

CHAPTER 2010-176

Council Substitute for Council Substitute for Committee Substitute for Committee Substitute for House Bill No. 663

An act relating to building safety; amending s. 196.031, F.S.; specifying an additional condition that constitutes an abandonment of homestead property for homestead exemption purposes; amending s. 399.02, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to have access to places in which a conveyance and equipment are located; authorizing the division to grant variances from certain rules for undue hardship; prohibiting the enforcement of Phase II Firefighters' Service on certain elevators for a specified period; amending s. 399.15, F.S.; providing an alternative method to allow access to regional emergency elevators; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; creating s. 455.2122, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or regulatory board from requiring centralized licensing examinations for certain licenses; creating s. 455.2123, F.S.; authorizing distance learning courses as an alternative to classroom instruction for certain licenses; prohibiting the department or a regulatory board from requiring centralized licensing examinations for certain licenses; amending s. 468.631, F.S.; revising the amount of a surcharge and imposing the surcharge on certain building permits; requiring the unit of government collecting the surcharge to remit the funds to the Department of Business and Professional Regulation; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; requiring that the remaining funds from the surcharge be used to fund the Florida Homeowners' Construction Recovery Fund and the Florida Building Code Administrators and Inspectors Board; amending s. 468.83, F.S.; providing for the creation of the home inspection services licensing program within the Department of Business and Professional Regulation; amending s. 468.8311, F.S.; revising the term "home inspection services"; amending s. 468.8312, F.S.; deleting a fee provision for certain certificates of authorization; amending s. 468.8313, F.S.; revising examination requirements for licensure as a home inspector; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8318, F.S.; revising requirements and procedures for certification of corporations and partnerships offering home inspection services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8319, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a home inspector; revising certain prohibitions with respect to providers of home inspection services; amending s. 468.832, F.S.; providing an

additional ground for taking certain disciplinary actions; amending s. 468.8324, F.S.; specifying additional requirements for licensure as a home inspector; creating s. 468.8325, F.S.; requiring the department to adopt rules to administer part XV of ch. 468, F.S., relating to home inspectors; amending s. 468.84, F.S.; providing for the creation of the mold-related services licensing program within the Department of Business and Professional Regulation; amending s. 468.8412, F.S.; deleting a fee provision for certain biennial certificates of authorization renewal; amending s. 468.8413, F.S.; revising examination requirements and procedures for licensure as a mold assessor or mold remediator; providing fingerprinting requirements and procedures for license applications; providing that the applicant is responsible for certain costs; amending s. 468.8414, F.S.; specifying an additional applicant qualification criterion for licensure by endorsement; amending s. 468.8418, F.S.; revising requirements and procedures for certification of corporations and partnerships offering mold assessment or mold remediation services to the public; deleting provisions relating to required certificates of authorization; amending s. 468.8419, F.S.; delaying the enforcement of a prohibition against performing certain activities by a person who is not licensed as a mold assessor; amending s. 468.842, F.S.; providing an additional ground for taking certain disciplinary actions; amending s. 468.8421, F.S.; specifying an insurance coverage requirement for mold assessors; amending s. 468.8423, F.S.; specifying additional requirements for licensure as a mold assessor or mold remediator; creating s. 468.8424, F.S.; requiring the Department of Business and Professional Regulation to adopt rules to administer part XVI of ch. 468, F.S., relating to mold-related services; amending s. 489.103, F.S.; conforming a cross-reference; amending s. 489.5335, F.S.; revising education requirements for electrical trade journeyman eligibility to work in certain localities; amending s. 553.37, F.S.; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing requirements for rules of the Department of Business and Professional Regulation regarding the schedule of fees; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.512, F.S.; requiring the Florida Building Commission to establish by rule a fee for certain waiver requests; amending s. 553.721, F.S.; revising the amount of a surcharge and imposing the surcharge on certain building permits; requiring the unit of government collecting the surcharge to electronically remit the funds to the Department of Community Affairs; requiring the unit of government collecting the surcharge to retain a portion of the funds to fund certain activities of building departments; revising requirements for use of funds collected from the surcharge; deleting obsolete language; amending s. 553.73, F.S.; conforming cross-references; authorizing counties and municipalities to adopt by ordinance administrative or technical amendments to the Florida Building Code for certain flood-related purposes; specifying requirements and procedures; revising foundation code adoption

requirements; authorizing the Florida Building Commission to approve amendments relating to equivalency of standards; exempting certain mausoleums from the requirements of the Florida Building Code; exempting certain temporary housing provided by the Department of Corrections from the requirements of the Florida Building Code; restricting the code, code enforcement agencies, and local governments from imposing requirements on certain mechanical equipment on roofs; providing Florida Building Code requirements for classroom lighting; prohibiting incorporation into the Florida Building Code of certain mandatory residential fire sprinkler provisions of the International Residential Code; providing an exception; amending s. 553.74, F.S.; specifying absence of impermissible conflicts of interest for certain committee or workgroup members while representing clients under certain circumstances; specifying certain prohibited activities for such members; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-building decisionmaking; amending s. 553.775, F.S.; conforming a cross-reference; authorizing the commission to charge a fee for filing certain requests and for nonbinding interpretations; limiting fees for nonbinding interpretations; amending s. 553.79, F.S.; requiring certain inspection services to be performed under the alternative plans review and inspection process or by a local governmental entity; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; amending s. 553.80, F.S.; specifying nonapplicability of certain exemptions from the Florida Building Code granted by certain enforcement entities under certain circumstances; revising requirements for review of facility plans and construction surveyed for certain hospitals and health care facilities; amending s. 553.841, F.S.; deleting provisions requiring that the Department of Community Affairs maintain, update, develop, or cause to be developed a core curriculum for persons who enforce the Florida Building Code; amending s. 553.842, F.S.; authorizing rules requiring the payment of product evaluation fees directly to the administrator of the product evaluation and approval system; specifying the use of such fees; authorizing the Florida Building Commission to provide by rule for editorial revisions to certain approvals and charge certain fees; providing requirements for the approval of applications for state approval of a product; providing for certain approved products to be immediately added to the list of state-approved products; requiring that the commission's oversight committee review approved products; revising the list of approved evaluation entities; deleting obsolete provisions governing evaluation entities; amending s. 553.844, F.S.; providing an exemption from the requirements regarding roof and opening protections for certain exposed mechanical equipment or appliances; providing for future expiration; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; providing an exception for buildings undergoing alterations or repairs; defining the term "addition" as it relates to the requirement of a carbon monoxide alarm; amending s. 553.9061, F.S.; revising the energy-efficiency performance options and elements identified by the commission

for purposes of meeting certain goals; amending s. 553.909, F.S.; revising a compliance criterion for certain swimming pool pumps or water heaters; revising requirements for residential swimming pool pumps and pump motors; amending s. 553.912, F.S.; providing requirements for replacement air-conditioning systems; amending s. 627.711, F.S.; conforming provisions to changes made by the act in which core curriculum courses relating to the Florida Building Code are deleted; revising the list of persons qualified to sign certain mitigation verification forms for certain purposes; authorizing insurers to accept forms from certain other persons; providing requirements for persons authorized to sign mitigation forms; prohibiting misconduct in performing hurricane mitigation inspection or completing uniform mitigation forms causing certain harm; specifying what constitutes misconduct; authorizing certain licensing boards to commence disciplinary proceedings and impose administrative fines and sanctions; providing for liability of mitigation inspectors; requiring certain entities to file reports of evidence of fraud; providing for immunity from liability for reporting fraud; providing for investigative reports from the Division of Insurance Fraud; providing penalties; authorizing insurers to require independent verification of uniform mitigation verification forms; amending s. 633.021, F.S.; providing additional definitions for fire equipment dealers; revising the definition of the term “preengineered systems”; amending s. 633.0215, F.S.; providing guidelines for the State Fire Marshal to apply when issuing an expedited declaratory statement; requiring that the State Fire Marshal issue an expedited declaratory statement under certain circumstances; providing requirements for a petition requesting an expedited declaratory statement; exempting certain condominiums from installing manual fire alarm systems; amending s. 633.0245, F.S.; conforming cross-references; amending s. 633.025, F.S.; prohibiting requiring property owners to install fire sprinklers in certain residential property; amending s. 633.026, F.S.; providing legislative intent; revising authority of the State Fire Marshal to contract with and refer interpretive issues to certain entities; providing for the establishment of the Fire Code Interpretation Committee; providing for the membership of the committee and requirements for membership; requiring that nonbinding interpretations of the Florida Fire Prevention Code be issued within a specified period after a request is received; providing for the waiver of such requirement under certain conditions; requiring that the Division of State Fire Marshal charge a fee for nonbinding interpretations; providing that fees may be paid directly to a contract provider; providing requirements for requesting a nonbinding interpretation; requiring that the Division of State Fire Marshal develop a form for submitting a petition for a nonbinding interpretation; providing for a formal interpretation by the State Fire Marshal; requiring that an interpretation of the Florida Fire Prevention Code be published on the division’s website and in the Florida Administrative Weekly; amending s. 633.061, F.S.; authorizing certain fire equipment dealer licensees to maintain inactive license status under certain circumstances; providing requirements; providing for a renewal fee; revising certain continuing education requirements; revising an applicant licensure qualification requirement; amending s. 633.081,

F.S.; requiring that the State Fire Marshal inspect a building when the State Fire Marshal, rather than the Department of Financial Services, has cause to believe a violation has occurred; providing exceptions for requirements that certain firesafety inspections be conducted by firesafety inspectors; requiring that the Division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board enter into a reciprocity agreement for purposes of recertifying building code inspectors, plan inspectors, building code administrators, and firesafety inspectors; requiring that the State Fire Marshal develop by rule an advanced training and certification program for firesafety inspectors who have fire code management responsibilities; requiring that the program be consistent with certain standards and establish minimum training, education, and experience levels for such firesafety inspectors; amending s. 633.082, F.S.; authorizing alternative inspection procedures for certain fire hydrants; requiring periodic testing or operation of certain equipment; providing that nonmandated sprinkler systems may not be required to be removed; amending s. 633.352, F.S.; providing an exception to requirements for recertification as a firefighter; amending s. 633.521, F.S.; revising requirements for certification as a fire protection system contractor; revising the prerequisites for taking the certification examination; authorizing the State Fire Marshal to accept more than one source of professional certification; revising legislative intent; amending s. 633.524, F.S.; authorizing the State Fire Marshal to enter into contracts for examination services; providing for the direct payment of examination fees to contract providers; amending s. 633.537, F.S.; revising the continuing education requirements for certain permitholders; amending 633.72, F.S.; revising the terms of service for members of the Fire Code Advisory Council; repealing s. 718.113(6), F.S., relating to requirements for 5-year inspections of certain condominium improvements; directing the Florida Building Commission to conform provisions of the Florida Building Code with revisions made by the act relating to the operation of elevators; requiring the Department of Management Services to consider the energy efficiency of building materials used for certain purposes in state buildings or facilities; requiring the department to adopt rules relating to installing high-efficiency replacement lamps in buildings owned by a state agency; providing effective dates.

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

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

196.031 Exemption of homesteads.—

(6) When homestead property is damaged or destroyed by misfortune or calamity and the property is uninhabitable on January 1 after the damage or destruction occurs, the homestead exemption may be granted if the property is otherwise qualified and if the property owner notifies the property appraiser that he or she intends to repair or rebuild the property and live

in the property as his or her primary residence after the property is repaired or rebuilt and does not claim a homestead exemption on any other property or otherwise violate this section. Failure by the property owner to commence the repair or rebuilding of the homestead property within 3 years after January 1 following the property's damage or destruction constitutes abandonment of the property as a homestead. After the 3-year period, the expiration, lapse, nonrenewal, or revocation of a building permit issued to the property owner for such repairs or rebuilding also constitutes abandonment of the property as homestead.

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

399.02 General requirements.—

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

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

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

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

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

399.15 Regional emergency elevator access.—

(7) As an alternative to complying with the requirements of subsection (1), each building in this state which is required to meet the provisions of

subsections (1) and (2) may instead provide for the installation of a uniform lock box that contains the keys to all elevators in the building allowing public access, including service and freight elevators. The uniform lock box must be keyed to allow all uniform lock boxes in each of the seven state emergency response regions to operate in fire emergency situations using one master key. The master key for the uniform lock shall be issued in accordance with subsection (3). The Division of State Fire Marshal of the Department of Financial Services shall enforce this subsection.

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

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

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

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

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

468.631 Building Code Administrators and Inspectors Fund.—

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

thereafter; and such unit of government ~~shall~~ may retain an amount up to 10 percent of the surcharge collected to fund ~~the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code projects and activities intended to improve the quality of building code enforcement.~~ There is created within the Professional Regulation Trust Fund a separate account to be known as the Building Code Administrators and Inspectors Fund, which shall deposit and disburse funds as necessary for the implementation of this part. ~~The proceeds from this surcharge shall be allocated equally to fund the Florida Homeowners' Construction Recovery Fund established by s. 489.140 and the functions of the Building Code Administrators and Inspectors Board. The department shall annually establish the amount needed to fund the certification and regulation of building code administrators, plans examiners, and building code inspectors. Any funds collected in excess of the amount needed to adequately fund the certification and regulation of building code administrators, plans examiners, and building code inspectors shall be deposited into the Florida Homeowners' Construction Recovery Fund established by s. 489.140. If the Florida Homeowners' Construction Recovery Fund is fully funded as provided by s. 489.140, any remaining funds shall be distributed to the Construction Industry Licensing Board for use in the regulation of certified and registered contractors.~~

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

468.83 Home inspection services licensing program; purpose.—

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

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

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

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

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

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

468.8312 Fees.—

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

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

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

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

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

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

468.8313 Examinations.—

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

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

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

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

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

468.8318 Certification of corporations and partnerships.—

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

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

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

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

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

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

468.8319 Prohibitions; penalties.—

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

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

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

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

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

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

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

(g) Inspect ~~for a fee~~ any property in which the inspector or the inspector’s company has any financial or transfer interest;

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

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

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

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

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

468.832 Disciplinary proceedings.—

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

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

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

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

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

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

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

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

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

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

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

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

468.8324 Grandfather clause.—

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

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

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

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

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

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

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

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

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

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

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

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

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

468.8412 Fees.—

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

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

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

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

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

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

468.8413 Examinations.—

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

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

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

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

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

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

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

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

468.8414 Licensure.—

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

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

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

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

468.8418 Certification of partnerships and corporations.—

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

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

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

~~(4) Each certificate of authorization shall be renewed every 2 years. Each partnership and corporation certified under this section shall notify the~~

department within 1 month of any change in the information contained in the application upon which the certification is based.

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

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

468.8419 Prohibitions; penalties.—

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

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

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

(c) Use the name or title “certified mold assessor,” “registered mold assessor,” “licensed mold assessor,” “mold assessor,” “professional mold assessor,” or any combination thereof unless the person has complied with the provisions of this part.

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

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

(f) Accept any compensation, inducement, or reward from a mold remediator or mold remediator’s company for the referral of any business to the mold remediator or the mold remediator’s company.

(g) Offer any compensation, inducement, or reward to a mold remediator or mold remediator’s company for the referral of any business from the mold remediator or the mold remediator’s company.

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

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

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

468.842 Disciplinary proceedings.—

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

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

(b) Attempting to procure a license to practice mold assessment or mold remediation by bribery or fraudulent misrepresentations;

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

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice of mold assessment or mold remediation or the ability to practice mold assessment or mold remediation;

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

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

(g) Engaging in fraud or deceit, or negligence, incompetency, or misconduct, in the practice of mold assessment or mold remediation;

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

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

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

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

468.8421 Insurance.—

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

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

468.8423 Grandfather clause.—

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

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

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

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

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

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

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

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

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

489.103 Exemptions.—This part does not apply to:

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

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

489.5335 Journeyman; reciprocity; standards.—

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

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline, and ~~successfully completed the program’s core curriculum courses or passed an equivalency test in lieu of taking the core curriculum courses and provided proof of completion of such curriculum courses or examination and obtained a certificate from the board pursuant to this part or,~~ pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification; and

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

553.37 Rules; inspections; and insignia.—

(2) The department shall adopt rules to address:

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

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

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

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

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

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

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

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

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

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

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

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

553.512 Modifications and waivers; advisory council.—

(1) The Florida Building Commission shall provide by regulation criteria for granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by the Accessibility Advisory Council. The commission shall establish by rule a fee to be paid upon submitting a request for a waiver as provided in this section. Notwithstanding any other provision of this subsection, if an applicant for a waiver demonstrates economic hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver shall be granted. The commission may not consider waiving any of the requirements of s. 553.5041 unless the applicant first demonstrates that she or he has applied for and been denied waiver or variance from all local government zoning, subdivision regulations, or other ordinances that prevent compliance therewith. Further, the commission may not waive the requirement of s. 553.5041(5)(a) and (c)1. governing the minimum width of accessible routes and minimum width of accessible parking spaces.

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

553.721 Surcharge.—

(1) In order for the Department of Community Affairs to administer and carry out the purposes of this part and related activities, there is hereby created a surcharge, to be assessed at the rate of 1.5 percent of the permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be \$2 one-half cent per square foot under-roof floor space permitted pursuant to s. 125.56(4) or s. 166.201. However, for additions, alterations, or renovations to existing buildings, the surcharge shall be computed on the basis of the square footage being added, altered, or renovated. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect such surcharge and electronically remit the funds collected to the department on a quarterly calendar basis beginning not later than December 31, 2010, for the preceding quarter, and continuing each third month thereafter, and such unit of government shall may retain 10 an amount up to 5 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code cover costs associated with the collection and remittance of such surcharge. All funds remitted to the department pursuant to this section subsection shall be deposited in the Operating Trust Fund. Funds collected from such surcharge shall be used exclusively for the duties of the Florida Building Commission and the Department of Community Affairs under this chapter and shall not be used to fund research on techniques for

mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges in accordance with chapter 120.

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

Section 32. Subsections (2) and (3) and paragraph (b) of subsection (4) of section 553.73, Florida Statutes, are amended, present subsections (5) through (13) of that section are renumbered as subsections (6) through (14), respectively, a new subsection (5) is added to that section, paragraph (a) of present subsection (6) and present subsections (7) and (9) of that section are amended, and subsections (15), (16), and (17) are added to that section, to read:

553.73 Florida Building Code.—

(2) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4), ~~(5)~~, (6), (7), ~~and (8)~~, and (9) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

(3) The commission shall select from available national or international model building codes, or other available building codes and standards

currently recognized by the laws of this state, to form the foundation for the Florida Building Code. The commission may modify the selected model codes and standards as needed to accommodate the specific needs of this state. Standards or criteria referenced by the selected model codes shall be similarly incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be specifically set forth in the Florida Building Code. The Florida Building Commission may approve technical amendments to the code, subject to the requirements of subsections (8) (7) and (9) (8), after the amendments have been subject to the following conditions:

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

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

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

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

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

(4)

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

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the

Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

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

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

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

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

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

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

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

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

9. An amendment adopted under this paragraph shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

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

(5) Notwithstanding subsection (4), counties and municipalities may adopt by ordinance an administrative or technical amendment to the Florida Building Code relating to flood resistance in order to implement the National Flood Insurance Program or incentives. Specifically, an administrative amendment may assign the duty to enforce all or portions of flood-related code provisions to the appropriate agencies of the local government and adopt procedures for variances and exceptions from flood-related code provisions other than provisions for structures seaward of the coastal construction control line consistent with the requirements in 44 C.F.R. s. 60.6. A technical amendment is authorized to the extent it is more stringent than the code. A technical amendment is not subject to the requirements of subsection (4) and may not be rendered void when the code is updated if the amendment is adopted for the purpose of participating in the Community Rating System promulgated pursuant to 42 U.S.C. s. 4022, the amendment had already been adopted by local ordinance prior to July 1, 2010, or the amendment requires a design flood elevation above the base flood elevation.

Any amendment adopted pursuant to this subsection shall be transmitted to the commission within 30 days after being adopted.

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

~~(8)(6)~~(7) Notwithstanding the provisions of subsection (3) or subsection ~~(7)~~ (6), the commission may address issues identified in this subsection by amending the code pursuant only to the rule adoption procedures contained in chapter 120. Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

- (a) Conflicts within the updated code;
- (b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;
- (c) The omission of previously adopted Florida-specific amendments to the updated code if such omission is not supported by a specific recommendation of a technical advisory committee or particular action by the commission;
- (d) Unintended results from the integration of previously adopted Florida-specific amendments with the model code;
- (e) Equivalency of standards;
- ~~(f)~~(e) Changes to or inconsistencies with federal or state law; or

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

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

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

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

(c) Nonresidential farm buildings on farms.

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

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

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

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

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

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

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

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions

for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

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

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

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

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

553.74 Florida Building Commission.—

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

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

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

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

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

553.775 Interpretations.—

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

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

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

553.79 Permits; applications; issuance; inspections.—

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

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

553.80 Enforcement.—

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

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

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

(c) In addition to the requirements of s. 553.79 and this section, facilities subject to the provisions of chapter 395 and parts part II and VIII of chapter 400 shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of chapter 395 and parts part II and VIII of chapter 400 and the certification requirements of the Federal Government. Facilities subject to the provisions of part IV of chapter 400 may have facility plans reviewed and shall have construction surveyed by the state agency authorized to do so under the requirements of part IV of chapter 400 and the certification requirements of the Federal Government.

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

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

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

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

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

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

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

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

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

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

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

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

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

553.841 Building code compliance and mitigation program.—

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

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

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

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

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

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

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

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

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

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

553.842 Product evaluation and approval.—

(1) The commission shall adopt rules under ss. 120.536(1) and 120.54 to develop and implement a product evaluation and approval system that

applies statewide to operate in coordination with the Florida Building Code. The commission may enter into contracts to provide for administration of the product evaluation and approval system. The commission's rules and any applicable contract may provide that the payment of fees related to approvals be made directly to the administrator. Any fee paid by a product manufacturer shall be used only for funding the product evaluation and approval system. The product evaluation and approval system shall provide:

- (a) Appropriate promotion of innovation and new technologies.
 - (b) Processing submittals of products from manufacturers in a timely manner.
 - (c) Independent, third-party qualified and accredited testing and laboratory facilities, product evaluation entities, quality assurance agencies, certification agencies, and validation entities.
 - (d) An easily accessible product acceptance list to entities subject to the Florida Building Code.
 - (e) Development of stringent but reasonable testing criteria based upon existing consensus standards, when available, for products.
 - (f) Long-term approvals, where feasible. State and local approvals will be valid until the requirements of the code on which the approval is based change, the product changes in a manner affecting its performance as required by the code, or the approval is revoked. However, the commission may authorize by rule editorial revisions to approvals and charge a fee as provided in this section.
 - (g) Criteria for revocation of a product approval.
 - (h) Cost-effectiveness.
- (5) Statewide approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components as established by the commission by rule.
- (a) Products for which the code establishes standardized testing or comparative or rational analysis methods shall be approved by submittal and validation of one of the following reports or listings indicating that the product or method or system of construction was evaluated to be in compliance with the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code:

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

2. A test report from an approved testing laboratory;
3. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity; or
4. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state.

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

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

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

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

(8) The commission may adopt rules to approve the following types of entities that produce information on which product approvals are based. All of the following entities, including engineers and architects, must comply

with a nationally recognized standard demonstrating independence or no conflict of interest:

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

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

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

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

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

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

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

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

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

(4) Notwithstanding the provisions of this section, exposed mechanical equipment or appliances fastened to a roof or installed on the ground in compliance with the code using rated stands, platforms, curbs, slabs, or other means are deemed to comply with the wind resistance requirements of the 2007 Florida Building Code, as amended. Further support or enclosure of such mechanical equipment or appliances is not required by a state or local official having authority to enforce the Florida Building Code. This subsection expires on the effective date of the 2010 Florida Building Code.

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

553.885 Carbon monoxide alarm required.—

(1) Every separate building or addition to an existing building, other than a hospital, an inpatient hospice facility, or a nursing home facility licensed by the Agency for Health Care Administration, constructed for which a building permit is issued for new construction on or after July 1, 2008, and having a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage, or other feature, fixture, or element that emits carbon monoxide as a byproduct of combustion shall have an approved operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes in the new building or addition, or at such other locations as required by the Florida Building Code. The requirements of this subsection may be satisfied with the installation of a hard-wired or battery-powered carbon monoxide alarm or a hard-wired or battery-powered combination carbon monoxide and smoke alarm. For a new hospital, an inpatient hospice facility, or a nursing home facility licensed by the Agency for Health Care Administration, or a new state correctional institution, an approved operational carbon monoxide detector shall be installed inside or directly outside of each room or area within the hospital or facility where a fossil-fuel-burning heater, engine, or appliance is located. This detector shall be connected to the fire alarm system of the hospital or facility as a supervisory signal. This subsection does not apply to existing buildings that are undergoing alterations or repairs unless the alteration is an addition as defined in subsection (3).

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

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

(a) “Carbon monoxide alarm” means a device that is meant for the purpose of detecting carbon monoxide, that produces a distinct audible

alarm, and that meets the requirements of and is approved by the Florida Building Commission.

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

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

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

553.9061 Scheduled increases in thermal efficiency standards.—

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

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

(b) Energy-efficient appliances.

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

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

(e) Enhanced ceiling and wall insulation.

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

(g) Programmable thermostats.

(h) Energy-efficient lighting systems.

(i) Energy-saving quality installation procedures for replacement air-conditioning systems, including, but not limited to, equipment sizing analysis and duct inspection.

(j) Shading devices, suncreening materials, and overhangs.

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

(l) Energy-efficient centralized computer data centers in office buildings.

Section 43. Subsections (3) and (4) of section 553.909, Florida Statutes, are amended to read:

553.909 Setting requirements for appliances; exceptions.—

(3) Commercial or residential swimming pool pumps or water heaters manufactured on or sold after July 1, 2011, shall comply with the requirements of this subsection.

(a) Natural gas pool heaters shall not be equipped with constantly burning pilots.

(b) Heat pump pool heaters shall have a coefficient of performance at low temperature of not less than 4.0.

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

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

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

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

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

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

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

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

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

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

(1) Using a form prescribed by the Office of Insurance Regulation, the insurer shall clearly notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles, and combinations of discounts, credits, rate differentials, or reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can be or have been installed or implemented. The prescribed form shall describe generally what actions the policyholders may be able to take to reduce their windstorm premium. The prescribed form and a list of such ranges approved by the office for each insurer licensed in the state and providing such discounts, credits, other rate differentials, or reductions in deductibles for properties described in this subsection shall be available for electronic viewing and download from the Department of Financial Services' or the Office of Insurance Regulation's Internet website. The Financial Services Commission may adopt rules to implement this subsection.

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

~~1.(a) A home inspector licensed under s. 468.8314 who has completed at least 3 hours of hurricane mitigation training which includes hurricane mitigation techniques and compliance with the uniform mitigation verification form and completion of a proficiency exam. Thereafter, home inspectors licensed under s. 468.8314, must complete at least 2 hours of continuing education, as part of the existing licensure renewal requirements each year, related to mitigation inspection and the uniform mitigation form hurricane mitigation inspector certified by the My Safe Florida Home program;~~

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

~~3.(c) A general, building, or residential contractor licensed under s. 489.111;~~

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

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

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

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

(3) A person who is authorized to sign a mitigation verification form must inspect the structures referenced by the form personally, not through employees or other persons, and must certify or attest to personal inspection of the structures referenced by the form. However, licensees under s. 471.015 or s. 489.111 may authorize a direct employee, who is not an independent contractor, and who possesses the requisite skill, knowledge and experience to conduct a mitigation verification inspection. Insurers shall have the right to request and obtain information from the authorized mitigation inspector under s. 471.015 or s. 489.111, regarding any authorized employee's qualifications prior to accepting a mitigation verification form performed by an employee that is not licensed under s. 471.015 or s. 489.111.

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

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

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

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

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

(5) The licensing board of an authorized mitigation inspector that violates subsection (4) may commence disciplinary proceedings and impose administrative fines and other sanctions authorized under the authorized mitigation inspector's licensing act. Authorized mitigation inspectors licensed under s. 471.015 or s. 489.111 shall be directly liable for the acts of employees that violate subsection (4) as if the authorized mitigation inspector personally performed the inspection.

(6) An insurer, person, or other entity that obtains evidence of fraud or evidence that an authorized mitigation inspector or an employee authorized to conduct mitigation verification inspections under paragraph (3), has made false statements in the completion of a mitigation inspection form shall file a report with the Division of Insurance Fraud, along with all of the evidence in its possession that supports the allegation of fraud or falsity. An insurer, person, or other entity making the report shall be immune from liability in accordance with s. 626.989(4), for any statements made in the report, during the investigation, or in connection with the report. The Division of Insurance Fraud shall issue an investigative report if it finds that probable cause exists to believe that the authorized mitigation inspector, or an employee authorized to conduct mitigation verification inspections under paragraph (3), made intentionally false or fraudulent statements in the inspection form. Upon conclusion of the investigation and a finding of probable cause that a violation has occurred, the Division of Insurance Fraud shall send a copy of the investigative report to the office and a copy to the agency responsible for the professional licensure of the authorized mitigation inspector, whether or not a prosecutor takes action based upon the report.

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

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

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

633.021 Definitions.—As used in this chapter:

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

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

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

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

~~(21)(a)(20)~~ A “preengineered system” is a fire suppression system which:

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

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

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

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

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

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

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

633.0215 Florida Fire Prevention Code.—

(3) No later than 180 days before the triennial adoption of the Florida Fire Prevention Code, the State Fire Marshal shall notify each municipal, county, and special district fire department of the triennial code adoption and steps necessary for local amendments to be included within the code. No later than 120 days before the triennial adoption of the Florida Fire Prevention Code, each local jurisdiction shall provide the State Fire Marshal with copies of its local fire code amendments. The State Fire Marshal has the option to

process local fire code amendments that are received less than 120 days before the adoption date of the Florida Fire Prevention Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

633.025 Minimum firesafety standards.—

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

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

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

(1) The Division of State Fire Marshal shall by rule establish an informal process of rendering nonbinding interpretations of the Florida Fire Prevention Code. The Division of State Fire Marshal may contract with and refer interpretive issues to a third party, selected based upon cost effectiveness, quality of services to be performed, and other performance-based criteria, which nonprofit organization that has experience in interpreting and

enforcing the Florida Fire Prevention Code. ~~The Division of State Fire Marshal shall immediately implement the process prior to the completion of formal rulemaking. It is the intent of the Legislature that the Division of State Fire Marshal establish create a Fire Code Interpretation Committee composed of seven persons and seven alternates, equally representing each area of the state process to refer questions to a small group of individuals certified under s. 633.081(2), to which a party can pose questions regarding the interpretation of the Florida Fire Prevention Code provisions.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A person who holds a valid fire equipment dealer license may maintain such license in an inactive status during which time he or she may not engage in any work under the definition of the license held. An inactive status license shall be void after 2 years or at the time that the license is renewed, whichever comes first. The biennial renewal fee for an inactive status license shall be \$75. An inactive status license may not be

reactivated unless the continuing education requirements of this chapter have been fulfilled.

~~(4)~~(3)(a) Such licenses and permits shall be issued by the State Fire Marshal for 2 years beginning January 1, 2000, and each 2-year period thereafter and expiring December 31 of the second year. All licenses or permits issued will expire on December 31 of each odd-numbered year. The failure to renew a license or permit by December 31 of the second year will cause the license or permit to become inoperative. The holder of an inoperative license or permit shall not engage in any activities for which a license or permit is required by this section. A license or permit which is inoperative because of the failure to renew it shall be restored upon payment of the applicable fee plus a penalty equal to the applicable fee, if the application for renewal is filed no later than the following March 31. If the application for restoration is not made before the March 31st deadline, the fee for restoration shall be equal to the original application fee and the penalty provided for herein, and, in addition, the State Fire Marshal shall require reexamination of the applicant. The fee for a license or permit issued for 1 year or less shall be prorated at 50 percent of the applicable fee for a biennial license or permit. After initial licensure, each licensee or permittee must shall successfully complete a course or courses of continuing education for fire equipment technicians of at least 16 32 hours. A license or permit may not be renewed unless the licensee or permittee produces documentation of the completion of at least 16 hours of continuing education for fire equipment technicians during the biennial licensure period within 4 years of initial issuance of a license or permit and within each 4-year period thereafter or no such license or permit shall be renewed. A person who is both a licensee and a permittee shall be required to complete 16 32 hours of continuing education during each renewal per 4-year period. Each licensee shall ensure that all permittees in his or her employment meet their continuing education requirements. The State Fire Marshal shall adopt rules describing the continuing education requirements and shall have the authority upon reasonable belief, to audit a fire equipment dealer to determine compliance with continuing education requirements.

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

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

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

3. The applicant has submitted to the State Fire Marshal proof of insurance providing coverage for comprehensive general liability for bodily

injury and property damage, products liability, completed operations, and contractual liability. The State Fire Marshal shall adopt rules providing for the amounts of such coverage, but such amounts shall not be less than \$300,000 for Class A or Class D licenses, \$200,000 for Class B licenses, and \$100,000 for Class C licenses; and the total coverage for any class of license held in conjunction with a Class D license shall not be less than \$300,000. The State Fire Marshal may, at any time after the issuance of a license or its renewal, require upon demand, and in no event more than 30 days after notice of such demand, the licensee to provide proof of insurance, on a form provided by the State Fire Marshal, containing confirmation of insurance coverage as required by this chapter. Failure, for any length of time, to provide proof of insurance coverage as required shall result in the immediate suspension of the license until proof of proper insurance is provided to the State Fire Marshal. An insurer which provides such coverage shall notify the State Fire Marshal of any change in coverage or of any termination, cancellation, or nonrenewal of any coverage.

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

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

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

- a. Must be at least 18 years of age.
- b. Must have 4 years of proven experience as a fire equipment permittee at a level equal to or greater than the level of license applied for or have a combination of education and experience determined to be equivalent thereto

by the State Fire Marshal. Having held a permit at the appropriate level for the required period constitutes the required experience.

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

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

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

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

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

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

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

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

involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases;

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

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

(e) Be at least 18 years of age;

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

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

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

(3) Each special state firesafety inspection which is required by law and is conducted by or on behalf of an agency of the state must be performed by an individual who has met the provision of subsection (2), except that the duration of the training program shall not exceed 120 hours of specific training for the type of property that such special state firesafety inspectors are assigned to inspect.

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

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

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

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

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

(c) Falsification of records relating to the certificate.

(d) Having been found guilty of or having pleaded guilty or nolo contendere to a felony, whether or not a judgment of 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 non-competitive 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 pursuant to under s. 468.605, shall enter into a reciprocity agreement to facilitate joint recognition of continuing education recertification hours for certificateholders licensed under s. 468.609 and firesafety inspectors certified under subsection (2).

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

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

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

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

(2) Fire hydrants and fire protection systems installed in public and private properties, except one-family or two-family dwellings, ~~in this state~~ shall be inspected following procedures established in the nationally recognized inspection, testing, and maintenance standards publications NFPA-24 and NFPA-25 as set forth in the edition adopted by the State Fire Marshal. Quarterly, annual, 3-year, and 5-year inspections consistent with the contractual provisions with the owner shall be conducted by the certificateholder or permittees employed by the certificateholder pursuant to s. 633.521, except that:

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

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

(3) The inspecting contractor shall provide to the building owner or hydrant owner and the local authority having jurisdiction a copy of the applicable inspection report established under this chapter. The maintenance of fire hydrant and fire protection systems as well as corrective actions on deficient systems is the responsibility of the owner of the system or hydrant. Equipment requiring periodic testing or operation to ensure its maintenance shall be tested or operated as specified in the Fire Prevention Code, Life Safety Code, National Fire Protection Association standards, or as directed by the agency having jurisdiction, provided that such agency shall not require a sprinkler system not required by the Fire Prevention Code, Life Safety Code or National Fire Protection Association Standards to be removed regardless of its condition. This section does not prohibit governmental entities from inspecting and enforcing firesafety codes.

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

633.352 Retention of firefighter certification.—Any certified firefighter who has not been active as a firefighter, or as a volunteer firefighter with an organized fire department, for a period of 3 years shall be required to retake the practical portion of the minimum standards state examination specified

in rule ~~69A-37.056(6)(b)~~ ~~4A-37.056(6)(b)~~, Florida Administrative Code, in order to maintain her or his certification as a firefighter; however, this requirement does not apply to state-certified firefighters who are certified and employed as full-time firesafety inspectors or firesafety instructors, regardless of the firefighter's employment status as determined by the division. The 3-year period begins on the date the certificate of compliance is issued or upon termination of service with an organized fire department.

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

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

(2)

(e) An applicant may not be examined more than four times during 1 year for certification as a contractor pursuant to this section unless the person is or has been certified and is taking the examination to change classifications. If an applicant does not pass one or more parts of the examination, she or he may take any part of the examination three more times during the 1-year period beginning upon the date she or he originally filed an application to take the examination. If the applicant does not pass the examination within that 1-year period, she or he must file a new application and pay the application and examination fees in order to take the examination or a part of the examination again. However, the applicant may not file a new application sooner than 6 months after the date of her or his last examination. An applicant who passes the examination but does not meet the remaining qualifications as provided in applicable statutes and rules within 1 year after the application date must file a new application, pay the application and examination fee, successfully complete a prescribed training course approved by the State Fire College or an equivalent course approved by the State Fire Marshal, and retake and pass the written examination.

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

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

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

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

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

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

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

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

(11) It is intended that a certificateholder, or a permitholder who is employed by a certificateholder, conduct inspections required by this chapter. It is understood that after July 1, 2008, employee turnover may result in a depletion of personnel who are certified under the NICET Sub-field of Inspection and Testing of Fire Protection Systems Level II or equivalent training and education as required by the Division of State Fire Marshal which is required for permitholders. The extensive training and experience necessary to achieve NICET Level II certification is recognized. A certificateholder may therefore obtain a provisional permit with an endorsement for inspection, testing, and maintenance of water-based fire extinguishing systems for an employee if the employee has initiated procedures for obtaining Level II certification from the National Institute for Certification in Engineering Technologies Sub-field of Inspection and Testing of Fire Protection Systems and achieved Level I certification or an equivalent level as determined by the State Fire Marshal through verification of experience, training, and examination. The State Fire Marshal may establish rules to administer this subsection. After 2 years of provisional certification, the employee must have achieved NICET Level II certification or obtain equivalent training and education as determined by the division, or cease performing inspections requiring Level II certification. The provisional permit is valid only for the 2 calendar years after the date of issuance, may not be extended, and is not renewable. After the initial 2-year provisional permit expires, the certificateholder must wait 2 additional years before a new provisional permit may be issued. The intent is to prohibit the certificateholder from using employees who never reach NICET Level II status, or equivalent training and education as determined by the division, by continuously obtaining provisional permits.

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

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

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

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

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

(4) The renewal period for the permit class is the same as that for the employing certificateholder. The continuing education requirements for permitholders are what is required to maintain NICET Sub-field of Inspection and Testing of Fire Protection Systems Level II, equivalent

training and education as determined by the division, or higher certification plus 8 contact hours of continuing education approved by the State Fire Marshal during each biennial renewal period thereafter. The continuing education curriculum from July 1, 2005, until July 1, 2008, shall be the preparatory curriculum for NICET II certification; after July 1, 2008, the technical curriculum is at the discretion of the State Fire Marshal and may be used to meet the maintenance of NICET Level II certification and 8 contact hours of continuing education requirements. It is the responsibility of the permit holder to maintain NICET II certification or equivalent training and education as determined by the division as a condition of permit renewal after July 1, 2008.

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

633.72 Florida Fire Code Advisory Council.—

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

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

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

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

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

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

Approved by the Governor June 1, 2010.

Filed in Office Secretary of State June 1, 2010.