

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 648

INTRODUCER: Senator Bennett

SUBJECT: Building Safety

DATE: March 13, 2010

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	<b>Fav/1 amendment</b>
2.	Messer	Burgess	BI	<b>Favorable</b>
3.			CA	
4.			ED	
5.			WPSC	
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/>            | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input checked="" type="checkbox"/> | Significant amendments were recommended |

**I. Summary:**

The bill revises various laws related to building safety. Regarding the regulation of elevator safety, the bill:

- Limits the imposition of updates to the Florida Building Code that require modifications of heat sensors and electronic controls on existing elevators in condominiums;
- Permits the use of a uniform lock box as an alternative method of providing regional emergency elevator access; and
- Repeals the requirement for emergency alternate power generators for residential multifamily dwellings and condominiums that are 75 feet or higher.

Effective July 1, 2011, the bill increases the licensing fees for Home Inspection Services. It also revises the requirements for home inspectors to permit anyone who has received compensation as a home inspector for one year prior to July 1, 2011, or who has completed 50 home inspections for compensation prior to July 1, 2011, to become a licensed home inspector.

The bill repeals the requirement that architects, interior designers, and landscape architects must complete advanced courses approved by the Florida Building Commission.

Regarding manufactured buildings, the bill reinstates local jurisdiction for one-of-a-kind manufactured buildings. It also permits previously certified manufactured building to be moved to a new location without recertification, unless the building code identifies the new site as subject to a higher design wind speed than the previous location of the building.

Regarding the Florida Building Code (code), the bill also:

- Revises requirements for amendments to the code;
- Exempts from the code certain family mausoleums;
- Exempts from the code temporary housing provided by the Department of Corrections to any prisoner in the state correctional system;
- Provides that code agencies with the authority to enforce the code may not require that an air conditioning system installed on the surface of a roof before July 1, 2010, must be raised 18 inches up from the surface on which they are installed until such time as the system is replaced;
- Requires that illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop and that education facilities consider the use of light-emitting diode lighting prior to other lighting sources;
- Authorizes the Florida Building Commission (commission) to adopt rules related to its consensus-based decision making process to permit super majority votes for code adoption or amendments to the code;
- Authorizes the commission to impose a fee, which may not exceed \$250, for nonbinding interpretations of the code and
- Provides that exposed mechanical equipment or appliances fastened to rated stands, platforms, curbs, or slabs are deemed to comply with the wind resistance requirements for wind-borne debris regions and no further support or enclosure may be required by a state or local official with authority to enforce the Florida Building Code. This provision expires after December 31, 2012.

The bill provides that code inspection services that are not required to be performed by a state agency under a federal delegation or responsibility or the code, must be delegated to a local government entity or performed under the alternative plans review and inspection process.

The bill eliminates the requirement for the Department of Community Affairs (DCA) to develop a core curriculum to maintain, update, and develop a core curriculum for construction related professionals as part of the professionals' prerequisite requirements. The bill revises requirements for product approvals by the DCA.

Regarding carbon monoxide alarms, the bill clarifies the requirements for the installation of carbon monoxide alarms, provides that carbon monoxide alarms must be installed within 10 feet of each room used for sleeping purposes, and permits alarm requirements to be satisfied by use of a battery-powered carbon monoxide alarm or a battery-powered combination thereof.

The bill expands the list of energy efficiency options and elements. The bill increases from 120 minutes to 24 hours the temporary period that a pool pump motor's default circulation speed is permitted to be on high speed override.

Regarding the Office of the State Fire Marshal and the Florida Fire Prevention Code, the bill:

- Provides a process for expedited declaratory statements relating to interpretations of the Florida Fire Prevention Code by the State Fire Marshal;
- Establishes the Fire Code Interpretation Committee and provides a process for nonbinding interpretations of the Florida Fire Prevention Code;
- Requires the State Fire Marshal and the Florida Building Code Administrators and Inspectors Board to enter into a reciprocity agreement to implement joint recognition of continuing education recertification hours for building code inspectors, plan examiners, or administrators, and firesafety inspectors;
- Revises training and certification requirements for firesafety inspectors with fire code management responsibilities;
- Revises reexamination requirements for certified and employed as full-time fire safety inspectors or firesafety instructors who are inactive for a period of 3 years;
- Revises certification requirements for fire prevention Contractor I, Contractor II, and Contractor III and for permitholders;
- Authorizes the State Fire Marshal to enter into a contract with qualified public entities or private companies to provide examination services;
- Extends the term limitation for members of the Florida Fire Code Advisory Council from one term to two consecutive terms.

The bill also repeals the requirement that condominium buildings greater than three stories in height must be inspected at least every 5 years.

The bill provides an effective date of July 1, 2010, except as otherwise provided.

This bill substantially amends the following sections of the Florida Statutes: 399.02, 399.15, 468.8311, 468.8312, 468.8319, 468.832, 468.8324, 553.37, 553.375, 553.509, 553.73, 553.76, 553.775, 553.79, 553.841, 553.842, 553.844, 553.885, 553.9061, 553.909, 627.711, 633.0215, 633.026, 633.081, 633.352, 633.521, 633.524, 633.537, 633.72, 718.113.

This bill repeals sections 481.215(5), and 481.313(5), Florida Statutes.

This bill reenacts section 553.80(1), Florida Statutes.

The bill creates an unnumbered section of the Florida Statutes.

## **II. Present Situation:**

### **Elevator Safety**

#### ***Regional Emergency Access***

The “Elevator Safety Act” in ch. 399, F.S., provides minimum safety standards for elevators and requires elevator personnel working under the provisions of the Florida Building Code to possess documented training and/or experience as well as familiarity with the operation and safety

functions of components and equipment.”<sup>1</sup> The Bureau of Elevator Safety (bureau) in the Division of Hotels and Restaurants within the Department of Business and Professional Regulation is responsible for carrying out the provisions in chapter 399, F.S. relating to elevator inspection and regulation.<sup>2</sup>

In 2004, upon the recommendations of the Florida Building Commission, the Legislature enacted 2004-12, Laws of Florida, to provide for regional emergency elevator access.<sup>3</sup> It mandates that elevators in buildings on which construction began after June 30, 2004, and are six or more stories in height, including hotels and condominiums, must be keyed or retrofitted with a master key to allow firefighters emergency access. It applies to all elevators that allow public access, including service and freight elevators, and requires that elevators be keyed to allow elevators within each of the Department of Law Enforcement’s seven emergency response regions to operate in fire emergency situations with one master elevator key. Buildings with six or more stories that have undergone substantial improvement must also comply with the elevator key requirement. Compliance with this requirement is required of existing buildings by July 1, 2007.

The master elevator key must be issued to the fire department as well as elevator owners, owners’ agents, elevator contractors, state certified inspectors, and state agency representatives. If it is technically, financially, or physically impossible to bring a building into compliance with the elevator key requirements, the local fire marshal may allow substitute emergency measures that will provide reasonable emergency elevator access. The local fire marshal’s decision can be appealed to the State Fire Marshal.

The Division of State Fire Marshal within the Department of Financial Services (DFS) is authorized to enforce the master elevator key requirements. Persons who fail to comply with the elevator key mandate are subject to administrative penalties. The DFS is given rule making authority. A building permit is not required to construct or repair an elevator when seeking to attain compliance with emergency elevator access requirements.

Section 399.15, F.S., also requires all public access, service and freight elevators constructed in buildings six or more stories in height and issued a permit after September 30, 2006 or undergoing “substantial improvement” be keyed to permit “each of the seven state emergency response regions to operate the elevator in a fire-emergency situation with one master key.”<sup>4</sup> Master elevator keys are only provided to the elevator owners, the owners’ agents, elevator contractors, state-certified inspectors, state agency representatives, and the fire department.<sup>5</sup> The provisions of this section are implemented by the Division of State Fire Marshal of the Department of Financial Services. Existing buildings must have complied with this requirement before October 1, 2009.

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<sup>1</sup> Section 399.001, F.S.

<sup>2</sup> Section 399.02(6), F.S.

<sup>3</sup> Section 1, ch. 2004-12, L.O.F.

<sup>4</sup> Section 399.15(1)(a), F.S.

<sup>5</sup> Section 399.15(1)(b), F.S.

### ***Retrofitting Elevators to Meet Current Code Requirements***

Section 399.02(1), F.S., mandates that each elevator comply with the edition of the Florida Building Code that is in effect at the time the application for the elevator construction permit is received. It further requires that any alteration, relocation or reclassification of an existing elevator, also be in compliance with the edition of the Florida Building Code that is in effect at the time of receipt of the construction permit application to alter, relocate, or change classification.

Section 399.02(1), F.S., requires the Elevator Safety Code to be the same as or similar to the American Society of Mechanical Engineers (ASME), which provides minimum model standards for the installation, operation, and maintenance of elevators. The ASME codes are meant to be adopted by the state and local agencies with jurisdiction over elevator safety. Standard ASME A17 serves as the basis for the Florida Elevator Safety Act and Florida Elevator Safety Code.

The elevator safety code establishes minimum requirements that provide a reasonable degree of safety for the general public and the safe operation of conveyances. For example:

- ASME A17.1 (2004), Part 8, provides requirements related to the installation, alteration, maintenance, repair, inspections, and testing to ensure the minimum safety requirements for *new and existing elevators*.
- ASME A17.2 (2204), provides a guide for the inspection of elevators, escalators, and moving walks.<sup>6</sup>
- ASME A17.3 (1996) is a code for existing elevators to ensure rider safety. The code provision specifically states that it is intended to guide *retroactive requirements for existing elevators*.

The Elevator Safety Code, specifically ASME A17.3, requires owners of existing elevators to retrofit elevators to comply with revisions or updates to the code.

The bureau's rules indirectly adopt the ASME standards for the maintenance and installation of elevators. Instead of specifically referencing the ASME standards, the bureau adopted ch. 30 of the 2004 Florida Building Code, including the 2006 supplements, which relates to elevators.<sup>7</sup> The Florida Building Code adopts the ASME standards, including ASME A17.1, PART 8, ASME A17.3. It also delegates the regulation and enforcement of the ASME elevator codes to the bureau.<sup>8</sup>

On October 1, 2005, ASME A17.3 (1996) was first adopted in the 2004 Florida Building Code as the code for the inspection and maintenance of existing elevators.<sup>9</sup> On April 2, 2008, the bureau adopted the ASME elevator standards that were incorporated in the Florida Building Code.

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<sup>6</sup> ASME A17.2 (2004). The bureau has adopted and incorporated by reference in rule 61C-5.001(1)(b), F.A.C.

<sup>7</sup> Rule 61C-5.001, F.A.C.

<sup>8</sup> Chapter 30, ss. 3001.1 and 3001.2, Florida Building Code.

<sup>9</sup> Chapter 30, Florida Building Code.

According to state and local elevator inspection officials, the safety standards in ASME A17.3 (1996) that were adopted in the Florida Building Code and the elevator safety code in 2002 and 2005, respectively, were not new and were already in the ASME A17.1, part 8, before the adoption of those building codes.<sup>10</sup>

The Regulated Industries Committee conducted an interim study of the enforcement of elevator safety code standards that require elevator owners to modify or retrofit elevators in order to comply with revisions or updates to those standards.<sup>11</sup> The interim study noted the increase in the number of elevators failing inspections and the number of requests filed by elevator owners for a variance or waiver from elevator safety code requirements as a result of failed inspections.

The interim report found that it was not clear from a review of the variance requests and accompanying inspection reports whether any of the code violations related to the retroactive application of code standards. The report found, based on representation by the bureau and code enforcement officials in Miami-Dade County, that the increase in the number of elevator violations may be attributable to other factors, including an increase in the number of state inspectors, and the statutory authorization<sup>12</sup> for the use of private inspectors which has permitted the bureau to meet its workload demands.

The report recommended that ch. 399 F.S., be amended to provide the bureau with guidelines for the issuance of variances and waivers related to the application of elevator standards. It also recommended that:

- The bureau should be required to determine whether any updates or modifications of the Elevator Safety Code require immediate application to existing elevators which would require elevator owners to retrofit elevators to bring them into compliance.
- The bureau should be authorized to delay the application of revisions of the elevator safety code for a period of up to three years in order to give elevator owners additional time to anticipate the costs of compliance.

The report also sets forth recommended guidelines for the bureau to consider for the issuance of variances and waivers and when determining whether revisions to the elevator safety code should be applied immediately.

Regarding the retrofitting of existing elevators emergency regional access requirement in s. 399.15, F.S., local fire marshals may allow substitute emergency measures that will provide reasonable emergency elevator access if it is technically, financially, or physically impossible to bring a building into compliance with this access requirement.<sup>13</sup> The State Fire Marshal has adopted a rule that establishes a lock box that can accept the regional key as the acceptable alternative.<sup>14</sup>

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<sup>10</sup> See *Review of Elevator Safety and Regulation*, Interim Report 2010-128, Florida Senate Committee on Regulated Industries, October 2010.

<sup>11</sup> *Id.*

<sup>12</sup> Section 399.061, F.S. In 2000, the Legislature amended s. 399.061, F.S., (s. 4, ch. 2000-356, L.O.F.) to provide for the use of private elevator inspectors.

<sup>13</sup> Section 399.15, F.S.

<sup>14</sup> See rule 69A-47.019, L.O.F.

### *Emergency Alternate Power Generators for Elevators*

During the 2006 Regular Session, s. 553.509(2)(a), F.S.,<sup>15</sup> was enacted to require that any person, firm, or corporation that owns, manages, or operates a residential multi-family dwelling, including a condominium, which is at least 75 feet high (high-rise residential buildings) and contains a public elevator, have at least one elevator capable of operating on alternate generated power. In the event of a general power outage, this elevator must ensure that residents have building access for an unspecified number of hours each day over a five-day period following a natural or manmade disaster, emergency, or other civil disturbance. The alternate generated power source must be capable of powering any connected fire alarm system in the building.

The alternate generated power requirements of s. 553.509(2), F.S., do not apply to high-rise buildings that were in existence on October 1, 1997, or which were either under construction or under contract for construction on October 1, 1997.<sup>16</sup> Newly constructed residential multi-family dwellings meeting the criteria of this section must meet the engineering, installation, and verification requirements of s. 553.509(2), F.S., before occupancy.<sup>17</sup>

Section 553.509(2)(b), F.S., provides that, at a minimum, the elevator must be appropriately pre-wired and prepared to accept alternate generated power. The power source must be capable of powering the elevator, a connected building fire alarm system, and emergency lighting in the internal lobbies, hallways, and other internal public portions of the building. The dwellings must either have a generator and fuel source on the property or proof of a current guaranteed service contract providing such equipment and fuel source within 24 hours of a request. Proof of a current service contract for such equipment and fuel must be posted in the elevator machine room or other place conspicuous to the elevator inspector.

An October 2008 interim report prepared by the Regulated Industries Committee studied the extent of compliance with s. 553.509(2), F.S., and reviewed the problems that citizens and governmental agencies have had in implementing these requirements.<sup>18</sup> Senate professional staff recommended that the Legislature consider the repeal of s. 553.509(2), F.S. The repeal recommendation was based upon the following findings and conclusions:

- The requirement may pose a threat to public safety, i.e., the availability of emergency power for elevators during the five days after a declared state of emergency may encourage persons to stay in high-rise buildings and areas that are not safe and do not have the necessary infrastructure for safe habitation;
- The requirement does not have a clearly defined state or local agency that is responsible for its on-going enforcement;
- Enforcement of the requirement by a state agency would carry a fiscal burden without a clearly defined benefit that may out-weigh the public safety concerns;
- The requirement does not appear to have any clearly defined impact on elevator safety;

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<sup>15</sup> Section 12, ch. 2006-71, L.O.F.

<sup>16</sup> Section 553.507, F.S., exempts such buildings, structures, and facilities from the provisions of ss. 553.501-553.513, F.S., the "Florida Americans with Disabilities Implementation Act."

<sup>17</sup> Section 553.509(2)(c), F.S.

<sup>18</sup> See *Review of Elevator Safety and Regulation*, Interim Report 2009-125, Florida Senate Committee on Regulated Industries, September 2008.

- It is not clear what penalty, if any, should be imposed on building owners who cannot comply with the requirement because they cannot afford the expense; and
- To the extent that an alternate emergency power for elevators provides a public benefit, the Florida Building Code currently requires emergency power for elevators in new high-rise residential construction.

Alternatively, the professional staff recommended that the Legislature could continue to require emergency generated power pursuant to s. 553.509(2), F.S., but, to ensure uniform compliance, provide funding for the Bureau of Elevator Safety within the Division of Hotels and Restaurants, Department of Business and Professional Regulation, for the enforcement of this provision.

### **Home Inspectors**

In 2007, the Legislature created part XV, ch. 468, F.S.,<sup>19</sup> to provide, in part, for the licensure and regulation of private home inspectors by the Department of Business and Professional Regulation (department), effective July 1, 2010. It provides licensing and continuing education requirements, including certificates of authorizations for corporations offering home inspection services to the public. After July 1, 2010, a person who performs home inspection services must be licensed by the department.

Section 468.8311(4), F.S., defines the term "home inspection services" to mean:

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

This definition does not specifically include the inspection of windows, doors, walls, floors, and ceilings as services that would require licensure as a home inspector.

Section 468.8312, F.S., grants the Department of Business and Professional Regulation the authority to adopt rules to establish fees for applications, examination, reexamination, licensing and renewals, continuing education and administrative services. The current fees are:<sup>20</sup>

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<sup>19</sup> Section 2, ch. 2007-235, L.O.F.

<sup>20</sup> See s. 468.8312, F.S.



Fee	Amount shall not exceed:
Initial Application and Examination Fee	\$125 <sup>21</sup>
Initial License Fee	\$200
Certificate of Authorization Fee	\$125
Biennial Renewal Fee	\$200
Licensure by Endorsement Fee	\$200
Application for Inactive Status/Reactivation Fee	\$200
Continuing Education Application Fee	\$500

## **Florida Building Code**

### ***Florida Building Commission***

The Florida Building Commission (commission) is established in ch. 553, F.S. within the Department of Community Affairs (DCA) and consists of 25 members that are appointed by the Governor and confirmed by the Senate. The Commission is responsible for adopting and enforcing the Florida Building Code (code) as a single, unified state building code used to provide effective and reasonable protection for the public safety, health and welfare.<sup>22</sup> The Commission is required to update the Florida Building Code triennially based upon the “code development cycle of the national model building codes, ...”<sup>23</sup> Under s. 553.73, the commission is authorized to adopt internal administrative rules, impose fees for binding code interpretations and use the rule adoption procedures listed under ch. 120, F.S., to approve amendments to the building code.<sup>24</sup>

Under s. 553.79(9), F.S., state agencies whose enabling legislation authorize the enforcement of the code are permitted to enter into agreements with other governmental units in order to delegate their code enforcement powers and are permitted to utilize public funds for permit and inspection fees so long as the fees are not greater than the fees charged to others.

### **Alternative Plans Review and Inspection**

Section 553.791, F.S., establishes that notwithstanding other provisions of law, local ordinance, or local policy, the fee owner of a building or structure, or the fee owner’s contractor (with written permission from the fee owner), may choose to use a private provider for building code inspection services, and may pay the private provider directly, so long as a contract for services is executed. Private providers are defined as licensed engineers or licensed architects, and for

<sup>21</sup> The department may assess the applicant and additional cost for the department’s expenses in obtaining and administering the examination. Section 468.8312(2), F.S., provides:

“The examination fee shall be an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination.”

<sup>22</sup> Sections 553.73 and 553.74, F.S.

<sup>23</sup> Florida Building Commission, *Report to the 2009 Legislature* at 2., January 2009 (on file with the Florida Senate Committee on Regulated Industries).

<sup>24</sup> See ss. 553.76, 553.775, and 553.73(7), F.S., respectively.

residential additions or alterations of 1,000 square feet or less, a private provider can be a building code administrator, inspector or plans examiner holding a standard certificate issued under part XII of ch. 468, F.S.

### ***License Renewal***

Sections 481.215(5) and 481.315, F.S., require that the Board of Architecture and Interior Design and the department, respectively, provide by rule and with the approval of the commission, a specified number of hours needed for license renewal in specialized or advanced courses on any portion of the code that relates to the licensee's respective area of practice.

### ***Product Evaluation and Approval***

Section 553.842, F.S., provides the commission with the authority to adopt rules to develop a product evaluation and approval system that applies statewide to operate in coordination with the Florida Building Code. Rules relating to product approval are contained in ch. 9B-72, F.A.C.

The commission is authorized to enter into contracts to provide for administration of the product evaluation and approval system, and the system must rely on national and international consensus standards, whenever such standards are adopted into the Florida Building Code, to demonstrate compliance with code standards. Other standards which meet or exceed state requirements must also be considered.<sup>25</sup> Methodology for statewide approval of products, methods, or systems of construction are provided.

The commission is required to maintain a list of the state-approved products, product evaluation entities, testing laboratories, quality assurance agencies, certification agencies, and validation entities.<sup>26</sup> In addition, the commission is authorized to adopt a rule that identifies standards that are equivalent to or more stringent than those specifically adopted by the Florida Building Code, thereby allowing the use in this state of the products that comply with the equivalent standard.

In 2008, the Legislature enacted ch. 2008-191, L.O.F., relating to building code standards. The commission was directed to review the list of product evaluation entities and recommend additions to the list, or report on the evaluation criteria used to approve the evaluation entities. Any rulemaking to adopt such criteria into rule was to be completed by July 1, 2009. It also approved the International Association of Plumbing and Mechanical Officials Evaluation Services (IAPMO-ES ) as an evaluation entity until October 1, 2009.<sup>27</sup> If the association was not permanently approved by the commission as an evaluation entity by that date, products approved on the basis of an association evaluation had to be substituted by an alternative, approved entity by December 31, 2009. Effective January 1, 2010, any product approval issued by the commission that is based on an association evaluation was void.

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<sup>25</sup> Equivalence of standards for product approval are standards for products which meet or exceed the standards referenced in the Florida Building Code, and which are certified as equivalent for purposes of determining code compliance. (Chapter 9B-72.180, F.A.C.)

<sup>26</sup> Section 553.842(13), F.S.

<sup>27</sup> Section 553.842(17)(a) and (b), F.S.

In 2009, the commission recommended legislation permanently recognizing IAPMO-ES in statute and the elimination of rule authority to prescribe criteria for evaluation entities. The commission recommendation did not become law during the 2009 legislative session.<sup>28</sup> According to the DCA, the commission therefore adopted by rule criteria for evaluation entities and approved IAPMO-ES as an evaluation entity to prevent its expiration on October 1, 2009. The commission has reiterated, in its report to the 2010 Legislature, its recommendation to permanently recognize IAPMO-ES in statute and to eliminate the commission's current rule authority to prescribe criteria for evaluation entities.

The DCA has provided the following description of the approval process:

...manufacturers or their representatives submit an application to the commission through an administrator with whom the commission contracts to perform administrative and technical services. The deadline for submittal of an application falls approximately 24 days before a scheduled commission meeting. The administrator will review all applications submitted and post the preliminary findings approximately 2 weeks before the meeting and accept public comments on the applications and the administrator's preliminary recommendations. After reviewing the public comments and making necessary changes to the recommendation, a final list is posted on the internet approximately seven days prior to the meeting. The list containing the administrator's recommendations is presented to the commission and its program oversight committee. There are two opportunities for public comment thereafter; once when the commission's program oversight committee considers the application, and again when the commission considers the committee's recommendation. The commission typically reviews approximately 400 applications each meeting.<sup>29</sup>

### ***Manufactured Buildings***

The Manufactured Building Act of 1979, in s. 553.35, F.S., requires minimum construction requirements for the "manufacture, design, construction, erection, alteration, modification, repair, and demolition of manufactured buildings".<sup>30</sup> Section 553.37(8), F.S., requires the DCA to adopt rules for the enforcement and administration of the code requirements related to manufactured buildings.

According to the DCA, its jurisdiction in regards to manufactured buildings has been limited to buildings that are to be repetitively built. One-of-a-kind manufactured buildings were exempted from the Department's program in favor of local code enforcement,<sup>31</sup> but that exemption was inadvertently deleted in 2008.<sup>32</sup>

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<sup>28</sup> See CS/CS/SB 2100 by the Regulated Industries Committee; the Community Affairs Committee; and Senator Bennett, which died in Florida Senate Committee on General Government Appropriations.

<sup>29</sup> From the bill analysis for SB 468 provided by the Florida Department of Community Affairs (on file with the Regulated Industries Committee).

<sup>30</sup> Section 553.355, F.S.

<sup>31</sup> See s. 553.37(11), F.S. (2007).

<sup>32</sup> See s. 6, ch. 2008-191, L.O.F.

### ***Placement of Rooftop Air Conditioning Systems***

The code requires that roof-mounted equipment must be elevated from the roof surface. With respect to a roof-mounted air conditioner, the code requires that this equipment must be elevated to a prescribed distance above the roof surface. The distance varies depending on the width of the air conditioning unit. For example, an 18 inch clearance is required for a roof-mounted air conditioning unit that is 24 to 36 inches in width.<sup>33</sup> According to the DCA, this requirement allows for maintenance of the roof surface beneath the equipment. Additionally, the code requires that all roof mounted mechanical equipment must be designed to withstand the forces exerted by wind. According to the DCA, this requirement originated with the model code that served as the foundation for the first edition of the Florida Building Code, the 2001 International Mechanical Code, and has been in effect in Florida since March 1, 2002.

### ***Classroom Illumination***

The code requires that artificial illumination in classrooms must provide an average maintained illumination of 50 foot-candles (500 lux) of light at desktop.<sup>34</sup>

### ***Building Code Compliance and Mitigation Program***

Section 553.841(4), F.S., requires the DCA to maintain, update, and develop a core curriculum to serve as a prerequisite for advanced module coursework to administer ongoing education under the Building Code Compliance and Mitigation Program. The core curriculum provides a basic introduction to the unified code and its related efforts as well as the system of code enforcement.

During the 2009 Regular Session, the statutes for the various construction-related professions were amended to delete the requirement for completion of the core curriculum or the successful passing of an equivalency test of the Florida Building Code Compliance and Mitigation Program as a condition for renewal of license.<sup>35</sup> The affected professions are building code administrators and inspector certificateholders,<sup>36</sup> engineer licensees,<sup>37</sup> architects and interior designers,<sup>38</sup> and landscape architects,<sup>39</sup> and construction contractor certificateholders and registrants.<sup>40</sup>

### ***Windstorm Loss Mitigation***

Section 553.844, F.S., requires the commission to implement windstorm loss mitigation techniques into the code in order to combat property damage that is associated with hurricanes. The code requires that buildings located in Wind Borne Debris Regions (WBDR) be designed to withstand the minimum wind loads prescribed within the region. Wind Borne Debris Regions are

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<sup>33</sup> See Table 1509.7 in ch. 15, Florida Building Code (2007) , including the 2009 supplements, relating to rooftop structures.

<sup>34</sup> See s. 423.27.15, ch. 4, Florida Building Code (2007), relating to requirements for educational facilities.

<sup>35</sup> See ch. 2009-195, L.O.F..

<sup>36</sup> Section 468.627, F.S.

<sup>37</sup> Section 471.0195, F.S.

<sup>38</sup> Section 481.215, F.S.

<sup>39</sup> Section 481.313, F.S.

<sup>40</sup> Section 489.115, F.S.

designated areas in the state where the basic wind speed can reach 120 mph or greater or areas within one mile of the coast with a wind speed over 110 and less than 120 mph.<sup>41</sup>

Regarding wind resistance standards and criteria, s. 553.73(7), F.S., provides that:

Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements.

### **Carbon Monoxide Alarms**

Section 553.885, F.S., requires that buildings that are issued a building permit for new construction on or after July 1, 2008 and that possess a fossil-fuel-burning heater or appliance, a fireplace or an attached garage be required to install an operational carbon monoxide alarm within 10 feet of each room used for sleeping purposes. The carbon monoxide alarm must be approved by the commission and meet the requirements of the code. For purposes of this section, fossil fuel is defined as “coal, kerosene, oil, fuel gases, or other petroleum or hydrocarbon products that emit carbon monoxide as a by-product of combustion.”<sup>42</sup>

According to the DCA, upon implementation of the carbon monoxide alarm requirement, stakeholders expressed uncertainty regarding its application to existing buildings that undergo new construction activity. The DCA has represented that, during the 2009 Regular Session, stakeholders, with the commission’s participation, achieved consensus recommendation for an amendment to s. 553.885, F.S., that would exempt existing buildings undergoing alterations or repairs unless that alteration was an addition that extends or increases the floor area, the number of stories, or the height of a building or structure. However, the bill including this statutory amendment failed to pass the Legislature.<sup>43</sup>

### **Thermal Efficiency Standards -Energy Efficient Performance Options**

Florida’s Thermal Efficiency Code in s. 553.900, F.S., requires that the DCA provide a “statewide uniform standard for energy efficiency in thermal design and operation of all buildings statewide”.<sup>44</sup> The standard is adopted into the Florida Building Code by the commission and is updated at least every three years to include “the most cost-effective energy-saving equipment and techniques available.”<sup>45</sup> A schedule of increases in thermal efficiency is outlined in s. 553.9061, F.S. Section 553.9061(2), F.S., requires the commission to identify within the code the specified building options and elements that are available to meet energy efficiency goals.

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<sup>41</sup> See s. 1609.1.2, ch. 16, Florida Building Code, relating to wind loads for buildings and structures.

<sup>42</sup> Section 553.885(2)(b), F.S.

<sup>43</sup> See CS/CS/SB 2100 by the Regulated Industries Committee; the Community Affairs Committee; and Senator Bennett, which died in Florida Senate Committee on General Government Appropriations.

<sup>44</sup> Section 553.900, F.S.

<sup>45</sup> Section 553.901, F.S.

The Florida Energy Efficiency Code in s. 553.909, F.S., also provides minimum energy requirements for appliances. Section 553.909(4), F.S., requires residential pool pump motor controls that have a total horsepower of 1HP or more to operate at a minimum of two speeds. Under current law, “the default circulation speed shall be the residential filtration speed with a higher speed override capability being for a temporary period not to exceed the lesser of one normal cycle or 120 minutes.” Section 553.909(4), F.S., does not include the circulation speed for solar pool heating systems, which are permitted to run at higher speeds during periods of usable solar heat gain.

### **Insurance-Uniform Mitigation Verification**

Section 627.711, F.S., requires insurers to notify residential property insurance applicants or policyholders of premium insurance discounts, rates, or credits that are available for windstorm mitigation fixtures or construction techniques located on the insured property. In factoring discounts for wind insurance, insurers must use the uniform mitigation verification inspection form adopted by the Financial Services Commission.<sup>46</sup> A valid uniform mitigation verification inspection form is one that is certified by the Department of Financial Services or signed by the certified individuals outlined in s. 627.711(2), F.S.

### **Fire Prevention and Control**

#### ***State Fire Marshal***

Section 633.01(1), F.S., designates the Chief Financial Officer as the State Fire Marshal to carry out the duties of fire prevention, protection, and control through the Division of State Fire Marshal.<sup>47</sup>

#### ***Florida Fire Prevention Code***

The Florida Fire Prevention Code has been adopted by the State Fire Marshal. The Florida Fire Prevention Code is updated every three years and contains all firesafety regulations relating to the construction and modification of building structures.<sup>48</sup> The State Fire Marshal is required to notify local fire departments no later than 180 days prior to the triennial adoption of the Florida Fire Prevention Code in order to consider whether local amendments should be implemented. Section 633.026, F.S., requires the Division of State Fire Marshall to establish internal procedures or contract with experienced nonprofit organizations in order to provide nonbinding interpretations of the Florida Fire Prevention Code.

#### ***Firesafety Inspectors***

Buildings and structures in violation of the Florida Statutes and/or the minimum provisions of state or local firesafety codes are subject to the inspection of all equipment, vehicles and

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<sup>46</sup> Section 627.711(2), F.S.

<sup>47</sup> The agency head of the Department of Financial Services (DFS) is the Chief Financial Officer. The Division of State Fire Marshal is located within the DFS.

<sup>48</sup> Section 633.0215(1), F.S.

chemicals within the premises of any such building or structure.<sup>49</sup> To enforce this requirement, s. 633.081(1), F.S., requires each county, municipality, and special district with firesafety enforcement authority to employ or contract with a DFS-certified firesafety inspector who has met the fire inspection training requirements set by the State Fire Marshall in s. 633.081(2), F.S.

### ***Firefighter Certification***

Section 633.35, F.S., requires firefighters to meet the training and education requirements established by the Division of State Fire Marshal prior to being issued a certificate of competency.<sup>50</sup> The minimum standard course requirements for firefighter certification are provided in rule 69A-37.055, F.A.C. The curriculum mandates that firefighters complete 398 training hours provided in classroom and practical skills and receive a passing scores of 70 percent on written and practical examinations. The examinations are based on applicable standards of the National Fire Protection Association and Florida and federal laws.<sup>51</sup> The State Fire Marshal is charged with administering the exams, which are required to be offered at least two times a year.<sup>52</sup>

Firefighter certificates must be renewed every two years through the payment of a biennial renewal fee.<sup>53</sup> Section 633.352, requires firefighters who have been inactive for period of 3 or more years to retake the practical segment of the minimum standard course examination in order to be recertified.<sup>54</sup>

Applicants for certification as a contractor of fire protection, as defined in s. 633.021, F.S., are subjected to additional rules and qualifications.<sup>55</sup>

Section 633.021(5), F.S., defines the four classifications for fire protection system contractor:

- (a) “Contractor I” means a contractor whose business includes the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service all types of fire protection systems, excluding preengineered systems.
- (b) “Contractor II” means a contractor whose business is limited to the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service water sprinkler systems, water spray systems, foam-water sprinkler systems, foam-water spray systems, standpipes, combination standpipes and sprinkler risers, all piping that is an integral part of the system beginning at the point of service as defined in this section, sprinkler tank heaters, air lines, thermal systems used in connection with sprinklers, and tanks and pumps connected thereto, excluding preengineered systems.
- (c) “Contractor III” means a contractor whose business is limited to the execution of contracts requiring the ability to fabricate, install, inspect, alter, repair, and

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<sup>49</sup> Section 633.081, F.S.

<sup>50</sup> Section 633.35(1), F.S. *See also* 69A-37.050(1), F.A.C.

<sup>51</sup> Section 633.521(2), F.S.

<sup>52</sup> *Id.*

<sup>53</sup> Section 633.524(1), F.S. “The biennial renewal fee for each class of certificate shall be \$150.” *See also* s. 633.537, F.S.

<sup>54</sup> Section 633.352, F.S., *See also* 4A-37.056(6)(b), F.A.C.

<sup>55</sup> Section 633.521(2)(e), F.S.

service CO2 systems, foam extinguishing systems, dry chemical systems, and Halon and other chemical systems, excluding preengineered systems.

(d) “Contractor IV” means a contractor whose business is limited to the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service automatic fire sprinkler systems for detached one-family dwellings, detached two-family dwellings, and mobile homes, excluding preengineered systems and excluding single-family homes in cluster units, such as apartments, condominiums, and assisted living facilities or any building that is connected to other dwellings.

(e) “Contractor V” means a contractor whose business is limited to the execution of contracts requiring the ability to fabricate, install, inspect, alter, repair, and service the underground piping for a fire protection system using water as the extinguishing agent beginning at the point of service as defined in this act and ending no more than 1 foot above the finished floor.

Section 633.521(8), F.S., requires individuals who are employed by a Contractor I or Contractor II certificateholder, and who will be inspecting water-based fire protection systems, to be issued a permit by the State Fire Marshal to conduct such work.

### ***Florida Fire Code Advisory Council***

The Florida Fire Code Advisory Council is located within the Department of Financial Services and consists of 11 members who are appointed by the State Fire Marshal for 4-year terms.<sup>56</sup> Council members may not serve more than one term. The duties of the Florida Fire Code Advisory Council are to provide advice and recommendations to the State Fire Marshall on changes and interpretations of the uniform firesafety standards in the Fire Prevention Code and s. 633.022, F.S.

### **Condominiums – Maintenance of Common Elements**

Section 718.113(6), F.S., requires that any condominium building greater than three stories in height must be inspected at least every five years (and within five years if not available for inspection on October 1, 2008) to provide a report under the seal of an architect or engineer authorized to practice in this state attesting to the required maintenance, useful life, and replacement costs of the common elements. If approved by a majority of the voting interests present at an association meeting, this requirement may be waived. The meeting and approval must occur prior to the end of the five-year period and is effective only for that five-year period.

## **III. Effect of Proposed Changes:**

### **Elevators**

**Section 1** amends s. 399.02(6), F.S., to provide that the department may not impose updates to the Florida Building Code requiring modifications of heat sensors and electronic controls on existing elevators in condominiums, as amended into the Safety Code for Existing Elevators and

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<sup>56</sup> Section 633.72, F.S.



Escalators, ANSI/ASME A.17.1 and A17.3, until such time as the elevator is replaced. It provides that the exception does not apply to any building for which a building permit was issued after July 1, 2008.

This provision would prevent the application of any future updates to the elevator safety code that relate to heat sensors and electronic controls to any elevator issued a certificate of operation after July 1, 2009, unless the elevator is replaced or a building permit was issued after July 1, 2009. Requirements of the elevator safety code or the Florida Building Code in effect at the time this provision becomes law, regardless of when the code was updated to include the provision, would remain applicable to all existing elevators.

**Section 2** creates s. 399.15(7), F.S., to provide an alternative method of providing regional emergency elevator access by allowing the installation of a uniform lock box to hold all keys to the elevators in the building allowing public access, including service and freight elevators. The Department of Financial Services would be required to select the provider of the uniform lock box that would be installed in each building.

Section s. 399.15(7), F.S., would only permit the uniform lock box master key to be issued to the fire department. This is inconsistent with s. 399.15(3), F.S., which permits elevator owners, owners' agents, elevator contractors, state-certified inspectors, and state agency representatives to be issued a master key.

This lock box alternative differs from the lock box provision in rule 69A-47.019, F.A.C., because it does not apply only when it is technically, financially, or physically impossible to bring a building into compliance with the access requirement.

### Home Inspection Services

**Section 3** amends s. 468.8311, F.S., effective July 1, 2011, to revise the definition of “home inspection services” to include the inspection of windows, doors, walls, floors and ceilings.

**Section 4** amends s. 468.8312, F.S., effective July 1, 2011, to provide the following fee increases pertaining to home inspectors:

Fee	Increase
Initial Application and Examination Fee	From \$125 to \$250
Initial License Fee	From \$200 to \$400
Certificate of Authorization Fee	From \$125 to \$250
Biennial Renewal Fee	From \$200 to \$400
Licensure by Endorsement Fee	From \$200 to \$400
Application for Inactive Status/Reactivation Fee	From \$200 to \$400
Continuing Education Application Fee	No increase

**Section 5** amends s. 468.8319, F.S., effective July 1, 2011, to provide that no “person” may perform home inspections without meeting the requirements of part XV of ch. 468, F.S., relating to home inspections. The bill deletes the reference to a home inspector, a company that employs a home inspector, or a company that is controlled by a company that also has a financial interest in a company employing a home inspector.

**Section 6** amends s. 468.832, F.S., effective July 1, 2011, to change the term “home inspector” to “licensee.”

**Section 7** amends s. 468.8324, F.S., to revise the requirements for home inspectors to permit anyone who has received compensation as a home inspector for one year prior to July 1, 2011, or who has completed 50 home inspections for compensation prior to July 1, 2011, to become a licensed home inspector.

### **Building Code Education for Construction Professionals**

**Section 8** repeals s. 481.215(5), F.S., to delete the continuing education requirement that architects and interior designers complete advanced courses approved by the Florida Building Commission on any portion of the Florida Building Code relating to the licensee's respective area of practice.

**Section 9** repeals s. 481.313(5), F.S., to delete the continuing education requirement that landscape architects complete advanced courses, approved by the commission, on any portion of the Florida Building Code relating to the licensee's respective area of practice.

### **Manufactured Buildings**

**Section 10** amends s. 553.37, F.S., relating to the authority of the Department of Community Affairs with regard to manufactured buildings. Specifically, s. 553.37, F.S., is amended to:

- Require that all fees paid by product manufacturers must be used for the sole purpose of funding the state product approval system;
- Authorize the Department of Community Affairs to adopt a rule requiring that manufacturers pay fees to the administrator directly through the Building Code Information System;
- Authorize the DCA to enter into contracts for the performance of administrative duties relating to the inspection and certification of manufactured buildings; and
- Reinstate local jurisdiction for custom or one-of-a-kind manufactured buildings by requiring that such building must comply with all local requirements of the governmental agency having jurisdiction at the installation site.

**Section 11** amends s. 553.375, F.S., to provide that relocation of a manufactured building previously certified by the DCA only requires recertification if the code identifies the site of the new location as subject to a higher design wind speed than the previous location of the building.

## **Emergency Alternate Power Generators for Elevators**

**Section 12** repeals the alternate power generators requirement in s. 553.509(2), F.S., for residential multifamily dwellings and condominiums that are 75 feet or higher.

## **Florida Building Code**

**Section 13** amends s. 553.73(7), F.S., relating to amendments of the code using only the rule adoption procedures in ch. 120, F.S., to:

- Permit amendments that are needed to the address equivalency standards;
- Permit amendments necessary to accommodate the specific needs of state agencies when agency rules must be updated to reflect federal requirements relating to design criteria for public educational facilities and state licensed facilities; and
- Permit amendments to address inconsistencies with federal or state law.

The bill amends s. 553.73(9), F.S., to provide that the following types of buildings, structures and facilities are exempt from the code:

- Family mausoleums that do not exceed 250 square feet in areas which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete; and
- Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

The bill creates s. 553.73(14), F.S., to provide that the agencies with the authority to enforce the code may not require that an air conditioning system installed on the surface of a roof before July 1, 2010, must be raised 18 inches up from the surface on which they are installed until such time as the system is replaced. This provision would not prohibit the code or the enforcement of a code provision that would require that the equipment be raised to a height of *less than or more than 18 inches* above the surface of the roof.

The bill creates s. 553.73(15), F.S., to require that illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop and that education facilities consider the use of light-emitting diode lighting prior to other lighting sources. This is 10 foot-candles less than is currently required under the code.<sup>57</sup> It also requires that public educational facilities must consider using light-emitting diode lighting before considering other lighting sources.

**Section 14** amends s. 553.76(2), F.S., to authorize the commission to adopt rules related to its consensus-based decision making process to permit super majority voting for actions relating to the adoption of the code or amendments to the code.

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<sup>57</sup> See s. 423.27.15, ch. 4, Florida Building Code(2007), relating to requirements for educational facilities.

**Section 15** amends s. 553.775(4), F.S., to permit the commission to adopt by rule and impose a fee for nonbinding interpretations of the code. Current law permits a fee for binding interpretations of the code. The bill maintains the current fee, which may not exceed \$250.

**Section 16** amends s. 553.79(9), F.S., to provide that inspection services that are not required to be performed by a state agency under a federal delegation or responsibility or the Florida Building Code, must be delegated to a local government entity or performed under the alternative plans review and inspection process as provided in s. 553.791, F.S., relating to private providers of inspection services.

**Section 17** reenacts subsection s. 553.80(1), F.S., to incorporate amendments made to s. 553.79(1), F.S.

The republication of s. 553.80(1), F.S., which provides exceptions to the requirement that each local government and each legally constituted enforcement district shall regulate construction, has the effect of maintaining the exception is in this subsection.

According to the Agency for Health Care Administration (AHCA or agency), the agency currently performs plans reviews and inspections for some health care facilities pursuant the authority in the Florida Statutes, but not by the exceptions in s. 533.80(1), F.S., provisions of the Florida Building Code, or a federal delegation of responsibility. According to AHCA, the effect of the amendments to ss. 553.79(9) and 553.80(1), F.S., would remove its authority to conduct plans reviews and construction inspections of intermediate care facilities for developmentally disabled persons. According to AHCA, this would have a negative impact on patient safety because local building officials do not review the same essential life safety items as the agency, such as the Guidelines for the Design and Construction of Health Care Facilities and various National Fire Protection Association (NFPA) codes and standards that are not referenced in the building codes. The agency also expressed the concerns that local governments do not employ review staff trained in the complex systems utilized by health care facilities.

In addition, AHCA indicated that hospitals and ambulatory surgical centers subject to ch. 395, F.S., and nursing homes subject to part II, ch. 400, are required to have facility plans reviewed and construction surveys conducted by the agency pursuant to ss. 395.0163, and 400.232, F.S., independently of s. 553.80 (1)(c), F.S. These facilities are not affected by the amendment to s. 553.79(9), F.S., because they are within the exemption in s. 553.80(1), F.S. The agency also expressed the concern that it is unclear whether the bill would eliminate the ability of a hospice to request an informal review of facility plans before construction, pursuant to s. 400.6051, F.S.

It is not clear how ss. 553.79(9) and 553.80(1), F.S., would affect code enforcement responsibilities by other state agencies.

### **Building Code Education for Construction Professionals**

**Section 18** amends s. 553.841, F.S., to eliminate the requirement for the DCA's Florida Building Code Compliance and Mitigation Program to develop a core curriculum to maintain, update, and develop a core curriculum for construction related professionals as part of the professionals' prerequisite requirements.

## **Product Evaluation and Approval**

**Section 19** amends s. 553.842(1), F.S., to provide that the rules of the commission relating to product evaluation and approval may provide for the payment of fees directly to the commission's contract administrator who shall remit the appropriate portion of the fee to the DCA to cover its costs.

The bill amends s. 553.842(5), F.S., to provide that applications for state approval of a product must be approved by the DCA after commission staff or a designee verifies, within 10 days of receipt of the application, that the application and related documentation are complete. It provides that state-approved products must be immediately added to the list of state-approved products. It requires that departmental product approvals must be reviewed and ratified by the commission's program oversight committee unless there is a showing of good cause that review by the full commission is necessary.

The bill amends s. 553.842(8), F.S., to add the International Association of Plumbing and Mechanical Officials Evaluation Services to the list of approved entities that can produce information on which product approvals are based. Pursuant to s. 553.842(17)(b), F.S., the authority of the International Association of Plumbing and Mechanical Officials Evaluation Services as an approved evaluation entity expired on October 1, 2009. The bill deletes that subsection to conform with s. 553.842(8), F.S.

The bill also amends s. 553.842(8), F.S., to remove the International Conference of Building Officials Evaluation Services, the Building Officials and Code Administrators International Evaluation Services, and the Southern Building Code Congress International Evaluation Services from the list of approved evaluation entities.

The bill also deletes s. 553.842(17)(a), F.S., which requires the commission to perform an annual review of evaluation entities in order to recommend in its annual report to the Legislature additional evaluation entities that the commission should be authorized to include in the list of state-approved evaluation entities or to recommend criteria to be adopted by commission rule that would allow the commission to approve evaluation entities.

**Section 20** creates s. 553.844(4), F.S., relating to windstorm loss mitigation requirements for roofs and opening protections, to provide that exposed mechanical equipment or appliances fastened to rated stands, platforms, curbs, or slabs are deemed to comply with the wind resistance requirements for wind-borne debris regions<sup>58</sup> and no further support or enclosure is required by a state or local official with authority to enforce the Florida Building Code. This subsection expires after December 31, 2012.

## **Carbon Monoxide Detection**

**Section 21** amends s. 553.885(1), F.S., to clarify that the requirements for carbon monoxide alarms are applied to every separate building or addition to an existing building constructed on or

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<sup>58</sup> See s. 1609.2, Florida Building Code (2007)

after July 1, 2008 and that have a feature, fixture, or element that emits carbon monoxide as a byproduct of combustion.<sup>59</sup>

The bill provides that such new building or addition, or other location as required by the Florida Building Code, is required to have an approved operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes.

The bill permits carbon monoxide alarm requirements to be satisfied through the installation of a battery-powered carbon monoxide alarm or a battery-powered combination carbon monoxide alarm and smoke alarm.

The bill provides that the carbon monoxide detection requirements in s. 553.885(1), F.S., do not apply to existing buildings undergoing alterations or repairs, unless the alteration is an addition, as defined in s. 553.885(3), F.S. Paragraph (c) is added to s. 553.885(3), F.S. to define the term “addition” to mean an extension or increase in floor area, number of stories, or height of building or structure.

### **Thermal Efficiency Standards**

**Section 22** amends s. 553.9061(2), F.S., to expand the list of energy efficiency options and elements that are available to meet thermal efficiency standards. The new options and elements are:

- Energy-efficient water heating systems, including solar water heating;
- Energy saving devices and features installed within duct systems;
- Energy-saving quality installation procedures for replacement of air conditioning systems, including, but not limited to, equipment sizing analysis and duct testing;
- Shading devices, sunscreening materials, and overhangs; and
- Weatherstripping, caulking, and sealing of exterior openings and penetrations.

### **Pool Pump Motors**

**Section 23** amends s. 553.909(4), F.S., to increase, from 120 minutes to 24 hours, the temporary period that a pool pump motor’s default circulation speed is permitted to be on high speed override.

### **Building Code Education for Construction Professionals**

**Section 24** amends s. 627.711(2)(d), F.S., relating to the authority of a professional engineer licensed under s. 471.015, F.S., to provide an insurer with a verified uniform mitigation inspection form, to delete the reference to the engineer’s passing of an equivalency test related to the code education program as a qualification for an engineer’s certification of mitigation work for the purpose of obtaining a discount on homeowner’s insurance premium.

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<sup>59</sup> See s. 553.885, F.S., which currently exempts hospitals, inpatient hospice facilities, or nursing home facilities licensed by the Agency for Health Care Administration. The bill does not affect this exemption.

## State Fire Marshal – Florida Fire Prevention Code

**Section 25** creates s. 633.0215(13), F.S., to require that the State Fire Marshal issue an expedited declaratory statement relating to interpretations of the Florida Fire Prevention Code according to the following guidelines:

- The declaratory statement:
  - Shall be rendered in accordance with s. 120.565, F.S., except that the State Fire Marshal must issue a final decision within 45 days after the division receives a petition seeking an expedited declaratory statement rather than the 90 days required under s. 120.565, F.S.
  - The State Fire Marshal shall give notice of the petition and the expedited declaratory statement or the denial of the petition in the next available issue of the Florida Administrative Weekly after the petition is filed and after the statement or denial is rendered.
- The petitioner must be the owner of the disputed project or the owner's representative.
- The petition for an expedited declaratory statement must be:
  - Related to an active project that is under construction or must have been submitted for a permit
  - The subject of a written notice citing a specific provision of the Florida Fire Prevention Code which is in dispute; and
  - Limited to a single question that is capable of being answered with a “yes” or “no” response.

The bill also provides that a petition for an expedited declaratory statement that does not meet all the established guidelines must be denied without prejudice. The bill provides that s. 633.0215(13), F.S., does not affect the right of a petition as a substantially affected person to seek a declaratory statement under s. 633. 01(6), F.S.

**Section 26** amends s. 633.026, F.S., to provide a process for nonbinding interpretations of the Florida Fire Prevention Code.

The bill amends s. 633.026(1), F.S., to create new subsection (1) and deleting the requirement that the Division of the State Fire Marshal immediately implement the informal process rendering nonbinding interpretations of the Florida Fire Prevention Code that is provided in this section. The bill requires the Division of the State Fire Marshal to establish a Fire Code Interpretation Committee to which a party can pose questions regarding interpretations of the Florida Fire Prevention Code. The bill deletes the requirement that the Division of the State Fire Marshal create a small group of individuals certified under s. 633.081(2), F.S.,<sup>60</sup> to make those non-binding interpretations. The Fire Code Interpretation Committee would be composed of

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<sup>60</sup> Section 633.081(2), F.S., specifies the training requirements for a certified firesafety inspector. The certification requirement is maintained in the new provision.

seven persons and seven alternates, equally representing each area of the state. The bill does not specify the seven areas of the state that must be represented on the committee.

Section 633.026(2), F.S., requires that each member and alternate member of the Fire Code Interpretation Committee must be approved by the State Fire Marshal and must have been a certified firesafety inspector under s. 633.081(2), F.S., for at least 5 years and have met those qualifications for at least 30 days before serving as a member or an alternate member.

The bill creates s. 633.026(3), F.S., to require that nonbinding interpretations of the Florida Fire Prevention Code must be issued by the Fire Code Interpretation Committee within 10 business days after receipt of a request for an interpretation and that the interpretation must be published on the website of the Division of the State Fire Marshal. The 10-day response period may be waived, but only with the written consent of the party requesting the interpretation and the Division of the State Fire Marshal.

Section 633.026(4), F.S., requires the Division of State Fire Marshal to charge a fee for nonbinding interpretations. The fee may not exceed \$150 per request and may authorize that fees be paid directly to the nonprofit organization under contract with the Division of State Fire Marshal pursuant to s. 633.026(1), F.S., which permits the Division of State Fire Marshal to contract with a nonprofit organization with experience in interpreting the Florida Fire Prevention Code to make non-binding interpretations of the Florida Fire Prevention Code.

Section 633.026(5), F.S., provides that, if the party requesting the non-binding interpretation disagrees with the interpretation issued by the Fire Code Interpretation Committee, the party may apply for a formal interpretation from the State Fire Marshal pursuant to s. 633.01(6), F.S.

Section 633.026(6), F.S., specifies the information that must be provided on the petition for a non-binding interpretation of the Florida Fire Prevention code. It requires that the petition form must be adopted by rule and published on the website of the State Fire Marshal.

Section 633.026(7), F.S., requires the Division of the State Fire Marshal to immediately provide copies of the petition for a nonbinding interpretation of the Florida Fire Prevention Code that meets the requirements of Section 633.026(6), F.S., to the Fire Code Interpretation Committee. The division must also publish the petition and any response submitted by local fire officials on the division's website.

Section 633.026(8), F.S., also requires that the Fire Code Interpretation Committee issue its interpretation within 10 business days after the petition is filed. The committee must issue an interpretation based upon the Florida Fire Prevention Code. If the code is ambiguous, the committee may base its interpretation on the intent of the code. The committee's interpretation must be provided to the petitioner and must include a notice that, if the petitioner disagrees with the interpretation, the petitioner may file a request for formal interpretation by the State Fire Marshal under s. 633.01(6). This section also requires that the committee's interpretation must be provided to the State Fire Marshal, and requires the division to publish the interpretation on the State Fire Marshal's website and in the Florida Administrative Weekly.

**Section 27** amends s. 633.081(1), F.S., to clarify that the State Fire Marshal and her or his agents have the right to enter any building or structures if he or she has reasonable cause to believe that



a violation of the firesafety code exists. Current law references the Department of Financial Services.

The bill creates s. 633.081(7), F.S., to provide that the State Fire Marshal and the Florida Building Code Administrators and Inspectors Board must enter into a reciprocity agreement to implement joint recognition of continuing education recertification hours for building code inspectors, plan examiners, or administrators certified under s. 468.609, F.S., and firesafety inspectors certified under s. 633.081(2), F.S.

The bill creates s. 633.081(8), F.S., to require the State Fire Marshall to develop by rule an advanced training and certification program for firesafety inspectors with fire code management responsibilities. It provides that the program must be consistent with NFPA 1037<sup>61</sup> or similar firesafety standards adopted by the Division of the State Fire Marshal, and establish minimum training, education and experience responsibilities for firesafety inspectors having fire code management responsibilities.

**Section 28** amends s. 633.352, F.S., to provide that regardless of the firefighter's employment status, state-certified firefighters who are certified and employed as full-time firesafety inspectors or firesafety instructors, are exempt from reexamination requirements that require firefighters who are inactive for a period of 3 years to retake the practical portion of the minimum standards state examination.

The bill also corrects a cross-reference to rule 69A-37.056(6)(b), F.A.C., which sets forth the requirement that firefighter certification applicants must pass separate written and practical examinations with a minimum score of 70 percent on both the written and practical examinations to receive a certificate of compliance.

**Section 29** amends s. 633.521(2)(e), F.S., to provide certification requirements for applicants as a contractor. It requires applicants who pass the examination but do not meet the remaining requirements within 1 year after the application date, to reapply, pay application and examination fees, successfully complete the prescribed training, and retake and pass the written examination.

The bill amends ss. 633.521(3)(a),(b), and (d), F.S., to clarify that an applicant for licensure as a Contractor I, Contractor II, or Contractor III, respectively, must have experience at the level for which they are seeking licensure. For example, current law permits a person 18 years of age with good moral character and 4 years experience in the employ of a Contractor I, Contractor II, or Contractor III to apply for licensure as either a Contractor I, Contractor II, or Contractor III. Under current law, a person with employment experience with a Contractor III can use that experience to qualify for licensure as a Contractor I or Contractor II.

Under the bill, a person seeking licensure as a Contractor I must have experience in the employ of a Contractor I, a Contractor II applicant's experience must be in the employ of a Contractor I

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<sup>61</sup> The NFPA 1037, is the National Fire Protection Association's standard for professional qualifications for fire marshal. Section 633.0215(2), F.S., requires the State Fire Marshal to adopt the National Fire Protection Association's Standard 1, and prohibits the Fire Prevention Code from adopting a building, mechanical, or plumbing code.

or Contractor II, and a Contractor III applicant's experience must be in the employ of a Contractor I or Contractor II.

The bill also amends ss. 633.521(3)(a),(b), and (d), F.S., to provide that an applicant for licensure as a Contractor I, Contractor II, or Contractor III, respectively, can, as an alternative to the work experience with a Contractor I, II, or II, have a combination of equivalent education and experience in water-based suppression systems.

The bill creates s. 633.521(3)(c), F.S., to provide that the education and experience requirements for certification as a Contractor I, Contractor II, Contractor III, or Contractor IV must include training and experience in both installation and system layout as defined in s. 633.021, F.S.

The bill amends s. 633.521(3)(e), F.S., to permit a certified plumbing contractor<sup>62</sup> to qualify for a license as a Contractor IV by the successful completion of a 40 hour training program regarding the applicable installation standard used by a Contractor IV as described in NFPA 13D. It authorizes the State Fire Marshal to adopt rules to implement this subsection.

The bill amends s. 633.521(11), F.S., to permit the Division of State Fire Marshal to develop an alternative training program or a contractor certificateholder or a permitholder, who are individuals employed by a Contractor I or Contractor II certificateholder and who inspect water-based fire protection systems,<sup>63</sup> that is equivalent to the required National Institute for Certification in Engineering Technologies (NICET) subfield of Inspection and Testing of Fire Protection Systems Level II.

**Section 30** creates s. 633.524(3), F.S., to grant the Division of State Fire Marshal the authority to enter into a contract with qualified public entities or private companies to provide examination services for any examination administered under the jurisdiction of the State Fire Marshal. It authorizes the State Fire Marshal to direct payments from each applicant to the contracted entity or company.

**Section 31** amends s. 633.537, F.S., relating to continuing education requirements for permitholders, to add equivalent training and education programs adopted by the State Fire Marshal.

**Section 32** amends s. 633.72, F.S., to extend the term limitation for members of the Florida Fire Code Advisory Council from one term to two consecutive terms.

**Section 33** repeals s. 718.113(6), F.S., relating to the requirement that condominium buildings greater than three stories in height must be inspected at least every 5 years.

**Section 34** directs the commission to revise the Florida Building Code for consistency with the revisions made to s. 399.02, F.S., by this act.

**Section 35** provides that, except as otherwise provided, the act shall take effect July 1, 2010.

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<sup>62</sup> Certified Plumbing contractors, as defined in s. 489.105(3)(m), F.S., are regulated by the Construction Industry Licensing Board under ch. 489, F.S.

<sup>63</sup> See s. 633.521(8), F.S.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Members of the building industry may benefit from the product approval revisions because the bill provides that product approvals must take place within 10 days and that approved products must be immediately added to the list of state-approved products. This may result in more products being approved, making it easier for builders during the building and construction inspection process.

Effective July 1, 2011, home inspectors licensees under part XV, ch. 468, F.S., would have the following fee increases:

Fee	Increase
Initial Application and Examination Fee	From \$125 to \$250
Initial License Fee	From \$200 to \$400
Certificate of Authorization Fee	From \$125 to \$250
Biennial Renewal Fee	From \$200 to \$400
Licensure by Endorsement Fee	From \$200 to \$400
Application for Inactive Status/Reactivation Fee	From \$200 to \$400
Continuing Education Application Fee	No increase

The bill repeals the alternate emergency generated power requirement for elevators in high-rise residential dwelling in s. 553.509, F.S. The repeal of this provision may save the owners of such buildings the costs of compliance with the requirement. It is estimated by industry representatives that to engineer and install the appropriate generator wiring, coupling, and transfer switch would cost approximately \$4,000 to \$6,000 per location.

Options to power an elevator by portable generator include purchase and guarantee services contracts in which a second party provides the generator, maintenance, and servicing for a fee. Costs for purchasing a generator are dependent on each individual application. As an approximate general rule, standby generators cost \$300 to \$500 per kilo-watt. Thus, a 20 KW standby generator would cost between \$6,000 and \$10,000. A 100 KW generator would cost between \$30,000 and \$50,000. The cost of a guaranteed services contract would be subject to many variables and is unknown. However, it is likely to be considerably less than the cost of a purchased generator.

Architects, interior designers, and landscape architects would have reduced education costs due to the repeals of ss. 481.215(5) and 481.313(5), F.S., to delete the requirements that architects and interior designers, and landscape architects, respectively, complete advanced courses approved by the Florida Building Commission on any portion of the Florida Building Code relating to the licensee's respective area of practice.

Condominium associations may have a cost savings from the repeal of s. 718.113(6), F.S., relating to the requirement that condominium buildings greater than three stories in height must have been inspected at least every 5 years.

The bill creates s. 339.15(7), F.S., to provide for master key lock boxes, as selected by the State Fire Marshal, as an alternative method of providing regional emergency elevator access. According to the State Fire Marshal, many municipalities have local ordinances for the installation of lock boxes. The bill may require the replacement of all existing boxes unless they are of the same type selected by the State Fire Marshal. According to the State Fire Marshal, there is a wide selection of lock box designs and types on the market, and the prices vary from a basic \$40 for a lock box to several hundred for lock boxes that are electronically connected to fire alarm systems.

#### C. Government Sector Impact:

The fiscal impact of this bill on state and local government is indeterminate at this time, but the Florida Building Commission estimates the impact to be minimal.

According to the Department of Business and Professional Regulation, home inspector fee increases will likely have a positive fiscal impact on the department. The department estimates a net revenue after expenditures of \$559,900. However, the department advises that it has not determined the specific fee requirements and thus cannot determine the revenue impact of the bill.

The department also believes that continuing education reciprocity between the Division of the State Fire Marshall and the Building Code Administrators and Inspectors Board, as provided in s. 633.081(7), F.S., may have a fiscal impact upon the department, but that any such impact is indeterminate at this time.

**VI. Technical Deficiencies:**

The term “court” on line 1508 should read “course.” This technical deficiency is corrected in Amendment 914462 by the Regulated Industries Committee.

**VII. Related Issues:**

Section 1 of the bill amends s. 399.02(6), F.S., to provide that the department may not impose updates to the Florida Building Code requiring modifications of elevator safety code provisions ANSI/ASME A.17.1 and A17.3, relating to heat sensors and electronic controls on existing elevators in condominiums until such time as the elevator is replaced. A similar provision was provided in CS/CS/SB 2100 during the 2009 Regular Session to amend s. 399.02(6), F.S., to prohibit the bureau from enforcing any updates to the same ASME elevator safety code provisions referenced in the bill and to also limit the enforcement of elevator safety code modifications for heat sensors and electronic controls on existing elevators. The bill did not pass the Legislature. In the recent Regulated Industries Committee’s interim report on elevator safety and regulation,<sup>64</sup> the interim report noted that the terms “heat sensors and electronic controls” and the referenced ASME provisions did not reflect or use terminology used in the codes. As noted in the interim report, according to the Bureau of Elevator Safety, it is not clear how the bureau would have applied the provision had it been enacted. This issue is resolved by Amendment 914462 by the Regulated Industries Committee.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)
- B. **Amendments:**

**Barcode 914462 by Regulated Industries on February 2, 2010:**

This amendment deletes everything after the enacting clause and is identical to the bill except for the following provisions:

**Elevators**

It amends s. 339.02(6), F.S., to provide that the department may not enforce the Florida Building Code, Elevator Safety Code, and ANSI/ASME A17.1 and A17.3, or updates to those codes that require modifications for Phase II Firefighters Services controls on elevators issued a certificate of operation before July 1, 2009 until such time as the elevator is replaced. The amendment deletes the reference to modifications of heat sensors and electronic controls on existing elevators.

**Home Inspectors**

It amends the definition of “home inspection services” in s. 468.8311(4), F.S., to delete the term “one or more” to limit the definition to the inspection of the listed installed

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<sup>64</sup> *Supra* at n. 10.

systems and components of a home. The amendment does not include windows, doors, walls, floors, and ceilings in the list of installed systems and components of a home that was in the bill as filed.

It repeals s. 468.8312(4), F.S., which sets a maximum \$125 certificate of authorization fee for home inspector certification. The amendment deletes the fee increases in the bill relating to home inspectors.

It amends s. 468.8313(1) and (2), F.S., to require an applicant for a license as a home inspector to apply for licensure after he or she has satisfied the examination requirements. It deletes the current requirement that the applicant apply to the department to take the licensure examination. It also amends s. 468.8313(6), F.S., to require that an applicant for a home inspector license submit a complete set of electronic fingerprints for a background check by the Florida Department of Law Enforcement with the expense to be paid by the applicant. It also amends s. 468.8313(7), F.S., to delete the cross-reference to ss. 120.536(1) and 120.54, F.S., in relation to the Department of Business and Professional Regulation's (department) rulemaking authority.

It amends s. 468.8318, F.S., to delete the requirement that corporations and partnerships must be issued a certificate of authorization by the department to offer home inspection services to the public if it satisfies all of the requirements in part XV, ch. 468, F.S.

It amends s. 468.8319(1)(f), F.S., to prohibit a home inspector licensee offering to perform a home inspection to perform repairs on a home for any additional fee that he or she has inspected. It deletes the condition that the performance of the inspection or offer occurs prior to closing and the condition of fee. It also amends s. 468.8319(1)(g), F.S., to prohibit a home inspector licensee from inspecting a property in which he or she has a financial interest for a fee. The amendment does not amend s. 468.8319, F.S., effective July 1, 2011, to provide that no "person" may perform home inspections without meeting the requirements of part XV of ch. 468, F.S., relating to home inspections. The amendment also does not delete the reference s. 468.8319, F.S., to a home inspector, a company that employs a home inspector, or a company that is controlled by a company that also has a financial interest in a company employing a home inspector.

It amends s. 8, ch. 207-235, L.O.F., s. 468.8319(a) and (b), F.S., to provide an effective date of July 1, 2011.

It creates s. 468.832(1)(j), F.S., to authorize the department to discipline a home inspector licensee for failing to meet any standard of practice adopted by department rule. It does not amend s. 468.832(2), F.S., effective July 1, 2011, to change the term "home inspector" to "licensee."

It amends s. 468.8324, F.S., to revise the requirements for home inspector's grandfather clause. To qualify to be licensed under the grandfather clause, it requires a person to submit an application to the department postmarked on or before March 1, 2011, which shows that the applicant has met the conditions specified in s. 468.8324(1), F.S. The conditions include at least 14 hours of verifiable education on home inspections and three

years of experience. To qualify for the grandfather exception, the amendment also provides that the applicant must not have had a home inspector license, or a license in a related field, revoked, suspended, or assessed a fine in excess of \$500 within 5 years of the application. A related field includes, but is not limited to, licensure in real estate, construction, mold remediation, mold assessment, or building code administration or inspection. The applicant must also submit to a criminal background check required under s. 468.8313, F.S., be of good moral character as defined in s. 468.8313, F.S., and have general liability insurance as required in 468.8322, F.S.

It does not amend s. 468.8324, F.S., to permit a person to qualify if they have received compensation as a home inspector for one year prior to July 1, 2011, or completed 50 home inspections for compensation prior to July 1, 2011, to become a licensed home inspector.

It creates s. 468.8325, F.S., to require the department to adopt rules to administer part XV, ch. 468, F.S.

### **Mold-Related Services**

It amends s. 468.8412, F.S., relating to the fees for a mold assessor or mold remediator license, to repeal the biennial fee that cannot exceed \$400 for a certificate of authorization.

It amends ss. 468.8413(1) and (2), F.S., to require an applicant for license as a mold assessor or mold remediator to apply for licensure after he or she has satisfied the examination requirements. It deletes the current requirement that the applicant apply to the department to take the licensure examination. It amends ss. 468.8413(2)(a) and (2)(b), relating to the license qualifications for a mold assessor or mold remediator, respectively, to require at least an associate of arts degree or equivalent degree and completion of at least 30 hours in the specified subject areas. It deletes the requirement in current law of a 2-year degree.

It creates s. 468.8414(3)(b), F.S., to require mold assessors or mold remediators to possess the liability insurance in s. 468.8421, F.S.

It amends s. 468.8418, F.S., to delete the requirement that corporations and partnerships must be issued a certificate of authorization by the department to offer mold assessment or mold remediation to the public if it satisfies all of the requirements in part XVI, ch. 468, F.S.

It amends s. 8, ch. 207-235, L.O.F., s. 468.8419(a) and (b), F.S., to provide an effective date of July 1, 2011.

It creates s. 468.8421(1)(j), F.S., to authorize the department to discipline a mold assessor or mold remediator licensee for failing to meet any standard of practice adopted by department rule.

It amends s. 468.8421, F.S., relating to the \$1,000,000 general liability insurance and error and omissions insurance coverage that a mold assessor must maintain, to provide that the insurance must cover preliminary and post-mediation activities.

It amends s. 468.8423, F.S., to revise the requirements for mold assessors and mold remediators grandfather clause. To qualify to be licensed under the grandfather clause, it requires a person to submit an application to the department postmarked on or before March 1, 2011, which shows that the applicant has meet the conditions specified in s. 468.8423(1), F.S. The conditions include at least 60 hours of verifiable education for an assessor or 30 hours of education for a remediator. Both must have three years of experience as a mold assessor or mold remediator and provide 40 invoices for mold assessment or mold remediation. To qualify for the grandfather exception, the amendment also provides that the applicant must not have had a home inspector license, or a license in a related field, revoked, suspended, or assessed a fine in excess of \$500 within 5 years of the application. A related field includes, but in not limited to, licensure in real estate, construction, home inspection, building code administration or inspection, or indoor air quality. The applicant must also be of good moral character as defined in s. 468.8413, F.S., and have general liability insurance as required in 468.8421, F.S.

It creates s. 468.8424, F.S., to require the department to adopt rules to administer part XVI, ch. 468, F.S.

### **Building Code Education for Construction Professionals**

It does not repeal ss. 481.215(5), F.S., relating to architects and interior designers, and s. 481.313(5), F.S., relating to landscape architects, to delete the requirement to complete advanced courses approved by the Florida Building Commission on any portion of the Florida Building Code relating to the licensee's respective area of practice.

### **Building Code**

It deletes the amendment to s. 553.37(2)(e), F.S., that required all fees paid by product manufacturers to be used for the sole purpose of funding the state product approval system.

It amends s. 553.37(8), F.S., to provide that the department may in its rules that fees paid by product manufacturers to the administrator must be paid directly through the Building Code Information System. The amendment deletes the provision in the bill that the fees include charges incurred in plan review and inspection services and that the rule may provide for the administrator to disburse the funds as necessary.

It amends s. 553.512(1), F.S., to authorize the commission to establish a fee by rule for variances or waivers relating to the requirement of part II, ch. 553, F.S., which sets forth standards for accessibility by handicapped persons.



It adds a new subsection (5) to s. 553.73, F.S., to provide guidelines for administrative or technical amendments of the code by counties and municipalities relating to flood control.

Section 553.73(7), F.S., as amended by the amendment, deletes the requirement that the model codes that form the basis of the Florida Building Code must have been available to the public for at least 6 months before they are selected by the commission for updating the code.

The bill creates s. 553.73(15), F.S., to provide that the agencies with the authority to enforce the code may not require that mechanical equipment on the surface of a roof be installed in compliance with the requirements of the code until the reroofing of the structure or the mechanical equipment is replaced. The amendment to this provision is broader than in the bill because it references mechanical equipment instead of air conditioning systems, it is not limited to equipment installed before July 1, 2010, and references general code requirements instead of the specific code requirement that mechanical equipment must be raised 18 inches up from the surfaces on which they are installed.

It adds subsection (5) to s. 553.74(5), F.S., to provide for permissible conflicts of interest by members of advisory committees or workgroups of the commission.

It amends s. 553.775(2), F.S., to correct a cross-reference to s. 553.73(11)(c), F.S. It also amends s. 553.775(4), F.S., to include requests for declaratory statements.

It amends s. 553.80(3), F.S., to provide that the exemptions in this subsection do not apply to single-family residences that are located in mapped floor hazard spaces.

### **Product Evaluation and Approval**

It amends s. 553.842(1), F.S., to provide that the fee paid by product manufacturers shall be used only for funding the state product approval system.

It amends s. 553.842(1)(f), F.S., relating to long-term product approvals, to provide that the commission may allow by rule editorial revisions to the approvals and charge a fee.

### **Thermal Efficiency Standards**

It amends s. 553.9061(2), F.S., to expand the list of energy efficiency options and elements that are available to meet thermal efficiency standards, to also add energy-efficient centralized computer data centers in office buildings.

It amends s. 553.909(3), F.S., which requires commercial or residential swimming pool pumps or water heaters sold after July 1, 2011, to comply with the requirements of this subsection, to delete the reference to “pumps” and to apply the requirement to water pumps manufactured after July 1, 2011, instead of sold after that date.

It amends s. 553.909(4), F.S., to require residential swimming pool pumps and pump motors manufactured on or after July 1, 2011, to comply with the requirements in this subsection. It also amends s. 553.909(4), F.S., to clarify that the pool pump motors referenced in this subsection are residential pool pump motors.

It amends s. 553.912, F.S., to require that all replacement air-conditioning systems shall be installed using energy-saving quality installation procedures.

### **State Fire Marshal – Florida Fire Prevention Code**

It amends s. 633.021(7), F.S., to define the terms “Fire Equipment dealer Class A,” “Fire Equipment dealer Class B,” “Fire Equipment dealer Class C,” and “Fire Equipment dealer Class D.” It also amends s. 633.021(21), F.S., which provides, in pertinent part, that a “preengineered system” must be installed and configured by applicable National Fire Protection Association (NFPA) standards, to provide that only those chapters within the NFPA standards which pertain to servicing, recharging, repairing, installing, hydrotesting, or inspecting any type of preengineered fire extinguishing system will be used.

It also amends s. 633.021(21), F.S., (flush left provisions) to provide that preengineered systems consist of and include all of the components and parts providing fire suppression protection, but do not include the equipment being protected by that system.

The amendment creates subsection (13) of s. 633.0215, F.S., to exempt condominiums that are one or two stories in height and have an exterior means of egress corridor from the requirement to install a manual fire alarm system as required in s. 9.6 of the most recent edition of the Life Safety Code adopted in the Florida Fire Prevention Code. This provision should read subsection (14) of s. 633.0125, F.S., because the amendment incorrectly provides two subsections (13).

It amends s. 633.0245, F.S., to correct cross-references to s. 633.021(10), F.S.

It amends s. 633.061(2), F.S., to permit licensed fire equipment dealers to maintain their license in inactive status for two-year periods with the payment of a \$75 fee for each biennial period, and satisfaction of continuing education requirements during each biennial period. It also amends s. 633.061(4)(c)4., F.S., to require applicants for any fire equipment dealer class to provide proof of experience.