enforcement district shall be governed by a
 1549 board, the composition of which shall be determined by the
 1550 affected localities.

1551 (b)1. At its own option, each enforcement district or
 1552 local enforcement agency may adopt ~~promulgate~~ rules granting to
 1553 the owner of a single-family residence one or more exemptions
 1554 from the Florida Building Code relating to:

1555 a. ~~(a)~~ Addition, alteration, or repairs performed by the
 1556 property owner upon his or her own property, provided any
 1557 addition or alteration shall not exceed 1,000 square feet or the
 1558 square footage of the primary structure, whichever is less.

1559 b. ~~(b)~~ Addition, alteration, or repairs by a nonowner
 1560 within a specific cost limitation set by rule, provided the
 1561 total cost shall not exceed \$5,000 within any 12-month period.

1562 c. ~~(c)~~ Building and inspection fees.

1563 2. However, the exemptions under subparagraph 1. do not
 1564 apply to single-family residences that are located in mapped
 1565 flood hazard areas, as defined in the code, unless the
 1566 enforcement district or local enforcement agency has determined
 1567 that the work, which is otherwise exempt, does not constitute a
 1568 substantial improvement, including the repair of substantial

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1569 damage, of such single-family residences.

1570 3. Each code exemption, as defined in sub-subparagraphs
 1571 1.a, b., and c. paragraphs (a), (b), and (c), shall be certified
 1572 to the local board 10 days prior to implementation and shall
 1573 only be effective in the territorial jurisdiction of the
 1574 enforcement district or local enforcement agency implementing
 1575 it.

1576 Section 38. Subsections (4) through (9) of section
 1577 553.841, Florida Statutes, are amended to read:

1578 553.841 Building code compliance and mitigation program.—

1579 (4) ~~The department,~~ In administering the Florida Building
 1580 Code Compliance and Mitigation Program, the department shall
 1581 maintain, update, develop, or cause to be developed:

1582 ~~(a) A core curriculum that is prerequisite to the advanced~~
 1583 ~~module coursework.~~

1584 ~~(b) advanced modules designed for use by each profession.~~

1585 ~~(c) The core curriculum developed under this subsection~~
 1586 ~~must be submitted to the Department of Business and Professional~~
 1587 ~~Regulation for approval. Advanced modules developed under this~~
 1588 ~~paragraph must be approved by the commission and submitted to~~
 1589 ~~the respective boards for approval.~~

1590 ~~(5) The core curriculum shall cover the information~~
 1591 ~~required to have all categories of participants appropriately~~
 1592 ~~informed as to their technical and administrative~~
 1593 ~~responsibilities in the effective execution of the code process~~
 1594 ~~by all individuals currently licensed under part XII of chapter~~
 1595 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
 1596 ~~otherwise provided in s. 471.017. The core curriculum shall be~~

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1597 ~~prerequisite to the advanced module coursework for all licensees~~
 1598 ~~and shall be completed by individuals licensed in all categories~~
 1599 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
 1600 ~~chapter 489 within the first 2-year period after initial~~
 1601 ~~licensure. Core course hours taken by licensees to complete this~~
 1602 ~~requirement shall count toward fulfillment of required~~
 1603 ~~continuing education units under part XII of chapter 468,~~
 1604 ~~chapter 471, chapter 481, or chapter 489.~~

1605 (5)~~(6)~~ Each biennium, upon receipt of funds by the
 1606 Department of Community Affairs from the Construction Industry
 1607 Licensing Board and the Electrical Contractors' Licensing Board
 1608 provided under ss. 489.109(3) and 489.509(3), the department
 1609 shall determine the amount of funds available for the Florida
 1610 Building Code Compliance and Mitigation Program.

1611 (6)~~(7)~~ If the projects provided through the Florida
 1612 Building Code Compliance and Mitigation Program in any state
 1613 fiscal year do not require the use of all available funds, the
 1614 unused funds shall be carried forward and allocated for use
 1615 during the following fiscal year.

1616 (7)~~(8)~~ The Florida Building Commission shall provide by
 1617 rule for the accreditation of courses related to the Florida
 1618 Building Code by accreditors approved by the commission. The
 1619 commission shall establish qualifications of accreditors and
 1620 criteria for the accreditation of courses by rule. The
 1621 commission may revoke the accreditation of a course by an
 1622 accreditor if the accreditation is demonstrated to violate this
 1623 part or the rules of the commission.

1624 (8)~~(9)~~ This section does not prohibit or limit the subject

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1625 areas or development of continuing education or training on the
 1626 Florida Building Code by any qualified entity.

1627 Section 39. Subsections (1), (5), (8), and (17) of section
 1628 553.842, Florida Statutes, are amended to read:

1629 553.842 Product evaluation and approval.—

1630 (1) The commission shall adopt rules under ss. 120.536(1)
 1631 and 120.54 to develop and implement a product evaluation and
 1632 approval system that applies statewide to operate in
 1633 coordination with the Florida Building Code. The commission may
 1634 enter into contracts to provide for administration of the
 1635 product evaluation and approval system. The commission's rules
 1636 and any applicable contract may provide that the payment of fees
 1637 related to approvals be made directly to the administrator. Any
 1638 fee paid by a product manufacturer shall be used only for
 1639 funding the product evaluation and approval system. The product
 1640 evaluation and approval system shall provide:

1641 (a) Appropriate promotion of innovation and new
 1642 technologies.

1643 (b) Processing submittals of products from manufacturers
 1644 in a timely manner.

1645 (c) Independent, third-party qualified and accredited
 1646 testing and laboratory facilities, product evaluation entities,
 1647 quality assurance agencies, certification agencies, and
 1648 validation entities.

1649 (d) An easily accessible product acceptance list to
 1650 entities subject to the Florida Building Code.

1651 (e) Development of stringent but reasonable testing
 1652 criteria based upon existing consensus standards, when

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1653 available, for products.

1654 (f) Long-term approvals, where feasible. State and local
 1655 approvals will be valid until the requirements of the code on
 1656 which the approval is based change, the product changes in a
 1657 manner affecting its performance as required by the code, or the
 1658 approval is revoked. However, the commission may authorize by
 1659 rule editorial revisions to approvals and charge a fee as
 1660 provided in this section.

1661 (g) Criteria for revocation of a product approval.

1662 (h) Cost-effectiveness.

1663 (5) Statewide approval of products, methods, or systems of
 1664 construction may be achieved by one of the following methods.
 1665 One of these methods must be used by the commission to approve
 1666 the following categories of products: panel walls, exterior
 1667 doors, roofing, skylights, windows, shutters, and structural
 1668 components as established by the commission by rule.

1669 (a) Products for which the code establishes standardized
 1670 testing or comparative or rational analysis methods shall be
 1671 approved by submittal and validation of one of the following
 1672 reports or listings indicating that the product or method or
 1673 system of construction was evaluated to be in compliance with
 1674 the Florida Building Code and that the product or method or
 1675 system of construction is, for the purpose intended, at least
 1676 equivalent to that required by the Florida Building Code:

1677 1. A certification mark or listing of an approved
 1678 certification agency, which may be used only for products for
 1679 which the code designates standardized testing;

1680 2. A test report from an approved testing laboratory;

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1681 3. A product evaluation report based upon testing or
 1682 comparative or rational analysis, or a combination thereof, from
 1683 an approved product evaluation entity; or

1684 4. A product evaluation report based upon testing or
 1685 comparative or rational analysis, or a combination thereof,
 1686 developed and signed and sealed by a professional engineer or
 1687 architect, licensed in this state.

1688
 1689 A product evaluation report or a certification mark or listing
 1690 of an approved certification agency which demonstrates that the
 1691 product or method or system of construction complies with the
 1692 Florida Building Code for the purpose intended shall be
 1693 equivalent to a test report and test procedure as referenced in
 1694 the Florida Building Code. An application for state approval of
 1695 a product under subparagraph 1. must be approved by the
 1696 department after the commission staff or a designee verifies
 1697 that the application and related documentation are complete.
 1698 This verification must be completed within 10 business days
 1699 after receipt of the application. Upon approval by the
 1700 department, the product shall be immediately added to the list
 1701 of state-approved products maintained under subsection (13).
 1702 Approvals by the department shall be reviewed and ratified by
 1703 the commission's program oversight committee except for a
 1704 showing of good cause that a review by the full commission is
 1705 necessary. The commission shall adopt rules providing means to
 1706 cure deficiencies identified within submittals for products
 1707 approved under this paragraph.

1708 (b) Products, methods, or systems of construction for

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1709 | which there are no specific standardized testing or comparative
 1710 | or rational analysis methods established in the code may be
 1711 | approved by submittal and validation of one of the following:

1712 | 1. A product evaluation report based upon testing or
 1713 | comparative or rational analysis, or a combination thereof, from
 1714 | an approved product evaluation entity indicating that the
 1715 | product or method or system of construction was evaluated to be
 1716 | in compliance with the intent of the Florida Building Code and
 1717 | that the product or method or system of construction is, for the
 1718 | purpose intended, at least equivalent to that required by the
 1719 | Florida Building Code; or

1720 | 2. 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, who certifies that the
 1724 | product or method or system of construction is, for the purpose
 1725 | intended, at least equivalent to that required by the Florida
 1726 | Building Code.

1727 | (8) The commission may adopt rules to approve the
 1728 | following types of entities that produce information on which
 1729 | product approvals are based. All of the following entities,
 1730 | including engineers and architects, must comply with a
 1731 | nationally recognized standard demonstrating independence or no
 1732 | conflict of interest:

1733 | (a) Evaluation entities approved pursuant to this
 1734 | paragraph ~~that meet the criteria for approval adopted by the~~
 1735 | ~~commission by rule.~~ The commission shall specifically approve
 1736 | the National Evaluation Service, the International Association

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1737 of Plumbing and Mechanical Officials Evaluation Service ~~the~~
 1738 ~~International Conference of Building Officials Evaluation~~
 1739 ~~Services,~~ the International Code Council Evaluation Services,
 1740 ~~the Building Officials and Code Administrators International~~
 1741 ~~Evaluation Services, the Southern Building Code Congress~~
 1742 ~~International Evaluation Services,~~ and the Miami-Dade County
 1743 Building Code Compliance Office Product Control. Architects and
 1744 engineers licensed in this state are also approved to conduct
 1745 product evaluations as provided in subsection (5).

1746 (b) Testing laboratories accredited by national
 1747 organizations, such as A2LA and the National Voluntary
 1748 Laboratory Accreditation Program, laboratories accredited by
 1749 evaluation entities approved under paragraph (a), and
 1750 laboratories that comply with other guidelines for testing
 1751 laboratories selected by the commission and adopted by rule.

1752 (c) Quality assurance entities approved by evaluation
 1753 entities approved under paragraph (a) and by certification
 1754 agencies approved under paragraph (d) and other quality
 1755 assurance entities that comply with guidelines selected by the
 1756 commission and adopted by rule.

1757 (d) Certification agencies accredited by nationally
 1758 recognized accreditors and other certification agencies that
 1759 comply with guidelines selected by the commission and adopted by
 1760 rule.

1761 (e) Validation entities that comply with accreditation
 1762 standards established by the commission by rule.

1763 ~~(17) (a) The Florida Building Commission shall review the~~
 1764 ~~list of evaluation entities in subsection (8) and, in the annual~~

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1765 ~~report required under s. 553.77, shall either recommend~~
1766 ~~amendments to the list to add evaluation entities the commission~~
1767 ~~determines should be authorized to perform product evaluations~~
1768 ~~or shall report on the criteria adopted by rule or to be adopted~~
1769 ~~by rule allowing the commission to approve evaluation entities~~
1770 ~~that use the commission's product evaluation process. If the~~
1771 ~~commission adopts criteria by rule, the rulemaking process must~~
1772 ~~be completed by July 1, 2009.~~

1773 ~~(b) Notwithstanding paragraph (8)(a), the International~~
1774 ~~Association of Plumbing and Mechanical Officials Evaluation~~
1775 ~~Services is approved as an evaluation entity until October 1,~~
1776 ~~2009. If the association does not obtain permanent approval by~~
1777 ~~the commission as an evaluation entity by October 1, 2009,~~
1778 ~~products approved on the basis of an association evaluation must~~
1779 ~~be substituted by an alternative, approved entity by December~~
1780 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
1781 ~~the commission based on an association evaluation is void.~~

1782 Section 40. Subsection (4) is added to section 553.844,
1783 Florida Statutes, to read:

1784 553.844 Windstorm loss mitigation; requirements for roofs
1785 and opening protection.—

1786 (4) Notwithstanding the provisions of this section,
1787 exposed mechanical equipment or appliances fastened to a roof or
1788 installed on the ground in compliance with the code using rated
1789 stands, platforms, curbs, slabs, or other means are deemed to
1790 comply with the wind resistance requirements of the 2007 Florida
1791 Building Code, as amended. Further support or enclosure of such
1792 mechanical equipment or appliances is not required by a state or

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1793 local official having authority to enforce the Florida Building
 1794 Code. This subsection expires on the effective date of the 2010
 1795 Florida Building Code.

1796 Section 41. Section 553.885, Florida Statutes, is amended
 1797 to read:

1798 553.885 Carbon monoxide alarm required.—

1799 (1) Every separate building or addition to an existing
 1800 building, other than a hospital, an inpatient hospice facility,
 1801 or a nursing home facility licensed by the Agency for Health
 1802 Care Administration, constructed for which a building permit is
 1803 ~~issued for new construction~~ on or after July 1, 2008, and having
 1804 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an
 1805 attached garage, or other feature, fixture, or element that
 1806 emits carbon monoxide as a byproduct of combustion shall have an
 1807 approved operational carbon monoxide alarm installed within 10
 1808 feet of each room used for sleeping purposes in the new building
 1809 or addition, or at such other locations as required by the
 1810 Florida Building Code. The requirements of this subsection may
 1811 be satisfied with the installation of a hard-wired or battery-
 1812 powered carbon monoxide alarm or a hard-wired or battery-powered
 1813 combination carbon monoxide and smoke alarm. For a new hospital,
 1814 an inpatient hospice facility, ~~or~~ a nursing home facility
 1815 licensed by the Agency for Health Care Administration, or a new
 1816 state correctional institution, an approved operational carbon
 1817 monoxide detector shall be installed inside or directly outside
 1818 of each room or area within the hospital or facility where a
 1819 fossil-fuel-burning heater, engine, or appliance is located.
 1820 This detector shall be connected to the fire alarm system of the

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1821 hospital or facility as a supervisory signal. This subsection
 1822 does not apply to existing buildings that are undergoing
 1823 alterations or repairs unless the alteration is an addition as
 1824 defined in subsection (3).

1825 (2) The Florida Building Commission shall adopt rules to
 1826 administer this section and shall incorporate such requirements
 1827 into its next revision of the Florida Building Code.

1828 (3) As used in this section, the term:

1829 (a) "Carbon monoxide alarm" means a device that is meant
 1830 for the purpose of detecting carbon monoxide, that produces a
 1831 distinct audible alarm, and that meets the requirements of and
 1832 is approved by the Florida Building Commission.

1833 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,
 1834 or other petroleum or hydrocarbon product that emits carbon
 1835 monoxide as a by-product of combustion.

1836 (c) "Addition" means an extension or increase in floor
 1837 area, number of stories, or height of a building or structure.

1838 Section 42. Subsection (2) of section 553.9061, Florida
 1839 Statutes, is amended to read:

1840 553.9061 Scheduled increases in thermal efficiency
 1841 standards.—

1842 (2) The Florida Building Commission shall identify within
 1843 code support and compliance documentation the specific building
 1844 options and elements available to meet the energy performance
 1845 goals established in subsection (1). Energy efficiency
 1846 performance options and elements include, but are not limited
 1847 to:

1848 (a) Energy-efficient water heating systems, including

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

- 1849 solar water heating.
- 1850 (b) Energy-efficient appliances.
- 1851 (c) Energy-efficient windows, doors, and skylights.
- 1852 (d) Low solar-absorption roofs, also known as "cool
- 1853 roofs."
- 1854 (e) Enhanced ceiling and wall insulation.
- 1855 (f) Reduced-leak duct systems and energy-saving devices
- 1856 and features installed within duct systems.
- 1857 (g) Programmable thermostats.
- 1858 (h) Energy-efficient lighting systems.
- 1859 (i) Energy-saving quality installation procedures for
- 1860 replacement air-conditioning systems, including, but not limited
- 1861 to, equipment sizing analysis and duct inspection.
- 1862 (j) Shading devices, sunscreening materials, and
- 1863 overhangs.
- 1864 (k) Weatherstripping, caulking, and sealing of exterior
- 1865 openings and penetrations.
- 1866 (l) Energy-efficient centralized computer data centers in
- 1867 office buildings.
- 1868 Section 43. Subsections (3) and (4) of section 553.909,
- 1869 Florida Statutes, are amended to read:
- 1870 553.909 Setting requirements for appliances; exceptions.—
- 1871 (3) Commercial or residential swimming pool pumps or water
- 1872 heaters manufactured on or ~~sold~~ after July 1, 2011, shall comply
- 1873 with the requirements of this subsection.
- 1874 (a) Natural gas pool heaters shall not be equipped with
- 1875 constantly burning pilots.
- 1876 (b) Heat pump pool heaters shall have a coefficient of

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1877 performance at low temperature of not less than 4.0.

1878 (c) The thermal efficiency of gas-fired pool heaters and
1879 oil-fired pool heaters shall not be less than 78 percent.

1880 (d) All pool heaters shall have a readily accessible on-
1881 off switch that is mounted outside the heater and that allows
1882 shutting off the heater without adjusting the thermostat
1883 setting.

1884 (4) (a) Residential swimming pool filtration pumps and pump
1885 motors manufactured on or after July 1, 2011, must comply with
1886 the requirements in this subsection.

1887 (b) Residential filtration pool pump motors shall not be
1888 split-phase, shaded-pole, or capacitor start-induction run
1889 types.

1890 (c) Residential filtration pool pumps and pool pump motors
1891 with a total horsepower of 1 HP or more shall have the
1892 capability of operating at two or more speeds with a low speed
1893 having a rotation rate that is no more than one-half of the
1894 motor's maximum rotation rate.

1895 (d) Residential filtration pool pump motor controls shall
1896 have the capability of operating the pool pump at a minimum of
1897 two speeds. The default circulation speed shall be the
1898 residential filtration speed, with a higher speed override
1899 capability being for a temporary period not to exceed one normal
1900 cycle or 24 hours ~~120 minutes~~, whichever is less; except that
1901 circulation speed for solar pool heating systems shall be
1902 permitted to run at higher speeds during periods of usable solar
1903 heat gain.

1904 Section 44. Section 553.912, Florida Statutes, is amended

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1905 to read:

1906 553.912 Air conditioners.—All air conditioners that ~~which~~
 1907 are sold or installed in the state shall meet the minimum
 1908 efficiency ratings of the Florida Energy Efficiency Code for
 1909 Building Construction. These efficiency ratings shall be
 1910 minimums and may be updated in the Florida Energy Efficiency
 1911 Code for Building Construction by the department in accordance
 1912 with s. 553.901, following its determination that more cost-
 1913 effective energy-saving equipment and techniques are available.
 1914 It is the intent of the Legislature that all replacement air-
 1915 conditioning systems be installed using energy-saving, quality
 1916 installation procedures, including, but not limited to,
 1917 equipment sizing analysis and duct inspection.

1918 Section 45. Section 627.711, Florida Statutes, is amended
 1919 to read:

1920 627.711 Notice of premium discounts for hurricane loss
 1921 mitigation; uniform mitigation verification inspection form.—

1922 (1) Using a form prescribed by the Office of Insurance
 1923 Regulation, the insurer shall clearly notify the applicant or
 1924 policyholder of any personal lines residential property
 1925 insurance policy, at the time of the issuance of the policy and
 1926 at each renewal, of the availability and the range of each
 1927 premium discount, credit, other rate differential, or reduction
 1928 in deductibles, and combinations of discounts, credits, rate
 1929 differentials, or reductions in deductibles, for properties on
 1930 which fixtures or construction techniques demonstrated to reduce
 1931 the amount of loss in a windstorm can be or have been installed
 1932 or implemented. The prescribed form shall describe generally

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1933 | what actions the policyholders may be able to take to reduce
 1934 | their windstorm premium. The prescribed form and a list of such
 1935 | ranges approved by the office for each insurer licensed in the
 1936 | state and providing such discounts, credits, other rate
 1937 | differentials, or reductions in deductibles for properties
 1938 | described in this subsection shall be available for electronic
 1939 | viewing and download from the Department of Financial Services'
 1940 | or the Office of Insurance Regulation's Internet website. The
 1941 | Financial Services Commission may adopt rules to implement this
 1942 | subsection.

1943 | (2) (a) ~~By July 1, 2007,~~ The Financial Services Commission
 1944 | shall develop by rule a uniform mitigation verification
 1945 | inspection form that shall be used by all insurers when
 1946 | submitted by policyholders for the purpose of factoring
 1947 | discounts for wind insurance. In developing the form, the
 1948 | commission shall seek input from insurance, construction, and
 1949 | building code representatives. Further, the commission shall
 1950 | provide guidance as to the length of time the inspection results
 1951 | are valid. An insurer shall accept as valid a uniform mitigation
 1952 | verification form ~~certified by the Department of Financial~~
 1953 | ~~Services~~ or signed by the following authorized mitigation
 1954 | inspectors:

1955 | 1.(a) A home inspector licensed under s. 468.8314 who has
 1956 | completed at least 3 hours of hurricane mitigation training
 1957 | which includes hurricane mitigation techniques and compliance
 1958 | with the uniform mitigation verification form and completion of
 1959 | a proficiency exam. Thereafter, home inspectors licensed under
 1960 | s. 468.8314, must complete at least 2 hours of continuing

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1961 education, as part of the existing licensure renewal
 1962 requirements each year, related to mitigation inspection and the
 1963 uniform mitigation form ~~hurricane mitigation inspector certified~~
 1964 ~~by the My Safe Florida Home program;~~

1965 2.(b) A building code inspector certified under s.
 1966 468.607;

1967 3.(e) A general, building, or residential contractor
 1968 licensed under s. 489.111;

1969 4.(d) A professional engineer licensed under s. 471.015
 1970 ~~who has passed the appropriate equivalency test of the building~~
 1971 ~~code training program as required by s. 553.841;~~

1972 5.(e) A professional architect licensed under s. 481.213;
 1973 or

1974 6.(f) Any other individual or entity recognized by the
 1975 insurer as possessing the necessary qualifications to properly
 1976 complete a uniform mitigation verification form.

1977 (b) An insurer may, but is not required to, accept a form
 1978 from any other person possessing qualifications and experience
 1979 acceptable to the insurer.

1980 (3) A person who is authorized to sign a mitigation
 1981 verification form must inspect the structures referenced by the
 1982 form personally, not through employees or other persons, and
 1983 must certify or attest to personal inspection of the structures
 1984 referenced by the form. However, licensees under s. 471.015 or
 1985 s. 489.111 may authorize a direct employee, who is not an
 1986 independent contractor, and who possesses the requisite skill,
 1987 knowledge and experience to conduct a mitigation verification
 1988 inspection. Insurers shall have the right to request and obtain

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

1989 information from the authorized mitigation inspector under s.
 1990 471.015 or s. 489.111, regarding any authorized employee's
 1991 qualifications prior to accepting a mitigation verification form
 1992 performed by an employee that is not licensed under s. 471.015
 1993 or s. 489.111.

1994 (4) An authorized mitigation inspector that signs a
 1995 uniform mitigation form, and a direct employee authorized to
 1996 conduct mitigation verification inspections under paragraph (3),
 1997 may not commit misconduct in performing hurricane mitigation
 1998 inspections or in completing a uniform mitigation form that
 1999 causes financial harm to a customer or their insurer; or that
 2000 jeopardizes a customer's health and safety. Misconduct occurs
 2001 when an authorized mitigation inspector signs a uniform
 2002 mitigation verification form that:

2003 (a) Falsely indicates that he or she personally inspected
 2004 the structures referenced by the form;

2005 (b) Falsely indicates the existence of a feature which
 2006 entitles an insured to a mitigation discount which the inspector
 2007 knows does not exist or did not personally inspect;

2008 (c) Contains erroneous information due to the gross
 2009 negligence of the inspector; or

2010 (d) Contains a pattern of demonstrably false information
 2011 regarding the existence of mitigation features that could give
 2012 an insured a false evaluation of the ability of the structure to
 2013 withstand major damage from a hurricane endangering the safety
 2014 of the insured's life and property.

2015 (5) The licensing board of an authorized mitigation
 2016 inspector that violates subsection (4) may commence disciplinary

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2017 proceedings and impose administrative fines and other sanctions
2018 authorized under the authorized mitigation inspector's licensing
2019 act. Authorized mitigation inspectors licensed under s. 471.015
2020 or s. 489.111 shall be directly liable for the acts of employees
2021 that violate subsection (4) as if the authorized mitigation
2022 inspector personally performed the inspection.

2023 (6) An insurer, person, or other entity that obtains
2024 evidence of fraud or evidence that an authorized mitigation
2025 inspector or an employee authorized to conduct mitigation
2026 verification inspections under paragraph (3), has made false
2027 statements in the completion of a mitigation inspection form
2028 shall file a report with the Division of Insurance Fraud, along
2029 with all of the evidence in its possession that supports the
2030 allegation of fraud or falsity. An insurer, person, or other
2031 entity making the report shall be immune from liability in
2032 accordance with s. 626.989(4), for any statements made in the
2033 report, during the investigation, or in connection with the
2034 report. The Division of Insurance Fraud shall issue an
2035 investigative report if it finds that probable cause exists to
2036 believe that the authorized mitigation inspector, or an employee
2037 authorized to conduct mitigation verification inspections under
2038 paragraph (3), made intentionally false or fraudulent statements
2039 in the inspection form. Upon conclusion of the investigation and
2040 a finding of probable cause that a violation has occurred, the
2041 Division of Insurance Fraud shall send a copy of the
2042 investigative report to the office and a copy to the agency
2043 responsible for the professional licensure of the authorized

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2044 mitigation inspector, whether or not a prosecutor takes action
 2045 based upon the report.

2046 (7)-(3) An individual or entity who knowingly provides or
 2047 utters a false or fraudulent mitigation verification form with
 2048 the intent to obtain or receive a discount on an insurance
 2049 premium to which the individual or entity is not entitled
 2050 commits a misdemeanor of the first degree, punishable as
 2051 provided in s. 775.082 or s. 775.083.

2052 (8) At its expense, the insurer may require that any
 2053 uniform mitigation verification form provided by an authorized
 2054 mitigation inspector or inspection company be independently
 2055 verified by an inspector, inspection company or an independent
 2056 third-party quality assurance provider which does possess a
 2057 quality assurance program prior to accepting the uniform
 2058 mitigation verification form as valid.

2059 Section 46. Subsections (7) through (28) of section
 2060 633.021, Florida Statutes, are renumbered as subsections (8)
 2061 through (29), respectively, a new subsection (7) is added to
 2062 that section, and present subsection (20) of that section is
 2063 amended, to read:

2064 633.021 Definitions.—As used in this chapter:

2065 (7) (a) "Fire equipment dealer Class A" means a licensed
 2066 fire equipment dealer whose business is limited to servicing,
 2067 recharging, repairing, installing, or inspecting all types of
 2068 fire extinguishers and conducting hydrostatic tests on all types
 2069 of fire extinguishers.

2070 (b) "Fire equipment dealer Class B" means a licensed fire
 2071 equipment dealer whose business is limited to servicing,

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2072 recharging, repairing, installing, or inspecting all types of
 2073 fire extinguishers, including recharging carbon dioxide units
 2074 and conducting hydrostatic tests on all types of fire
 2075 extinguishers, except carbon dioxide units.

2076 (c) "Fire equipment dealer Class C" means a licensed fire
 2077 equipment dealer whose business is limited to servicing,
 2078 recharging, repairing, installing, or inspecting all types of
 2079 fire extinguishers, except recharging carbon dioxide units, and
 2080 conducting hydrostatic tests on all types of fire extinguishers,
 2081 except carbon dioxide units.

2082 (d) "Fire equipment dealer Class D" means a licensed fire
 2083 equipment dealer whose business is limited to servicing,
 2084 recharging, repairing, installing, hydrotesting, or inspecting
 2085 of all types of preengineered fire extinguishing systems.

2086 (21) (a) ~~(20)~~ A "preengineered system" is a fire suppression
 2087 system which:

- 2088 1. ~~(a)~~ Uses any of a variety of extinguishing agents.
- 2089 2. ~~(b)~~ Is designed to protect specific hazards.
- 2090 3. ~~(c)~~ Must be installed according to pretested limitations
 2091 and configurations specified by the manufacturer and applicable
 2092 National Fire Protection Association (NFPA) standards. Only
 2093 those chapters within the National Fire Protection Association
 2094 standards that pertain to servicing, recharging, repairing,
 2095 installing, hydrotesting, or inspecting any type of
 2096 preengineered fire extinguishing system may be used.

2097 4. ~~(d)~~ Must be installed using components specified by the
 2098 manufacturer or components that are listed as equal parts by a
 2099 nationally recognized testing laboratory such as Underwriters

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2100 Laboratories, Inc., or Factory Mutual Laboratories, Inc.
 2101 ~~5.(e)~~ Must be listed by a nationally recognized testing
 2102 laboratory.
 2103 (b) Preengineered systems consist of and include all of
 2104 the components and parts providing fire suppression protection,
 2105 but do not include the equipment being protected, and may
 2106 incorporate special nozzles, flow rates, methods of application,
 2107 pressurization levels, and quantities of agents designed by the
 2108 manufacturer for specific hazards.
 2109 Section 47. Paragraph (b) of subsection (3) of section
 2110 633.0215, Florida Statutes, is amended, and subsections (13) and
 2111 (14) are added to that section, to read:
 2112 633.0215 Florida Fire Prevention Code.—
 2113 (3) No later than 180 days before the triennial adoption
 2114 of the Florida Fire Prevention Code, the State Fire Marshal
 2115 shall notify each municipal, county, and special district fire
 2116 department of the triennial code adoption and steps necessary
 2117 for local amendments to be included within the code. No later
 2118 than 120 days before the triennial adoption of the Florida Fire
 2119 Prevention Code, each local jurisdiction shall provide the State
 2120 Fire Marshal with copies of its local fire code amendments. The
 2121 State Fire Marshal has the option to process local fire code
 2122 amendments that are received less than 120 days before the
 2123 adoption date of the Florida Fire Prevention Code.
 2124 (b) Any local amendment to the Florida Fire Prevention
 2125 Code adopted by a local government shall be effective only until
 2126 the adoption of the new edition of the Florida Fire Prevention
 2127 Code, which shall be every third year. At such time, the State

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2128 Fire Marshal shall adopt such amendment as part of the Florida
 2129 Fire Prevention Code or rescind the amendment. The State Fire
 2130 Marshal shall immediately notify the respective local government
 2131 of the rescission of the amendment and the reason for the
 2132 rescission. After receiving such notice, the respective local
 2133 government may readopt the rescinded amendment. Incorporation of
 2134 local amendments as regional and local concerns and variations
 2135 shall be considered as adoption of an amendment pursuant to this
 2136 section part.

2137 (13) (a) The State Fire Marshal shall issue an expedited
 2138 declaratory statement relating to interpretations of provisions
 2139 of the Florida Fire Prevention Code according to the following
 2140 guidelines:

2141 1. The declaratory statement shall be rendered in
 2142 accordance with s. 120.565, except that a final decision must be
 2143 issued by the State Fire Marshal within 45 days after the
 2144 division's receipt of a petition seeking an expedited
 2145 declaratory statement. The State Fire Marshal shall give notice
 2146 of the petition and the expedited declaratory statement or the
 2147 denial of the petition in the next available issue of the
 2148 Florida Administrative Weekly after the petition is filed and
 2149 after the statement or denial is rendered.

2150 2. The petitioner must be the owner of the disputed
 2151 project or the owner's representative.

2152 3. The petition for an expedited declaratory statement
 2153 must be:

2154 a. Related to an active project that is under construction
 2155 or must have been submitted for a permit.

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2156 b. The subject of a written notice citing a specific
 2157 provision of the Florida Fire Prevention Code which is in
 2158 dispute.

2159 c. Limited to a single question that is capable of being
 2160 answered with a "yes" or "no" response.

2161 (b) A petition for a declaratory statement which does not
 2162 meet all of the requirements of this subsection must be denied
 2163 without prejudice. This subsection does not affect the right of
 2164 the petitioner as a substantially affected person to seek a
 2165 declaratory statement under s. 633.01(6).

2166 (14) A condominium that is one or two stories in height
 2167 and has an exterior corridor providing a means of egress is
 2168 exempt from installing a manual fire alarm system as required in
 2169 s. 9.6 of the most recent edition of the Life Safety Code
 2170 adopted in the Florida Fire Prevention Code.

2171 Section 48. Subsections (2) and (10) of section 633.0245,
 2172 Florida Statutes, are amended to read:

2173 633.0245 State Fire Marshal Nursing Home Fire Protection
 2174 Loan Guarantee Program.—

2175 (2) The State Fire Marshal may enter into limited loan
 2176 guarantee agreements with one or more financial institutions
 2177 qualified as public depositories in this state. Such agreements
 2178 shall provide a limited guarantee by the State of Florida
 2179 covering no more than 50 percent of the principal sum loaned by
 2180 such financial institution to an eligible nursing home, as
 2181 defined in subsection (10), for the sole purpose of the initial
 2182 installation at such nursing home of a fire protection system,
 2183 as defined in s. 633.021~~(10)(9)~~, approved by the State Fire

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2184 Marshal as being in compliance with the provisions of s. 633.022
 2185 and rules adopted thereunder.

2186 (10) For purposes of this section, "eligible nursing home"
 2187 means a nursing home facility that provides nursing services as
 2188 defined in chapter 464, is licensed under part II of chapter
 2189 400, and is certified by the Agency for Health Care
 2190 Administration to lack an installed fire protection system as
 2191 defined in s. 633.021 (10) ~~(9)~~.

2192 Section 49. Subsection (11) is added to section 633.025,
 2193 Florida Statutes, to read:

2194 633.025 Minimum firesafety standards.—

2195 (11) Notwithstanding subsection (9), a property owner
 2196 shall not be required to install fire sprinklers in any
 2197 residential property based upon the use of such property as a
 2198 rental property or any change in or reclassification of the
 2199 property's primary use to a rental property.

2200 Section 50. Section 633.026, Florida Statutes, is amended
 2201 to read:

2202 633.026 Legislative intent; informal interpretations of
 2203 the Florida Fire Prevention Code.—It is the intent of the
 2204 Legislature that the Florida Fire Prevention Code be interpreted
 2205 by fire officials and local enforcement agencies in a manner
 2206 that reasonably and cost-effectively protects the public safety,
 2207 health, and welfare, ensures uniform interpretations throughout
 2208 this state, and provides just and expeditious processes for
 2209 resolving disputes regarding such interpretations. It is the
 2210 further intent of the Legislature that such processes provide
 2211 for the expeditious resolution of the issues presented and that

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2212 the resulting interpretation of such issues be published on the
 2213 website of the Division of State Fire Marshal.

2214 (1) The Division of State Fire Marshal shall by rule
 2215 establish an informal process of rendering nonbinding
 2216 interpretations of the Florida Fire Prevention Code. The
 2217 Division of State Fire Marshal may contract with and refer
 2218 interpretive issues to a third party, selected based upon cost
 2219 effectiveness, quality of services to be performed, and other
 2220 performance-based criteria, which ~~nonprofit organization that~~
 2221 has experience in interpreting and enforcing the Florida Fire
 2222 Prevention Code. ~~The Division of State Fire Marshal shall~~
 2223 ~~immediately implement the process prior to the completion of~~
 2224 ~~formal rulemaking.~~ It is the intent of the Legislature that the
 2225 Division of State Fire Marshal establish ~~create~~ a Fire Code
 2226 Interpretation Committee composed of seven persons and seven
 2227 alternates, equally representing each area of the state ~~process~~
 2228 ~~to refer questions to a small group of individuals certified~~
 2229 ~~under s. 633.081(2), to which a party can pose questions~~
 2230 regarding the interpretation of the Florida Fire Prevention Code
 2231 provisions.

2232 (2) Each member and alternate member of the Fire Code
 2233 Interpretation Committee must be certified as a firesafety
 2234 inspector pursuant to s. 633.081(2) and must have a minimum of 5
 2235 years of experience interpreting and enforcing the Florida Fire
 2236 Prevention Code and the Life Safety Code. Each member and
 2237 alternate member must be approved by the Division of State Fire
 2238 Marshal and deemed by the division to have met these
 2239 requirements for at least 30 days before participating in a

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2240 review of a nonbinding interpretation. ~~It is the intent of the~~
 2241 ~~Legislature that the process provide for the expeditious~~
 2242 ~~resolution of the issues presented and publication of the~~
 2243 ~~resulting interpretation on the website of the Division of State~~
 2244 ~~Fire Marshal. It is the intent of the Legislature that this~~
 2245 ~~program be similar to the program established by the Florida~~
 2246 ~~Building Commission in s. 553.775(3)(g).~~

2247 (3) Each nonbinding interpretation of code provisions must
 2248 be provided within 10 business days after receipt of a request
 2249 for interpretation. The response period established in this
 2250 subsection may be waived only with the written consent of the
 2251 party requesting the nonbinding interpretation and the Division
 2252 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
 2253 advisory only and nonbinding on the parties or the State Fire
 2254 Marshal.

2255 (4) In order to administer this section, the Division of
 2256 State Fire Marshal shall charge ~~department may adopt by rule and~~
 2257 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
 2258 ~~directly to the third party.~~ The fee may not exceed \$150 for
 2259 each request for a review or interpretation. The division may
 2260 authorize payment of fees directly to the nonprofit organization
 2261 under contract pursuant to subsection (1).

2262 (5) A party requesting a nonbinding interpretation who
 2263 disagrees with the interpretation issued under this section may
 2264 apply for a formal interpretation from the State Fire Marshal
 2265 pursuant to s. 633.01(6).

2266 (6) The Division of State Fire Marshal shall issue or
 2267 cause to be issued a nonbinding interpretation of the Florida

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2268 Fire Prevention Code pursuant to this section when requested to
 2269 do so upon submission of a petition by a fire official or by the
 2270 owner or owner's representative or the contractor or
 2271 contractor's representative of a project in dispute. The
 2272 division shall adopt a petition form by rule and the petition
 2273 form must be published on the State Fire Marshal's website. The
 2274 form shall, at a minimum, require:

2275 (a) The name and address of the local fire official,
 2276 including the address of the county, municipality, or special
 2277 district.

2278 (b) The name and address of the owner or owner's
 2279 representative or the contractor or contractor's representative.

2280 (c) A statement of the specific sections of the Florida
 2281 Fire Prevention Code being interpreted by the local fire
 2282 official.

2283 (d) An explanation of how the petitioner's substantial
 2284 interests are being affected by the local interpretation of the
 2285 Florida Fire Prevention Code.

2286 (e) A statement of the interpretation of the specific
 2287 sections of the Florida Fire Prevention Code by the local fire
 2288 official.

2289 (f) A statement of the interpretation that the petitioner
 2290 contends should be given to the specific sections of the Florida
 2291 Fire Prevention Code and a statement supporting the petitioner's
 2292 interpretation.

2293 (7) Upon receipt of a petition that meets the requirements
 2294 of subsection (6), the Division of State Fire Marshal shall
 2295 immediately provide copies of the petition to the Fire Code

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2296 Interpretation Committee, and shall publish the petition and any
 2297 response submitted by the local fire official on the State Fire
 2298 Marshal's website.

2299 (8) The committee shall conduct proceedings as necessary
 2300 to resolve the issues and give due regard to the petition, the
 2301 facts of the matter at issue, specific code sections cited, and
 2302 any statutory implications affecting the Florida Fire Prevention
 2303 Code. The committee shall issue an interpretation regarding the
 2304 provisions of the Florida Fire Prevention Code within 10 days
 2305 after the filing of a petition. The committee shall issue an
 2306 interpretation based upon the Florida Fire Prevention Code or,
 2307 if the code is ambiguous, the intent of the code. The
 2308 committee's interpretation shall be provided to the petitioner
 2309 and shall include a notice that if the petitioner disagrees with
 2310 the interpretation, the petitioner may file a request for formal
 2311 interpretation by the State Fire Marshal under s. 633.01(6). The
 2312 committee's interpretation shall be provided to the State Fire
 2313 Marshal, and the division shall publish the interpretation on
 2314 the State Fire Marshal's website and in the Florida
 2315 Administrative Weekly.

2316 Section 51. Subsections (2) through (10) of section
 2317 633.061, Florida Statutes, are renumbered as subsections (3)
 2318 through (11), respectively, a new subsection (2) is added to
 2319 that section, and paragraphs (a) and (c) of present subsection
 2320 (3) of that section are amended, to read:

2321 633.061 Fire suppression equipment; license to install or
 2322 maintain.—

2323 (2) A person who holds a valid fire equipment dealer

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2324 license may maintain such license in an inactive status during
 2325 which time he or she may not engage in any work under the
 2326 definition of the license held. An inactive status license shall
 2327 be void after 2 years or at the time that the license is
 2328 renewed, whichever comes first. The biennial renewal fee for an
 2329 inactive status license shall be \$75. An inactive status license
 2330 may not be reactivated unless the continuing education
 2331 requirements of this chapter have been fulfilled.

2332 (4)~~(3)~~(a) Such licenses and permits shall be issued by the
 2333 State Fire Marshal for 2 years beginning January 1, 2000, and
 2334 each 2-year period thereafter and expiring December 31 of the
 2335 second year. All licenses or permits issued will expire on
 2336 December 31 of each odd-numbered year. The failure to renew a
 2337 license or permit by December 31 of the second year will cause
 2338 the license or permit to become inoperative. The holder of an
 2339 inoperative license or permit shall not engage in any activities
 2340 for which a license or permit is required by this section. A
 2341 license or permit which is inoperative because of the failure to
 2342 renew it shall be restored upon payment of the applicable fee
 2343 plus a penalty equal to the applicable fee, if the application
 2344 for renewal is filed no later than the following March 31. If
 2345 the application for restoration is not made before the March
 2346 31st deadline, the fee for restoration shall be equal to the
 2347 original application fee and the penalty provided for herein,
 2348 and, in addition, the State Fire Marshal shall require
 2349 reexamination of the applicant. The fee for a license or permit
 2350 issued for 1 year or less shall be prorated at 50 percent of the
 2351 applicable fee for a biennial license or permit. After initial

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2352 licensure, each licensee or permittee must ~~shall~~ successfully
 2353 complete a course or courses of continuing education for fire
 2354 equipment technicians of at least 16 ~~32~~ hours. A license or
 2355 permit may not be renewed unless the licensee or permittee
 2356 produces documentation of the completion of at least 16 hours of
 2357 continuing education for fire equipment technicians during the
 2358 biennial licensure period ~~within 4 years of initial issuance of~~
 2359 ~~a license or permit and within each 4-year period thereafter or~~
 2360 ~~no such license or permit shall be renewed.~~ A person who is both
 2361 a licensee and a permittee shall be required to complete 16 ~~32~~
 2362 hours of continuing education during each renewal ~~per 4-year~~
 2363 period. Each licensee shall ensure that all permittees in his or
 2364 her employment meet their continuing education requirements. The
 2365 State Fire Marshal shall adopt rules describing the continuing
 2366 education requirements and shall have the authority upon
 2367 reasonable belief, to audit a fire equipment dealer to determine
 2368 compliance with continuing education requirements.

2369 (c) A license of any class shall not be issued or renewed
 2370 by the State Fire Marshal and a license of any class shall not
 2371 remain operative unless:

2372 1. The applicant has submitted to the State Fire Marshal
 2373 evidence of registration as a Florida corporation or evidence of
 2374 compliance with s. 865.09.

2375 2. The State Fire Marshal or his or her designee has by
 2376 inspection determined that the applicant possesses the equipment
 2377 required for the class of license sought. The State Fire Marshal
 2378 shall give an applicant a reasonable opportunity to correct any
 2379 deficiencies discovered by inspection. A fee of \$50, payable to

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2380 the State Fire Marshal, shall be required for any subsequent
2381 reinspection.

2382 3. The applicant has submitted to the State Fire Marshal
2383 proof of insurance providing coverage for comprehensive general
2384 liability for bodily injury and property damage, products
2385 liability, completed operations, and contractual liability. The
2386 State Fire Marshal shall adopt rules providing for the amounts
2387 of such coverage, but such amounts shall not be less than
2388 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
2389 licenses, and \$100,000 for Class C licenses; and the total
2390 coverage for any class of license held in conjunction with a
2391 Class D license shall not be less than \$300,000. The State Fire
2392 Marshal may, at any time after the issuance of a license or its
2393 renewal, require upon demand, and in no event more than 30 days
2394 after notice of such demand, the licensee to provide proof of
2395 insurance, on a form provided by the State Fire Marshal,
2396 containing confirmation of insurance coverage as required by
2397 this chapter. Failure, for any length of time, to provide proof
2398 of insurance coverage as required shall result in the immediate
2399 suspension of the license until proof of proper insurance is
2400 provided to the State Fire Marshal. An insurer which provides
2401 such coverage shall notify the State Fire Marshal of any change
2402 in coverage or of any termination, cancellation, or nonrenewal
2403 of any coverage.

2404 4. The applicant applies to the State Fire Marshal, and
2405 provides proof of experience, and successfully completes a
2406 prescribed training course offered by the State Fire College or
2407 an equivalent course approved by the State Fire Marshal. This

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2408 | subparagraph does not apply to any holder of or applicant for a
2409 | permit under paragraph (f) or to a business organization or a
2410 | governmental entity seeking initial licensure or renewal of an
2411 | existing license solely for the purpose of inspecting,
2412 | servicing, repairing, marking, recharging, and maintaining fire
2413 | extinguishers used and located on the premises of and owned by
2414 | such organization or entity.

2415 | 5. The applicant has a current retestor identification
2416 | number that is appropriate for the license for which the
2417 | applicant is applying and that is listed with the United States
2418 | Department of Transportation.

2419 | 6. The applicant has passed, with a grade of at least 70
2420 | percent, a written examination testing his or her knowledge of
2421 | the rules and statutes regulating the activities authorized by
2422 | the license and demonstrating his or her knowledge and ability
2423 | to perform those tasks in a competent, lawful, and safe manner.
2424 | Such examination shall be developed and administered by the
2425 | State Fire Marshal, or his or her designee in accordance with
2426 | policies and procedures of the State Fire Marshal. An applicant
2427 | shall pay a nonrefundable examination fee of \$50 for each
2428 | examination or reexamination scheduled. No reexamination shall
2429 | be scheduled sooner than 30 days after any administration of an
2430 | examination to an applicant. No applicant shall be permitted to
2431 | take an examination for any level of license more than a total
2432 | of four times during 1 year, regardless of the number of
2433 | applications submitted. As a prerequisite to licensure of the
2434 | applicant:

2435 | a. Must be at least 18 years of age.

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2436 b. Must have 4 years of proven experience as a fire
 2437 equipment permittee at a level equal to or greater than the
 2438 level of license applied for or have a combination of education
 2439 and experience determined to be equivalent thereto by the State
 2440 Fire Marshal. Having held a permit at the appropriate level for
 2441 the required period constitutes the required experience.

2442 c. Must not have been convicted of, or pled nolo
 2443 contendere to, any felony. If an applicant has been convicted of
 2444 any such felony, the applicant must comply with s.
 2445 112.011(1)(b).

2446
 2447 This subparagraph does not apply to any holder of or applicant
 2448 for a permit under paragraph (f) or to a business organization
 2449 or a governmental entity seeking initial licensure or renewal of
 2450 an existing license solely for the purpose of inspecting,
 2451 servicing, repairing, marking, recharging, hydrotesting, and
 2452 maintaining fire extinguishers used and located on the premises
 2453 of and owned by such organization or entity.

2454 Section 52. Section 633.081, Florida Statutes, is amended
 2455 to read:

2456 633.081 Inspection of buildings and equipment; orders;
 2457 firesafety inspection training requirements; certification;
 2458 disciplinary action.—The State Fire Marshal and her or his
 2459 agents shall, at any reasonable hour, when the State Fire
 2460 Marshal ~~department~~ has reasonable cause to believe that a
 2461 violation of this chapter or s. 509.215, or a rule promulgated
 2462 thereunder, or a minimum firesafety code adopted by a local
 2463 authority, may exist, inspect any and all buildings and

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2464 structures which are subject to the requirements of this chapter
 2465 or s. 509.215 and rules promulgated thereunder. The authority to
 2466 inspect shall extend to all equipment, vehicles, and chemicals
 2467 which are located within the premises of any such building or
 2468 structure.

2469 (1) Each county, municipality, and special district that
 2470 has firesafety enforcement responsibilities shall employ or
 2471 contract with a firesafety inspector. Except as provided in s.
 2472 633.082(2), the firesafety inspector must conduct all firesafety
 2473 inspections that are required by law. The governing body of a
 2474 county, municipality, or special district that has firesafety
 2475 enforcement responsibilities may provide a schedule of fees to
 2476 pay only the costs of inspections conducted pursuant to this
 2477 subsection and related administrative expenses. Two or more
 2478 counties, municipalities, or special districts that have
 2479 firesafety enforcement responsibilities may jointly employ or
 2480 contract with a firesafety inspector.

2481 (2) Except as provided in s. 633.082(2), every firesafety
 2482 inspection conducted pursuant to state or local firesafety
 2483 requirements shall be by a person certified as having met the
 2484 inspection training requirements set by the State Fire Marshal.
 2485 Such person shall:

2486 (a) Be a high school graduate or the equivalent as
 2487 determined by the department;

2488 (b) Not have been found guilty of, or having pleaded
 2489 guilty or nolo contendere to, a felony or a crime punishable by
 2490 imprisonment of 1 year or more under the law of the United
 2491 States, or of any state thereof, which involves moral turpitude,

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2492 without regard to whether a judgment of conviction has been
 2493 entered by the court having jurisdiction of such cases;
 2494 (c) Have her or his fingerprints on file with the
 2495 department or with an agency designated by the department;
 2496 (d) Have good moral character as determined by the
 2497 department;
 2498 (e) Be at least 18 years of age;
 2499 (f) Have satisfactorily completed the firesafety inspector
 2500 certification examination as prescribed by the department; and
 2501 (g)1. Have satisfactorily completed, as determined by the
 2502 department, a firesafety inspector training program of not less
 2503 than 200 hours established by the department and administered by
 2504 agencies and institutions approved by the department for the
 2505 purpose of providing basic certification training for firesafety
 2506 inspectors; or
 2507 2. Have received in another state training which is
 2508 determined by the department to be at least equivalent to that
 2509 required by the department for approved firesafety inspector
 2510 education and training programs in this state.
 2511 (3) Each special state firesafety inspection which is
 2512 required by law and is conducted by or on behalf of an agency of
 2513 the state must be performed by an individual who has met the
 2514 provision of subsection (2), except that the duration of the
 2515 training program shall not exceed 120 hours of specific training
 2516 for the type of property that such special state firesafety
 2517 inspectors are assigned to inspect.
 2518 (4) A firefighter certified pursuant to s. 633.35 may
 2519 conduct firesafety inspections, under the supervision of a

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2520 certified firesafety inspector, while on duty as a member of a
 2521 fire department company conducting inservice firesafety
 2522 inspections without being certified as a firesafety inspector,
 2523 if such firefighter has satisfactorily completed an inservice
 2524 fire department company inspector training program of at least
 2525 24 hours' duration as provided by rule of the department.

2526 (5) Every firesafety inspector or special state firesafety
 2527 inspector certificate is valid for a period of 3 years from the
 2528 date of issuance. Renewal of certification shall be subject to
 2529 the affected person's completing proper application for renewal
 2530 and meeting all of the requirements for renewal as established
 2531 under this chapter or by rule promulgated thereunder, which
 2532 shall include completion of at least 40 hours during the
 2533 preceding 3-year period of continuing education as required by
 2534 the rule of the department or, in lieu thereof, successful
 2535 passage of an examination as established by the department.

2536 (6) The State Fire Marshal may deny, refuse to renew,
 2537 suspend, or revoke the certificate of a firesafety inspector or
 2538 special state firesafety inspector if it finds that any of the
 2539 following grounds exist:

2540 (a) Any cause for which issuance of a certificate could
 2541 have been refused had it then existed and been known to the
 2542 State Fire Marshal.

2543 (b) Violation of this chapter or any rule or order of the
 2544 State Fire Marshal.

2545 (c) Falsification of records relating to the certificate.

2546 (d) Having been found guilty of or having pleaded guilty
 2547 or nolo contendere to a felony, whether or not a judgment of

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

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conviction has been entered.

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

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

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

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

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

(7) The Division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board, established

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2576 pursuant to under s. 468.605, shall enter into a reciprocity
 2577 agreement to facilitate joint recognition of continuing
 2578 education recertification hours for certificateholders licensed
 2579 under s. 468.609 and firesafety inspectors certified under
 2580 subsection (2).

2581 (8) The State Fire Marshal shall develop by rule an
 2582 advanced training and certification program for firesafety
 2583 inspectors having fire code management responsibilities. The
 2584 program must be consistent with the appropriate provisions of
 2585 NFPA 1037, or similar standards adopted by the division, and
 2586 establish minimum training, education, and experience levels for
 2587 firesafety inspectors having fire code management
 2588 responsibilities.

2589 (9)~~(7)~~ The department shall provide by rule for the
 2590 certification of firesafety inspectors.

2591 Section 53. Subsections (2) and (3) of section 633.082,
 2592 Florida Statutes, are amended to read:

2593 633.082 Inspection of fire control systems, fire hydrants,
 2594 and fire protection systems.—

2595 (2) Fire hydrants and fire protection systems installed in
 2596 public and private properties, except one-family or two-family
 2597 dwellings, ~~in this state~~ shall be inspected following procedures
 2598 established in the nationally recognized inspection, testing,
 2599 and maintenance standards publications NFPA-24 and NFPA-25 as
 2600 set forth in the edition adopted by the State Fire Marshal.
 2601 Quarterly, annual, 3-year, and 5-year inspections consistent
 2602 with the contractual provisions with the owner shall be
 2603 conducted by the certificateholder or permittees employed by the

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2604 certificateholder pursuant to s. 633.521, except that:

2605 (a) Public fire hydrants owned by a governmental entity

2606 shall be inspected following procedures established in the

2607 inspection, testing, and maintenance standards adopted by the

2608 State Fire Marshal or equivalent standards such as those

2609 contained in the latest edition of the American Water Works

2610 Association's Manual M17, "Installation, Field Testing, and

2611 Maintenance of Fire Hydrants."

2612 (b) County, municipal, and special district utilities may

2613 perform fire hydrant inspections required by this section using

2614 designated employees. Such designated employees need not be

2615 certified under this chapter. However, counties, municipalities,

2616 or special districts that use designated employees are

2617 responsible for ensuring that the designated employees are

2618 qualified to perform such inspections.

2619 (3) The inspecting contractor shall provide to the

2620 building owner or hydrant owner and the local authority having

2621 jurisdiction a copy of the applicable inspection report

2622 established under this chapter. The maintenance of fire hydrant

2623 and fire protection systems as well as corrective actions on

2624 deficient systems is the responsibility of the owner of the

2625 system or hydrant. Equipment requiring periodic testing or

2626 operation to ensure its maintenance shall be tested or operated

2627 as specified in the Fire Prevention Code, Life Safety Code,

2628 National Fire Protection Association standards, or as directed

2629 by the agency having jurisdiction, provided that such agency

2630 shall not require a sprinkler system not required by the Fire

2631 Prevention Code, Life Safety Code or National Fire Protection

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2632 Association Standards to be removed regardless of its condition.

2633 This section does not prohibit governmental entities from
 2634 inspecting and enforcing firesafety codes.

2635 Section 54. Section 633.352, Florida Statutes, is amended
 2636 to read:

2637 633.352 Retention of firefighter certification.—Any
 2638 certified firefighter who has not been active as a firefighter,
 2639 or as a volunteer firefighter with an organized fire department,
 2640 for a period of 3 years shall be required to retake the
 2641 practical portion of the minimum standards state examination
 2642 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
 2643 Administrative Code, in order to maintain her or his
 2644 certification as a firefighter; however, this requirement does
 2645 not apply to state-certified firefighters who are certified and
 2646 employed as full-time firesafety inspectors or firesafety
 2647 instructors, regardless of the firefighter's employment status
 2648 ~~as determined by the division~~. The 3-year period begins on the
 2649 date the certificate of compliance is issued or upon termination
 2650 of service with an organized fire department.

2651 Section 55. Paragraph (e) of subsection (2) and
 2652 subsections (3), (10), and (11) of section 633.521, Florida
 2653 Statutes, are amended to read:

2654 633.521 Certificate application and issuance; permit
 2655 issuance; examination and investigation of applicant.—

2656 (2)

2657 (e) An applicant may not be examined more than four times
 2658 during 1 year for certification as a contractor pursuant to this
 2659 section unless the person is or has been certified and is taking

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2660 the examination to change classifications. If an applicant does
 2661 not pass one or more parts of the examination, she or he may
 2662 take any part of the examination three more times during the 1-
 2663 year period beginning upon the date she or he originally filed
 2664 an application to take the examination. If the applicant does
 2665 not pass the examination within that 1-year period, she or he
 2666 must file a new application and pay the application and
 2667 examination fees in order to take the examination or a part of
 2668 the examination again. However, the applicant may not file a new
 2669 application sooner than 6 months after the date of her or his
 2670 last examination. An applicant who passes the examination but
 2671 does not meet the remaining qualifications as provided in
 2672 applicable statutes and rules within 1 year after the
 2673 application date must file a new application, pay the
 2674 application and examination fee, successfully complete a
 2675 prescribed training course approved by the State Fire College or
 2676 an equivalent course approved by the State Fire Marshal, and
 2677 retake and pass the written examination.

2678 (3) (a) As a prerequisite to taking the examination for
 2679 certification as a Contractor I, ~~Contractor II, or Contractor~~
 2680 ~~III~~, the applicant must be at least 18 years of age, be of good
 2681 moral character, and ~~shall~~ possess 4 years' proven experience in
 2682 the employment of a fire protection system Contractor I,
 2683 ~~Contractor II, or Contractor III~~ or a combination of equivalent
 2684 education and experience in both water-based and chemical fire
 2685 suppression systems.

2686 (b) As a prerequisite to taking the examination for
 2687 certification as a Contractor II, the applicant must be at least

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2688 18 years of age, be of good moral character, and have 4 years of
 2689 verifiable employment experience with a fire protection system
 2690 as a Contractor I or Contractor II, or a combination of
 2691 equivalent education and experience in water-based fire
 2692 suppression systems.

2693 (c) Required education and experience for certification as
 2694 a Contractor I, Contractor II, Contractor III, or Contractor IV
 2695 includes training and experience in both installation and system
 2696 layout as defined in s. 633.021.

2697 (d) As a prerequisite to taking the examination for
 2698 certification as a Contractor III, the applicant must be at
 2699 least 18 years of age, be of good moral character, and have 4
 2700 years of verifiable employment experience with a fire protection
 2701 system as a Contractor I or Contractor II, or a combination of
 2702 equivalent education and experience in chemical fire suppression
 2703 systems.

2704 (e) As a prerequisite to taking the examination for
 2705 certification as a Contractor IV, the applicant ~~must shall~~ be at
 2706 least 18 years old, be of good moral character, ~~be licensed as a~~
 2707 certified plumbing contractor under chapter 489, and
 2708 successfully complete a training program acceptable to the State
 2709 Fire Marshal of not less than 40 contact hours regarding the
 2710 applicable installation standard used by the Contractor IV as
 2711 described in NFPA 13D. The State Fire Marshal may adopt rules to
 2712 administer this subsection ~~have at least 2 years' proven~~
 2713 ~~experience in the employment of a fire protection system~~
 2714 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
 2715 ~~combination of equivalent education and experience which~~

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2716 ~~combination need not include experience in the employment of a~~
2717 ~~fire protection system contractor.~~

2718 (f) As a prerequisite to taking the examination for
2719 certification as a Contractor V, the applicant must ~~shall~~ be at
2720 least 18 years old, be of good moral character, and have been
2721 licensed as a certified underground utility and excavation
2722 contractor or certified plumbing contractor pursuant to chapter
2723 489, have verification by an individual who is licensed as a
2724 certified utility contractor or certified plumbing contractor
2725 pursuant to chapter 489 that the applicant has 4 years' proven
2726 experience in the employ of a certified underground utility and
2727 excavation contractor or certified plumbing contractor, or have
2728 a combination of education and experience equivalent to 4 years'
2729 proven experience in the employ of a certified underground
2730 utility and excavation contractor or certified plumbing
2731 contractor.

2732 (g) Within 30 days after the date of the examination, the
2733 State Fire Marshal shall inform the applicant in writing whether
2734 she or he has qualified or not and, if the applicant has
2735 qualified, that she or he is ready to issue a certificate of
2736 competency, subject to compliance with the requirements of
2737 subsection (4).

2738 (10) ~~Effective July 1, 2008,~~ The State Fire Marshal shall
2739 require the National Institute of Certification in Engineering
2740 Technologies (NICET), Sub-field of Inspection and Testing of
2741 Fire Protection Systems Level II or equivalent training and
2742 education as determined by the division as proof that the
2743 permitholders are knowledgeable about nationally accepted

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2744 standards for the inspection of fire protection systems. ~~It is~~
 2745 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
 2746 ~~to accept continuing education of all certificateholders'~~
 2747 ~~employees who perform inspection functions which specifically~~
 2748 ~~prepares the permitholder to qualify for NICET II certification.~~

2749 (11) It is intended that a certificateholder, or a
 2750 permitholder who is employed by a certificateholder, conduct
 2751 inspections required by this chapter. It is understood that
 2752 after July 1, 2008, employee turnover may result in a depletion
 2753 of personnel who are certified under the NICET Sub-field of
 2754 Inspection and Testing of Fire Protection Systems Level II or
 2755 equivalent training and education as required by the Division of
 2756 State Fire Marshal ~~which is required for permitholders. The~~
 2757 ~~extensive training and experience necessary to achieve NICET~~
 2758 ~~Level II certification is recognized.~~ A certificateholder may
 2759 ~~therefore~~ obtain a provisional permit with an endorsement for
 2760 inspection, testing, and maintenance of water-based fire
 2761 extinguishing systems for an employee if the employee has
 2762 initiated procedures for obtaining Level II certification from
 2763 the National Institute for Certification in Engineering
 2764 Technologies Sub-field of Inspection and Testing of Fire
 2765 Protection Systems and achieved Level I certification or an
 2766 equivalent level as determined by the State Fire Marshal through
 2767 verification of experience, training, and examination. The State
 2768 Fire Marshal may establish rules to administer this subsection.
 2769 After 2 years of provisional certification, the employee must
 2770 have achieved NICET Level II certification or obtain equivalent
 2771 training and education as determined by the division, or cease

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2772 performing inspections requiring Level II certification. The
 2773 provisional permit is valid only for the 2 calendar years after
 2774 the date of issuance, may not be extended, and is not renewable.
 2775 After the initial 2-year provisional permit expires, the
 2776 certificateholder must wait 2 additional years before a new
 2777 provisional permit may be issued. The intent is to prohibit the
 2778 certificateholder from using employees who never reach NICET
 2779 Level II status, or equivalent training and education as
 2780 determined by the division, by continuously obtaining
 2781 provisional permits.

2782 Section 56. Subsection (3) is added to section 633.524,
 2783 Florida Statutes, to read:

2784 633.524 Certificate and permit fees; use and deposit of
 2785 collected funds.—

2786 (3) The State Fire Marshal may enter into a contract with
 2787 any qualified public entity or private company in accordance
 2788 with chapter 287 to provide examinations for any applicant for
 2789 any examination administered under the jurisdiction of the State
 2790 Fire Marshal. The State Fire Marshal may direct payments from
 2791 each applicant for each examination directly to such contracted
 2792 entity or company.

2793 Section 57. Subsection (4) of section 633.537, Florida
 2794 Statutes, is amended to read:

2795 633.537 Certificate; expiration; renewal; inactive
 2796 certificate; continuing education.—

2797 (4) The renewal period for the permit class is the same as
 2798 that for the employing certificateholder. The continuing
 2799 education requirements for permitholders are what is required to

ENROLLED

CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2800 maintain NICET Sub-field of Inspection and Testing of Fire
 2801 Protection Systems Level II, equivalent training and education
 2802 as determined by the division, or higher certification plus 8
 2803 contact hours of continuing education approved by the State Fire
 2804 Marshal during each biennial renewal period thereafter. ~~The~~
 2805 ~~continuing education curriculum from July 1, 2005, until July 1,~~
 2806 ~~2008, shall be the preparatory curriculum for NICET II~~
 2807 ~~certification; after July 1, 2008, the technical curriculum is~~
 2808 ~~at the discretion of the State Fire Marshal and may be used to~~
 2809 ~~meet the maintenance of NICET Level II certification and 8~~
 2810 ~~contact hours of continuing education requirements.~~ It is the
 2811 responsibility of the permit holder to maintain NICET II
 2812 certification or equivalent training and education as determined
 2813 by the division as a condition of permit renewal after July 1,
 2814 2008.

2815 Section 58. Subsection (4) of section 633.72, Florida
 2816 Statutes, is amended to read:

2817 633.72 Florida Fire Code Advisory Council.—

2818 (4) Each appointee shall serve a 4-year term. No member
 2819 shall serve more than two consecutive terms ~~one term~~. No member
 2820 of the council shall be paid a salary as such member, but each
 2821 shall receive travel and expense reimbursement as provided in s.
 2822 112.061.

2823 Section 59. Subsection (6) of section 718.113, Florida
 2824 Statutes, is repealed.

2825 Section 60. The Florida Building Commission shall revise
 2826 the Florida Building Code in order to make it consistent with
 2827 the revisions made by this act to s. 399.02, Florida Statutes.

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CS/CS/CS/CS/HB 663, Engrossed 2

2010 Legislature

2828 Section 61. (1) The Department of Management Services
2829 shall consider the energy efficiency of all materials used in
2830 the construction, alteration, repair, or rebuilding of a
2831 building or facility owned or operated by a state agency.
2832 Whenever feasible, the department shall lease a building or
2833 facility that has high-efficiency lighting.

2834 (2) The Department of Management Services shall adopt
2835 rules requiring a state agency to install high-efficiency lamps
2836 when replacing an existing lamp or installing a new lamp in a
2837 building owned by the state agency.

2838 Section 62. Except as otherwise expressly provided in this
2839 act, this act shall take effect July 1, 2010.