



General Government Policy Council

**Wednesday, March 25, 2010
Morris Hall
1:00 PM – 2:30 PM**

ACTION PACKET

COUNCIL MEETING REPORT
General Government Policy Council

3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

Summary:

General Government Policy Council

Thursday March 25, 2010 01:00 pm

HB 281	Favorable	Yeas: 13	Nays: 0
CS/CS/HB 557	Favorable	Yeas: 13	Nays: 0
CS/CS/HB 663	Favorable With Council Substitute	Yeas: 12	Nays: 1
CS/HB 709	Favorable With Council Substitute	Yeas: 13	Nays: 0
CS/HB 751	Favorable	Yeas: 13	Nays: 0
CS/HB 1001	Favorable	Yeas: 13	Nays: 0
CS/HB 1109	Favorable	Yeas: 11	Nays: 0
CS/HB 1145	Favorable	Yeas: 12	Nays: 0
CS/HB 1225	Favorable	Yeas: 13	Nays: 0
CS/HB 1281	Favorable	Yeas: 12	Nays: 0

Committee meeting was reported out: Thursday, March 25, 2010 3:58:27PM

COUNCIL MEETING REPORT
General Government Policy Council

3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Baxter Troutman (Chair)	X		
Debbie Boyd	X		
Mary Brandenburg	X		
Steve Crisafulli	X		
Clay Ford	X		
Denise Grimsley	X		
Debbie Mayfield	X		
Peter Nehr	X		
Bryan Nelson	X		
Pat Patterson	X		
Ralph Poppell	X		
Stephen Precourt	X		
Kevin Rader		X	
Dwayne Taylor	X		
Alan Williams	X		
Trudi Williams	X		
Totals:	15	1	0

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COUNCIL MEETING REPORT
General Government Policy Council

3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

HB 281 : Communications Services Taxes

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford	X				
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader			X		
Dwayne Taylor	X				
Alan Williams				X	
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Communications Services Taxes

Charles Dudley, General Counsel (Lobbyist) - Proponent

Florida Cable Telecom. Association

108 S. Monroe Street #200

Tallahassee Florida 32301

Phone: 681-0024

Communications Services Taxes

Frank Miners (Lobbyist) - Proponent

AT&T

B.O. Box 1633

Tallahassee Florida 32302

Phone: 850-591-0177

COUNCIL MEETING REPORT
General Government Policy Council

3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

CS/CS/HB 557 : Tangible Personal Property Tax Transparency

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford	X				
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader			X		
Dwayne Taylor	X				
Alan Williams				X	
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 13		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council

3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

CS/CS/HB 663 : Building Safety

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford	X				
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader			X		
Dwayne Taylor		X			
Alan Williams			X		
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 12		Total Nays: 1			

Appearances:

Building Safety

Jim Richmond, Deputy General Counsel (Lobbyist) (State Employee) - Information Only
 Florida Building Commission
 2555 Shumard Oak Blvd.
 Tallahassee Florida 32399
 Phone: 850-922-1675

Building Safety

Cam Fentriss (Lobbyist) - Proponent
 2400 Village Square # 3243
 Tallahassee Florida
 Phone: 333-3772

Building Safety

Kari Hebrank (Lobbyist) - Proponent
 FBMA, FSPA, JELD-WEN
 7711 Dogwood Trail
 Tallahassee Florida 32317
 Phone: 850-681-3290

Building Safety

Doug Buck (Lobbyist) - Proponent
 Florida Home Builders Association
 201 East Park Avenue
 Tallahassee Florida 32301
 Phone: 224-4316

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General Government Policy Council

3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

Building Safety

Peter M. Dyga, VP Government Affairs (Lobbyist) - Proponent

Association of Builders and Contractors

3730 Coconut Creek Parkway

Coconut Creek Florida 33066

Phone: 954-520-3764

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COUNCIL MEETING REPORT
General Government Policy Council

3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 709 : Wildlife Regulation

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford	X				
Denise Grimsley	X				
Debbie Mayfield				X	
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader			X		
Dwayne Taylor	X				
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 13 Total Nays: 0					

Appearances:

Reptiles

Jennifer Hobgood, State Director (Lobbyist) - Proponent
 The Humane Society of the United States
 1624 Metropolitan Circle, Suite B
 Tallahassee Florida 32308
 Phone: 850-386-3435

Reptiles

Julie Wraithmell, Wildlife Policy Coordinator (Lobbyist) - Proponent
 Audubon
 2507 Callaway Road, Suite 103
 Tallahassee Florida 32303
 Phone: 850-527-0279

Reptiles

David Shepp (Lobbyist) - Proponent
 F. Entertainment
 P.O. Box 3739
 Lakeland Florida 33813
 Phone: 863-581-4250

Reptiles

Chris Barry, Sr. Policy Representative (Lobbyist) - Proponent
 The Nature Conservancy
 625 N. Adams
 Tallahassee Florida 32301
 Phone: 850-222-0199

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COUNCIL MEETING REPORT
General Government Policy Council

3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

Reptiles

Eugene L. Bessette - Proponent

Florida Reptile Industry

13916 SW Archer Road

Archer Florida 32619

Phone: 352-495-3075

Reptiles

Julie Wraithmell, Wildlife Policy Coordinator (Lobbyist) - Proponent

Audubon

2507 Callaway Road, Suite 103

Tallahassee Florida 32303

Phone: 850-527-0279

Reptiles

Colonel Jim Brown, LE Director (Lobbyist) (State Employee) - Proponent

FWC

620 S. Meridian Street

Tallahassee Florida 32399

Phone: 488-6251

COUNCIL MEETING REPORT
General Government Policy Council
3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 751 : Automatic Renewal of Service Contracts

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford	X				
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader			X		
Dwayne Taylor	X				
Alan Williams				X	
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Automatic Renewal of Service Contracts
 Laura Canwell (Lobbyist) - Proponent
 200 W. College Avenue, Suite 304
 Tallahassee Florida 32301
 Phone: 877-5168

COUNCIL MEETING REPORT
General Government Policy Council

3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 1001 : State Park Designations

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford	X				
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr			X		
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt	X				
Kevin Rader			X		
Dwayne Taylor	X				
Alan Williams				X	
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 13		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council

3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 1109 : Water Supply

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford	X				
Denise Grimsley	X				
Debbie Mayfield				X	
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell			X		
Stephen Precourt			X		
Kevin Rader			X		
Dwayne Taylor			X		
Alan Williams	X				
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

Water Safety

Michael Slayton, Dept. Ex. Director (Lobbyist) - Proponent
 SJRWMP
 525 Community College Parkway
 Palm Bay Florida 32909
 Phone: 321-508-0801

Water Supply

Doug Mann (Lobbyist) - Proponent
 Florida Section America Water Works Association
 310 West College Avenue
 Tallahassee Florida 32301
 Phone: 850-591-7733

Water Supply

Keyna Cory, Senior Lobbyist (Lobbyist) - Proponent
 Associated Industries of Florida
 110 East College Avenue
 Tallahassee Florida 32301
 Phone: 850-681-1065

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General Government Policy Council
3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)
CS/HB 1145 : State Parks

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford	X				
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr			X		
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader			X		
Dwayne Taylor	X				
Alan Williams				X	
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 12		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council
3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 1225 : Sewage Disposal Facilities

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford	X				
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr	X				
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader			X		
Dwayne Taylor	X				
Alan Williams				X	
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 13		Total Nays: 0			

COUNCIL MEETING REPORT
General Government Policy Council
3/25/2010 1:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 1281 : Loan Origination

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Debbie Boyd	X				
Mary Brandenburg	X				
Steve Crisafulli	X				
Clay Ford	X				
Denise Grimsley	X				
Debbie Mayfield	X				
Peter Nehr			X		
Bryan Nelson	X				
Pat Patterson	X				
Ralph Poppell	X				
Stephen Precourt			X		
Kevin Rader			X		
Dwayne Taylor	X				
Alan Williams				X	
Trudi Williams	X				
Baxter Troutman (Chair)	X				
Total Yeas: 12 Total Nays: 0					

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 663 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative(s) Aubuchon offered the following:

4
5 *Strike All*
6 **Amendment (with title amendment)**

7 Remove everything after the enacting clause and insert:

8 Section 1. Subsection (6) of section 196.031, Florida

9 Statutes, is amended to read:

10 196.031 Exemption of homesteads.—

11 (6) When homestead property is damaged or destroyed by
12 misfortune or calamity and the property is uninhabitable on
13 January 1 after the damage or destruction occurs, the homestead
14 exemption may be granted if the property is otherwise qualified
15 and if the property owner notifies the property appraiser that
16 he or she intends to repair or rebuild the property and live in
17 the property as his or her primary residence after the property
18 is repaired or rebuilt and does not claim a homestead exemption
19 on any other property or otherwise violate this section. Failure
by the property owner to commence the repair or rebuilding of

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 663 (2010)

Amendment No. 1

20 the homestead property within 3 years after January 1 following
21 the property's damage or destruction constitutes abandonment of
22 the property as a homestead. After the 3-year period, the
23 expiration, lapse, nonrenewal, or revocation of a building
24 permit issued to the property owner for such repairs or
25 rebuilding also constitutes abandonment of the property as
26 homestead.

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

30 399.02 General requirements.—

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

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

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

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

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48 1, 2015, or until the elevator is replaced or requires major
49 modification, whichever occurs first, on elevators in
50 condominiums or multifamily residential buildings, including
51 those that are part of a continuing care facility licensed under
52 chapter 651, or similar retirement community with apartments,
53 having a certificate of occupancy by the local building
54 authority that was issued before July 1, 2008. This exception
55 does not prevent an elevator owner from requesting a variance
56 from the applicable codes before or after July 1, 2015. This
57 subsection does not prohibit the division from granting
58 variances pursuant to s. 120.542 and subsection (8). The
59 division shall adopt rules to administer this subsection.

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

63 399.15 Regional emergency elevator access.-

64 (7) As an alternative to complying with the requirements
65 of subsection (1), each building in this state which is required
66 to meet the provisions of subsections (1) and (2) may instead
67 provide for the installation of a uniform lock box that contains
68 the keys to all elevators in the building allowing public
69 access, including service and freight elevators. The uniform
70 lock box must be keyed to allow all uniform lock boxes in each
71 of the seven state emergency response regions to operate in fire
72 emergency situations using one master key. The master key for
73 the uniform lock shall be issued only to the fire department.
74 The Division of State Fire Marshal of the Department of
75 Financial Services shall enforce this subsection. The Department

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Bill No. CS/CS/HB 663 (2010)

Amendment No. 1

76 of Financial Services shall select the provider of the uniform
77 lock box to be installed in each building in which the
78 requirements of this subsection are implemented.

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

81 455.2122 Education.-A board, or the department where there
82 is no board, shall approve distance learning courses as an
83 option to classroom courses to satisfy pre- and post- licensure
84 education requirements provided for in Chapter 468, Parts VIII,
85 XV, XVI and Chapter 475, Part I. A board, or the department
86 when there is no board, shall not require centralized
87 examinations for completion of pre-and post-licensure education
88 requirements for those professions listed in this section.

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

91 455.2123 Continuing education.-A board, or the department
92 when there is no board, may provide by rule that distance
93 learning may be used to satisfy continuing education
94 requirements. A board, or the department when there is no board,
95 shall approve distance learning courses as an option to
96 classroom courses to satisfy continuing education requirements
97 provided for in Chapter 468, Parts VIII, XV, XVI and Chapter 475
98 Parts I and II, and shall not require centralized examinations
99 for completion of continuing education requirements for those
100 professions listed in this section.

101 Section 6. Subsection (1) of section 468.631, Florida
102 Statutes, is amended to read:

103 468.631 Building Code Administrators and Inspectors Fund.-

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Amendment No. 1

104 (1) This part shall be funded through a surcharge, to be
105 assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of
106 1.5 percent of the permit fees associated with enforcement of
107 the Florida Building Code on any permits issued for one-half
108 cent per square foot of under roof floor space permitted,
109 including new construction, repairs, renovations, alterations,
110 and additions. This includes permits issued for electrical, gas,
111 mechanical, plumbing, and roofing work. The minimum amount
112 collected on any permit issued shall be \$2. The unit of
113 government responsible for collecting permit fees pursuant to s.
114 125.56(4) or s. 166.201 shall collect such surcharge and shall
115 electronically remit the funds to the department on a quarterly
116 calendar basis beginning not later than December 31, 1993, for
117 the preceding quarter, and continuing each third month
118 thereafter; and such unit of government shall may retain an
119 amount up to 10 percent of the surcharge collected to fund the
120 participation of building departments in the national and state
121 building code promulgation processes and to provide education
122 related to enforcement of the Florida Building Code projects and
123 activities intended to improve the quality of building code
124 enforcement. There is created within the Professional Regulation
125 Trust Fund a separate account to be known as the Building Code
126 Administrators and Inspectors Fund, which shall deposit and
127 disburse funds as necessary for the implementation of this part.
128 The proceeds from this surcharge shall be allocated equally to
129 fund the Florida Homeowners' Construction Recovery Fund
130 established by s. 489.140 and the functions of the Building Code
131 Administrators Board. The department shall annually establish

COUNCIL/COMMITTEE AMENDMENT
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Amendment No. 1

132 ~~the amount needed to fund the certification and regulation of~~
133 ~~building code administrators, plans examiners, and building code~~
134 ~~inspectors. Any funds collected in excess of the amount needed~~
135 ~~to adequately fund the certification and regulation of building~~
136 ~~code administrators, plans examiners, and building code~~
137 ~~inspectors shall be deposited into the Florida Homeowners'~~
138 ~~Construction Recovery Fund established by s. 489.140. If the~~
139 ~~Florida Homeowners' Construction Recovery Fund is fully funded~~
140 ~~as provided by s. 489.140, any remaining funds shall be~~
141 ~~distributed to the Construction Industry Licensing Board for use~~
142 ~~in the regulation of certified and registered contractors.~~

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

145 468.83 Home inspection services licensing program;
146 purpose.—

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

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

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

158 468.8311 Definitions.—As used in this part, the term:

COUNCIL/COMMITTEE AMENDMENT
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Amendment No. 1

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

166 Section 9. Subsections (4) through (8) of section
167 468.8312, Florida Statutes, are amended to read:

168 468.8312 Fees.—

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

171 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

172 (5)~~(6)~~ The fee for licensure by endorsement shall not
173 exceed \$200.

174 (6)~~(7)~~ The fee for application for inactive status or for
175 reactivation of an inactive license shall not exceed \$200.

176 (7)~~(8)~~ The fee for applications from providers of
177 continuing education may not exceed \$500.

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

182 468.8313 Examinations.—

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

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Amendment No. 1

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

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

210 (7)(6) The department may adopt rules pursuant to ~~ss.~~
211 ~~120.536(1) and 120.54 to implement the provisions of this~~
212 ~~section.~~

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

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Amendment No. 1

215 468.8318 Certification of corporations and partnerships.-

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

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

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

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

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

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

256 Section 12. Section 468.8319, Florida Statutes, are
257 amended to read:

258 468.8319 Prohibitions; penalties.—

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

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

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

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

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

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

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

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

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

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

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

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

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

301 468.832 Disciplinary proceedings.—

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

304 (a) Violation of any provision of this part or s.
305 455.227(1).†

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

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

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

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

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

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

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

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

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

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

341 468.8324 Grandfather clause.—A person who performs home
342 inspection services as defined in this part may qualify for
343 licensure to be licensed by the department as a home inspector
344 if the person submits an application to the department
345 postmarked on or before March 1, 2011, which shows that the
346 applicant: meets the licensure requirements of this part by July
347 1, 2010.

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

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

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

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

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

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

375 468.8325 Rulemaking.—The department shall adopt rules to
376 administer this part.

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

379 468.84 Mold-related services licensing program;
380 legislative purpose.—

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

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

389 Section 17. Subsections (6) through (10) of section
390 468.8412, Florida Statutes, are amended to read:

391 468.8412 Fees.—

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

394 (6)(7) The fee for licensure by endorsement shall not
395 exceed \$200..

396 (7)(8) The fee for application for inactive status shall
397 not exceed \$100.

398 (8)(9) The fee for reactivation of an inactive license
399 shall not exceed \$200.

400 (9)(10) The fee for applications from providers of
401 continuing education may not exceed \$500.

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

405 468.8413 Examinations.—

406 (1) A person desiring to be licensed as a mold assessor or
407 mold remediator must ~~shall~~ apply to the department after

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408 satisfying the examination requirements of this part to take a
409 licensure examination.

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

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

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

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

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

434 (6) An applicant for a license shall submit, together with
435 the application, a complete set of electronic fingerprints to

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436 the department. The department shall submit the fingerprints to
437 the Department of Law Enforcement for state processing, and the
438 Department of Law Enforcement shall forward them to the Federal
439 Bureau of Investigation for national processing, to determine
440 whether the applicant has a criminal history record. The
441 department shall review the background results to determine if
442 an applicant meets licensure requirements. The applicant is
443 responsible for the cost associated with processing the
444 fingerprints. The authorized agencies or vendors shall collect
445 such fees and pay for the processing costs due to the Department
446 of Law Enforcement.

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

449 468.8414 Licensure.—

450 (3) The department shall certify as qualified for a
451 license by endorsement an applicant who is of good moral
452 character, who has the insurance coverage required under s.
453 468.8421, and who:

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

460 (b) Holds a valid license to practice mold assessment or
461 mold remediation issued by another state or territory of the
462 United States if the criteria for issuance of the license were

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463 substantially the same as the licensure criteria that is
464 established by this part as determined by the department.

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

467 468.8418 Certification of partnerships and corporations.-

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

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

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

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

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

507 Section 21. Paragraphs (a) and (b) of subsection (1) of
508 section 468.8419, Florida Statutes, are amended, and subsection
509 (4) is added to that section, to read:

510 468.8419 Prohibitions; penalties.—

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

515 (a) Effective July 1, 2011, perform or offer to perform
516 any mold assessment unless the mold assessor has documented
517 training in water, mold, and respiratory protection under s.
518 468.8414(2).

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

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

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

527 468.842 Disciplinary proceedings.—

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

530 (a) Violation of any provision of this part or s.
531 455.227(1).†

532 (b) Attempting to procure a license to practice mold
533 assessment or mold remediation by bribery or fraudulent
534 misrepresentations.†

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

539 (d) Being convicted or found guilty of, or entering a plea
540 of nolo contendere to, regardless of adjudication, a crime in
541 any jurisdiction that directly relates to the practice of mold
542 assessment or mold remediation or the ability to practice mold
543 assessment or mold remediation.†

544 (e) Making or filing a report or record that the licensee
545 knows to be false, willfully failing to file a report or record
546 required by state or federal law, willfully impeding or

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547 obstructing such filing, or inducing another person to impede or
548 obstruct such filing. Such reports or records shall include only
549 those that are signed in the capacity of a registered mold
550 assessor or mold remediator.~~†~~

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

553 (g) Engaging in fraud or deceit, or negligence,
554 incompetency, or misconduct, in the practice of mold assessment
555 or mold remediation.~~†~~

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

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

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

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

568 468.8421 Insurance.—

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

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

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575 468.8423 Grandfather clause.—A person who performs mold
576 assessment or mold remediation as defined in this part may
577 qualify to be licensed by the department as a mold assessor or
578 mold remediator if the person submits his or her application to
579 the department by March 1, 2011, whether postmarked or delivered
580 by that date, and if the person: ~~meets the licensure~~
581 ~~requirements of this part by July 1, 2010.~~

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

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

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

599 (3) An applicant may not qualify for licensure under this
600 section if he or she has had a mold assessor or mold remediator
601 license or a license in any related field revoked at any time or
602 suspended within the previous 5 years or has been assessed a

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603 fine that exceeds \$500 within the previous 5 years. For purposes
604 of this subsection, a license in a related field includes, but
605 is not limited to, licensure in real estate, construction, home
606 inspection, building code administration or inspection, or
607 indoor air quality.

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

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

613 468.8424 Rulemaking authority.—The department shall adopt
614 rules to administer this part.

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

617 489.103 Exemptions.—This part does not apply to:

618 (22) A person licensed pursuant to s. 633.061(1)(d) or
619 (3)(2)(b) performing work authorized by such license.

620 Section 27. Subsections (2), (8), and (9) of section
621 553.37, Florida Statutes, are amended, and subsection (12) is
622 added to that section, to read:

623 553.37 Rules; inspections; and insignia.—

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

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

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

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

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

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

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

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

654 (a) A state department having building construction
655 responsibilities;

656 (b) A local government;

657 (c) An approved inspection agency;

658 (d) An approved plan review agency; or

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659 (e) An agency of another state.

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

664 Section 28. Section 553.375, Florida Statutes, is amended
665 to read:

666 553.375 Recertification of manufactured buildings.—Prior
667 to the relocation to a site that has a higher design wind speed,
668 modification, or change of occupancy of a manufactured building
669 within the state, the manufacturer, dealer, or owner thereof may
670 apply to the department for recertification of that manufactured
671 building. The department shall, by rule, provide what
672 information the applicant must submit for recertification and
673 for plan review and inspection of such manufactured buildings
674 and shall establish fees for recertification. Upon a
675 determination by the department that the manufactured building
676 complies with the applicable building codes, the department
677 shall issue a recertification insignia. A manufactured building
678 that bears recertification insignia does not require any
679 additional approval by an enforcement jurisdiction in which the
680 building is sold or installed, and is considered to comply with
681 all applicable codes. As an alternative to recertification by
682 the department, the manufacturer, dealer, or owner of a
683 manufactured building may seek appropriate permitting and a
684 certificate of occupancy from the local jurisdiction in
685 accordance with procedures generally applicable under the
686 Florida Building Code.

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687 Section 29. Section 553.509, Florida Statutes, is amended
688 to read:

689 553.509 Vertical accessibility.—

690 (1) Nothing in ss. 553.501-553.513 or the guidelines shall
691 be construed to relieve the owner of any building, structure, or
692 facility governed by those sections from the duty to provide
693 vertical accessibility to all levels above and below the
694 occupiable grade level, regardless of whether the guidelines
695 require an elevator to be installed in such building, structure,
696 or facility, except for:

697 (a) Elevator pits, elevator penthouses, mechanical rooms,
698 piping or equipment catwalks, and automobile lubrication and
699 maintenance pits and platforms;

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

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

706 ~~(2) (a) Any person, firm, or corporation that owns,~~
707 ~~manages, or operates a residential multifamily dwelling,~~
708 ~~including a condominium, that is at least 75 feet high and~~
709 ~~contains a public elevator, as described in s. 399.035(2) and~~
710 ~~(3) and rules adopted by the Florida Building Commission, shall~~
711 ~~have at least one public elevator that is capable of operating~~
712 ~~on an alternate power source for emergency purposes. Alternate~~
713 ~~power shall be available for the purpose of allowing all~~
714 ~~residents access for a specified number of hours each day over a~~

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715 ~~5 day period following a natural disaster, manmade disaster,~~
716 ~~emergency, or other civil disturbance that disrupts the normal~~
717 ~~supply of electricity. The alternate power source that controls~~
718 ~~elevator operations must also be capable of powering any~~
719 ~~connected fire alarm system in the building.~~

720 ~~(b) At a minimum, the elevator must be appropriately~~
721 ~~prewired and prepared to accept an alternate power source and~~
722 ~~must have a connection on the line side of the main disconnect,~~
723 ~~pursuant to National Electric Code Handbook, Article 700. In~~
724 ~~addition to the required power source for the elevator and~~
725 ~~connected fire alarm system in the building, the alternate power~~
726 ~~supply must be sufficient to provide emergency lighting to the~~
727 ~~interior lobbies, hallways, and other portions of the building~~
28 ~~used by the public. Residential multifamily dwellings must have~~
729 ~~an available generator and fuel source on the property or have~~
730 ~~proof of a current contract posted in the elevator machine room~~
731 ~~or other place conspicuous to the elevator inspector affirming a~~
732 ~~current guaranteed service contract for such equipment and fuel~~
733 ~~source to operate the elevator on an on call basis within 24~~
734 ~~hours after a request. By December 31, 2006, any person, firm or~~
735 ~~corporation that owns, manages, or operates a residential~~
736 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
737 ~~the local building inspection agency verification of engineering~~
738 ~~plans for residential multifamily dwellings that provide for the~~
739 ~~capability to generate power by alternate means. Compliance with~~
740 ~~installation requirements and operational capability~~
741 ~~requirements must be verified by local building inspectors and~~

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742 ~~reported to the county emergency management agency by December~~
743 ~~31, 2007.~~

744 ~~(c) Each newly constructed residential multifamily~~
745 ~~dwelling, including a condominium, that is at least 75 feet high~~
746 ~~and contains a public elevator, as described in s. 399.035(2)~~
747 ~~and (3) and rules adopted by the Florida Building Commission,~~
748 ~~must have at least one public elevator that is capable of~~
749 ~~operating on an alternate power source for the purpose of~~
750 ~~allowing all residents access for a specified number of hours~~
751 ~~each day over a 5 day period following a natural disaster,~~
752 ~~manmade disaster, emergency, or other civil disturbance that~~
753 ~~disrupts the normal supply of electricity. The alternate power~~
754 ~~source that controls elevator operations must be capable of~~
755 ~~powering any connected fire alarm system in the building. In~~
756 ~~addition to the required power source for the elevator and~~
757 ~~connected fire alarm system, the alternate power supply must be~~
758 ~~sufficient to provide emergency lighting to the interior~~
759 ~~lobbies, hallways, and other portions of the building used by~~
760 ~~the public. Engineering plans and verification of operational~~
761 ~~capability must be provided by the local building inspector to~~
762 ~~the county emergency management agency before occupancy of the~~
763 ~~newly constructed building.~~

764 ~~(d) Each person, firm, or corporation that is required to~~
765 ~~maintain an alternate power source under this subsection shall~~
766 ~~maintain a written emergency operations plan that details the~~
767 ~~sequence of operations before, during, and after a natural or~~
768 ~~manmade disaster or other emergency situation. The plan must~~
769 ~~include, at a minimum, a lifesafety plan for evacuation,~~

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770 ~~maintenance of the electrical and lighting supply, and~~
771 ~~provisions for the health, safety, and welfare of the residents.~~
772 ~~In addition, the owner, manager, or operator of the residential~~
773 ~~multifamily dwelling must keep written records of any contracts~~
774 ~~for alternative power generation equipment. Also, quarterly~~
775 ~~inspection records of lifesafety equipment and alternate power~~
776 ~~generation equipment must be posted in the elevator machine room~~
777 ~~or other place conspicuous to the elevator inspector, which~~
778 ~~confirm that such equipment is properly maintained and in good~~
779 ~~working condition, and copies of contracts for alternate power~~
780 ~~generation equipment shall be maintained on site for~~
781 ~~verification. The written emergency operations plan and~~
782 ~~inspection records shall also be open for periodic inspection by~~
83 ~~local and state government agencies as deemed necessary. The~~
784 ~~owner or operator must keep a generator key in a lockbox posted~~
785 ~~at or near any installed generator unit.~~

786 ~~(e) Multistory affordable residential dwellings for~~
787 ~~persons age 62 and older that are financed or insured by the~~
788 ~~United States Department of Housing and Urban Development must~~
789 ~~make every effort to obtain grant funding from the Federal~~
790 ~~Government or the Florida Housing Finance Corporation to comply~~
791 ~~with this subsection. If an owner of such a residential dwelling~~
792 ~~cannot comply with the requirements of this subsection, the~~
793 ~~owner must develop a plan with the local emergency management~~
794 ~~agency to ensure that residents are evacuated to a place of~~
795 ~~safety in the event of a power outage resulting from a natural~~
796 ~~or manmade disaster or other emergency situation that disrupts~~
797 ~~the normal supply of electricity for an extended period of time.~~

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798 ~~A place of safety may include, but is not limited to, relocation~~
799 ~~to an alternative site within the building or evacuation to a~~
800 ~~local shelter.~~

801 ~~(f) As a part of the annual elevator inspection required~~
802 ~~under s. 399.061, certified elevator inspectors shall confirm~~
803 ~~that all installed generators required by this chapter are in~~
804 ~~working order, have current inspection records posted in the~~
805 ~~elevator machine room or other place conspicuous to the elevator~~
806 ~~inspector, and that the required generator key is present in the~~
807 ~~lockbox posted at or near the installed generator. If a building~~
808 ~~does not have an installed generator, the inspector shall~~
809 ~~confirm that the appropriate rewiring and switching~~
810 ~~capabilities are present and that a statement is posted in the~~
811 ~~elevator machine room or other place conspicuous to the elevator~~
812 ~~inspector affirming a current guaranteed contract exists for~~
813 ~~contingent services for alternate power is current for the~~
814 ~~operating period.~~

815 (2) However, buildings, structures, and facilities must,
816 at as a minimum, comply with the requirements in the Americans
817 with Disabilities Act Accessibility Guidelines.

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

820 553.512 Modifications and waivers; advisory council.—

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

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826 laws and regulations and shall be reviewed by the Accessibility
827 Advisory Council. The commission shall establish by rule a fee
828 to be paid upon submitting a request for a waiver as provided in
829 this section. Notwithstanding any other provision of this
830 subsection, if an applicant for a waiver demonstrates economic
831 hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver
832 shall be granted. The commission may not consider waiving any of
833 the requirements of s. 553.5041 unless the applicant first
834 demonstrates that she or he has applied for and been denied
835 waiver or variance from all local government zoning, subdivision
836 regulations, or other ordinances that prevent compliance
837 therewith. Further, the commission may not waive the requirement
838 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
839 accessible routes and minimum width of accessible parking
840 spaces.

841 Section 31. Section 553.721, Florida Statutes, is amended
842 to read:

843 553.721 Surcharge.-

844 (1) In order for the Department of Community Affairs to
845 administer and carry out the purposes of this part and related
846 activities, there is hereby created a surcharge, to be assessed
847 at the rate of 1.5 percent of the permit fees associated with
848 enforcement of the Florida Building Code on any permits issued
849 for new construction, repairs, renovations, alterations, and
850 additions. This includes permits issued for electrical, gas,
851 mechanical, plumbing, and roofing work. The minimum amount
852 collected on any permit issued shall be \$2. ~~one half cent per~~
853 square foot under roof floor space permitted pursuant to s.

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854 ~~125.56(4) or s. 166.201. However, for additions, alterations, or~~
855 ~~renovations to existing buildings, the surcharge shall be~~
856 ~~computed on the basis of the square footage being added,~~
857 ~~altered, or renovated. The unit of government responsible for~~
858 ~~collecting a permit fee pursuant to s. 125.56(4) or s. 166.201~~
859 ~~shall collect such surcharge and electronically remit the funds~~
860 ~~collected to the department on a quarterly calendar basis, and~~
861 ~~such unit of government shall may retain 10 an amount up to 5~~
862 ~~percent of the surcharge collected to fund the participation of~~
863 ~~building departments in the national and state building code~~
864 ~~adoption processes and to provide education related to~~
865 ~~enforcement of the Florida Building Code ~~cover costs associated~~~~
866 ~~with the collection and remittance of such surcharge. All funds~~
867 ~~remitted to the department pursuant to this subsection shall be~~
868 ~~deposited in the Operating Trust Fund. Funds collected from such~~
869 ~~surcharge shall be used exclusively for the duties of the~~
870 ~~Florida Building Commission and the Department of Community~~
871 ~~Affairs not be used to fund research on techniques for~~
872 ~~mitigation of radon in existing buildings. Funds used by the~~
873 ~~department as well as funds to be transferred to the Department~~
874 ~~of Health shall be as prescribed in the annual General~~
875 ~~Appropriations Act. The department shall adopt rules governing~~
876 ~~the collection and remittance of surcharges in accordance with~~
877 ~~chapter 120.~~

878 (2) Notwithstanding subsection (1), and for the 2008-2009
879 fiscal year only, the amount transferred from the Operating
880 Trust Fund to the Grants and Donations Trust Fund of the
881 Department of Community Affairs pursuant to the General

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882 Appropriations Act for the 2008-2009 fiscal year shall be used
883 for the regional planning councils, civil legal assistance, and
884 the Front Porch Florida Initiative.

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

893 553.73 Florida Building Code.—

894 (2) The Florida Building Code shall contain provisions or
895 requirements for public and private buildings, structures, and
896 facilities relative to structural, mechanical, electrical,
897 plumbing, energy, and gas systems, existing buildings,
898 historical buildings, manufactured buildings, elevators, coastal
899 construction, lodging facilities, food sales and food service
900 facilities, health care facilities, including assisted living
901 facilities, adult day care facilities, hospice residential and
902 inpatient facilities and units, and facilities for the control
903 of radiation hazards, public or private educational facilities,
904 swimming pools, and correctional facilities and enforcement of
905 and compliance with such provisions or requirements. Further,
906 the Florida Building Code must provide for uniform
907 implementation of ss. 515.25, 515.27, and 515.29 by including
908 standards and criteria for residential swimming pool barriers,
909 pool covers, latching devices, door and window exit alarms, and

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910 other equipment required therein, which are consistent with the
911 intent of s. 515.23. Technical provisions to be contained within
912 the Florida Building Code are restricted to requirements related
913 to the types of materials used and construction methods and
914 standards employed in order to meet criteria specified in the
915 Florida Building Code. Provisions relating to the personnel,
916 supervision or training of personnel, or any other professional
917 qualification requirements relating to contractors or their
918 workforce may not be included within the Florida Building Code,
919 and subsections (4), ~~(5)~~, (6), (7), ~~and~~ (8), and (9) are not to
920 be construed to allow the inclusion of such provisions within
921 the Florida Building Code by amendment. This restriction applies
922 to both initial development and amendment of the Florida
923 Building Code.

924 (3) The commission shall select from available national or
925 international model building codes, or other available building
926 codes and standards currently recognized by the laws of this
927 state, to form the foundation for the Florida Building Code. The
928 commission may modify the selected model codes and standards as
929 needed to accommodate the specific needs of this state.
930 Standards or criteria referenced by the selected model codes
931 shall be similarly incorporated by reference. If a referenced
932 standard or criterion requires amplification or modification to
933 be appropriate for use in this state, only the amplification or
934 modification shall be specifically set forth in the Florida
935 Building Code. The Florida Building Commission may approve
936 technical amendments to the code, subject to the requirements of

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937 subsections (8) ~~(7)~~ and (9) ~~(8)~~, after the amendments have been
938 subject to the following conditions:

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

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

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

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

957
958 The commission shall incorporate within sections of the Florida
959 Building Code provisions which address regional and local
960 concerns and variations. The commission shall make every effort
961 to minimize conflicts between the Florida Building Code, the
962 Florida Fire Prevention Code, and the Life Safety Code.

963 (4)

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

972 1. The local governing body determines, following a public
973 hearing which has been advertised in a newspaper of general
974 circulation at least 10 days before the hearing, that there is a
975 need to strengthen the requirements of the Florida Building
976 Code. The determination must be based upon a review of local
977 conditions by the local governing body, which review
978 demonstrates by evidence or data that the geographical
979 jurisdiction governed by the local governing body exhibits a
980 local need to strengthen the Florida Building Code beyond the
981 needs or regional variation addressed by the Florida Building
982 Code, that the local need is addressed by the proposed local
983 amendment, and that the amendment is no more stringent than
984 necessary to address the local need.

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

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

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

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

999 6. Any amendment to the Florida Building Code adopted by a
1000 local government pursuant to this paragraph shall be effective
1001 only until the adoption by the commission of the new edition of
1002 the Florida Building Code every third year. At such time, the
1003 commission shall review such amendment for consistency with the
1004 criteria in paragraph ~~(9)~~(8)(a) and adopt such amendment as part
1005 of the Florida Building Code or rescind the amendment. The
1006 commission shall immediately notify the respective local
1007 government of the rescission of any amendment. After receiving
1008 such notice, the respective local government may readopt the
1009 rescinded amendment pursuant to the provisions of this
1010 paragraph.

1011 7. Each county and municipality desiring to make local
1012 technical amendments to the Florida Building Code shall by
1013 interlocal agreement establish a countywide compliance review
1014 board to review any amendment to the Florida Building Code,
1015 adopted by a local government within the county pursuant to this
1016 paragraph, that is challenged by any substantially affected
1017 party for purposes of determining the amendment's compliance
1018 with this paragraph. If challenged, the local technical
1019 amendments shall not become effective until time for filing an

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1020 appeal pursuant to subparagraph 8. has expired or, if there is
1021 an appeal, until the commission issues its final order
1022 determining the adopted amendment is in compliance with this
1023 subsection.

1024 8. If the compliance review board determines such
1025 amendment is not in compliance with this paragraph, the
1026 compliance review board shall notify such local government of
1027 the noncompliance and that the amendment is invalid and
1028 unenforceable until the local government corrects the amendment
1029 to bring it into compliance. The local government may appeal the
1030 decision of the compliance review board to the commission. If
1031 the compliance review board determines such amendment to be in
1032 compliance with this paragraph, any substantially affected party
1033 may appeal such determination to the commission. Any such appeal
1034 shall be filed with the commission within 14 days of the board's
1035 written determination. The commission shall promptly refer the
1036 appeal to the Division of Administrative Hearings for the
1037 assignment of an administrative law judge. The administrative
1038 law judge shall conduct the required hearing within 30 days, and
1039 shall enter a recommended order within 30 days of the conclusion
1040 of such hearing. The commission shall enter a final order within
1041 30 days thereafter. The provisions of chapter 120 and the
1042 uniform rules of procedure shall apply to such proceedings. The
1043 local government adopting the amendment that is subject to
1044 challenge has the burden of proving that the amendment complies
1045 with this paragraph in proceedings before the compliance review
1046 board and the commission, as applicable. Actions of the
1047 commission are subject to judicial review pursuant to s. 120.68.

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1048 The compliance review board shall determine whether its
1049 decisions apply to a respective local jurisdiction or apply
1050 countywide.

1051 9. An amendment adopted under this paragraph shall include
1052 a fiscal impact statement which documents the costs and benefits
1053 of the proposed amendment. Criteria for the fiscal impact
1054 statement shall include the impact to local government relative
1055 to enforcement, the impact to property and building owners, as
1056 well as to industry, relative to the cost of compliance. The
1057 fiscal impact statement may not be used as a basis for
1058 challenging the amendment for compliance.

1059 10. In addition to subparagraphs 7. and 9., the commission
1060 may review any amendments adopted pursuant to this subsection
61 and make nonbinding recommendations related to compliance of
1062 such amendments with this subsection.

1063 (5) Notwithstanding subsection (4), counties and
1064 municipalities may adopt by ordinance an administrative or
1065 technical amendment to the Florida Building Code relating to
1066 flood resistance in order to implement the National Flood
1067 Insurance Program or incentives. Specifically, an administrative
1068 amendment may assign the duty to enforce all or portions of
1069 flood-related code provisions to the appropriate agencies of the
1070 local government and adopt procedures for variances and
1071 exceptions from flood-related code provisions other than
1072 provisions for structures seaward of the coastal construction
1073 control line consistent with the requirements in 44 C.F.R. s.
1074 60.6. A technical amendment is authorized to the extent it is
1075 more stringent than the code. A technical amendment is not

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1076 subject to the requirements of subsection (4) and may not be
1077 rendered void when the code is updated if the amendment is
1078 adopted for the purpose of participating in the Community Rating
1079 System promulgated pursuant to 42 U.S.C. s. 4022, the amendment
1080 had already been adopted by local ordinance prior to July 1,
1081 2010, or the amendment requires a design flood elevation above
1082 the base flood elevation. Any amendment adopted pursuant to this
1083 subsection shall be transmitted to the commission within 30 days
1084 after being adopted.

1085 (7)(6)(a) The commission, by rule adopted pursuant to ss.
1086 120.536(1) and 120.54, shall update the Florida Building Code
1087 every 3 years. When updating the Florida Building Code, the
1088 commission shall select the most current version of the
1089 International Building Code, the International Fuel Gas Code,
1090 the International Mechanical Code, the International Plumbing
1091 Code, and the International Residential Code, all of which are
1092 adopted by the International Code Council, and the National
1093 Electrical Code, which is adopted by the National Fire
1094 Protection Association, to form the foundation codes of the
1095 updated Florida Building Code, if the version has been adopted
1096 by the applicable model code entity ~~and made available to the~~
1097 ~~public at least 6 months prior to its selection by the~~
1098 ~~commission.~~ The commission shall select the most current version
1099 of the International Energy Conservation Code (IECC) as a
1100 foundation code; however, the IECC shall be modified by the
1101 commission to maintain the efficiencies of the Florida Energy
1102 Efficiency Code for Building Construction adopted and amended
1103 pursuant to s. 553.901.

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1104 ~~(8)(7)~~ Notwithstanding the provisions of subsection (3) or
1105 subsection (7) ~~(6)~~, the commission may address issues identified
1106 in this subsection by amending the code pursuant only to the
1107 rule adoption procedures contained in chapter 120. Provisions of
1108 the Florida Building Code, including those contained in
1109 referenced standards and criteria, relating to wind resistance
1110 or the prevention of water intrusion may not be amended pursuant
1111 to this subsection to diminish those construction requirements;
1112 however, the commission may, subject to conditions in this
1113 subsection, amend the provisions to enhance those construction
1114 requirements. Following the approval of any amendments to the
1115 Florida Building Code by the commission and publication of the
1116 amendments on the commission's website, authorities having
1117 jurisdiction to enforce the Florida Building Code may enforce
1118 the amendments. The commission may approve amendments that are
1119 needed to address:

1120 (a) Conflicts within the updated code;

1121 (b) Conflicts between the updated code and the Florida
1122 Fire Prevention Code adopted pursuant to chapter 633;

1123 (c) The omission of previously adopted Florida-specific
1124 amendments to the updated code if such omission is not supported
1125 by a specific recommendation of a technical advisory committee
1126 or particular action by the commission;

1127 (d) Unintended results from the integration of previously
1128 adopted Florida-specific amendments with the model code;

1129 (e) Equivalency of standards;

1130 ~~(f)(e)~~ Changes to or inconsistencies with federal or state
1131 law; or

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1132 ~~(g)~~~~(f)~~ Adoption of an updated edition of the National
1133 Electrical Code if the commission finds that delay of
1134 implementing the updated edition causes undue hardship to
1135 stakeholders or otherwise threatens the public health, safety,
1136 and welfare.

1137 ~~(10)~~~~(9)~~ The following buildings, structures, and
1138 facilities are exempt from the Florida Building Code as provided
1139 by law, and any further exemptions shall be as determined by the
1140 Legislature and provided by law:

1141 (a) Buildings and structures specifically regulated and
1142 preempted by the Federal Government.

1143 (b) Railroads and ancillary facilities associated with the
1144 railroad.

1145 (c) Nonresidential farm buildings on farms.

1146 (d) Temporary buildings or sheds used exclusively for
1147 construction purposes.

1148 (e) Mobile or modular structures used as temporary
1149 offices, except that the provisions of part II relating to
1150 accessibility by persons with disabilities shall apply to such
1151 mobile or modular structures.

1152 (f) Those structures or facilities of electric utilities,
1153 as defined in s. 366.02, which are directly involved in the
1154 generation, transmission, or distribution of electricity.

1155 (g) Temporary sets, assemblies, or structures used in
1156 commercial motion picture or television production, or any
1157 sound-recording equipment used in such production, on or off the
1158 premises.

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1159 (h) Storage sheds that are not designed for human
1160 habitation and that have a floor area of 720 square feet or less
1161 are not required to comply with the mandatory wind-borne-debris-
1162 impact standards of the Florida Building Code.

1163 (i) Chickees constructed by the Miccosukee Tribe of
1164 Indians of Florida or the Seminole Tribe of Florida. As used in
1165 this paragraph, the term "chickee" means an open-sided wooden
1166 hut that has a thatched roof of palm or palmetto or other
1167 traditional materials, and that does not incorporate any
1168 electrical, plumbing, or other nonwood features.

1169 (j) Family mausoleums not exceeding 250 square feet in
1170 area which are prefabricated and assembled on site or
1171 preassembled and delivered on site and have walls, roofs, and a
1172 floor constructed of granite, marble, or reinforced concrete.

1173
1174 With the exception of paragraphs (a), (b), (c), and (f), in
1175 order to preserve the health, safety, and welfare of the public,
1176 the Florida Building Commission may, by rule adopted pursuant to
1177 chapter 120, provide for exceptions to the broad categories of
1178 buildings exempted in this section, including exceptions for
1179 application of specific sections of the code or standards
1180 adopted therein. The Department of Agriculture and Consumer
1181 Services shall have exclusive authority to adopt by rule,
1182 pursuant to chapter 120, exceptions to nonresidential farm
1183 buildings exempted in paragraph (c) when reasonably necessary to
1184 preserve public health, safety, and welfare. The exceptions must
1185 be based upon specific criteria, such as under-roof floor area,
1186 aggregate electrical service capacity, HVAC system capacity, or

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1187 other building requirements. Further, the commission may
1188 recommend to the Legislature additional categories of buildings,
1189 structures, or facilities which should be exempted from the
1190 Florida Building Code, to be provided by law. The Florida
1191 Building Code does not apply to temporary housing provided by
1192 the Department of Corrections to any prisoner in the state
1193 correctional system.

1194 (15) An agency or local government may not require that
1195 existing mechanical equipment on the surface of a roof be
1196 installed in compliance with the requirements of the Florida
1197 Building Code until the equipment is required to be removed or
1198 replaced.

1199 Section 33. Subsection (5) is added to section 553.74,
1200 Florida Statutes, to read:

1201 553.74 Florida Building Commission.—

1202 (5) Notwithstanding s. 112.313 or any other provision of
1203 law, a member of any of commission's technical advisory
1204 committees or a member of any other advisory committee or
1205 workgroup of the commission, does not have an impermissible
1206 conflict of interest when representing clients before the
1207 commission or one of its committees or workgroups. However, the
1208 member, in his or her capacity as member of the committee or
1209 workgroup, may not take part in any discussion on or take action
1210 on any matter in which he or she has a direct financial
1211 interest.

1212 Section 34. Subsection (2) of section 553.76, Florida
1213 Statutes, is amended to read:

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1214 553.76 General powers of the commission.—The commission is
1215 authorized to:

1216 (2) Issue memoranda of procedure for its internal
1217 management and control. The commission may adopt rules related
1218 to its consensus-based decisionmaking process, including, but
1219 not limited to, super majority voting requirements for
1220 commission actions relating to the adoption of the Florida
1221 Building Code or amendments to the code.

1222 Section 35. Subsections (2) and (4) of section 553.775,
1223 Florida Statutes, are amended to read:

1224 553.775 Interpretations.—

1225 (2) Local enforcement agencies, local building officials,
1226 state agencies, and the commission shall interpret provisions of
1227 the Florida Building Code in a manner that is consistent with
1228 declaratory statements and interpretations entered by the
1229 commission, except that conflicts between the Florida Fire
1230 Prevention Code and the Florida Building Code shall be resolved
1231 in accordance with s. 553.73(11)~~(10)~~(c) and (d).

1232 (4) In order to administer this section, the commission
1233 may adopt by rule and impose a fee for filing requests for
1234 declaratory statements and binding and nonbinding
1235 interpretations to recoup the cost of the proceedings which may
1236 not exceed \$125 for each request for a nonbinding interpretation
1237 and \$250 for each request for a binding review or
1238 interpretation. For proceedings conducted by or in coordination
1239 with a third-party, the rule may provide that payment be made
1240 directly to the third party, who shall remit to the department

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1241 that portion of the fee necessary to cover the costs of the
1242 department.

1243 Section 36. Subsection (9) of section 553.79, Florida
1244 Statutes, is amended to read:

1245 553.79 Permits; applications; issuance; inspections.—

1246 (9) Any state agency whose enabling legislation authorizes
1247 it to enforce provisions of the Florida Building Code may enter
1248 into an agreement with any other unit of government to delegate
1249 its responsibility to enforce those provisions and may expend
1250 public funds for permit and inspection fees, which fees may be
1251 no greater than the fees charged others. Inspection services
1252 that are not required to be performed by a state agency under a
1253 federal delegation of responsibility or by a state agency under
1254 the Florida Building Code must be performed under the
1255 alternative plans review and inspection process created in s.
1256 553.791 or by a local governmental entity having authority to
1257 enforce the Florida Building Code.

1258 Section 37. For the purpose of incorporating the amendment
1259 made by this act to section 553.79, Florida Statutes, in a
1260 reference thereto, subsection (1) of section 553.80, Florida
1261 Statutes, is reenacted, and paragraph (c) of subsection (1) and
1262 subsection (3) of that section are amended, to read:

1263 553.80 Enforcement.—

1264 (1) Except as provided in paragraphs (a)-(g), each local
1265 government and each legally constituted enforcement district
1266 with statutory authority shall regulate building construction
1267 and, where authorized in the state agency's enabling
1268 legislation, each state agency shall enforce the Florida

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1269 Building Code required by this part on all public or private
1270 buildings, structures, and facilities, unless such
1271 responsibility has been delegated to another unit of government
1272 pursuant to s. 553.79(9).

1273 (a) Construction regulations relating to correctional
1274 facilities under the jurisdiction of the Department of
1275 Corrections and the Department of Juvenile Justice are to be
1276 enforced exclusively by those departments.

1277 (b) Construction regulations relating to elevator
1278 equipment under the jurisdiction of the Bureau of Elevators of
1279 the Department of Business and Professional Regulation shall be
1280 enforced exclusively by that department.

1281 (c) In addition to the requirements of s. 553.79 and this
1282 section, facilities subject to the provisions of chapter 395 and
1283 parts part II and VIII of chapter 400 shall have facility plans
1284 reviewed and construction surveyed by the state agency
1285 authorized to do so under the requirements of chapter 395 and
1286 parts part II and VIII of chapter 400 and the certification
1287 requirements of the Federal Government. Facilities subject to
1288 the provisions of part IV of chapter 400 may have facility plans
1289 reviewed and shall have construction surveyed by the state
1290 agency authorized to do so under the requirements of part IV of
1291 chapter 400 and the certification requirements of the Federal
1292 Government.

1293 (d) Building plans approved under s. 553.77(3) and state-
1294 approved manufactured buildings, including buildings
1295 manufactured and assembled offsite and not intended for
1296 habitation, such as lawn storage buildings and storage sheds,

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1297 are exempt from local code enforcing agency plan reviews except
1298 for provisions of the code relating to erection, assembly, or
1299 construction at the site. Erection, assembly, and construction
1300 at the site are subject to local permitting and inspections.
1301 Lawn storage buildings and storage sheds bearing the insignia of
1302 approval of the department are not subject to s. 553.842. Such
1303 buildings that do not exceed 400 square feet may be delivered
1304 and installed without need of a contractor's or specialty
1305 license.

1306 (e) Construction regulations governing public schools,
1307 state universities, and community colleges shall be enforced as
1308 provided in subsection (6).

1309 (f) The Florida Building Code as it pertains to toll
1310 collection facilities under the jurisdiction of the turnpike
1311 enterprise of the Department of Transportation shall be enforced
1312 exclusively by the turnpike enterprise.

1313 (g) Construction regulations relating to secure mental
1314 health treatment facilities under the jurisdiction of the
1315 Department of Children and Family Services shall be enforced
1316 exclusively by the department in conjunction with the Agency for
1317 Health Care Administration's review authority under paragraph
1318 (c).

1319

1320 The governing bodies of local governments may provide a schedule
1321 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
1322 section, for the enforcement of the provisions of this part.
1323 Such fees shall be used solely for carrying out the local
1324 government's responsibilities in enforcing the Florida Building

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1325 Code. The authority of state enforcing agencies to set fees for
1326 enforcement shall be derived from authority existing on July 1,
1327 1998. However, nothing contained in this subsection shall
1328 operate to limit such agencies from adjusting their fee schedule
1329 in conformance with existing authority.

1330 (3) (a) Each enforcement district shall be governed by a
1331 board, the composition of which shall be determined by the
1332 affected localities.

1333 (b)1. At its own option, each enforcement district or
1334 local enforcement agency may adopt ~~promulgate~~ rules granting to
1335 the owner of a single-family residence one or more exemptions
1336 from the Florida Building Code relating to:

1337 a. ~~(a)~~ Addition, alteration, or repairs performed by the
1338 property owner upon his or her own property, provided any
1339 addition or alteration shall not exceed 1,000 square feet or the
1340 square footage of the primary structure, whichever is less.

1341 b. ~~(b)~~ Addition, alteration, or repairs by a nonowner
1342 within a specific cost limitation set by rule, provided the
1343 total cost shall not exceed \$5,000 within any 12-month period.

1344 c. ~~(c)~~ Building and inspection fees.

1345 2. However, the exemptions under subparagraph 1. do not
1346 apply to single-family residences that are located in mapped
1347 flood hazard areas, as defined in the code, unless the
1348 enforcement district or local enforcement agency has determined
1349 that the work, which is otherwise exempt, does not constitute a
1350 substantial improvement, including the repair of substantial
1351 damage, of such single-family residences.

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1352 3. Each code exemption, as defined in sub-subparagraphs
1353 1.a, b., and c. paragraphs (a), (b), and (c), shall be certified
1354 to the local board 10 days prior to implementation and shall
1355 only be effective in the territorial jurisdiction of the
1356 enforcement district or local enforcement agency implementing
1357 it.

1358 Section 38. Subsections (4) through (8) of section
1359 553.841, Florida Statutes, are amended to read:

1360 553.841 Building code compliance and mitigation program.—

1361 (4) ~~The department,~~ In administering the Florida Building
1362 Code Compliance and Mitigation Program, the department shall
1363 maintain, update, develop, or cause to be developed+

1364 ~~(a) A core curriculum that is prerequisite to the advanced~~
1365 ~~module coursework.~~

1366 ~~(b) advanced modules designed for use by each profession.~~

1367 ~~(c) The core curriculum developed under this subsection~~
1368 ~~must be submitted to the Department of Business and Professional~~
1369 ~~Regulation for approval. Advanced modules developed under this~~
1370 ~~paragraph must be approved by the commission and submitted to~~
1371 ~~the respective boards for approval.~~

1372 ~~(5) The core curriculum shall cover the information~~
1373 ~~required to have all categories of participants appropriately~~
1374 ~~informed as to their technical and administrative~~
1375 ~~responsibilities in the effective execution of the code process~~
1376 ~~by all individuals currently licensed under part XII of chapter~~
1377 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
1378 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
1379 ~~prerequisite to the advanced module coursework for all licensees~~

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1380 ~~and shall be completed by individuals licensed in all categories~~
1381 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
1382 ~~chapter 489 within the first 2 year period after initial~~
1383 ~~licensure. Core course hours taken by licensees to complete this~~
1384 ~~requirement shall count toward fulfillment of required~~
1385 ~~continuing education units under part XII of chapter 468,~~
1386 ~~chapter 471, chapter 481, or chapter 489.~~

1387 (5)-(6) Each biennium, upon receipt of funds by the
1388 Department of Community Affairs from the Construction Industry
1389 Licensing Board and the Electrical Contractors' Licensing Board
1390 provided under ss. 489.109(3) and 489.509(3), the department
1391 shall determine the amount of funds available for the Florida
1392 Building Code Compliance and Mitigation Program.

1393 (6)-(7) If the projects provided through the Florida
1394 Building Code Compliance and Mitigation Program in any state
1395 fiscal year do not require the use of all available funds, the
1396 unused funds shall be carried forward and allocated for use
1397 during the following fiscal year.

1398 (7)-(8) The Florida Building Commission shall provide by
1399 rule for the accreditation of courses related to the Florida
1400 Building Code by accreditors approved by the commission. The
1401 commission shall establish qualifications of accreditors and
1402 criteria for the accreditation of courses by rule. The
1403 commission may revoke the accreditation of a course by an
1404 accreditor if the accreditation is demonstrated to violate this
1405 part or the rules of the commission.

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1406 ~~(8)+(9)~~ This section does not prohibit or limit the subject
1407 areas or development of continuing education or training on the
1408 Florida Building Code by any qualified entity.

1409 Section 39. Subsections (1), (5), (8), and (17) of section
1410 553.842, Florida Statutes, are amended to read:

1411 553.842 Product evaluation and approval.—

1412 (1) The commission shall adopt rules under ss. 120.536(1)
1413 and 120.54 to develop and implement a product evaluation and
1414 approval system that applies statewide to operate in
1415 coordination with the Florida Building Code. The commission may
1416 enter into contracts to provide for administration of the
1417 product evaluation and approval system. The commission's rules
1418 and any applicable contract may provide that the payment of fees
1419 related to approvals be made directly to the administrator. Any
1420 fee paid by a product manufacturer shall be used only for
1421 funding the product evaluation and approval system. The product
1422 evaluation and approval system shall provide:

1423 (a) Appropriate promotion of innovation and new
1424 technologies.

1425 (b) Processing submittals of products from manufacturers
1426 in a timely manner.

1427 (c) Independent, third-party qualified and accredited
1428 testing and laboratory facilities, product evaluation entities,
1429 quality assurance agencies, certification agencies, and
1430 validation entities.

1431 (d) An easily accessible product acceptance list to
1432 entities subject to the Florida Building Code.

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1433 (e) Development of stringent but reasonable testing
1434 criteria based upon existing consensus standards, when
1435 available, for products.

1436 (f) Long-term approvals, where feasible. State and local
1437 approvals will be valid until the requirements of the code on
1438 which the approval is based change, the product changes in a
1439 manner affecting its performance as required by the code, or the
1440 approval is revoked. However, the commission may authorize by
1441 rule editorial revisions to approvals and charge a fee as
1442 provided in this section.

1443 (g) Criteria for revocation of a product approval.

1444 (h) Cost-effectiveness.

1445 (5) Statewide approval of products, methods, or systems of
1446 construction may be achieved by one of the following methods.
1447 One of these methods must be used by the commission to approve
1448 the following categories of products: panel walls, exterior
1449 doors, roofing, skylights, windows, shutters, and structural
1450 components as established by the commission by rule.

1451 (a) Products for which the code establishes standardized
1452 testing or comparative or rational analysis methods shall be
1453 approved by submittal and validation of one of the following
1454 reports or listings indicating that the product or method or
1455 system of construction was evaluated to be in compliance with
1456 the Florida Building Code and that the product or method or
1457 system of construction is, for the purpose intended, at least
1458 equivalent to that required by the Florida Building Code:

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- 1459 1. A certification mark or listing of an approved
1460 certification agency, which may be used only for products for
1461 which the code designates standardized testing;
1462 2. A test report from an approved testing laboratory;
1463 3. A product evaluation report based upon testing or
1464 comparative or rational analysis, or a combination thereof, from
1465 an approved product evaluation entity; or
1466 4. A product evaluation report based upon testing or
1467 comparative or rational analysis, or a combination thereof,
1468 developed and signed and sealed by a professional engineer or
1469 architect, licensed in this state.

1470

1471 A product evaluation report or a certification mark or listing
1472 of an approved certification agency which demonstrates that the
1473 product or method or system of construction complies with the
1474 Florida Building Code for the purpose intended shall be
1475 equivalent to a test report and test procedure as referenced in
1476 the Florida Building Code. An application for state approval of
1477 a product under subparagraph 1. must be approved by the
1478 department after the commission staff or a designee verifies
1479 that the application and related documentation are complete.
1480 This verification must be completed within 10 business days
1481 after receipt of the application. Upon approval by the
1482 department, the product shall be immediately added to the list
1483 of state-approved products maintained under subsection (13).
1484 Approvals by the department shall be reviewed and ratified by
1485 the commission's program oversight committee except for a
1486 showing of good cause that a review by the full commission is

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1487 necessary. The commission shall adopt rules providing means to
1488 cure deficiencies identified within submittals for products
1489 approved under this paragraph.

1490 (b) Products, methods, or systems of construction for
1491 which there are no specific standardized testing or comparative
1492 or rational analysis methods established in the code may be
1493 approved by submittal and validation of one of the following:

1494 1. A product evaluation report based upon testing or
1495 comparative or rational analysis, or a combination thereof, from
1496 an approved product evaluation entity indicating that the
1497 product or method or system of construction was evaluated to be
1498 in compliance with the intent of the Florida Building Code and
1499 that the product or method or system of construction is, for the
1500 purpose intended, at least equivalent to that required by the
1501 Florida Building Code; or

1502 2. A product evaluation report based upon testing or
1503 comparative or rational analysis, or a combination thereof,
1504 developed and signed and sealed by a professional engineer or
1505 architect, licensed in this state, who certifies that the
1506 product or method or system of construction is, for the purpose
1507 intended, at least equivalent to that required by the Florida
1508 Building Code.

1509 (8) The commission may adopt rules to approve the
1510 following types of entities that produce information on which
1511 product approvals are based. All of the following entities,
1512 including engineers and architects, must comply with a
1513 nationally recognized standard demonstrating independence or no
1514 conflict of interest:

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1515 (a) ~~Evaluation entities that meet the criteria for~~
1516 ~~approval adopted by the commission by rule.~~ The commission shall
1517 specifically approve the National Evaluation Service, the
1518 International Association of Plumbing and Mechanical Officials
1519 Evaluation Service ~~the International Conference of Building~~
1520 ~~Officials Evaluation Services~~, the International Code Council
1521 Evaluation Services, ~~the Building Officials and Code~~
1522 ~~Administrators International Evaluation Services~~, ~~the Southern~~
1523 ~~Building Code Congress International Evaluation Services~~, and
1524 the Miami-Dade County Building Code Compliance Office Product
1525 Control. Architects and engineers licensed in this state are
1526 also approved to conduct product evaluations as provided in
1527 subsection (5).

1528 (b) Testing laboratories accredited by national
1529 organizations, such as A2LA and the National Voluntary
1530 Laboratory Accreditation Program, laboratories accredited by
1531 evaluation entities approved under paragraph (a), and
1532 laboratories that comply with other guidelines for testing
1533 laboratories selected by the commission and adopted by rule.

1534 (c) Quality assurance entities approved by evaluation
1535 entities approved under paragraph (a) and by certification
1536 agencies approved under paragraph (d) and other quality
1537 assurance entities that comply with guidelines selected by the
1538 commission and adopted by rule.

1539 (d) Certification agencies accredited by nationally
1540 recognized accreditors and other certification agencies that
1541 comply with guidelines selected by the commission and adopted by
1542 rule.

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1543 (e) Validation entities that comply with accreditation
1544 standards established by the commission by rule.

1545 ~~(17)(a) The Florida Building Commission shall review the~~
1546 ~~list of evaluation entities in subsection (8) and, in the annual~~
1547 ~~report required under s. 553.77, shall either recommend~~
1548 ~~amendments to the list to add evaluation entities the commission~~
1549 ~~determines should be authorized to perform product evaluations~~
1550 ~~or shall report on the criteria adopted by rule or to be adopted~~
1551 ~~by rule allowing the commission to approve evaluation entities~~
1552 ~~that use the commission's product evaluation process. If the~~
1553 ~~commission adopts criteria by rule, the rulemaking process must~~
1554 ~~be completed by July 1, 2009.~~

1555 ~~(b) Notwithstanding paragraph (8)(a), the International~~
1556 ~~Association of Plumbing and Mechanical Officials Evaluation~~
1557 ~~Services is approved as an evaluation entity until October 1,~~
1558 ~~2009. If the association does not obtain permanent approval by~~
1559 ~~the commission as an evaluation entity by October 1, 2009,~~
1560 ~~products approved on the basis of an association evaluation must~~
1561 ~~be substituted by an alternative, approved entity by December~~
1562 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
1563 ~~the commission based on an association evaluation is void.~~

1564 Section 40. Subsection (4) is added to section 553.844,
1565 Florida Statutes, to read:

1566 553.844 Windstorm loss mitigation; requirements for roofs
1567 and opening protection.—

1568 (4) Notwithstanding the provisions of this section,
1569 exposed mechanical equipment or appliances fastened to a roof in
1570 compliance with the code using rated stands, platforms, curbs,

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1571 slabs, or other means are deemed to comply with the wind
1572 resistance requirements of the 2007 Florida Building Code, as
1573 amended. Further support or enclosure of such mechanical
1574 equipment or appliances is not required by a state or local
1575 official having authority to enforce the Florida Building Code.
1576 This subsection expires on the effective date of the 2010
1577 Florida Building Code.

1578 Section 41. Section 553.885, Florida Statutes, is amended
1579 to read:

1580 553.885 Carbon monoxide alarm required.—

1581 (1) Every separate building or addition to an existing
1582 building, other than a hospital, an inpatient hospice facility,
1583 or a nursing home facility licensed by the Agency for Health
1584 Care Administration, constructed for which a building permit is
1585 issued for new construction on or after July 1, 2008, and having
1586 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an
1587 attached garage, or other feature, fixture, or element that
1588 emits carbon monoxide as a byproduct of combustion shall have an
1589 approved operational carbon monoxide alarm installed within 10
1590 feet of each room used for sleeping purposes in the new building
1591 or addition, or at such other locations as required by the
1592 Florida Building Code. The requirements of this subsection may
1593 be satisfied with the installation of a hard-wired or battery-
1594 powered carbon monoxide alarm or a hard-wired or battery-powered
1595 combination carbon monoxide and smoke alarm. For a new hospital,
1596 an inpatient hospice facility, or a nursing home facility
1597 licensed by the Agency for Health Care Administration or a new
1598 state correctional institution, an approved operational carbon

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1599 monoxide detector shall be installed inside or directly outside
1600 of each room or area within the hospital or facility where a
1601 fossil-fuel-burning heater, engine, or appliance is located.
1602 This detector shall be connected to the fire alarm system of the
1603 hospital or facility as a supervisory signal. This subsection
1604 does not apply to existing buildings that are undergoing
1605 alterations or repairs unless the alteration is an addition as
1606 defined in subsection (3).

1607 (2) The Florida Building Commission shall adopt rules to
1608 administer this section and shall incorporate such requirements
1609 into its next revision of the Florida Building Code.

1610 (3) As used in this section, the term:

1611 (a) "Carbon monoxide alarm" means a device that is meant
1612 for the purpose of detecting carbon monoxide, that produces a
1613 distinct audible alarm, and that meets the requirements of and
1614 is approved by the Florida Building Commission.

1615 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,
1616 or other petroleum or hydrocarbon product that emits carbon
1617 monoxide as a by-product of combustion.

1618 (c) "Addition" means an extension or increase in floor
1619 area, number of stories, or height of a building or structure.

1620 Section 42. Subsection (2) of section 553.9061, Florida
1621 Statutes, is amended to read:

1622 553.9061 Scheduled increases in thermal efficiency
1623 standards.—

1624 (2) The Florida Building Commission shall identify within
1625 code support and compliance documentation the specific building
1626 options and elements available to meet the energy performance

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1627 goals established in subsection (1). Energy efficiency
1628 performance options and elements include, but are not limited
1629 to:

1630 (a) Energy-efficient water heating systems, including
1631 solar water heating.

1632 (b) Energy-efficient appliances.

1633 (c) Energy-efficient windows, doors, and skylights.

1634 (d) Low solar-absorption roofs, also known as "cool
1635 roofs."

1636 (e) Enhanced ceiling and wall insulation.

1637 (f) Reduced-leak duct systems and energy-saving devices
1638 and features installed within duct systems.

1639 (g) Programmable thermostats.

1640 (h) Energy-efficient lighting systems.

1641 (i) Energy-saving quality installation procedures for
1642 replacement air-conditioning systems, including, but not limited
1643 to, equipment sizing analysis and duct inspection.

1644 (j) Shading devices, sunscreening materials, and
1645 overhangs.

1646 (k) Weatherstripping, caulking, and sealing of exterior
1647 openings and penetrations.

1648 (l) Energy-efficient centralized computer data centers in
1649 office buildings.

1650 Section 43. Subsections (3) and (4) of section 553.909,
1651 Florida Statutes, are amended to read:

1652 553.909 Setting requirements for appliances; exceptions.-

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1653 (3) Commercial or residential swimming pool pumps or water
1654 heaters manufactured on or sold after July 1, 2011, shall comply
1655 with the requirements of this subsection.

1656 (a) Natural gas pool heaters shall not be equipped with
1657 constantly burning pilots.

1658 (b) Heat pump pool heaters shall have a coefficient of
1659 performance at low temperature of not less than 4.0.

1660 (c) The thermal efficiency of gas-fired pool heaters and
1661 oil-fired pool heaters shall not be less than 78 percent.

1662 (d) All pool heaters shall have a readily accessible on-
1663 off switch that is mounted outside the heater and that allows
1664 shutting off the heater without adjusting the thermostat
1665 setting.

1666 (4) (a) Residential swimming pool filtration pumps and pump
1667 motors manufactured on or after July 1, 2011, must comply with
1668 the requirements in this subsection.

1669 (b) Residential filtration pool pump motors shall not be
1670 split-phase, shaded-pole, or capacitor start-induction run
1671 types.

1672 (c) Residential filtration pool pumps and pool pump motors
1673 with a total horsepower of 1 HP or more shall have the
1674 capability of operating at two or more speeds with a low speed
1675 having a rotation rate that is no more than one-half of the
1676 motor's maximum rotation rate.

1677 (d) Residential filtration pool pump motor controls shall
1678 have the capability of operating the pool pump at a minimum of
1679 two speeds. The default circulation speed shall be the
1680 residential filtration speed, with a higher speed override

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1681 capability being for a temporary period not to exceed one normal
1682 cycle or 24 hours ~~120 minutes~~, whichever is less; except that
1683 circulation speed for solar pool heating systems shall be
1684 permitted to run at higher speeds during periods of usable solar
1685 heat gain.

1686 Section 44. Section 553.912, Florida Statutes, is amended
1687 to read:

1688 553.912 Air conditioners.—All air conditioners that ~~which~~
1689 are sold or installed in the state shall meet the minimum
1690 efficiency ratings of the Florida Energy Efficiency Code for
1691 Building Construction. These efficiency ratings shall be
1692 minimums and may be updated in the Florida Energy Efficiency
1693 Code for Building Construction by the department in accordance
1694 with s. 553.901, following its determination that more cost-
1695 effective energy-saving equipment and techniques are available.
1696 All replacement air-conditioning systems should be installed
1697 using energy-saving, quality installation procedures, including,
1698 but not limited to, equipment sizing analysis and duct
1699 inspection.

1700 Section 45. Subsection (2) of section 627.711, Florida
1701 Statutes, is amended to read:

1702 627.711 Notice of premium discounts for hurricane loss
1703 mitigation; uniform mitigation verification inspection form.—

1704 (2) By July 1, 2007, the Financial Services Commission
1705 shall develop by rule a uniform mitigation verification
1706 inspection form that shall be used by all insurers when
1707 submitted by policyholders for the purpose of factoring
1708 discounts for wind insurance. In developing the form, the

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1709 commission shall seek input from insurance, construction, and
1710 building code representatives. Further, the commission shall
1711 provide guidance as to the length of time the inspection results
1712 are valid. An insurer shall accept as valid a uniform mitigation
1713 verification form certified by the Department of Financial
1714 Services or signed by:

1715 (a) A hurricane mitigation inspector certified by the My
1716 Safe Florida Home program;

1717 (b) A building code inspector certified under s. 468.607;

1718 (c) A general, building, or residential contractor
1719 licensed under s. 489.111;

1720 (d) A professional engineer licensed under s. 471.015 ~~who~~
1721 ~~has passed the appropriate equivalency test of the Building Code~~
22 ~~Training Program as required by s. 553.841;~~

1723 (e) A professional architect licensed under s. 481.213; ~~or~~

1724 (f) A home inspector licensed under s. 468.8314 who has
1725 completed at least 2 hours of mitigation training; or

1726 (g) ~~(f)~~ Any other individual or entity recognized by the
1727 insurer as possessing the necessary qualifications to properly
1728 complete a uniform mitigation verification form.

1729 Section 46. Subsections (7) through (28) of section
1730 633.021, Florida Statutes, are renumbered as subsections (8)
1731 through (29), respectively, a new subsection (7) is added to
1732 that section, and present subsection (20) of that section is
1733 amended, to read:

1734 633.021 Definitions.—As used in this chapter:

1735 (7) (a) "Fire equipment dealer Class A" means a licensed
1736 fire equipment dealer whose business is limited to servicing,

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1737 recharging, repairing, installing, or inspecting all types of
1738 fire extinguishers and conducting hydrostatic tests on all types
1739 of fire extinguishers.

1740 (b) "Fire equipment dealer Class B" means a licensed fire
1741 equipment dealer whose business is limited to servicing,
1742 recharging, repairing, installing, or inspecting all types of
1743 fire extinguishers, including recharging carbon dioxide units
1744 and conducting hydrostatic tests on all types of fire
1745 extinguishers, except carbon dioxide units.

1746 (c) "Fire equipment dealer Class C" means a licensed fire
1747 equipment dealer whose business is limited to servicing,
1748 recharging, repairing, installing, or inspecting all types of
1749 fire extinguishers, except recharging carbon dioxide units, and
1750 conducting hydrostatic tests on all types of fire extinguishers,
1751 except carbon dioxide units.

1752 (d) "Fire equipment dealer Class D" means a licensed fire
1753 equipment dealer whose business is limited to servicing,
1754 recharging, repairing, installing, hydrotesting, or inspecting
1755 of all types of preengineered fire extinguishing systems.

1756 (21) (a) ~~(20)~~ A "preengineered system" is a fire suppression
1757 system which:

1758 1. ~~(a)~~ Uses any of a variety of extinguishing agents.

1759 2. ~~(b)~~ Is designed to protect specific hazards.

1760 3. ~~(c)~~ Must be installed according to pretested limitations
1761 and configurations specified by the manufacturer and applicable
1762 National Fire Protection Association (NFPA) standards. Only
1763 those chapters within the National Fire Protection Association
1764 standards that pertain to servicing, recharging, repairing,

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1765 installing, hydrotesting, or inspecting any type of
1766 preengineered fire extinguishing system may be used.

1767 4.(d) Must be installed using components specified by the
1768 manufacturer or components that are listed as equal parts by a
1769 nationally recognized testing laboratory such as Underwriters
1770 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

1771 5.(e) Must be listed by a nationally recognized testing
1772 laboratory.

1773 (b) Preengineered systems consist of and include all of
1774 the components and parts providing fire suppression protection,
1775 but do not include the equipment being protected, and may
1776 incorporate special nozzles, flow rates, methods of application,
1777 pressurization levels, and quantities of agents designed by the
1778 manufacturer for specific hazards.

1779 Section 47. Paragraph (b) of subsection (3) of section
1780 633.0215, Florida Statutes, is amended, and subsections (13) and
1781 (14) are added to that section, to read:

1782 633.0215 Florida Fire Prevention Code.—

1783 (3) No later than 180 days before the triennial adoption
1784 of the Florida Fire Prevention Code, the State Fire Marshal
1785 shall notify each municipal, county, and special district fire
1786 department of the triennial code adoption and steps necessary
1787 for local amendments to be included within the code. No later
1788 than 120 days before the triennial adoption of the Florida Fire
1789 Prevention Code, each local jurisdiction shall provide the State
1790 Fire Marshal with copies of its local fire code amendments. The
1791 State Fire Marshal has the option to process local fire code

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1792 amendments that are received less than 120 days before the
1793 adoption date of the Florida Fire Prevention Code.

1794 (b) Any local amendment to the Florida Fire Prevention
1795 Code adopted by a local government shall be effective only until
1796 the adoption of the new edition of the Florida Fire Prevention
1797 Code, which shall be every third year. At such time, the State
1798 Fire Marshal shall adopt such amendment as part of the Florida
1799 Fire Prevention Code or rescind the amendment. The State Fire
1800 Marshal shall immediately notify the respective local government
1801 of the rescission of the amendment and the reason for the
1802 rescission. After receiving such notice, the respective local
1803 government may readopt the rescinded amendment. Incorporation of
1804 local amendments as regional and local concerns and variations
1805 shall be considered as adoption of an amendment pursuant to this
1806 section part.

1807 (13) (a) The State Fire Marshal shall issue an expedited
1808 declaratory statement relating to interpretations of provisions
1809 of the Florida Fire Prevention Code according to the following
1810 guidelines:

1811 1. The declaratory statement shall be rendered in
1812 accordance with s. 120.565, except that a final decision must be
1813 issued by the State Fire Marshal within 45 days after the
1814 division's receipt of a petition seeking an expedited
1815 declaratory statement. The State Fire Marshal shall give notice
1816 of the petition and the expedited declaratory statement or the
1817 denial of the petition in the next available issue of the
1818 Florida Administrative Weekly after the petition is filed and
1819 after the statement or denial is rendered.

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1820 2. The petitioner must be the owner of the disputed
1821 project or the owner's representative.

1822 3. The petition for an expedited declaratory statement
1823 must be:

1824 a. Related to an active project that is under construction
1825 or must have been submitted for a permit.

1826 b. The subject of a written notice citing a specific
1827 provision of the Florida Fire Prevention Code which is in
1828 dispute.

1829 c. Limited to a single question that is capable of being
1830 answered with a "yes" or "no" response.

1831 (b) A petition for a declaratory statement which does not
1832 meet all of the requirements of this subsection must be denied
1833 without prejudice. This subsection does not affect the right of
1834 the petitioner as a substantially affected person to seek a
1835 declaratory statement under s. 633.01(6).

1836 (14) A condominium that is one or two stories in height
1837 and has an exterior corridor providing a means of egress is
1838 exempt from installing a manual fire alarm system as required in
1839 s. 9.6 of the most recent edition of the Life Safety Code
1840 adopted in the Florida Fire Prevention Code.

1841 Section 48. Subsections (2) and (10) of section 633.0245,
1842 Florida Statutes, are amended to read:

1843 633.0245 State Fire Marshal Nursing Home Fire Protection
1844 Loan Guarantee Program.—

1845 (2) The State Fire Marshal may enter into limited loan
1846 guarantee agreements with one or more financial institutions
1847 qualified as public depositories in this state. Such agreements

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1848 shall provide a limited guarantee by the State of Florida
1849 covering no more than 50 percent of the principal sum loaned by
1850 such financial institution to an eligible nursing home, as
1851 defined in subsection (10), for the sole purpose of the initial
1852 installation at such nursing home of a fire protection system,
1853 as defined in s. 633.021(10)(9), approved by the State Fire
1854 Marshal as being in compliance with the provisions of s. 633.022
1855 and rules adopted thereunder.

1856 (10) For purposes of this section, "eligible nursing home"
1857 means a nursing home facility that provides nursing services as
1858 defined in chapter 464, is licensed under part II of chapter
1859 400, and is certified by the Agency for Health Care
1860 Administration to lack an installed fire protection system as
1861 defined in s. 633.021(10)(9).

1862 Section 49. Section 633.026, Florida Statutes, is amended
1863 to read:

1864 633.026 Legislative intent; informal interpretations of
1865 the Florida Fire Prevention Code.—It is the intent of the
1866 Legislature that the Florida Fire Prevention Code be interpreted
1867 by fire officials and local enforcement agencies in a manner
1868 that reasonably and cost-effectively protects the public safety,
1869 health, and welfare, ensures uniform interpretations throughout
1870 this state, and provides just and expeditious processes for
1871 resolving disputes regarding such interpretations. It is the
1872 further intent of the Legislature that such processes provide
1873 for the expeditious resolution of the issues presented and that
1874 the resulting interpretation of such issues be published on the
1875 website of the Division of State Fire Marshal.

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1876 (1) The Division of State Fire Marshal shall by rule
1877 establish an informal process of rendering nonbinding
1878 interpretations of the Florida Fire Prevention Code. The
1879 Division of State Fire Marshal may contract with and refer
1880 interpretive issues to a third party, selected based upon cost
1881 effectiveness, quality of services to be performed, and other
1882 performance-based criteria, which nonprofit organization that
1883 has experience in interpreting and enforcing the Florida Fire
1884 Prevention Code. ~~The Division of State Fire Marshal shall~~
1885 ~~immediately implement the process prior to the completion of~~
1886 ~~formal rulemaking.~~ It is the intent of the Legislature that the
1887 Division of State Fire Marshal establish create a Fire Code
1888 Interpretation Committee composed of seven persons and seven
1889 alternates, equally representing each area of the state process
1890 ~~to refer questions to a small group of individuals certified~~
1891 ~~under s. 633.081(2), to which a party can pose questions~~
1892 regarding the interpretation of the Florida Fire Prevention Code
1893 provisions.

1894 (2) Each member and alternate member of the Fire Code
1895 Interpretation Committee must be certified as a firesafety
1896 inspector pursuant to s. 633.081(2) and must have a minimum of 5
1897 years of experience interpreting and enforcing the Florida Fire
1898 Prevention Code and the Life Safety Code. Each member and
1899 alternate member must be approved by the Division of State Fire
1900 Marshal and deemed by the division to have met these
1901 requirements for at least 30 days before participating in a
1902 review of a nonbinding interpretation. ~~It is the intent of the~~
1903 ~~Legislature that the process provide for the expeditious~~

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1904 ~~resolution of the issues presented and publication of the~~
1905 ~~resulting interpretation on the website of the Division of State~~
1906 ~~Fire Marshal. It is the intent of the Legislature that this~~
1907 ~~program be similar to the program established by the Florida~~
1908 ~~Building Commission in s. 553.775(3)(g).~~

1909 (3) Each nonbinding interpretation of code provisions must
1910 be provided within 10 business days after receipt of a request
1911 for interpretation. The response period established in this
1912 subsection may be waived only with the written consent of the
1913 party requesting the nonbinding interpretation and the Division
1914 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
1915 advisory only and nonbinding on the parties or the State Fire
1916 Marshal.

1917 (4) In order to administer this section, the Division of
1918 State Fire Marshal shall charge ~~department may adopt by rule and~~
1919 ~~impose a fee for nonbinding interpretations, with payment made~~
1920 ~~directly to the third party.~~ The fee may not exceed \$150 for
1921 each request for a review or interpretation. The division may
1922 authorize payment of fees directly to the nonprofit organization
1923 under contract pursuant to subsection (1).

1924 (5) A party requesting a nonbinding interpretation who
1925 disagrees with the interpretation issued under this section may
1926 apply for a formal interpretation from the State Fire Marshal
1927 pursuant to s. 633.01(6).

1928 (6) The Division of State Fire Marshal shall issue or
1929 cause to be issued a nonbinding interpretation of the Florida
1930 Fire Prevention Code pursuant to this section when requested to
1931 do so upon submission of a petition by a fire official or by the

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1932 owner or owner's representative or the contractor or
1933 contractor's representative of a project in dispute. The
1934 division shall adopt a petition form by rule and the petition
1935 form must be published on the State Fire Marshal's website. The
1936 form shall, at a minimum, require:

1937 (a) The name and address of the local fire official,
1938 including the address of the county, municipality, or special
1939 district.

1940 (b) The name and address of the owner or owner's
1941 representative or the contractor or contractor's representative.

1942 (c) A statement of the specific sections of the Florida
1943 Fire Prevention Code being interpreted by the local fire
1944 official.

1945 (d) An explanation of how the petitioner's substantial
1946 interests are being affected by the local interpretation of the
1947 Florida Fire Prevention Code.

1948 (e) A statement of the interpretation of the specific
1949 sections of the Florida Fire Prevention Code by the local fire
1950 official.

1951 (f) A statement of the interpretation that the petitioner
1952 contends should be given to the specific sections of the Florida
1953 Fire Prevention Code and a statement supporting the petitioner's
1954 interpretation.

1955 (7) Upon receipt of a petition that meets the requirements
1956 of subsection (6), the Division of State Fire Marshal shall
1957 immediately provide copies of the petition to the Fire Code
1958 Interpretation Committee, and shall publish the petition and any

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1959 response submitted by the local fire official on the State Fire
1960 Marshal's website.

1961 (8) The committee shall conduct proceedings as necessary
1962 to resolve the issues and give due regard to the petition, the
1963 facts of the matter at issue, specific code sections cited, and
1964 any statutory implications affecting the Florida Fire Prevention
1965 Code. The committee shall issue an interpretation regarding the
1966 provisions of the Florida Fire Prevention Code within 10 days
1967 after the filing of a petition. The committee shall issue an
1968 interpretation based upon the Florida Fire Prevention Code or,
1969 if the code is ambiguous, the intent of the code. The
1970 committee's interpretation shall be provided to the petitioner
1971 and shall include a notice that if the petitioner disagrees with
1972 the interpretation, the petitioner may file a request for formal
1973 interpretation by the State Fire Marshal under s. 633.01(6). The
1974 committee's interpretation shall be provided to the State Fire
1975 Marshal, and the division shall publish the interpretation on
1976 the State Fire Marshal's website and in the Florida
1977 Administrative Weekly.

1978 Section 50. Subsections (2) through (10) of section
1979 633.061, Florida Statutes, are renumbered as subsections (3)
1980 through (11), respectively, a new subsection (2) is added to
1981 that section, and paragraphs (a) and (c) of present subsection
1982 (3) of that section are amended, to read:

1983 633.061 Fire suppression equipment; license to install or
1984 maintain.-

1985 (2) A person who holds a valid fire equipment dealer
1986 license may maintain such license in an inactive status during

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1987 which time he or she may not engage in any work under the
1988 definition of the license held. An inactive status license shall
1989 be void after 2 years or at the time that the license is
1990 renewed, whichever comes first. The biennial renewal fee for an
1991 inactive status license shall be \$75. An inactive status license
1992 may not be reactivated unless the continuing education
1993 requirements of this chapter have been fulfilled.

1994 (4) (3)

1995 (a) Such licenses and permits shall be issued by the State
1996 Fire Marshal for 2 years beginning January 1, 2000, and each 2-
1997 year period thereafter and expiring December 31 of the second
1998 year. All licenses or permits issued will expire on December 31
1999 of each odd-numbered year. The failure to renew a license or
00 permit by December 31 of the second year will cause the license
2001 or permit to become inoperative. The holder of an inoperative
2002 license or permit shall not engage in any activities for which a
2003 license or permit is required by this section. A license or
2004 permit which is inoperative because of the failure to renew it
2005 shall be restored upon payment of the applicable fee plus a
2006 penalty equal to the applicable fee, if the application for
2007 renewal is filed no later than the following March 31. If the
2008 application for restoration is not made before the March 31st
2009 deadline, the fee for restoration shall be equal to the original
2010 application fee and the penalty provided for herein, and, in
2011 addition, the State Fire Marshal shall require reexamination of
2012 the applicant. The fee for a license or permit issued for 1 year
2013 or less shall be prorated at 50 percent of the applicable fee
2014 for a biennial license or permit. After initial licensure, each

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2015 licensee or permittee must ~~shall~~ successfully complete a course
2016 or courses of continuing education for fire equipment
2017 technicians of at least 16 ~~32~~ hours. A license or permit may not
2018 be renewed unless the licensee or permittee produces
2019 documentation of the completion of at least 16 hours of
2020 continuing education for fire equipment technicians during the
2021 biennial licensure period within 4 years of initial issuance of
2022 a license or permit and within each 4 year period thereafter or
2023 no such license or permit shall be renewed. A person who is both
2024 a licensee and a permittee shall be required to complete 16 ~~32~~
2025 hours of continuing education during each renewal ~~per 4 year~~
2026 period. Each licensee shall ensure that all permittees in his or
2027 her employment meet their continuing education requirements. The
2028 State Fire Marshal shall adopt rules describing the continuing
2029 education requirements and shall have the authority upon
2030 reasonable belief, to audit a fire equipment dealer to determine
2031 compliance with continuing education requirements.

2032 (c) A license of any class shall not be issued or renewed
2033 by the State Fire Marshal and a license of any class shall not
2034 remain operative unless:

2035 1. The applicant has submitted to the State Fire Marshal
2036 evidence of registration as a Florida corporation or evidence of
2037 compliance with s. 865.09.

2038 2. The State Fire Marshal or his or her designee has by
2039 inspection determined that the applicant possesses the equipment
2040 required for the class of license sought. The State Fire Marshal
2041 shall give an applicant a reasonable opportunity to correct any
2042 deficiencies discovered by inspection. A fee of \$50, payable to

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2043 the State Fire Marshal, shall be required for any subsequent
2044 reinspection.

2045 3. The applicant has submitted to the State Fire Marshal
2046 proof of insurance providing coverage for comprehensive general
2047 liability for bodily injury and property damage, products
2048 liability, completed operations, and contractual liability. The
2049 State Fire Marshal shall adopt rules providing for the amounts
2050 of such coverage, but such amounts shall not be less than
2051 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
2052 licenses, and \$100,000 for Class C licenses; and the total
2053 coverage for any class of license held in conjunction with a
2054 Class D license shall not be less than \$300,000. The State Fire
2055 Marshal may, at any time after the issuance of a license or its
56 renewal, require upon demand, and in no event more than 30 days
2057 after notice of such demand, the licensee to provide proof of
2058 insurance, on a form provided by the State Fire Marshal,
2059 containing confirmation of insurance coverage as required by
2060 this chapter. Failure, for any length of time, to provide proof
2061 of insurance coverage as required shall result in the immediate
2062 suspension of the license until proof of proper insurance is
2063 provided to the State Fire Marshal. An insurer which provides
2064 such coverage shall notify the State Fire Marshal of any change
2065 in coverage or of any termination, cancellation, or nonrenewal
2066 of any coverage.

2067 4. The applicant applies to the State Fire Marshal,
2068 provides proof of experience, and successfully completes a
2069 prescribed training course offered by the State Fire College or
2070 an equivalent course approved by the State Fire Marshal. This

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2071 subparagraph does not apply to any holder of or applicant for a
2072 permit under paragraph (f) or to a business organization or a
2073 governmental entity seeking initial licensure or renewal of an
2074 existing license solely for the purpose of inspecting,
2075 servicing, repairing, marking, recharging, and maintaining fire
2076 extinguishers used and located on the premises of and owned by
2077 such organization or entity.

2078 5. The applicant has a current retestor identification
2079 number that is appropriate for the license for which the
2080 applicant is applying and that is listed with the United States
2081 Department of Transportation.

2082 6. The applicant has passed, with a grade of at least 70
2083 percent, a written examination testing his or her knowledge of
2084 the rules and statutes regulating the activities authorized by
2085 the license and demonstrating his or her knowledge and ability
2086 to perform those tasks in a competent, lawful, and safe manner.
2087 Such examination shall be developed and administered by the
2088 State Fire Marshal, or his or her designee in accordance with
2089 policies and procedures of the State Fire Marshal. An applicant
2090 shall pay a nonrefundable examination fee of \$50 for each
2091 examination or reexamination scheduled. No reexamination shall
2092 be scheduled sooner than 30 days after any administration of an
2093 examination to an applicant. No applicant shall be permitted to
2094 take an examination for any level of license more than a total
2095 of four times during 1 year, regardless of the number of
2096 applications submitted. As a prerequisite to licensure of the
2097 applicant:

2098 a. Must be at least 18 years of age.

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2099 b. Must have 4 years of proven experience as a fire
2100 equipment permittee at a level equal to or greater than the
2101 level of license applied for or have a combination of education
2102 and experience determined to be equivalent thereto by the State
2103 Fire Marshal. Having held a permit at the appropriate level for
2104 the required period constitutes the required experience.

2105 c. Must not have been convicted of, or pled nolo
2106 contendere to, any felony. If an applicant has been convicted of
2107 any such felony, the applicant must comply with s.
2108 112.011(1)(b).

2109
2110 This subparagraph does not apply to any holder of or applicant
2111 for a permit under paragraph (f) or to a business organization
2112 or a governmental entity seeking initial licensure or renewal of
2113 an existing license solely for the purpose of inspecting,
2114 servicing, repairing, marking, recharging, hydrotesting, and
2115 maintaining fire extinguishers used and located on the premises
2116 of and owned by such organization or entity.

2117 Section 51. Section 633.081, Florida Statutes, is amended
2118 to read:

2119 633.081 Inspection of buildings and equipment; orders;
2120 firesafety inspection training requirements; certification;
2121 disciplinary action.—The State Fire Marshal and her or his
2122 agents shall, at any reasonable hour, when the State Fire
2123 Marshal ~~department~~ has reasonable cause to believe that a
2124 violation of this chapter or s. 509.215, or a rule promulgated
2125 thereunder, or a minimum firesafety code adopted by a local
2126 authority, may exist, inspect any and all buildings and

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2127 structures which are subject to the requirements of this chapter
2128 or s. 509.215 and rules promulgated thereunder. The authority to
2129 inspect shall extend to all equipment, vehicles, and chemicals
2130 which are located within the premises of any such building or
2131 structure.

2132 (1) Each county, municipality, and special district that
2133 has firesafety enforcement responsibilities shall employ or
2134 contract with a firesafety inspector. Except as provided in s.
2135 633.082(2), the firesafety inspector must conduct all firesafety
2136 inspections that are required by law. The governing body of a
2137 county, municipality, or special district that has firesafety
2138 enforcement responsibilities may provide a schedule of fees to
2139 pay only the costs of inspections conducted pursuant to this
2140 subsection and related administrative expenses. Two or more
2141 counties, municipalities, or special districts that have
2142 firesafety enforcement responsibilities may jointly employ or
2143 contract with a firesafety inspector.

2144 (2) Except as provided in s. 633.082(2), every firesafety
2145 inspection conducted pursuant to state or local firesafety
2146 requirements shall be by a person certified as having met the
2147 inspection training requirements set by the State Fire Marshal.
2148 Such person shall:

2149 (a) Be a high school graduate or the equivalent as
2150 determined by the department;

2151 (b) Not have been found guilty of, or having pleaded
2152 guilty or nolo contendere to, a felony or a crime punishable by
2153 imprisonment of 1 year or more under the law of the United
2154 States, or of any state thereof, which involves moral turpitude,

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2155 without regard to whether a judgment of conviction has been
2156 entered by the court having jurisdiction of such cases;

2157 (c) Have her or his fingerprints on file with the
2158 department or with an agency designated by the department;

2159 (d) Have good moral character as determined by the
2160 department;

2161 (e) Be at least 18 years of age;

2162 (f) Have satisfactorily completed the firesafety inspector
2163 certification examination as prescribed by the department; and

2164 (g)1. Have satisfactorily completed, as determined by the
2165 department, a firesafety inspector training program of not less
2166 than 200 hours established by the department and administered by
2167 agencies and institutions approved by the department for the
2168 purpose of providing basic certification training for firesafety
2169 inspectors; or

2170 2. Have received in another state training which is
2171 determined by the department to be at least equivalent to that
2172 required by the department for approved firesafety inspector
2173 education and training programs in this state.

2174 (3) Each special state firesafety inspection which is
2175 required by law and is conducted by or on behalf of an agency of
2176 the state must be performed by an individual who has met the
2177 provision of subsection (2), except that the duration of the
2178 training program shall not exceed 120 hours of specific training
2179 for the type of property that such special state firesafety
2180 inspectors are assigned to inspect.

2181 (4) A firefighter certified pursuant to s. 633.35 may
2182 conduct firesafety inspections, under the supervision of a

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2183 certified firesafety inspector, while on duty as a member of a
2184 fire department company conducting inservice firesafety
2185 inspections without being certified as a firesafety inspector,
2186 if such firefighter has satisfactorily completed an inservice
2187 fire department company inspector training program of at least
2188 24 hours' duration as provided by rule of the department.

2189 (5) Every firesafety inspector or special state firesafety
2190 inspector certificate is valid for a period of 3 years from the
2191 date of issuance. Renewal of certification shall be subject to
2192 the affected person's completing proper application for renewal
2193 and meeting all of the requirements for renewal as established
2194 under this chapter or by rule promulgated thereunder, which
2195 shall include completion of at least 40 hours during the
2196 preceding 3-year period of continuing education as required by
2197 the rule of the department or, in lieu thereof, successful
2198 passage of an examination as established by the department.

2199 (6) The State Fire Marshal may deny, refuse to renew,
2200 suspend, or revoke the certificate of a firesafety inspector or
2201 special state firesafety inspector if it finds that any of the
2202 following grounds exist:

2203 (a) Any cause for which issuance of a certificate could
2204 have been refused had it then existed and been known to the
2205 State Fire Marshal.

2206 (b) Violation of this chapter or any rule or order of the
2207 State Fire Marshal.

2208 (c) Falsification of records relating to the certificate.

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2209 (d) Having been found guilty of or having pleaded guilty
2210 or nolo contendere to a felony, whether or not a judgment of
2211 conviction has been entered.

2212 (e) Failure to meet any of the renewal requirements.

2213 (f) Having been convicted of a crime in any jurisdiction
2214 which directly relates to the practice of fire code inspection,
2215 plan review, or administration.

2216 (g) Making or filing a report or record that the
2217 certificateholder knows to be false, or knowingly inducing
2218 another to file a false report or record, or knowingly failing
2219 to file a report or record required by state or local law, or
2220 knowingly impeding or obstructing such filing, or knowingly
2221 inducing another person to impede or obstruct such filing.

2222 (h) Failing to properly enforce applicable fire codes or
2223 permit requirements within this state which the
2224 certificateholder knows are applicable by committing willful
2225 misconduct, gross negligence, gross misconduct, repeated
2226 negligence, or negligence resulting in a significant danger to
2227 life or property.

2228 (i) Accepting labor, services, or materials at no charge
2229 or at a noncompetitive rate from any person who performs work
2230 that is under the enforcement authority of the certificateholder
2231 and who is not an immediate family member of the
2232 certificateholder. For the purpose of this paragraph, the term
2233 "immediate family member" means a spouse, child, parent,
2234 sibling, grandparent, aunt, uncle, or first cousin of the person
2235 or the person's spouse or any person who resides in the primary
2236 residence of the certificateholder.

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2237 (7) The Division of State Fire Marshal and the Florida
2238 Building Code Administrators and Inspectors Board, established
2239 pursuant to under s. 468.605, shall enter into a reciprocity
2240 agreement to facilitate joint recognition of continuing
2241 education recertification hours for certificateholders licensed
2242 under s. 468.609 and firesafety inspectors certified under
2243 subsection (2).

2244 (8) The State Fire Marshal shall develop by rule an
2245 advanced training and certification program for firesafety
2246 inspectors having fire code management responsibilities. The
2247 program must be consistent with the appropriate provisions of
2248 NFPA 1037, or similar standards adopted by the division, and
2249 establish minimum training, education, and experience levels for
2250 firesafety inspectors having fire code management
2251 responsibilities.

2252 ~~(9)(7)~~ The department shall provide by rule for the
2253 certification of firesafety inspectors.

2254 Section 52. Subsections (2) and (3) of section 633.082,
2255 Florida Statutes, is amended to read:

2256 633.082 Inspection of fire control systems, fire hydrants,
2257 and fire protection systems.—

2258 (2) Fire hydrants and fire protection systems installed in
2259 public and private properties, except one-family or two-family
2260 dwellings, ~~in this state~~ shall be inspected following procedures
2261 established in the nationally recognized inspection, testing,
2262 and maintenance standards publications NFPA-24 and NFPA-25 as
2263 set forth in the edition adopted by the State Fire Marshal.
2264 Quarterly, annual, 3-year, and 5-year inspections consistent

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2265 with the contractual provisions with the owner shall be
2266 conducted by the certificateholder or permittees employed by the
2267 certificateholder pursuant to s. 633.521, except that:

2268 (a) Public fire hydrants owned by a governmental entity
2269 shall be inspected following procedures established in the
2270 inspection, testing, and maintenance standards adopted by the
2271 State Fire Marshal or equivalent standards such as those
2272 contained in the latest edition of the American Water Works
2273 Association's Manual M17, "Installation, Field Testing, and
2274 Maintenance of Fire Hydrants."

2275 (b) County, municipal, and special district utilities may
2276 perform fire hydrant inspections required by this section using
2277 designated employees. Such designated employees need not be
2278 certified under this chapter. However, counties, municipalities,
2279 or special districts that use designated employees are
2280 responsible for ensuring that the designated employees are
2281 qualified to perform such inspections.

2282 (3) The inspecting contractor shall provide to the
2283 building owner or hydrant owner and the local authority having
2284 jurisdiction a copy of the applicable inspection report
2285 established under this chapter. The maintenance of fire hydrant
2286 and fire protection systems as well as corrective actions on
2287 deficient systems is the responsibility of the owner of the
2288 system or hydrant. Equipment requiring periodic testing or
2289 operation to ensure its maintenance shall be tested or operated
2290 as specified in the Fire Prevention Code, Life Safety Code,
2291 National Fire Protection Association standards, or as directed
2292 by the agency having jurisdiction, provided that such agency

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2293 shall not require a sprinkler system not required by the Fire
2294 Prevention Code, Life Safety Code or National Fire Protection
2295 Association standards to be removed regardless of its condition.

2296 This section does not prohibit governmental entities from
2297 inspecting and enforcing firesafety codes.

2298 Section 53. Section 633.352, Florida Statutes, is amended
2299 to read:

2300 633.352 Retention of firefighter certification.—Any
2301 certified firefighter who has not been active as a firefighter,
2302 or as a volunteer firefighter with an organized fire department,
2303 for a period of 3 years shall be required to retake the
2304 practical portion of the minimum standards state examination
2305 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
2306 Administrative Code, in order to maintain her or his
2307 certification as a firefighter; however, this requirement does
2308 not apply to state-certified firefighters who are certified and
2309 employed as full-time firesafety inspectors or firesafety
2310 instructors, regardless of the firefighter's employment status
2311 as determined by the division. The 3-year period begins on the
2312 date the certificate of compliance is issued or upon termination
2313 of service with an organized fire department.

2314 Section 54. Paragraph (e) of subsection (2) and
2315 subsections (3), (10), and (11) of section 633.521, Florida
2316 Statutes, are amended to read:

2317 633.521 Certificate application and issuance; permit
2318 issuance; examination and investigation of applicant.—

2319 (2)

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2320 (e) An applicant may not be examined more than four times
2321 during 1 year for certification as a contractor pursuant to this
2322 section unless the person is or has been certified and is taking
2323 the examination to change classifications. If an applicant does
2324 not pass one or more parts of the examination, she or he may
2325 take any part of the examination three more times during the 1-
2326 year period beginning upon the date she or he originally filed
2327 an application to take the examination. If the applicant does
2328 not pass the examination within that 1-year period, she or he
2329 must file a new application and pay the application and
2330 examination fees in order to take the examination or a part of
2331 the examination again. However, the applicant may not file a new
2332 application sooner than 6 months after the date of her or his
2333 last examination. An applicant who passes the examination but
2334 does not meet the remaining qualifications as provided in
2335 applicable statutes and rules within 1 year after the
2336 application date must file a new application, pay the
2337 application and examination fee, successfully complete a
2338 prescribed training course approved by the State Fire College or
2339 an equivalent course approved by the State Fire Marshal, and
2340 retake and pass the written examination.

2341 (3) (a) As a prerequisite to taking the examination for
2342 certification as a Contractor I, ~~Contractor II, or Contractor~~
2343 ~~III~~, the applicant must be at least 18 years of age, be of good
2344 moral character, and ~~shall~~ possess 4 years' proven experience in
2345 the employment of a fire protection system Contractor I,
2346 ~~Contractor II, or Contractor III~~ or a combination of equivalent

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2347 education and experience in both water-based and chemical fire
2348 suppression systems.

2349 (b) As a prerequisite to taking the examination for
2350 certification as a Contractor II, the applicant must be at least
2351 18 years of age, be of good moral character, and have 4 years of
2352 verifiable employment experience with a fire protection system
2353 as a Contractor I or Contractor II, or a combination of
2354 equivalent education and experience in water-based fire
2355 suppression systems.

2356 (c) Required education and experience for certification as
2357 a Contractor I, Contractor II, Contractor III, or Contractor IV
2358 includes training and experience in both installation and system
2359 layout as defined in s. 633.021.

2360 (d) As a prerequisite to taking the examination for
2361 certification as a Contractor III, the applicant must be at
2362 least 18 years of age, be of good moral character, and have 4
2363 years of verifiable employment experience with a fire protection
2364 system as a Contractor I or Contractor II, or a combination of
2365 equivalent education and experience in chemical fire suppression
2366 systems.

2367 (e) As a prerequisite to taking the examination for
2368 certification as a Contractor IV, the applicant ~~must~~ shall be at
2369 least 18 years old, be of good moral character, be licensed as a
2370 certified plumbing contractor under chapter 489, and
2371 successfully complete a training program acceptable to the State
2372 Fire Marshal of not less than 40 contact hours regarding the
2373 applicable installation standard used by the Contractor IV as
2374 described in NFPA 13D. The State Fire Marshal may adopt rules to

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2375 ~~administer this subsection have at least 2 years' proven~~
2376 ~~experience in the employment of a fire protection system~~
2377 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
2378 ~~combination of equivalent education and experience which~~
2379 ~~combination need not include experience in the employment of a~~
2380 ~~fire protection system contractor.~~

2381 (f) As a prerequisite to taking the examination for
2382 certification as a Contractor V, the applicant must ~~shall~~ be at
2383 least 18 years old, be of good moral character, and have been
2384 licensed as a certified underground utility and excavation
2385 contractor or certified plumbing contractor pursuant to chapter
2386 489, have verification by an individual who is licensed as a
2387 certified utility contractor or certified plumbing contractor
88 pursuant to chapter 489 that the applicant has 4 years' proven
2389 experience in the employ of a certified underground utility and
2390 excavation contractor or certified plumbing contractor, or have
2391 a combination of education and experience equivalent to 4 years'
2392 proven experience in the employ of a certified underground
2393 utility and excavation contractor or certified plumbing
2394 contractor.

2395 (g) Within 30 days after the date of the examination, the
2396 State Fire Marshal shall inform the applicant in writing whether
2397 she or he has qualified or not and, if the applicant has
2398 qualified, that she or he is ready to issue a certificate of
2399 competency, subject to compliance with the requirements of
2400 subsection (4).

2401 (10) ~~Effective July 1, 2008,~~ The State Fire Marshal shall
2402 require the National Institute of Certification in Engineering

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2403 Technologies (NICET), Sub-field of Inspection and Testing of
2404 Fire Protection Systems Level II or equivalent training and
2405 education as determined by the division as proof that the
2406 permitholders are knowledgeable about nationally accepted
2407 standards for the inspection of fire protection systems. ~~It is~~
2408 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
2409 ~~to accept continuing education of all certificateholders'~~
2410 ~~employees who perform inspection functions which specifically~~
2411 ~~prepares the permitholder to qualify for NICET II certification.~~

2412 (11) It is intended that a certificateholder, or a
2413 permitholder who is employed by a certificateholder, conduct
2414 inspections required by this chapter. It is understood that
2415 after July 1, 2008, employee turnover may result in a depletion
2416 of personnel who are certified under the NICET Sub-field of
2417 Inspection and Testing of Fire Protection Systems Level II or
2418 equivalent training and education as required by the Division of
2419 State Fire Marshal which is required for permitholders. The
2420 ~~extensive training and experience necessary to achieve NICET~~
2421 ~~Level II certification is recognized.~~ A certificateholder may
2422 therefore obtain a provisional permit with an endorsement for
2423 inspection, testing, and maintenance of water-based fire
2424 extinguishing systems for an employee if the employee has
2425 initiated procedures for obtaining Level II certification from
2426 the National Institute for Certification in Engineering
2427 Technologies Sub-field of Inspection and Testing of Fire
2428 Protection Systems and achieved Level I certification or an
2429 equivalent level as determined by the State Fire Marshal through
2430 verification of experience, training, and examination. The State

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2431 Fire Marshal may establish rules to administer this subsection.
2432 After 2 years of provisional certification, the employee must
2433 have achieved NICET Level II certification or obtain equivalent
2434 training and education as determined by the division, or cease
2435 performing inspections requiring Level II certification. The
2436 provisional permit is valid only for the 2 calendar years after
2437 the date of issuance, may not be extended, and is not renewable.
2438 After the initial 2-year provisional permit expires, the
2439 certificateholder must wait 2 additional years before a new
2440 provisional permit may be issued. The intent is to prohibit the
2441 certificateholder from using employees who never reach NICET
2442 Level II status, or equivalent training and education as
2443 determined by the division, by continuously obtaining
2444 provisional permits.

2445 Section 55. Subsection (3) is added to section 633.524,
2446 Florida Statutes, to read:

2447 633.524 Certificate and permit fees; use and deposit of
2448 collected funds.—

2449 (3) The State Fire Marshal may enter into a contract with
2450 any qualified public entity or private company in accordance
2451 with chapter 287 to provide examinations for any applicant for
2452 any examination administered under the jurisdiction of the State
2453 Fire Marshal. The State Fire Marshal may direct payments from
2454 each applicant for each examination directly to such contracted
2455 entity or company.

2456 Section 56. Subsection (4) of section 633.537, Florida
2457 Statutes, is amended to read:

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2458 633.537 Certificate; expiration; renewal; inactive
2459 certificate; continuing education.-

2460 (4) The renewal period for the permit class is the same as
2461 that for the employing certificateholder. The continuing
2462 education requirements for permitholders are what is required to
2463 maintain NICET Sub-field of Inspection and Testing of Fire
2464 Protection Systems Level II, equivalent training and education
2465 as determined by the division, or higher certification plus 8
2466 contact hours of continuing education approved by the State Fire
2467 Marshal during each biennial renewal period thereafter. ~~The~~
2468 ~~continuing education curriculum from July 1, 2005, until July 1,~~
2469 ~~2008, shall be the preparatory curriculum for NICET II~~
2470 ~~certification; after July 1, 2008, the technical curriculum is~~
2471 ~~at the discretion of the State Fire Marshal and may be used to~~
2472 ~~meet the maintenance of NICET Level II certification and 8~~
2473 ~~contact hours of continuing education requirements.~~ It is the
2474 responsibility of the permitholder to maintain NICET II
2475 certification or equivalent training and education as determined
2476 by the division as a condition of permit renewal after July 1,
2477 2008.

2478 Section 57. Subsection (4) of section 633.72, Florida
2479 Statutes, is amended to read:

2480 633.72 Florida Fire Code Advisory Council.-

2481 (4) Each appointee shall serve a 4-year term. No member
2482 shall serve more than two consecutive terms ~~one term~~. No member
2483 of the council shall be paid a salary as such member, but each
2484 shall receive travel and expense reimbursement as provided in s.
2485 112.061.

Amendment No. 1

2486 Section 58. Subsection (6) of section 718.113, Florida
2487 Statutes, is repealed.

2488 Section 59. The Florida Building Commission shall revise
2489 the Florida Building Code in order to make it consistent with
2490 the revisions made by this act to s. 399.02, Florida Statutes.

2491 Section 60. This act shall take effect July 1, 2010.
2492
2493

2493

2494

T I T L E A M E N D M E N T

2495

Remove the entire title and insert:

2496

An act relating to building safety; amending s. 196.031, F.S.;

2497

specifying an additional condition that constitutes an

2498

abandonment of homestead property for homestead exemption

2499

purposes; amending s. 399.02, F.S.; authorizing the Division of

2500

Hotels and Restaurants of the Department of Business and

2501

Professional Regulation to have access to places in which a

2502

conveyance and equipment are located; authorizing the division

2503

to grant variances from certain rules for undue hardship;

2504

prohibiting the enforcement of Phase II Firefighters Service on

2505

certain elevators for a specified period; amending s. 399.15,

2506

F.S.; providing an alternative method to allow access to

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regional emergency elevators; providing for a uniform lock box;

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providing for a master key; providing the Division of State Fire

2509

Marshal with enforcement authority; directing the Department of

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Financial Services to select the provider of the uniform lock

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box; creating s. 455.2122, F.S.; authorizing distance learning

2512

courses as an alternative to classroom instruction for certain

2513

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2514 licenses; prohibiting the department or regulatory board from
2515 requiring centralized licensing examinations for certain
2516 licenses; creating s. 455.2123, F.S.; authorizing distance
2517 learning courses as an alternative to classroom instruction for
2518 certain licenses; prohibiting the department or a regulatory
2519 board from requiring centralized licensing examinations for
2520 certain licenses; amending s. 468.631, F.S.; revising the amount
2521 of a surcharge and imposing the surcharge on certain building
2522 permits; requiring the unit of government collecting the
2523 surcharge to electronically remit the funds to the Department of
2524 Business and Professional Regulation; requiring the unit of
2525 government collecting the surcharge to retain a portion of the
2526 funds to fund certain activities of building departments;
2527 requiring that the remaining funds from the surcharge be used to
2528 fund the Florida Homeowners' Construction Recovery Fund and the
2529 Building Code Administrator's Board; amending s. 468.83, F.S.;
2530 providing for the creation of the home inspection services
2531 licensing program within the Department of Business and
2532 Professional Regulation; amending s. 468.8311, F.S.; revising
2533 the term "home inspection services"; amending s. 468.8312, F.S.;
2534 deleting a fee provision for certain certificates of
2535 authorization; amending s. 468.8313, F.S.; revising examination
2536 requirements for licensure as a home inspector; providing
2537 fingerprinting requirements and procedures for license
2538 applications; providing that the applicant is responsible for
2539 certain costs; amending s. 468.8318, F.S.; revising requirements
2540 and procedures for certification of corporations and
2541 partnerships offering home inspection services to the public;

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2542 deleting provisions relating to required certificates of
2543 authorization; amending s. 468.8319, F.S.; delaying the
2544 enforcement of a prohibition against performing certain
2545 activities by a person who is not licensed as a home inspector;
2546 revising certain prohibitions with respect to providers of home
2547 inspection services; amending s. 468.832, F.S.; providing an
2548 additional ground for taking certain disciplinary actions;
2549 amending s. 468.8324, F.S.; specifying additional requirements
2550 for licensure as a home inspector; creating s. 468.8325, F.S.;
2551 requiring the department to adopt rules to administer part XV of
2552 ch. 468, F.S., relating to home inspectors; amending s. 468.84,
2553 F.S.; providing for the creation of the mold-related services
2554 licensing program within the Department of Business and
2555 Professional Regulation; amending s. 468.8412, F.S.; deleting a
2556 fee provision for certain biennial certificates of authorization
2557 renewal; amending s. 468.8413, F.S.; revising examination
2558 requirements and procedures for licensure as a mold assessor or
2559 mold remediator; providing fingerprinting requirements and
2560 procedures for license applications; providing that the
2561 applicant is responsible for certain costs; amending s.
2562 468.8414, F.S.; specifying an additional applicant qualification
2563 criterion for licensure by endorsement; amending s. 468.8418,
2564 F.S.; revising requirements and procedures for certification of
2565 corporations and partnerships offering mold assessment or mold
2566 remediation services to the public; deleting provisions relating
2567 to required certificates of authorization; amending s. 468.8419,
2568 F.S.; delaying the enforcement of a prohibition against
2569 performing certain activities by a person who is not licensed as

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2570 a mold assessor; amending s. 468.842, F.S.; providing an
2571 additional ground for taking certain disciplinary actions;
2572 amending s. 468.8421, F.S.; specifying an insurance coverage
2573 requirement for mold assessors; amending s. 468.8423, F.S.;
2574 specifying additional requirements for licensure as a mold
2575 assessor or mold remediator; creating s. 468.8424, F.S.;
2576 requiring the Department of Business and Professional Regulation
2577 to adopt rules to administer part XVI of ch. 468, F.S., relating
2578 to mold-related services; amending s. 489.103, F.S.; conforming
2579 a cross-reference; amending s. 553.37, F.S.; authorizing
2580 manufacturers to pay inspection fees directly to the provider of
2581 inspection services; providing requirements for rules of the
2582 Department of Business and Professional Regulation regarding the
2583 schedule of fees; authorizing the department to enter into
2584 contracts for the performance of certain administrative duties;
2585 revising inspection requirements for certain custom manufactured
2586 buildings; amending s. 553.375, F.S.; revising the requirement
2587 for recertification of manufactured buildings prior to
2588 relocation; amending s. 553.509, F.S.; deleting certain
2589 requirements for alternate power sources for elevators for
2590 purposes of operating during an emergency; amending s. 553.512,
2591 F.S.; requiring the Florida Building Commission to establish by
2592 rule a fee for certain waiver requests; amending s. 553.721,
2593 F.S.; revising the amount of a surcharge and imposing the
2594 surcharge on certain building permits; requiring the unit of
2595 government collecting the surcharge to electronically remit the
2596 funds to the Department of Community Affairs; requiring the unit
2597 of government collecting the surcharge to retain a portion of

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2598 the funds to fund certain activities of building departments;
2599 requiring the remaining funds from the surcharge to be used to
2600 fund the Florida Building Commission and the Department of
2601 Community Affairs; amending s. 553.73, F.S.; conforming cross-
2602 references; authorizing counties and municipalities to adopt by
2603 ordinance administrative or technical amendments to the Florida
2604 Building Code for certain flood-related purposes; specifying
2605 requirements and procedures; revising foundation code adoption
2606 requirements; authorizing the Florida Building Commission to
2607 approve amendments relating to equivalency of standards;
2608 exempting certain mausoleums from the requirements of the
2609 Florida Building Code; exempting certain temporary housing
2610 provided by the Department of Corrections from the requirements
2611 of the Florida Building Code; restricting the code, code
2612 enforcement agencies, and local governments from imposing
2613 requirements on certain mechanical equipment on roofs; amending
2614 s. 553.74, F.S.; specifying absence of impermissible conflicts
2615 of interest for certain committee or workgroup members while
2616 representing clients under certain circumstances; specifying
2617 certain prohibited activities for such members; amending s.
2618 553.76, F.S.; authorizing the Florida Building Commission to
2619 adopt rules related to consensus-building decisionmaking;
2620 amending s. 553.775, F.S.; conforming a cross-reference;
2621 authorizing the commission to charge a fee for filing certain
2622 requests and for nonbinding interpretations; limiting fees for
2623 nonbinding interpretations; amending s. 553.79, F.S.; requiring
2624 certain inspection services to be performed under the
2625 alternative plans review and inspection process or by a local

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2626 governmental entity; reenacting s. 553.80(1), F.S., relating to
2627 the enforcement of the Florida Building Code, to incorporate the
2628 amendments made to s. 553.79, F.S., in a reference thereto;
2629 amending s. 553.80, F.S.; specifying nonapplicability of certain
2630 exemptions from the Florida Building Code granted by certain
2631 enforcement entities under certain circumstances; revising
2632 requirements for review of facility plans and construction
2633 surveyed for certain hospitals and health care facilities;
2634 amending s. 553.841, F.S.; deleting provisions requiring that
2635 the Department of Community Affairs maintain, update, develop,
2636 or cause to be developed a core curriculum for persons who
2637 enforce the Florida Building Code; amending s. 553.842, F.S.;
2638 authorizing rules requiring the payment of product evaluation
2639 fees directly to the administrator of the product evaluation and
2640 approval system; specifying the use of such fees; authorizing
2641 the Florida Building Commission to provide by rule for editorial
2642 revisions to certain approvals and charge certain fees;
2643 providing requirements for the approval of applications for
2644 state approval of a product; providing for certain approved
2645 products to be immediately added to the list of state-approved
2646 products; requiring that the commission's oversight committee
2647 review approved products; revising the list of approved
2648 evaluation entities; deleting obsolete provisions governing
2649 evaluation entities; amending s. 553.844, F.S.; providing an
2650 exemption from the requirements regarding roof and opening
2651 protections for certain exposed mechanical equipment or
2652 appliances; providing for future expiration; amending s.
2653 553.885, F.S.; revising requirements for carbon monoxide alarms;

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2654 providing exceptions for buildings undergoing alterations or
2655 repairs and new state correctional institutions; defining the
2656 term "addition" as it relates to the requirement of a carbon
2657 monoxide alarm; amending s. 553.9061, F.S.; revising the energy-
2658 efficiency performance options and elements identified by the
2659 commission for purposes of meeting certain goals; amending s.
2660 553.909, F.S.; revising a compliance criterion for certain
2661 swimming pool filtration pumps or water heaters; revising
2662 requirements for residential swimming pool pumps and pump
2663 motors; amending s. 553.912, F.S.; providing requirements for
2664 replacement air-conditioning systems; amending s. 627.711, F.S.;
2665 conforming provisions to changes made by the act in which core
2666 curriculum courses relating to the Florida Building Code are
67 deleted; revising the list of persons qualified to sign certain
2668 mitigation verification forms for certain purposes; amending s.
2669 633.021, F.S.; providing additional definitions for fire
2670 equipment dealers; revising the definition of the term
2671 "preengineered systems"; amending s. 633.0215, F.S.; providing
2672 guidelines for the State Fire Marshal to apply when issuing an
2673 expedited declaratory statement; requiring that the State Fire
2674 Marshal issue an expedited declaratory statement under certain
2675 circumstances; providing requirements for a petition requesting
2676 an expedited declaratory statement; exempting certain
2677 condominiums from installing manual fire alarm systems; amending
2678 s. 633.0245, F.S.; conforming cross-references; amending s.
2679 633.026, F.S.; providing legislative intent; revising authority
2680 of the State Fire Marshal to contract with and refer
2681 interpretive issues to certain entities; providing for the

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2682 establishment of the Fire Code Interpretation Committee;
2683 providing for the membership of the committee and requirements
2684 for membership; requiring that nonbinding interpretations of the
2685 Florida Fire Prevention Code be issued within a specified period
2686 after a request is received; providing for the waiver of such
2687 requirement under certain conditions; requiring that the
2688 Division of State Fire Marshal charge a fee for nonbinding
2689 interpretations; providing that fees may be paid directly to a
2690 contract provider; providing requirements for requesting a
2691 nonbinding interpretation; requiring that the Division of State
2692 Fire Marshal develop a form for submitting a petition for a
2693 nonbinding interpretation; providing for a formal interpretation
2694 by the State Fire Marshal; requiring that an interpretation of
2695 the Florida Fire Prevention Code be published on the division's
2696 website and in the Florida Administrative Weekly; amending s.
2697 626.061, F.S.; authorizing certain fire equipment dealer
2698 licensees to maintain inactive license status under certain
2699 circumstances; providing requirements; providing for a renewal
2700 fee; revising certain continuing education requirements;
2701 revising an applicant licensure qualification requirement;
2702 amending s. 633.081, F.S.; requiring that the State Fire Marshal
2703 inspect a building when the State Fire Marshal, rather than the
2704 Department of Financial Services, has cause to believe a
2705 violation has occurred; providing exceptions for requirements
2706 that certain firesafety inspections be conducted by firesafety
2707 inspectors; requiring that the Division of State Fire Marshal
2708 and the Florida Building Code Administrators and Inspectors
2709 Board enter into a reciprocity agreement for purposes of

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2710 recertifying building code inspectors, plan inspectors, building
2711 code administrators, and firesafety inspectors; requiring that
2712 the State Fire Marshal develop by rule an advanced training and
2713 certification program for firesafety inspectors who have fire
2714 code management responsibilities; requiring that the program be
2715 consistent with certain standards and establish minimum
2716 training, education, and experience levels for such firesafety
2717 inspectors; amending s. 633.082, F.S.; authorizing alternative
2718 inspection procedures for certain fire hydrants; providing
2719 nonmandated sprinkler systems may not be ordered removed;
2720 amending s. 633.352, F.S.; providing an exception to
2721 requirements for recertification as a firefighter; amending s.
2722 633.521, F.S.; revising requirements for certification as a fire
2723 protection system contractor; revising the prerequisites for
2724 taking the certification examination; authorizing the State Fire
2725 Marshal to accept more than one source of professional
2726 certification; revising legislative intent; amending s. 633.524,
2727 F.S.; authorizing the State Fire Marshal to enter into contracts
2728 for examination services; providing for the direct payment of
2729 examination fees to contract providers; amending s. 633.537,
2730 F.S.; revising the continuing education requirements for certain
2731 permitholders; amending 633.72, F.S.; revising the terms of
2732 service for members of the Fire Code Advisory Council; repealing
2733 s. 718.113(6), F.S., relating to requirements for 5-year
2734 inspections of certain condominium improvements; directing the
2735 Florida Building Commission to conform provisions of the Florida
2736 Building Code with revisions made by the act relating to the
2737 operation of elevators; providing an effective date.

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Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative(s) Crisafulli offered the following:

4

5 **Amendment to Amendment (1) by Representative Aubuchon (with**
6 **title amendment)**

7 Between lines 1862 and 1863, insert:

8 Section 1. Subsection (10) of section 633.025, Florida
9 Statutes, is amended to read:

10 633.025 Minimum firesafety standards.—

11 (10)(a) Before imposing a fire sprinkler requirement on any
12 one- or two-family dwelling, a local government must provide the
13 owner of any one- or two-family dwelling a letter documenting
14 specific infrastructure or other tax or fee allowances and
15 waivers that are listed in but not limited to those described in
16 subsection (9) for the dwelling. The documentation must show
17 that the cost savings reasonably approximate the cost of the
18 purchase and installation of a fire protection system.

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Amendment No. 2

19 (b) Notwithstanding any other provision of law, ordinance
20 or rule, a single family dwelling unit shall not be required to
21 have fire sprinklers irrespective of the use or occupancy
22 category of that unit.

23
24
25
26

T I T L E A M E N D M E N T

27
28 Between lines 2679 and 2680, insert:
29 633.025, F.S.; exempting single family dwelling units from fire
30 sprinkler requirements; amending s.

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Amendment No. 3

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative(s) Nelson offered the following:

4

5 **Amendment to Amendment (1) by Representative Aubuchon**

6 Remove line 85 and insert:

7 and Chapter 475, Part I. A board, or the department

8

9

10

11

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 709 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	___	

1 Council/Committee hearing bill: General Government Policy
2 Council
3 Representative(s) Williams, T. offered the following:

Amendment (with title amendment)

6 Remove lines 38-438 and insert:

7 Section 1. Section 379.231, Florida Statutes, is amended to
8 read:

9 379.231 Regulation of nonnative animals ~~foreign animals.~~

10 (1) It is unlawful to import for sale or use, or to
11 release within this state, any species of the animal kingdom not
12 native indigenous to Florida unless authorized by ~~without having~~
13 ~~obtained a permit to do so from~~ the Fish and Wildlife
14 Conservation Commission.

15 ~~(2) The Fish and Wildlife Conservation Commission is~~
16 ~~authorized to issue or deny such a permit upon the completion of~~
17 ~~studies of the species made by it to determine any detrimental~~
18 ~~effect the species might have on the ecology of the state.~~

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19 ~~(2)(3)~~ A person in violation of this section commits a
20 Level Three violation under s. 379.4015 ~~s. 379.401~~.

21 Section 2. Section 379.372, Florida Statutes, is amended to
22 read:

23 379.372 Capturing, keeping, possessing, transporting, or
24 exhibiting venomous reptiles, ~~or~~ reptiles of concern,
25 conditional reptiles or prohibited reptiles; license required.-

26 (1) (a) No person, party, firm, association, or corporation
27 shall capture, keep, possess, or exhibit any poisonous or
28 venomous reptile or reptile of concern without first having
29 obtained a special permit or license therefor from the Fish and
30 Wildlife Conservation Commission as provided in this section.

31 ~~(b)(2)~~ By December 31, 2007, the commission shall
32 establish a list of reptiles of concern, including venomous,
33 nonvenomous, native, nonnative, or other reptiles, which require
34 additional regulation for capture, possession, transportation,
35 or exhibition due to their nature, habits, status, or potential
36 to negatively impact humans, the environment, or ecology, ~~or~~
37 humans.

38 ~~(c)(3)~~ It shall be unlawful for any person, party, firm,
39 association, or corporation, whether licensed hereunder or not,
40 to capture, keep, possess, or exhibit any venomous reptile or
41 reptile of concern in any manner not approved as safe, secure,
42 and proper by the commission. Venomous reptiles or reptiles of
43 concern held in captivity are subject to inspection by the
44 commission. The commission shall determine whether the reptiles
45 are securely, safely, and properly penned. In the event that the
46 reptiles are not safely penned, the commission shall report the

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47 situation in writing to the person, party, firm, association, or
48 corporation owning the reptiles. Failure of the person, party,
49 firm, association, or corporation to correct the situation
50 within 30 days after such written notice shall be grounds for
51 revocation of the license or permit of the person, party, firm,
52 association, or corporation.

53 (d)(4) Venomous reptiles or reptiles of concern shall be
54 transported in a safe, secure, and proper manner. The commission
55 shall establish by rule the requirements for the transportation
56 of venomous reptiles or reptiles of concern.

57 (2)(a) No person, party, firm, association, or corporation
58 shall keep, possess, import into the state, sell, barter, trade,
59 or breed the following species for personal use or for sale for
60 personal use:

- 61 1. Burmese or Indian python (*Python molurus*).
- 62 2. Reticulated python (*Python reticulatus*).
- 63 3. Northern African python (*Python sebae*).
- 64 4. Southern African python (*Python natalensis*).
- 65 5. Amethystine or scrub python (*Morelia amethystinus*).
- 66 6. Green Anaconda (*Eunectes murinus*).
- 67 7. Nile monitor (*Varanus niloticus*).
- 68 8. Any other reptile designated as a conditional or
69 prohibited species by the commission.

70 (b) However, if a person, party, firm, association, or
71 corporation holds a permit issued before July 1, 2010, pursuant
72 to subsection (1) to legally possess a species listed in
73 paragraph (2)(a), that person, party, firm, association, or

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74 corporation may possess the individual reptile(s) for the
75 remainder of the life of the reptile(s).

76 (c) If a person, party, firm, association, or corporation
77 holds a permit issued before July 1, 2010, pursuant to
78 subsection (1) to legally possess reptile(s) listed in paragraph
79 (2) (a), and the reptile(s) remains alive following the death or
80 dissolution of the licensee, the reptile(s) may be legally
81 transferred to another entity holding a permit authorizing
82 possession of the reptile(s) for the remainder of the life of
83 the reptile(s).

84 (d) If the commission designates a species of reptile as a
85 conditional or prohibited species after July 1, 2010, the
86 commission may authorize the personal possession of that newly
87 designated species by those licensed to possess that species of
88 reptile before the effective date of the species' designation by
89 the commission as a conditional or prohibited species. The
90 personal possession of those reptile(s) will not be a violation
91 of paragraph (2) (a) if the personal possession was authorized by
92 the commission.

93 (e) This subsection does not apply to zoological
94 facilities that are licensed by the commission or are exempted
95 from the licensure requirement.

96 Section 3. Subsection (2) of section 379.374, Florida Statutes,
97 is amended to read:

98 379.374 Bond required, amount.—

99 (2) No person, party, firm, association, or corporation
100 shall possess or exhibit to the public either with or without
101 charge or admission fee, any Class I wildlife, as defined in s.

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102 379.303 and commission rule, without having first guaranteed
103 financial responsibility, in the sum of \$10,000, for any
104 liability which may be incurred in the possession or exhibition
105 to the public of Class I wildlife. The commission shall adopt,
106 by rule, the methods of payment that satisfy the financial
107 responsibility, which may include cash, the establishment of a
108 trust fund, an irrevocable letter of credit, casualty insurance,
109 a corporate guarantee, or any combination thereof, in the sum of
110 \$10,000 which shall be posted with the commission. In lieu of
111 the \$10,000 financial responsibility guarantee required in this
112 subsection, the person, party, firm, association, or corporation
113 ~~exhibiter~~ has the option to maintain comprehensive general
114 liability insurance, with minimum limits of \$2 million per
115 occurrence and \$2 million annual aggregate, as shall protect the
116 person, party, firm, association, or corporation ~~exhibiter~~ from
117 claims for damage for personal injury, including accidental
118 death, as well as claims for property damage which may arise.
119 Proof of such insurance shall be submitted to the commission.
120 Section 4. Subsections (1) and (4) of section 379.3761, Florida
121 Statutes, are amended to read:

122 379.3761 Exhibition or sale of wildlife; fees;
123 classifications.-

124 (1) In order to provide humane treatment and sanitary
125 surroundings for wild animals kept in captivity, no person,
126 party, firm, corporation, or association, or corporation shall
127 have, or be in possession of, in captivity for the purpose of
128 public display with or without charge or for public sale any
129 wildlife, specifically birds, mammals, amphibians, and reptiles,

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130 whether native indigenous to Florida or not, without having
131 first secured a permit from the commission authorizing such
132 person, party, firm, association, or corporation to have in its
133 possession in captivity the species and number of wildlife
134 specified within such permit; however, this section does not
135 apply to any wildlife not protected by law and the rules of the
136 commission. No person, party, firm, association, or corporation
137 may sell any wild animal life designated by commission rule as a
138 conditional or prohibited species, Class I or Class II wildlife,
139 reptile of concern or venomous reptile, in the state, including
140 a sale with delivery made in this state, regardless of the
141 origin of the sale or the location of the initial transaction,
142 unless authorized by the commission.

143 (4) The provisions of this section relative to licensing
144 for exhibition do not apply to any municipal, county, state, or
145 other publicly owned wildlife exhibit or. ~~The provisions of this~~
146 ~~section do not apply to~~ any traveling zoo, circus, or exhibit
147 licensed under ~~as provided by~~ chapter 205.

148 Section 5. Paragraph (a) of subsection (3) of section 379.401,
149 Florida Statutes, is amended to read:

150 379.401 Penalties and violations; civil penalties for
151 noncriminal infractions; criminal penalties; suspension and
152 forfeiture of licenses and permits.-

153 (3) (a) LEVEL THREE VIOLATIONS.-A person commits a Level
154 Three violation if he or she violates any of the following
155 provisions:

156 1. Rules or orders of the commission prohibiting the sale
157 of saltwater fish.

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158 2. Rules or orders of the commission prohibiting the
159 illegal importation or possession of exotic marine plants or
160 animals.

161 3. Section 379.407(2), establishing major violations.

162 4. Section 379.407(4), prohibiting the possession of
163 certain finfish in excess of recreational daily bag limits.

164 5. Section 379.28, prohibiting the importation of
165 freshwater fish.

166 ~~6. Section 379.231, prohibiting the importation of~~
167 ~~nonindigenous species of the animal kingdom without a permit~~
168 ~~issued by the commission.~~

169 ~~6.7.~~ Section 379.354(17), prohibiting the taking of game,
170 freshwater fish, or saltwater fish while a required license is
171 suspended or revoked.

172 ~~7.8.~~ Section 379.3014, prohibiting the illegal sale or
173 possession of alligators.

174 ~~8.9.~~ Section 379.404(1), (3), and (6), prohibiting the
175 illegal taking and possession of deer and wild turkey.

176 ~~9.10.~~ Section 379.406, prohibiting the possession and
177 transportation of commercial quantities of freshwater game fish.

178 Section 6. Section 379.4015, Florida Statutes, is amended to
179 read:

180 379.4015 Nonnative and captive wildlife penalties.—

181 (1) LEVEL ONE.—Unless otherwise provided by law, the
182 following classifications and penalties apply:

183 (a) A person commits a Level One violation if he or she
184 violates any of the following provisions:

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185 1. Rules or orders of the commission requiring free
186 permits or other authorizations to possess captive wildlife.

187 2. Rules or orders of the commission relating to the
188 filing of reports or other documents required of persons who are
189 licensed to possess captive wildlife.

190 3. Rules or orders of the commission requiring permits to
191 possess captive wildlife for which a fee is charged, when the
192 person being charged was issued the permit and the permit has
193 expired less than 1 year prior to the violation.

194 (b) Any person cited for committing any offense classified
195 as a Level One violation commits a noncriminal infraction,
196 punishable as provided in this section.

197 (c) Any person cited for committing a noncriminal
198 infraction specified in paragraph (a) shall be cited to appear
199 before the county court. The civil penalty for any noncriminal
200 infraction is \$50 if the person cited has not previously been
201 found guilty of a Level One violation and \$250 if the person
202 cited has previously been found guilty of a Level One violation,
203 except as otherwise provided in this subsection. Any person
204 cited for failing to have a required permit or license shall pay
205 an additional civil penalty in the amount of the license fee
206 required.

207 (d) Any person cited for an infraction under this
208 subsection may:

209 1. Post a bond, which shall be equal in amount to the
210 applicable civil penalty; or

211 2. Sign and accept a citation indicating a promise to
212 appear before the county court. The officer may indicate on the

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213 citation the time and location of the scheduled hearing and
214 shall indicate the applicable civil penalty.

215 (e) Any person charged with a noncriminal infraction under
216 this subsection may:

217 1. Pay the civil penalty, either by mail or in person,
218 within 30 days after the date of receiving the citation; or

219 2. If the person has posted bond, forfeit bond by not
220 appearing at the designated time and location.

221 (f) If the person cited follows either of the procedures
222 in subparagraph (e)1. or subparagraph (e)2., he or she shall be
223 deemed to have admitted the infraction and to have waived his or
224 her right to a hearing on the issue of commission of the
225 infraction. Such admission shall not be used as evidence in any
226 other proceedings except to determine the appropriate fine for
227 any subsequent violations.

228 (g) Any person who willfully refuses to post bond or
229 accept and sign a summons commits a misdemeanor of the second
230 degree, punishable as provided in s. 775.082 or s. 775.083. Any
231 person who fails to pay the civil penalty specified in this
232 subsection within 30 days after being cited for a noncriminal
233 infraction or to appear before the court pursuant to this
234 subsection commits a misdemeanor of the second degree,
235 punishable as provided in s. 775.082 or s. 775.083.

236 (h) Any person electing to appear before the county court
237 or who is required to appear shall be deemed to have waived the
238 limitations on the civil penalty specified in paragraph (c). The
239 court, after a hearing, shall make a determination as to whether
240 an infraction has been committed. If the commission of an

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241 infraction has been proven, the court may impose a civil penalty
242 not less than those amounts in paragraph (c) and not to exceed
243 \$500.

244 (i) At a hearing under this chapter, the commission of a
245 charged infraction must be proved beyond a reasonable doubt.

246 (j) If a person is found by the hearing official to have
247 committed an infraction, she or he may appeal that finding to
248 the circuit court.

249 (2) LEVEL TWO.—Unless otherwise provided by law, the
250 following classifications and penalties apply:

251 (a) A person commits a Level Two violation if he or she
252 violates any of the following provisions:

253 1. Unless otherwise stated in subsection (1), rules or
254 orders of the commission that require a person to pay a fee to
255 obtain a permit to possess captive wildlife or that require the
256 maintenance of records relating to captive wildlife.

257 2. Rules or orders of the commission relating to captive
258 wildlife not specified in subsection (1) or subsection (3).

259 3. Rules or orders of the commission that require housing
260 of wildlife in a safe manner when a violation results in an
261 escape of wildlife other than Class I wildlife.

262 4. Rules or orders of the commission relating to wild
263 animal life identified by commission rule as either conditional
264 species or prohibited species.

265 5.4. Section 379.372, relating to capturing, keeping,
266 possessing, transporting, or exhibiting venomous reptiles or
267 reptiles of concern, conditional reptiles or prohibited
268 reptiles.

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269 ~~6.5.~~ Section 379.373, relating to requiring a license or
270 permit for the capturing, keeping, possessing, or exhibiting of
271 venomous reptiles or reptiles of concern.

272 ~~7.6.~~ Section 379.374, relating to bonding requirements for
273 public exhibits of venomous reptiles.

274 ~~8.7.~~ Section 379.305, relating to commission rules and
275 regulations to prevent the escape of venomous reptiles or
276 reptiles of concern.

277 ~~9.8.~~ Section 379.304, relating to exhibition or sale of
278 wildlife.

279 ~~10.9.~~ Section 379.3761, relating to exhibition or sale of
280 wildlife.

281 ~~11.10.~~ Section 379.3762, relating to personal possession
282 of wildlife.

283 (b) A person who commits any offense classified as a Level
284 Two violation and who has not been convicted of a Level Two or
285 higher violation within the past 3 years commits a misdemeanor
286 of the second degree, punishable as provided in s. 775.082 or s.
287 775.083.

288 (c) Unless otherwise stated in this subsection, a person
289 who commits any offense classified as a Level Two violation
290 within a 3-year period of any previous conviction of a Level Two
291 or higher violation commits a misdemeanor of the first degree,
292 punishable as provided in s. 775.082 or s. 775.083 with a
293 minimum mandatory fine of \$250.

294 (d) Unless otherwise stated in this subsection, a person
295 who commits any offense classified as a Level Two violation
296 within a 5-year period of any two previous convictions of Level

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297 Two or higher violations commits a misdemeanor of the first
298 degree, punishable as provided in s. 775.082 or s. 775.083, with
299 a minimum mandatory fine of \$500 and a suspension of all
300 licenses issued under this chapter related to captive wildlife
301 for 1 year.

302 (e) A person who commits any offense classified as a Level
303 Two violation within a 10-year period of any three previous
304 convictions of Level Two or higher violations commits a
305 misdemeanor of the first degree, punishable as provided in s.
306 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
307 a suspension of all licenses issued under this chapter related
308 to captive wildlife for 3 years.

309 (f) In addition to being subject to the penalties under
310 paragraphs (b)-(e), a person who commits a Level Two violation
311 that is a violation of s. 379.372 or rules or orders relating to
312 wild animal life identified as conditional or prohibited shall
313 receive a minimum mandatory fine of \$100 and must immediately
314 surrender the wildlife for which the violation was issued unless
315 a permit for possession is lawfully obtained.

316 (3) LEVEL THREE.—Unless otherwise provided by law, the
317 following classifications and penalties apply:

318 (a) A person commits a Level Three violation if he or she
319 violates any of the following provisions:

320 1. Rules or orders of the commission that require housing
321 of wildlife in a safe manner when a violation results in an
322 escape of Class I wildlife.

323 2. Rules or orders of the commission related to captive
324 wildlife when the violation results in serious bodily injury to

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325 another person by captive wildlife that consists of a physical
326 condition that creates a substantial risk of death, serious
327 personal disfigurement, or protracted loss or impairment of the
328 function of any bodily member or organ.

329 3. Rules or orders of the commission relating to the use
330 of gasoline or other chemical or gaseous substances on wildlife.

331 4. Rules or orders of the commission prohibiting the
332 release of wildlife for which only conditional possession is
333 allowed.

334 5. Rules or orders of the commission prohibiting knowingly
335 entering false information on an application for a license or
336 permit when the license or permit is to possess wildlife in
337 captivity.

338 6. Rules or orders of the commission relating to the
339 illegal importation and possession of nonnative ~~nonindigenous~~
340 marine plants and animals.

341 7. Rules or orders of the commission relating to the
342 importation, possession, or release of fish and wildlife for
343 which possession is prohibited.

344 8. Section 379.231, relating to illegal importation or
345 release ~~introduction~~ of nonnative ~~foreign~~ wildlife.

346 9. Section 379.305, relating to release or escape of
347 nonnative venomous reptiles or reptiles of concern.

348 (b)1. A person who commits any offense classified as a
349 Level Three violation and who has not been convicted of a Level
350 Three or higher violation within the past 10 years commits a
351 misdemeanor of the first degree, punishable as provided in s.
352 775.082 or s. 775.083.

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353 2. A person who commits any offense classified as a Level
354 Three violation within a 10-year period of any previous
355 conviction of a Level Three or higher violation commits a
356 misdemeanor of the first degree, punishable as provided in s.
357 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
358 permanent revocation of all licenses or permits to possess
359 captive wildlife issued under this chapter.

360 (4) LEVEL FOUR.—Unless otherwise provided by law, the
361 following classifications and penalties apply:

362 (a) A person commits a Level Four violation if he or she
363 violates any Level Three provision after the permanent
364 revocation of a license or permit.

365 (b) A person who commits any offense classified as a Level
366 Four violation commits a felony of the third degree, punishable
367 as provided in s. 775.082 or s. 775.083.

368 (5) SUSPENSION OR REVOCATION OF LICENSE.—The court may
369 order the suspension or revocation of any license or permit
370 issued to a person to possess captive wildlife pursuant to this
371 chapter if that person commits a criminal offense or a
372 noncriminal infraction as specified under this section.

373 (6) CIVIL PENALTY.—

374 (a) In addition to other applicable penalties, the
375 commission may impose against any person, party, firm,
376 association, or corporation that is convicted of a criminal
377 violation of any provision of s. 379.231, s. 379.372, s.
378 379.3761, or s. 379.3762 a civil penalty of not more than \$5,000
379 for each animal, unless authorized pursuant to subparagraphs 1.-
380 5. For all related violations attributable to a specific

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381 violation, the total civil penalty may not exceed \$10,000 for
382 each assessment for each animal.

383 1. The history of noncompliance of the violator for any
384 previous violation of this chapter or rules or orders of the
385 commission shall be considered in determining the amount of the
386 civil penalty.

387 2. The direct economic benefit gained by the violator from
388 the violation may be added to the scheduled civil penalty.

389 3. The costs incurred by the commission related to the
390 escape, recovery, and care of the wildlife for which the
391 violation was issued shall be added to the civil penalty.

392 4. The civil penalty assessed for a violation may not
393 exceed \$5,000 for each animal unless:

394 a. The violator has a history of noncompliance;

395 b. The economic benefit of the violation exceeds \$5,000;

396 or

397 c. The costs incurred by the commission related to the
398 escape, recovery, and care of the wildlife for which the
399 violation was issued exceeds \$5,000.

400 5. The civil penalty assessed pursuant to this subsection
401 may be reduced by the commission for mitigating circumstances,
402 including good faith efforts to comply before or after discovery
403 of the violations by the commission.

404 (b) The proceeds of all civil penalties collected pursuant
405 to this subsection shall be deposited into the State Game Trust
406 Fund and shall be used for management, administration, auditing,
407 and research purposes.

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408 ~~(7)(6)~~ CONVICTION DEFINED.—For purposes of this section,
409 the term "conviction" means any judicial disposition other than
410 acquittal or dismissal.

411 ~~(8)(7)~~ COMMISSION LIMITATIONS.—Nothing in this section
412 shall limit the commission from suspending or revoking any
413 license to possess wildlife in captivity by administrative
414 action in accordance with chapter 120. For purposes of
415 administrative action, a conviction of a criminal offense shall
416 mean any judicial disposition other than acquittal or dismissal.

417 (9) ANNUAL REPORT.—By January 1 of each year, the
418 commission shall submit a report listing each species identified
419 by the commission as a conditional or prohibited species or a
420 reptile of concern to the President of the Senate and the
421 Speaker of the House of Representatives.

422 Section 7. By December 31, 2010, the Fish and Wildlife
423 Conservation Commission shall evaluate adding additional
424 species, such as iguanas, to the list of reptiles of concern.

425 -----
426
427 **T I T L E A M E N D M E N T**

428 Remove lines 2-16 and insert:

429 An act relating to wildlife regulation; amending s. 379.231,
430 F.S.; revising provisions relating to the sale or release of
431 nonnative animals wildlife; amending s. 379.372, F.S.;
432 prohibiting any person from keeping, possessing, importing,
433 selling, bartering, trading, or breeding certain specified
434 reptile species, including a reptile designated as a reptile of
435 concern by the Fish and Wildlife Conservation Commission;

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436 providing certain exceptions applicable to reptiles for which
437 the owner holds a permit issued before a specified date;
438 providing an exemption for specified zoological facilities;
439 amending s. 379.374, F.S.; providing bonding requirements for
440 the possession of certain wildlife; amending s. 379.3761, F.S.;

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COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: General Government Policy

2 Council

3 Representative(s) Williams, T. offered the following:

4

5 **Amendment 1 to Amendment (1) by Representative Williams, T.**

6 Remove lines 93-95 and insert:

7 (e) This subsection does not apply to traveling wildlife
8 exhibitors licensed or registered under the U.S. Animal Welfare
9 Act or zoological facilities that are licensed by the Commission
10 or are exempted from the licensure requirement.