



Insurance, Business & Financial Affairs Policy Committee

**Wednesday, March 3, 2010
2:00 PM
212 Knott Bldg.**

COMMITTEE ACTION PACKET

COMMITTEE MEETING REPORT
Insurance, Business & Financial Affairs Policy Committee

3/3/2010 2:00:00PM

Location: Webster Hall (212 Knott)

Summary:

Insurance, Business & Financial Affairs Policy Committee

Wednesday March 03, 2010 02:00 pm

HB 303	Favorable With Committee Substitute	Yeas: 11	Nays: 1
HB 501	Favorable With Committee Substitute	Yeas: 12	Nays: 1
CS/HB 561	Favorable With Committee Substitute	Yeas: 11	Nays: 1
HB 663	Favorable With Committee Substitute	Yeas: 11	Nays: 1
HB 701	Favorable	Yeas: 12	Nays: 1
HB 707	Favorable	Yeas: 12	Nays: 0
HB 713	Favorable With Committee Substitute	Yeas: 12	Nays: 1

Committee meeting was reported out: Wednesday, March 03, 2010 6:03:24PM

COMMITTEE MEETING REPORT
Insurance, Business & Financial Affairs Policy Committee

3/3/2010 2:00:00PM

Location: Webster Hall (212 Knott)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Pat Patterson (Chair)	X		
Carl Domino	X		
Eric Eisnaugle	X		
Anitere Flores	X		
Tom Grady	X		
D. Alan Hays	X		
Evan Jenne	X		
Janet Long			X
Peter Nehr	X		
Bryan Nelson	X		
Kevin Rader	X		
Dwayne Taylor	X		
John Wood	X		
Ritch Workman	X		
Totals:	13	0	1

Committee meeting was reported out: Wednesday, March 03, 2010 6:03:24PM

COMMITTEE MEETING REPORT
Insurance, Business & Financial Affairs Policy Committee

3/3/2010 2:00:00PM

Location: Webster Hall (212 Knott)

HB 303 : Regulation of Real Estate Appraisers & Appraisal Management Companies

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Carl Domino				X	
Eric Eisnaugle	X				
Anitere Flores	X				
Tom Grady	X				
D. Alan Hays	X				
Evan Jenne	X				
Janet Long				X	
Peter Nehr	X				
Bryan Nelson	X				
Kevin Rader	X				
Dwayne Taylor		X			
John Wood	X				
Ritch Workman	X				
Pat Patterson (Chair)	X				
Total Yeas: 11 Total Nays: 1					

Appearances:

Brian Pitts, Chair - Information Only
 Justice-2-Jesus
 1119 Newton Avenue S.
 St. Petersburg FL 33705
 Phone: 727-897-9291

Adopted
3/3/10

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 303 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

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 WITHDRAWN (Y/N)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

1 Council/Committee hearing bill: Insurance, Business & Financial
 2 Affairs Policy Committee

3 Representative Hudson offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (1) of section 475.611, Florida
 8 Statutes, is amended to read:

9 475.611 Definitions.—

10 (1) As used in this part, the term:

11 (a) "Appraisal" or "appraisal services" means the services
 12 provided by certified or licensed appraisers or registered
 13 trainee appraisers, and includes:

14 1. "Appraisal assignment" denotes an engagement for which
 15 a person is employed or retained to act, or could be perceived
 16 by third parties or the public as acting, as an agent or a
 17 disinterested third party in rendering an unbiased analysis,
 18 opinion, review, or conclusion relating to the nature, quality,

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19 value, or utility of specified interests in, or aspects of,
20 identified real property.

21 2. "Analysis assignment" denotes appraisal services that
22 relate to the employer's or client's individual needs or
23 investment objectives and includes specialized marketing,
24 financing, and feasibility studies as well as analyses,
25 opinions, and conclusions given in connection with activities
26 such as real estate brokerage, mortgage banking, real estate
27 counseling, or real estate consulting.

28 3. "Appraisal review assignment" denotes an engagement for
29 which an appraiser is employed or retained to develop and
30 communicate an opinion about the quality of another appraiser's
31 appraisal, appraisal report, or work. An appraisal review may or
32 may not contain the reviewing appraiser's opinion of value.

33 (b) "Appraisal Foundation" or "foundation" means the
34 Appraisal Foundation established on November 20, 1987, as a not-
35 for-profit corporation under the laws of Illinois.

36 (c) "Appraisal management company" means a person who
37 performs appraisal management services.

38 (d) "Appraisal management services" means the coordination
39 or management of appraisal services for compensation by:

40 1. Employing, contracting with, or otherwise retaining one
41 or more appraisers to perform appraisal services for a client;
42 or

43 2. Acting as a broker or intermediary between a client and
44 one or more appraisers to facilitate the client's employing,
45 contracting with, or otherwise retaining the appraisers.

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46 (e)~~(e)~~ "Appraisal report" means any communication, written
47 or oral, of an appraisal, appraisal review, appraisal consulting
48 service, analysis, opinion, or conclusion relating to the
49 nature, quality, value, or utility of a specified interest in,
50 or aspect of, identified real property, and includes any report
51 communicating an appraisal analysis, opinion, or conclusion of
52 value, regardless of title. However, in order to be recognized
53 in a federally related transaction, an appraisal report must be
54 written.

55 (f)~~(d)~~ "Appraisal review" means the act or process of
56 developing and communicating an opinion about the quality of
57 another appraiser's appraisal, appraisal report, or work.

58 (g)~~(e)~~ "Appraisal subcommittee" means the designees of the
59 heads of the federal financial institutions regulatory agencies
60 established by the Federal Financial Institutions Examination
61 Council Act of 1978 (12 U.S.C. ss. 3301 et seq.), as amended.

62 (h)~~(f)~~ "Appraiser" means any person who is a registered
63 trainee real estate appraiser, a licensed real estate appraiser,
64 or a certified real estate appraiser. An appraiser renders a
65 professional service and is a professional within the meaning of
66 s. 95.11(4)(a).

67 (i) "Appraiser panel" means a group of appraisers selected
68 by an appraisal management company to perform appraisal services
69 for clients on behalf of the company.

70 (j)~~(g)~~ "Board" means the Florida Real Estate Appraisal
71 Board established under this section.

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72 | (k)~~(h)~~ "Certified general appraiser" means a person who is
73 | certified by the department as qualified to issue appraisal
74 | reports for any type of real property.

75 | (l)~~(i)~~ "Certified residential appraiser" means a person
76 | who is certified by the department as qualified to issue
77 | appraisal reports for residential real property of one to four
78 | residential units, without regard to transaction value or
79 | complexity, or real property as may be authorized by federal
80 | regulation.

81 | (m) "Client" means a person who contracts with an
82 | appraiser or appraisal management company for the performance of
83 | appraisal services.

84 | (n)~~(j)~~ "Department" means the Department of Business and
85 | Professional Regulation.

86 | (o)~~(k)~~ "Direct supervision" means the degree of
87 | supervision required of a supervisory appraiser overseeing the
88 | work of a registered trainee appraiser by which the supervisory
89 | appraiser has control over and detailed professional knowledge
90 | of the work being done. Direct supervision is achieved when a
91 | registered trainee appraiser has regular direction, guidance,
92 | and support from a supervisory appraiser who has the
93 | competencies as determined by rule of the board.

94 | (p)~~(l)~~ "Federally related transaction" means any real
95 | estate-related financial transaction which a federal financial
96 | institutions regulatory agency or the Resolution Trust
97 | Corporation engages in, contracts for, or regulates, and which
98 | requires the services of a state-licensed or state-certified
99 | appraiser.

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100 (q)~~(m)~~ "Licensed appraiser" means a person who is licensed
101 by the department as qualified to issue appraisal reports for
102 residential real property of one to four residential units or on
103 such real estate or real property as may be authorized by
104 federal regulation. After July 1, 2003, the department shall not
105 issue licenses for the category of licensed appraiser.

106 (r)~~(n)~~ "Registered trainee appraiser" means a person who
107 is registered with the department as qualified to perform
108 appraisal services only under the direct supervision of a
109 licensed or certified appraiser. A registered trainee appraiser
110 may accept appraisal assignments only from her or his primary or
111 secondary supervisory appraiser.

112 (s) "Signature" means personalized evidence indicating
113 authentication of work performed by an appraiser and the
114 acceptance of responsibility for the content of an appraisal,
115 appraisal review, or appraisal consulting service or conclusions
116 in an appraisal report.

117 (t)~~(o)~~ "Supervisory appraiser" means a licensed appraiser,
118 a certified residential appraiser, or a certified general
119 appraiser responsible for the direct supervision of one or more
120 registered trainee appraisers and fully responsible for
121 appraisals and appraisal reports prepared by those registered
122 trainee appraisers. The board, by rule, shall determine the
123 responsibilities of a supervisory appraiser, the geographic
124 proximity required, the minimum qualifications and standards
125 required of a licensed or certified appraiser before she or he
126 may act in the capacity of a supervisory appraiser, and the

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127 maximum number of registered trainee appraisers to be supervised
128 by an individual supervisory appraiser.

129 ~~(u)(p)~~ "Training" means the process of providing for and
130 making available to a registered trainee appraiser, under direct
131 supervision, a planned, prepared, and coordinated program, or
132 routine of instruction and education, in appraisal professional
133 and technical appraisal skills as determined by rule of the
134 board.

135 ~~(v)(q)~~ "Uniform Standards of Professional Appraisal
136 Practice" means the most recent standards approved and adopted
137 by the Appraisal Standards Board of the Appraisal Foundation.

138 ~~(w)(r)~~ "Valuation services" means services pertaining to
139 aspects of property value and includes such services performed
140 by certified appraisers, registered trainee appraisers, and
141 others.

142 ~~(x)(s)~~ "Work file" means the documentation necessary to
143 support an appraiser's analysis, opinions, and conclusions.

144 Section 2. Section 475.614, Florida Statutes, is amended
145 to read:

146 475.614 Power of board to adopt rules and decide questions
147 of practice; requirements for protection of appraiser's
148 signature.—

149 (1) The board has authority to adopt rules pursuant to ss.
150 120.536(1) and 120.54 to implement provisions of law conferring
151 duties upon it. The board may decide questions of practice
152 arising in the proceedings before it, having regard to this
153 section and the rules then in force.

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154 (2) The board shall adopt rules specifying the means by
155 which an appraiser's signature may be affixed to an appraisal
156 report or other work performed by the appraiser. The rules shall
157 include requirements for protecting the security of an
158 appraiser's signature and prohibiting practices that may
159 discredit the use of an appraiser's signature to authenticate
160 the work performed by the appraiser.

161 Section 3. Subsection (1) of section 475.6147, Florida
162 Statutes, is amended to read:

163 475.6147 Fees.—

164 (1) (a) The board by rule may establish fees to be paid for
165 application, licensing and renewal, certification and
166 recertification, registration and reregistration, reinstatement,
167 and recordmaking and recordkeeping.

168 (b) The fee for initial application of an appraiser may
169 not exceed \$150, and the combined cost of the application and
170 examination may not exceed \$300. The initial certification,
171 registration, or license fee and the certification,
172 registration, or license renewal fee may not exceed \$150 for
173 each year of the duration of the certification, registration, or
174 license.

175 (c) The fee for initial application of an appraisal
176 management company may not exceed \$150. The initial registration
177 and registration renewal fee may not exceed \$150 for each year
178 of the duration of the registration.

179 (d) The board may also establish by rule a late renewal
180 penalty.

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181 (e) The board shall establish fees which are adequate to
182 ensure its continued operation. Fees shall be based on estimates
183 made by the department of the revenue required to implement this
184 part and other provisions of law relating to the regulation of
185 real estate appraisers.

186 Section 4. Section 475.6235, Florida Statutes, is created
187 to read:

188 475.6235 Registration of appraisal management companies
189 required.-

190 (1) A person may not engage in appraisal management
191 services for compensation in this state, advertise or represent
192 herself or himself as an appraisal management company, or use
193 the titles "appraisal management company," "appraiser
194 cooperative," "appraiser portal," or "mortgage technology
195 company," or any abbreviation or words to that effect, unless
196 the person is registered with the department as an appraisal
197 management company under this section. However, an employee of
198 an appraisal management company is not required to obtain a
199 separate registration.

200 (2) An application for registration must be submitted to
201 the department in the format prescribed by the department and
202 must include, at a minimum, the following:

203 (a) The firm or business name under which the appraisal
204 management company conducts business in this state. The
205 appraisal management company must notify the department of any
206 change in the firm or business name, on a form provided by the
207 department, within 10 days after such change.

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208 (b) The mailing address, street address, and telephone
209 number of the appraisal management company's principal business
210 location. The appraisal management company must notify the
211 department of any change in the mailing or street address, on a
212 form provided by the department, within 10 days after such
213 change.

214 (c) The appraisal management company's federal employer
215 identification number.

216 (d) The appraisal management company's type of business
217 organization, such as a corporation, partnership, limited
218 liability company, or sole proprietorship.

219 (e) A statement as to whether the appraisal management
220 company, if incorporated, is a domestic or foreign corporation,
221 the company's date of incorporation, the state in which the
222 company was incorporated, its charter number, and, if it is a
223 foreign corporation, the date that the company first registered
224 with the Department of State to conduct business in this state.

225 (f) The full name, street address, telephone number,
226 corporate title, and social security number or federal employer
227 identification number of any person who possesses the authority,
228 directly or indirectly, to direct the management or policies of
229 the appraisal management company, whether through ownership, by
230 contract, or otherwise, including, but not limited to:

231 1. Each officer and director if the appraisal management
232 company is a corporation.

233 2. Each general partner if the appraisal management
234 company is a partnership.

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235 3. Each manager or managing member if the appraisal
236 management company is a limited liability company.

237 4. The owner if the appraisal management company is a sole
238 proprietorship.

239 5. Each other person who, directly or indirectly, owns or
240 controls 10 percent or more of an ownership interest in the
241 appraisal management company.

242 (g) The firm or business name under which any person
243 listed in paragraph (f) conducted business as an appraisal
244 management company within the 5 years preceding the date of the
245 application.

246 (h) The appraisal management company's registered agent
247 for service of process in this state.

248 (3) Appropriate fees, as set forth in the rules of the
249 board pursuant to s. 475.6147, and a complete set of
250 fingerprints for each person listed in paragraph (2)(f) must
251 accompany all applications for registration. The fingerprints
252 shall be forwarded to the Division of Criminal Justice
253 Information Systems within the Department of Law Enforcement for
254 purposes of processing the fingerprints to determine whether the
255 person has a criminal history record. The fingerprints shall
256 also be forwarded to the Federal Bureau of Investigation for
257 purposes of processing the fingerprints to determine whether the
258 person has a criminal history record. The information obtained
259 by the processing of fingerprints by the Department of Law
260 Enforcement and the Federal Bureau of Investigation shall be
261 sent to the department for the purpose of determining whether

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262 the appraisal management company is statutorily qualified for
263 registration.

264 (4) At the time of filing an application for registration
265 of an appraisal management company, each person listed in
266 paragraph (2)(f) must sign a pledge to comply with the Uniform
267 Standards of Professional Appraisal Practice upon registration
268 and must indicate in writing that she or he understands the
269 types of misconduct for which disciplinary proceedings may be
270 initiated. The application shall expire 1 year after the date
271 received.

272 (5) Each person listed in paragraph (2)(f) must be
273 competent and qualified to engage in appraisal management
274 services with safety to the general public and those with whom
275 the person may undertake a relationship of trust and confidence.
276 If any person listed in paragraph (2)(f) has been denied
277 registration, licensure, or certification as an appraiser or has
278 been disbarred, or if the person's registration, license, or
279 certificate to practice or conduct any regulated profession,
280 business, or vocation has been revoked or suspended by this or
281 any other state, any nation, any possession or district of the
282 United States, or any court or lawful agency thereof because of
283 any conduct or practices that would have warranted a like result
284 under this part, or if the person has been guilty of conduct or
285 practices in this state or elsewhere that would have been
286 grounds for disciplining her or his registration, license, or
287 certification under this part had the person then been a
288 registered trainee appraiser or a licensed or certified
289 appraiser, the person shall be deemed not to be qualified

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290 unless, because of lapse of time and subsequent good conduct and
291 reputation, or other reason deemed sufficient, it appears to the
292 board that the interest of the public is not likely to be
293 endangered by the granting of registration.

294 (6) An applicant seeking to become registered under this
295 part as an appraisal management company may not be rejected
296 solely by virtue of membership or lack of membership of any
297 person listed in paragraph (2)(f) or any employee of the company
298 in any particular appraisal organization.

299 (7) An applicant for registration who is not a resident of
300 the state shall file an irrevocable consent that suits and
301 actions may be commenced against the appraisal management
302 company in any county of the state in which a plaintiff having a
303 cause of action or suit against the company resides and that
304 service of any process or pleading in suits or actions against
305 the company may be made by delivering the process or pleading to
306 the director of the Division of Real Estate by certified mail,
307 return receipt requested, and also to the appraisal management
308 company by registered mail addressed to the company's designated
309 principal business location or, if its principal business
310 location is located in this state, to the company's registered
311 agent. Service, when so made, must be taken and held in all
312 courts to be as valid and binding upon the appraisal management
313 company as if made upon the company in this state within the
314 jurisdiction of the court in which the suit or action is filed.
315 The irrevocable consent must be in a form prescribed by the
316 department and be acknowledged before a notary public.

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317 (8) The department shall renew the registration of an
318 appraisal management company upon receipt of the renewal
319 application and the proper fee. The department shall adopt rules
320 establishing a procedure for renewal of the registration of an
321 appraisal management company at least every 4 years.

322 Section 5. Section 475.624, Florida Statutes, is amended
323 to read:

324 475.624 Discipline.—

325 (1) The board may deny an application for registration or
326 certification of an appraiser or registration of an appraisal
327 management company; may investigate the actions of any appraiser
328 registered, licensed, or certified under this part or any
329 appraisal management company registered under this part; may
330 reprimand or impose an administrative fine not to exceed \$5,000
331 for each count or separate offense against any such appraiser or
332 appraisal management company; and may revoke or suspend, for a
333 period not to exceed 10 years, the registration, license, or
334 certification of any such appraiser or the registration of any
335 such appraisal management company, or place any such appraiser
336 or appraisal management company on probation, if the board ~~it~~
337 finds that the registered trainee, licensee, or
338 certificateholder or the appraisal management company or any
339 person listed in s. 475.6235(2)(f):

340 (a)~~(1)~~ Has violated any provisions of this part or s.
341 455.227(1); however, certificateholders, registrants, and
342 licensees, and registered appraisal management companies under
343 this part are exempt from the provisions of s. 455.227(1)(i).

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344 (b)-(2) Has been guilty of fraud, misrepresentation,
345 concealment, false promises, false pretenses, dishonest conduct,
346 culpable negligence, or breach of trust in any business
347 transaction in this state or any other state, nation, or
348 territory; has violated a duty imposed upon her or him by law or
349 by the terms of a contract, whether written, oral, express, or
350 implied, in an appraisal assignment; has aided, assisted, or
351 conspired with any other person engaged in any such misconduct
352 and in furtherance thereof; or has formed an intent, design, or
353 scheme to engage in such misconduct and committed an overt act
354 in furtherance of such intent, design, or scheme. It is
355 immaterial to the guilt of the registered trainee, licensee, ~~or~~
356 certificateholder, or appraisal management company that the
357 victim or intended victim of the misconduct has sustained no
358 damage or loss; that the damage or loss has been settled and
359 paid after discovery of the misconduct; or that such victim or
360 intended victim was a customer or a person in confidential
361 relation with the registered trainee, licensee, ~~or~~
362 certificateholder, or appraisal management company or was an
363 identified member of the general public.

364 (c)-(3) Has advertised services in a manner which is
365 fraudulent, false, deceptive, or misleading in form or content.

366 (d)-(4) Has violated any of the provisions of this part or
367 any lawful order or rule issued under the provisions of this
368 part or chapter 455.

369 (e)-(5) Has been convicted or found guilty of, or entered a
370 plea of nolo contendere to, regardless of adjudication, a crime
371 in any jurisdiction which directly relates to the activities of

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372 a registered trainee appraiser, ~~or~~ licensed or certified
373 appraiser, or appraisal management company or which involves
374 moral turpitude or fraudulent or dishonest conduct. The record
375 of a conviction certified or authenticated in such form as
376 admissible in evidence under the laws of the state shall be
377 admissible as prima facie evidence of such guilt.

378 ~~(f)(6)~~ Has had a registration, license, or certification
379 as an appraiser or a registration as an appraisal management
380 company revoked, suspended, or otherwise acted against, or has
381 been disbarred, or has had her or his registration, license, or
382 certificate to practice or conduct any regulated profession,
383 business, or vocation revoked or suspended by this or any other
384 state, any nation, or any possession or district of the United
385 States, or has had an application for such registration,
386 licensure, or certification to practice or conduct any regulated
387 profession, business, or vocation denied by this or any other
388 state, any nation, or any possession or district of the United
389 States.

390 ~~(g)(7)~~ Has become temporarily incapacitated from acting as
391 an appraiser or appraisal management company with safety to
392 those in a fiduciary relationship with her or him because of
393 drunkenness, use of drugs, or temporary mental derangement;
394 however, suspension of a license, certification, or registration
395 in such cases shall only be for the period of such incapacity.

396 ~~(h)(8)~~ Is confined in any county jail, postadjudication;
397 is confined in any state or federal prison or mental
398 institution; or, through mental disease or deterioration, can no

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399 longer safely be entrusted to deal with the public or in a
400 confidential capacity.

401 (i)~~(9)~~ Has failed to inform the board in writing within 30
402 days after pleading guilty or nolo contendere to, or being
403 convicted or found guilty of, any felony.

404 (j)~~(10)~~ Has been found guilty, for a second time, of any
405 misconduct that warrants disciplinary action, or has been found
406 guilty of a course of conduct or practice which shows that she
407 or he is incompetent, negligent, dishonest, or untruthful to an
408 extent that those with whom she or he may sustain a confidential
409 relationship may not safely do so.

410 (k)~~(11)~~ Has made or filed a report or record, either
411 written or oral, which the registered trainee, licensee, ~~or~~
412 certificateholder, or appraisal management company knows to be
413 false; has willfully failed to file a report or record required
414 by state or federal law; or has willfully impeded or obstructed
415 such filing, or has induced another person to impede or obstruct
416 such filing. However, such reports or records shall include only
417 those which are signed or presented in the capacity of a
418 registered trainee appraiser, ~~or~~ licensed or certified
419 appraiser, or appraisal management company.

420 (l)~~(12)~~ Has obtained or attempted to obtain a
421 registration, license, or certification by means of knowingly
422 making a false statement, submitting false information, refusing
423 to provide complete information in response to an application
424 question, or engaging in fraud, misrepresentation, or
425 concealment.

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426 (m)~~(13)~~ Has paid money or other valuable consideration,
427 except as required by this section, to any member or employee of
428 the board to obtain a registration, license, or certification
429 under this section.

430 (n)~~(14)~~ Has violated any standard for the development or
431 communication of a real estate appraisal or other provision of
432 the Uniform Standards of Professional Appraisal Practice.

433 (o)~~(15)~~ Has failed or refused to exercise reasonable
434 diligence in developing an appraisal or preparing an appraisal
435 report.

436 (p)~~(16)~~ Has failed to communicate an appraisal without
437 good cause.

438 (q)~~(17)~~ Has accepted an appraisal assignment if the
439 employment itself is contingent upon the appraiser or appraisal
440 management company reporting a predetermined result, analysis,
441 or opinion, or if the fee to be paid for the performance of the
442 appraisal assignment is contingent upon the opinion, conclusion,
443 or valuation reached upon the consequences resulting from the
444 appraisal assignment.

445 (r)~~(18)~~ Has failed to timely notify the department of any
446 change in business location, or has failed to fully disclose all
447 business locations from which she or he operates as a registered
448 trainee real estate appraiser or licensed or certified real
449 estate appraiser.

450 (s) Has failed to timely notify the department of any
451 change in principal business location as an appraisal management
452 company.

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453 (t) Has influenced or attempted to influence the
454 development, reporting, or review of an appraisal through
455 coercion, extortion, collusion, compensation, inducement,
456 intimidation, bribery, or any other means, including, but not
457 limited to:

458 1. Withholding or threatening to withhold timely payment
459 for an appraisal.

460 2. Withholding or threatening to withhold future business
461 from an appraiser.

462 3. Promising future business, promotions, or increased
463 compensation for an appraiser, whether the promise is express or
464 implied.

465 4. Conditioning a request for appraisal services or the
466 payment of an appraisal fee, salary, or bonus upon the opinion,
467 conclusion, or valuation to be reached or upon a preliminary
468 estimate or opinion requested from an appraiser.

469 5. Requesting that an appraiser provide an estimated,
470 predetermined, or desired valuation in an appraisal report or
471 provide estimated values or comparable sales at any time before
472 the appraiser's completion of appraisal services.

473 6. Providing to an appraiser an anticipated, estimated,
474 encouraged, or desired value for a subject property or a
475 proposed or target amount to be loaned to the borrower, except
476 that a copy of the sales contract for purchase transactions may
477 be provided.

478 7. Providing to an appraiser, or any person related to the
479 appraiser, stock or other financial or nonfinancial benefits.

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480 8. Allowing the removal of an appraiser from an appraiser
481 panel without prior written notice to the appraiser.

482 9. Obtaining, using, or paying for a second or subsequent
483 appraisal or ordering an automated valuation model in connection
484 with a mortgage financing transaction unless there is a
485 reasonable basis to believe that the initial appraisal was
486 flawed or tainted and such basis is clearly and appropriately
487 noted in the loan file, or unless such appraisal or automated
488 valuation model is issued pursuant to a bona fide prefunding or
489 postfunding appraisal review or quality control process.

490 10. Any other act or practice that impairs or attempts to
491 impair an appraiser's independence, objectivity, or
492 impartiality.

493 (u) Has altered, modified, or otherwise changed a
494 completed appraisal report submitted by an appraiser to an
495 appraisal management company.

496 (v) Has employed, contracted with, or otherwise retained
497 an appraiser whose registration, license, or certification is
498 suspended or revoked to perform appraisal services or appraisal
499 management services.

500 (2) The board may reprimand an appraisal management
501 company, conditionally or unconditionally suspend or revoke any
502 registration of an appraisal management company issued under
503 this part, or impose administrative fines not to exceed \$5,000
504 for each count or separate offense against any such appraisal
505 management company if the board determines that the appraisal
506 management company is attempting to perform, has performed, or
507 has attempted to perform any of the following acts:

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508 (a) Committing any act in violation of this part.

509 (b) Violating any rule adopted by the board under this
510 part.

511 (c) Obtaining a registration of an appraisal management
512 company by fraud, misrepresentation, or deceit.

513 (3) This section does not prohibit an appraisal management
514 company from requesting that an appraiser:

515 (a) Provide additional information about the basis of a
516 valuation, including consideration of additional comparable
517 data; or

518 (b) Correct objective factual errors in an appraisal
519 report.

520 Section 6. Section 475.626, Florida Statutes, is amended
521 to read:

522 475.626 Violations and penalties.—

523 (1) A person may not: VIOLATIONS.—

524 (a) ~~No person shall~~ Operate or attempt to operate as a
525 registered trainee appraiser, ~~a~~ ~~or~~ licensed or certified
526 appraiser, or an appraisal management company without being the
527 holder of a valid and current registration, license, or
528 certification.

529 (b) ~~No person shall~~ Violate any lawful order or rule of
530 the board which is binding upon her or him.

531 (c) ~~No person shall~~ Commit any conduct or practice set
532 forth in s. 475.624(1) or (2).

533 (d) ~~No person shall~~ Make any false affidavit or
534 affirmation intended for use as evidence by or before the board
535 or any member thereof, or by any of its authorized

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536 representatives, nor may shall any person give false testimony
537 under oath or affirmation to or before the board or any member
538 thereof in any proceeding authorized by this section.

539 (e) ~~No person shall~~ Fail or refuse to appear at the time
540 and place designated in a subpoena issued with respect to a
541 violation of this section, unless such failure to appear is the
542 result of facts or circumstances that are sufficient to excuse
543 appearance in response to a subpoena from the circuit court; nor
544 may shall a person who is present before the board or a member
545 thereof or one of its authorized representatives acting under
546 authority of this section refuse to be sworn or to affirm or
547 fail or refuse to answer fully any question propounded by the
548 board, the member, or such representative, or by any person by
549 the authority of such officer or appointee.

550 (f) ~~No person shall~~ Obstruct or hinder in any manner the
551 enforcement of this section or the performance of any lawful
552 duty by any person acting under the authority of this section,
553 or interfere with, intimidate, or offer any bribe to any member
554 of the board or any of its employees or any person who is, or is
555 expected to be, a witness in any investigation or proceeding
556 relating to a violation of this section.

557 (g) ~~No person shall~~ Knowingly conceal any information
558 relating to violations of this section.

559 (2) A PENALTIES. ~~Any person who violates any provision of~~
560 ~~the provisions of~~ subsection (1) commits is guilty of a
561 misdemeanor of the second degree, punishable as provided in s.
562 775.082 or s. 775.083, except when a different punishment is
563 prescribed by this section. ~~Nothing in~~ This section does not

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564 ~~shall~~ prohibit the prosecution under any other criminal statute
565 of this state of any person for an act or conduct prohibited by
566 this section; however, in such cases, the state may prosecute
567 under this section or under such other statute, or may charge
568 both offenses in one prosecution, but the sentence imposed shall
569 not be a greater fine or longer sentence than that prescribed
570 for the offense which carries the more severe penalties. A civil
571 case, a criminal case, or a denial, revocation, or suspension
572 proceeding may arise out of the same alleged state of facts, and
573 the pendency or result of one such case or proceeding shall not
574 stay or control the result of either of the others.

575 Section 7. Section 475.629, Florida Statutes, is amended
576 to read:

577 475.629 Retention of records.—An appraiser registered,
578 licensed, or certified under this part or an appraisal
579 management company registered under this part shall retain, for
580 at least 5 years or the period specified in the Uniform
581 Standards of Professional Appraisal Practice, whichever is
582 greater, original or true copies of any contracts engaging the
583 appraiser's or appraisal management company's services,
584 appraisal reports, and supporting data assembled and formulated
585 by the appraiser or company in preparing appraisal reports or
586 engaging in appraisal management services. Except as otherwise
587 specified in the Uniform Standards of Professional Appraisal
588 Practice, the period for retention of the records applicable to
589 each engagement of the services of the appraiser or appraisal
590 management company runs from the date of the submission of the
591 appraisal report to the client. These records must be made

Amendment No.

592 available by the appraiser or appraisal management company for
593 inspection and copying by the department upon ~~en~~ reasonable
594 notice to the appraiser or company. However, the department may
595 not inspect or copy the records of an appraisal management
596 company except in connection with a pending investigation or
597 complaint. If an appraisal has been the subject of or has served
598 as evidence for litigation, reports and records must be retained
599 for at least 2 years after the trial or the period specified in
600 the Uniform Standards of Professional Appraisal Practice,
601 whichever is greater.

602 Section 8. This act shall take effect July 1, 2010.

603
604 -----
605 **T I T L E A M E N D M E N T**

606 Remove the entire title and insert:

607 A bill to be entitled

608 An act relating to regulation of real estate appraisers
609 and appraisal management companies; amending s. 475.611,
610 F.S.; providing definitions; amending s. 475.614, F.S.;
611 requiring the Florida Real Estate Appraisal Board to adopt
612 certain rules; amending s. 475.6147, F.S.; requiring
613 application, registration, and renewal fees for appraisal
614 management companies; creating s. 475.6235, F.S.;
615 requiring appraisal management companies to register with
616 the Department of Business and Professional Regulation;
617 specifying application requirements and procedures;
618 requiring the fingerprinting and criminal history records
619 checks of, and providing qualifications for, certain

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620 persons who control appraisal management companies;
621 requiring nonresident appraisal management companies to
622 consent to commencement of actions in this state;
623 requiring the department to adopt rules relating to the
624 renewal of registrations; amending s. 475.624, F.S.;
625 establishing additional acts for which appraisers are
626 subject to disciplinary action; providing for the
627 discipline of appraisal management companies by the board;
628 amending s. 475.626, F.S.; providing penalties; conforming
629 provisions to changes made by the act; amending s.
630 475.629, F.S.; revising requirements for the retention of
631 appraisal records; requiring appraisal management
632 companies to follow such requirements; providing an
633 effective date.

COMMITTEE MEETING REPORT
Insurance, Business & Financial Affairs Policy Committee

3/3/2010 2:00:00PM

Location: Webster Hall (212 Knott)

HB 501 : Administration of Life Insurance Contracts

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Carl Domino	X				
Eric Eisnaugle	X				
Anitere Flores		X			
Tom Grady	X				
D. Alan Hays	X				
Evan Jenne	X				
Janet Long				X	
Peter Nehr	X				
Bryan Nelson	X				
Kevin Rader	X				
Dwayne Taylor	X				
John Wood	X				
Ritch Workman	X				
Pat Patterson (Chair)	X				
Total Yeas: 12 Total Nays: 1					

Committee meeting was reported out: Wednesday, March 03, 2010 6:03:24PM

Adopted
3/3/10

COUNCIL/COMMITTEE AMENDMENT
Bill No. HB 501 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business & Financial
 2 Affairs Policy Committee
 3 Representative(s) Hukill offered the following:

Amendment (with title amendment)

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

Remove lines 2-3 and insert:

8
 9 An act relating to estates and trusts; amending s. 518.112,
 10 F.S.; providing additional

Adopted
3/3/10

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 501 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business & Financial
 2 Affairs Policy Committee
 3 Representative(s) Hukill offered the following:

Amendment

Remove lines 37-38 and insert:

7 5. A determination of whether the insurance contract was
 8 procured or effected in compliance with s. 627.404;

Adopted
3/3/10

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 501 (2010)

Amendment No. 3

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business & Financial
 2 Affairs Policy Committee
 3 Representative(s) Hukill offered the following:

Amendment

Remove lines 93-94 and insert:

7 (a) Determine whether the contract of life insurance is or
 8 was procured or effected in compliance with s. 627.404;

Adopted
3/3/10

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 501 (2010)

Amendment No. 4

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business & Financial
 2 Affairs Policy Committee
 3 Representative(s) Hukill offered the following:

Amendment

Remove lines 106-111 and insert:

7 (2) As used in this section, the term "qualified person"
 8 means a person, who is either insured or a proposed insured, or
 9 the spouse of that person, who has provided the trustee with the
 10 funds used to acquire or pay premiums with respect to a policy
 11 of insurance on the life of that person or the spouse of that
 12 person, or on the lives of that person and the spouse of that
 13 person.

Adopted
4/3/10

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 501 (2010)

Amendment No. 5

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business & Financial
 2 Affairs Policy Committee
 3 Representative(s) Hukill offered the following:

Amendment

6 Between lines 150 and 151, insert:

7 (7) Paragraph (1)(a) shall not apply if the trustee applied
 8 for or accepted ownership of a contract of life insurance and
 9 the trustee had knowledge that:

10
 11 (a) The benefits were not payable to a person specified in
 12 s. 627.404 when the contract of life insurance was issued; or

13
 14 (b) The contract of life insurance is or was purchased with
 15 resources or guarantees directly or indirectly provided by a
 16 person who, at the time of the inception of the contract of life
 17 insurance, did not have an insurable interest in the insured as
 18 defined by s. 627,404, and at the time of the inception of the
 19 contract of life insurance there is a verbal or written

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 501 (2010)

Amendment No. 5

20 | arrangement, agreement, or plan with a third party to transfer
21 | ownership of the policy or policy benefits in a manner that
22 | would be in violation of Florida law.

COMMITTEE MEETING REPORT
Insurance, Business & Financial Affairs Policy Committee

3/3/2010 2:00:00PM

Location: Webster Hall (212 Knott)

CS/HB 561 : Community Associations

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Carl Domino	X				
Eric Eisnaugle	X				
Anitere Flores	X				
Tom Grady	X				
D. Alan Hays				X	
Evan Jenne	X				
Janet Long				X	
Peter Nehr	X				
Bryan Nelson	X				
Kevin Rader	X				
Dwayne Taylor		X			
John Wood	X				
Ritch Workman	X				
Pat Patterson (Chair)	X				
Total Yeas: 11 Total Nays: 1					

Committee meeting was reported out: Wednesday, March 03, 2010 6:03:24PM

Adopted
3/3/10

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 561 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business & Financial
 2 Affairs Policy Committee
 3 Representative(s) Bogdanoff and Hudson offered the following:

Amendment (with title amendment)

Between lines 131 and 132, insert:

Section 1. Subsection (8) is added to section 399.02,
Florida Statutes, to read:

399.02 General requirements.—

(8) Updates to the code requiring modifications for Phase II Firefighters' Service on existing elevators, as amended into the Safety Code for Existing Elevators and Escalators, ASME A17.1 and A17.3, may not be enforced on elevators in condominiums or cooperatives issued a certificate of occupancy by the local building authority as of July 1, 2008, for 5 years or until the elevator is replaced or requires major modification, whichever occurs first. This exception does not apply to a building for which a certificate of occupancy was

Amendment No. 1

20 issued after July 1, 2008. This exception does not prevent an
21 elevator owner from requesting a variance from the applicable
22 codes before or after the expiration of the 5-year term. This
23 subsection does not prohibit the division from granting
24 variances pursuant to s. 120.542. The division shall adopt rules
25 to administer this subsection.
26
27
28

29 -----
30 **T I T L E A M E N D M E N T**

31 Remove line 2 and insert:

32 An act relating to community associations; exempting certain
33 elevators from specific code update requirements; providing a
34 phase-in period for such elevators; creating s.
35

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 561 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business & Financial
2 Affairs Policy Committee
3 Representative(s) Bogdanoff and Hudson offered the following:

4
5 **Amendment**
6 Remove line 156 and insert:
7 (13) A condominium or cooperative that is less than four
8 stores in

COMMITTEE MEETING REPORT
Insurance, Business & Financial Affairs Policy Committee

3/3/2010 2:00:00PM

Location: Webster Hall (212 Knott)

HB 663 : Building Safety

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Carl Domino				X	
Eric Eisnaugle	X				
Anitere Flores	X				
Tom Grady	X				
D. Alan Hays	X				
Evan Jenne	X				
Janet Long				X	
Peter Nehr	X				
Bryan Nelson	X				
Kevin Rader	X				
Dwayne Taylor		X			
John Wood	X				
Ritch Workman	X				
Pat Patterson (Chair)	X				
Total Yeas: 11		Total Nays: 1			

Appearances:

Brian Pitts, Chair - Information Only
 Justice-2-Jesus
 1119 Newton Avenue S.
 St. Petersburg FL 33705
 Phone: 727-897-9291

Adopted
3/3/10

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 663 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business & Financial
 2 Affairs Policy Committee
 3 Representative(s) Aubuchon offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (6) of section 399.02, Florida Statutes,
 8 is amended to read:

9 399.02 General requirements.-

10 (6) The department is empowered to carry out all of the
 11 provisions of this chapter relating to the inspection and
 12 regulation of elevators and to enforce the provisions of the
 13 Florida Building Code, except that provisions of and any updates
 14 to the code requiring modifications for Phase II Firefighters'
 15 Services controls on existing elevators, as amended into the
 16 Safety Code for Existing Elevators and Escalators, ANSI/ASME
 17 A17.1 and A17.3, may not be enforced on elevators issued a
 18 certificate of operation by the department before July 1, 2009,
 19 until the elevator is replaced. This exception does not apply to

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 663 (2010)

Amendment No.

20 any building for which a building permit was issued on or after
21 July 1, 2009.

22 Section 2. Present subsection (7) of section 399.15,
23 Florida Statutes, is redesignated as subsection (8), and a new
24 subsection (7) is added to that section, to read:

25 399.15 Regional emergency elevator access.—

26 (7) As an alternative to complying with the requirements
27 of subsection (1), each building in this state which is required
28 to meet the provisions of subsections (1) and (2) may instead
29 provide for the installation of a uniform lock box that contains
30 the keys to all elevators in the building allowing public
31 access, including service and freight elevators. The uniform
32 lock box must be keyed to allow all uniform lock boxes in each
33 of the seven state emergency response regions to operate in fire
34 emergency situations using one master key. The master key for
35 the uniform lock shall be issued only to the fire department.
36 The Division of State Fire Marshal of the Department of
37 Financial Services shall enforce this subsection. The Department
38 of Financial Services shall select the provider of the uniform
39 lock box to be installed in each building in which the
40 requirements of this subsection are implemented.

41 Section 3. Subsection (4) of section 468.8311, Florida
42 Statutes, is amended to read:

43 468.8311 Definitions.—As used in this part, the term:

44 (4) "Home inspection services" means a limited visual
45 examination of ~~one or more~~ of the following readily accessible
46 installed systems and components of a home: the structure,
47 electrical system, HVAC system, roof covering, plumbing system,

COUNCIL/COMMITTEE AMENDMENT

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48 interior components, exterior components, and site conditions
49 that affect the structure, for the purposes of providing a
50 written professional opinion of the condition of the home.

51 Section 4. Present subsections (5) through (8) of section
52 468.8312, Florida Statutes, are redesignated as subsections (4)
53 through (7), respectively, and subsection (4) of that section is
54 deleted, to read:

55 468.8312 Fees.—

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

58 (4)~~(5)~~ The biennial renewal fee shall not exceed \$200.

59 (5)~~(6)~~ The fee for licensure by endorsement shall not
60 exceed \$200.

61 (6)~~(7)~~ The fee for application for inactive status or for
62 reactivation of an inactive license shall not exceed \$200.

63 (7)~~(8)~~ The fee for applications from providers of
64 continuing education may not exceed \$500.

65 Section 5. Subsections (1) and (2) of section 468.8313,
66 Florida Statutes, are amended, present subsection (6) of that
67 section is redesignated as subsection (7), and a new subsection
68 (6) is added to that section, to read:

69 468.8313 Examinations.—

70 (1) A person desiring to be licensed as a home inspector
71 shall apply to the department after he or she satisfies the
72 examination requirements in this part ~~to take a licensure~~
73 ~~examination.~~

74 (2) An applicant ~~shall be entitled to take the licensure~~
75 ~~examination for the purpose of determining whether he or she is~~

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76 qualified to practice in this state as a home inspector if the
77 applicant has passed the required examination, is of good moral
78 character, and has completed a course of study of at least ~~no~~
79 ~~less than~~ 120 hours which ~~that~~ covers all of the following
80 components of a home: structure, electrical system, HVAC system,
81 roof covering, plumbing system, interior components, exterior
82 components, and site conditions that affect the structure.

83 (6) An applicant for a license shall submit, along with
84 the application, a complete set of electronic fingerprints in a
85 form and manner required by the department. The fingerprints
86 shall be submitted to the Department of Law Enforcement for
87 state processing. The Department of Law Enforcement shall
88 forward the fingerprints to the Federal Bureau of Investigation
89 for a level 2 background check pursuant to s. 435.04. The
90 department shall review the background results to determine if
91 an applicant meets the requirements for licensure. The applicant
92 is responsible for the cost associated with processing the
93 fingerprints. The authorized agencies or vendors shall collect
94 these fees and pay for the processing costs due to the
95 Department of Law Enforcement.

96 (7)-(6) The department may adopt rules ~~pursuant to ss.~~
97 ~~120.536(1) and 120.54~~ to implement ~~the provisions of this~~
98 section.

99 Section 6. Section 468.8318, Florida Statutes, is amended
100 to read:

101 468.8318 Certification of corporations and partnerships.—

102 ~~(1) The department shall issue a certificate of~~
103 ~~authorization to a corporation or partnership offering home~~

COUNCIL/COMMITTEE AMENDMENT

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104 ~~inspection services to the public if the corporation or~~
105 ~~partnership satisfies all of the requirements of this part.~~

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

126 (3) ~~For the purposes of this section, a certificate of~~
127 ~~authorization shall be required for a corporation, partnership,~~
128 ~~association, or person practicing under a fictitious name and~~
129 ~~offering home inspection services to the public; however, when~~
130 ~~an individual is practicing home inspection services in his or~~

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131 ~~her own given name, he or she shall not be required to register~~
132 ~~under this section.~~

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

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

142 Section 7. Section 468.8319, Florida Statutes, is amended
143 to read:

144 468.8319 Prohibitions; penalties.—

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

149 (a) Practice or offer to practice home inspection services
150 unless the person has complied with the provisions of this part;

151 (b) Use the name or title "certified home inspector,"
152 "registered home inspector," "licensed home inspector," "home
153 inspector," "professional home inspector," or any combination
154 thereof unless the person has complied with the provisions of
155 this part;

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

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

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

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

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

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

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

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

181 Section 8. Notwithstanding section 4 of chapter 2007-235,
182 Laws of Florida, paragraphs (a) and (b) of subsection (1) of
183 section 468.8319, Florida Statutes, shall take effect July 1,
184 2011.

185 Section 9. Subsection (1) of section 468.832, Florida
186 Statutes, is amended to read:

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187 468.832 Disciplinary proceedings.—

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

190 (a) Violation of any provision of this part or s.
191 455.227(1).†

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

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

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

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

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

212 (g) Engaging in fraud or deceit, or negligence,
213 incompetency, or misconduct, in the practice of home inspection
214 services.†

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

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

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

225 Section 10. Section 468.8324, Florida Statutes, is amended
226 to read:

227 468.8324 Grandfather clause.—A person who performs home
228 inspection services as defined in this part may qualify to be
229 licensed by the department as a home inspector if the person
230 submits an application to the department postmarked on or before
231 March 1, 2011, which shows that the applicant: ~~meets the~~
232 ~~licensure requirements of this part by July 1, 2010.~~

233 (1) (a) Has been certified as a home inspector by a state
234 or national association that required successful completion of a
235 proctored examination on home inspection, as defined in this
236 part, and has completed at least 14 hours of verifiable
237 education on home inspection; or

238 (b) Has at least 3 years of experience as a home inspector
239 at the time of application and has completed 14 hours of
240 verifiable education on home inspection. Applicants must provide
241 120 home inspection reports based on home inspections, as
242 defined in this part, to establish the required 3 years of

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243 experience. The department may conduct investigations regarding
244 the validity of home inspection reports submitted pursuant to
245 this section and may take disciplinary action pursuant to s.
246 468.832 for the filing of false reports; and

247 (2) (a) Has not within 5 years after the date of
248 application had a home inspector license, or a license in a
249 related field, revoked, suspended, or assessed a fine in excess
250 of \$500. For purposes of this part, a license in a related field
251 includes, but is not limited to, licensure in real estate,
252 construction, mold remediation, mold assessment, or building
253 code administration or inspection;

254 (b) Submits to and is not disqualified by the results of
255 the criminal background check required under s. 468.8313;

256 (c) Is of good moral character as defined in s. 468.8313;
257 and

258 (d) Has the general liability insurance required in s.
259 468.8322.

260 Section 11. Section 468.8325, Florida Statutes, is created
261 to read:

262 468.8325 Rulemaking.—The department shall adopt rules to
263 administer this part.

264 Section 12. Present subsections (7) through (10) of
265 section 468.8412, Florida Statutes, are redesignated as
266 subsections (6) through (9), respectively, and subsection (6) of
267 that section is deleted, to read:

268 468.8412 Fees.—

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

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271 ~~(6)(7)~~ The fee for licensure by endorsement shall not
272 exceed \$200.

273 ~~(7)(8)~~ The fee for application for inactive status shall
274 not exceed \$100.

275 ~~(8)(9)~~ The fee for reactivation of an inactive license
276 shall not exceed \$200.

277 ~~(9)(10)~~ The fee for applications from providers of
278 continuing education may not exceed \$500.

279 Section 13. Subsections (1) and (2) of section 468.8413,
280 Florida Statutes, are amended to read:

281 468.8413 Examinations.—

282 (1) A person desiring to be licensed as a mold assessor or
283 mold remediator shall apply to the department after he or she
284 satisfies the examination requirements in this part ~~to take a~~
285 ~~licensure examination.~~

286 (2) An applicant is qualified ~~shall be entitled to take~~
287 ~~the licensure examination~~ to practice in this state as a mold
288 assessor or mold remediator if the applicant has passed the
289 required examination, is of good moral character, and has
290 satisfied one of the following requirements:

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

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

301 (b)1. For a mold assessor, at least an associate of arts a
302 2-year degree or an equivalent degree and has completed at least
303 30 semester hours in microbiology, engineering, architecture,
304 industrial hygiene, occupational safety, or a related field of
305 science from an accredited institution and a minimum of 1 year
306 of documented field experience in conducting microbial sampling
307 or investigations; or

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

311 Section 14. Subsection (3) of section 468.8414, Florida
312 Statutes, is amended to read:

313 468.8414 Licensure.—

314 (3) The department shall certify as qualified for a
315 license by endorsement an applicant who:

316 (a) Is of good moral character;

317 (b) Possesses the liability insurance required in s.
318 468.8421; and:

319 (c) 1. (a) Is qualified to take the examination as set forth
320 in s. 468.8413 and has passed a certification examination
321 offered by a nationally recognized organization that certifies
322 persons in the specialty of mold assessment or mold remediation
323 that has been approved by the department as substantially
324 equivalent to the requirements of this part and s. 455.217; or

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

330 Section 15. Section 468.8418, Florida Statutes, is amended
331 to read:

332 468.8418 Certification of partnerships and corporations.—

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

338 ~~(2) The practice of or the offer to practice mold
339 assessment or mold remediation by licensees through a
340 corporation or partnership offering mold assessment or mold
341 remediation to the public, or by a corporation or partnership
342 offering such services to the public through licensees under
343 this part as agents, employees, officers, or partners, is
344 permitted subject to the provisions of this part, provided that
345 the corporation or partnership has been issued a certificate of
346 authorization by the department as provided in this section.~~

347 Nothing in this section shall be construed to allow a
348 corporation to hold a license to practice mold assessment or
349 mold remediation. No corporation or partnership shall be
350 relieved of responsibility for the conduct or acts of its
351 agents, employees, or officers by reason of its compliance with
352 this section, nor shall any individual practicing mold

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353 assessment or mold remediation be relieved of responsibility for
354 professional services performed by reason of his or her
355 employment or relationship with a corporation or partnership.

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

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

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

372 Section 16. Notwithstanding section 4 of chapter 2007-235,
373 Laws of Florida, paragraphs (a) and (b) of subsection (1) of
374 section 468.8419, Florida Statutes, shall take effect July 1,
375 2011.

376 Section 17. Subsection (1) of section 468.842, Florida
377 Statutes, is amended to read:

378 468.842 Disciplinary proceedings.—

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

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381 (a) Violation of any provision of this part or s.
382 455.227(1).~~†~~

383 (b) Attempting to procure a license to practice mold
384 assessment or mold remediation by bribery or fraudulent
385 misrepresentations.~~†~~

386 (c) Having a license to practice mold assessment or mold
387 remediation revoked, suspended, or otherwise acted against,
388 including the denial of licensure, by the licensing authority of
389 another state, territory, or country.~~†~~

390 (d) Being convicted or found guilty of, or entering a plea
391 of nolo contendere to, regardless of adjudication, a crime in
392 any jurisdiction that directly relates to the practice of mold
393 assessment or mold remediation or the ability to practice mold
394 assessment or mold remediation.~~†~~

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

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

404 (g) Engaging in fraud or deceit, or negligence,
405 incompetency, or misconduct, in the practice of mold assessment
406 or mold remediation.~~†~~

407 (h) Failing to perform any statutory or legal obligation
408 placed upon a licensed mold assessor or mold remediator;

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409 violating any provision of this chapter, a rule of the
410 department, or a lawful order of the department previously
411 entered in a disciplinary hearing; or failing to comply with a
412 lawfully issued subpoena of the department. ~~or~~

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

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

417 Section 18. Subsection (1) of section 468.8421, Florida
418 Statutes, is amended to read:

419 468.8421 Insurance.—

420 (1) A mold assessor shall maintain general liability and
421 errors and omissions insurance coverage in an amount of not less
422 than \$1,000,000. The insurance must cover preliminary and
423 postremediation activities.

424 Section 19. Section 468.8423, Florida Statutes, is amended
425 to read:

426 468.8423 Grandfather clause.—A person who performs mold
427 assessment or mold remediation as defined in this part may
428 qualify to be licensed by the department as a mold assessor or
429 mold remediator if the person submits an application to the
430 department postmarked on or before March 1, 2011, which shows
431 that the applicant:

432 (1) (a) Has been certified as a mold assessor or mold
433 remediator by a state or national association that required
434 successful completion of a proctored examination for
435 certification and has completed at least 60 hours of education
436 for an assessor and 30 hours of education for a remediator; or

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437 (b) Has at least 3 years of experience as a mold assessor
438 or mold remediator at the time of application. Applicants must
439 provide 40 invoices for mold assessments or mold remediations,
440 as defined by this part, to establish the required 3 years of
441 experience. The department may conduct investigations regarding
442 the validity of invoices for mold assessments or mold
443 remediations submitted pursuant to this section and may take
444 disciplinary action pursuant to s. 468.842 for submitting false
445 information; and

446 (2) (a) Has not, within 5 years after the date of
447 application, had a mold assessor or mold remediator, or a
448 license in a related field, revoked, suspended, or assessed a
449 fine in excess of \$500. For purposes of this part, a license in
450 a related field includes, but is not limited to, licensure in
451 real estate, construction, home inspection, building code
452 administration or inspection, or indoor air quality;

453 (b) Is of good moral character as defined in s. 468.8413;
454 and

455 (c) Has the general liability insurance required in s.
456 468.8421 meets the licensure requirements of this part by July
457 1, 2010.

458 Section 20. Section 468.8424, Florida Statutes, is created
459 to read:

460 468.8424 Rulemaking.—The department shall adopt rules to
461 administer this part.

462 Section 21. Subsection (22) of section 489.103, Florida
463 Statutes, is amended to read:

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

466 Section 22. Subsections (2), (8), and (9) of section
467 553.37, Florida Statutes, are amended, and subsection (12) is
468 added to that section, to read:

469 553.37 Rules; inspections; and insignia.—

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

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

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

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

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

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

488 (8) The department, by rule, shall establish a schedule of
489 fees to pay the cost of the administration and enforcement of
490 this part. The rule may provide for manufacturers to pay fees to

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491 the administrator directly via the Building Code Information
492 System.

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

500 (a) A state department having building construction
501 responsibilities;

502 (b) A local government;

503 (c) An approved inspection agency;

504 (d) An approved plan review agency; or

505 (e) An agency of another state.

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

510 Section 23. Section 553.375, Florida Statutes, is amended
511 to read:

512 553.375 Recertification of manufactured buildings.—Prior
513 to the relocation to a site that has a higher design wind speed,
514 modification, or change of occupancy of a manufactured building
515 within the state, the manufacturer, dealer, or owner thereof may
516 apply to the department for recertification of that manufactured
517 building. The department shall, by rule, provide what
518 information the applicant must submit for recertification and

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519 for plan review and inspection of such manufactured buildings
520 and shall establish fees for recertification. Upon a
521 determination by the department that the manufactured building
522 complies with the applicable building codes, the department
523 shall issue a recertification insignia. A manufactured building
524 that bears recertification insignia does not require any
525 additional approval by an enforcement jurisdiction in which the
526 building is sold or installed, and is considered to comply with
527 all applicable codes. As an alternative to recertification by
528 the department, the manufacturer, dealer, or owner of a
529 manufactured building may seek appropriate permitting and a
530 certificate of occupancy from the local jurisdiction in
531 accordance with procedures generally applicable under the
532 Florida Building Code.

533 Section 24. Section 553.509, Florida Statutes, is amended
534 to read:

535 553.509 Vertical accessibility.—

536 ~~(1)~~ Nothing in ss. 553.501-553.513 or the guidelines shall
537 be construed to relieve the owner of any building, structure, or
538 facility governed by those sections from the duty to provide
539 vertical accessibility to all levels above and below the
540 occupiable grade level, regardless of whether the guidelines
541 require an elevator to be installed in such building, structure,
542 or facility, except for:

543 (1)~~(a)~~ Elevator pits, elevator penthouses, mechanical
544 rooms, piping or equipment catwalks, and automobile lubrication
545 and maintenance pits and platforms;

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546 ~~(2)(b)~~ Unoccupiable spaces, such as rooms, enclosed
547 spaces, and storage spaces that are not designed for human
548 occupancy, for public accommodations, or for work areas; and

549 ~~(3)(e)~~ Occupiable spaces and rooms that are not open to
550 the public and that house no more than five persons, including,
551 but not limited to, equipment control rooms and projection
552 booths.

553 ~~(2)(a)~~ Any person, firm, or corporation that owns,
554 manages, or operates a residential multifamily dwelling,
555 including a condominium, that is at least 75 feet high and
556 contains a public elevator, as described in s. 399.035(2) and
557 ~~(3)~~ and rules adopted by the Florida Building Commission, shall
558 have at least one public elevator that is capable of operating
559 on an alternate power source for emergency purposes. Alternate
560 power shall be available for the purpose of allowing all
561 residents access for a specified number of hours each day over a
562 5-day period following a natural disaster, manmade disaster,
563 emergency, or other civil disturbance that disrupts the normal
564 supply of electricity. The alternate power source that controls
565 elevator operations must also be capable of powering any
566 connected fire alarm system in the building.

567 ~~(b)~~ At a minimum, the elevator must be appropriately
568 prewired and prepared to accept an alternate power source and
569 must have a connection on the line side of the main disconnect,
570 pursuant to National Electric Code Handbook, Article 700. In
571 addition to the required power source for the elevator and
572 connected fire alarm system in the building, the alternate power
573 supply must be sufficient to provide emergency lighting to the

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574 ~~interior lobbies, hallways, and other portions of the building~~
575 ~~used by the public. Residential multifamily dwellings must have~~
576 ~~an available generator and fuel source on the property or have~~
577 ~~proof of a current contract posted in the elevator machine room~~
578 ~~or other place conspicuous to the elevator inspector affirming a~~
579 ~~current guaranteed service contract for such equipment and fuel~~
580 ~~source to operate the elevator on an on-call basis within 24~~
581 ~~hours after a request. By December 31, 2006, any person, firm or~~
582 ~~corporation that owns, manages, or operates a residential~~
583 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
584 ~~the local building inspection agency verification of engineering~~
585 ~~plans for residential multifamily dwellings that provide for the~~
586 ~~capability to generate power by alternate means. Compliance with~~
587 ~~installation requirements and operational capability~~
588 ~~requirements must be verified by local building inspectors and~~
589 ~~reported to the county emergency management agency by December~~
590 ~~31, 2007.~~

591 ~~(c) Each newly constructed residential multifamily~~
592 ~~dwelling, including a condominium, that is at least 75 feet high~~
593 ~~and contains a public elevator, as described in s. 399.035(2)~~
594 ~~and (3) and rules adopted by the Florida Building Commission,~~
595 ~~must have at least one public elevator that is capable of~~
596 ~~operating on an alternate power source for the purpose of~~
597 ~~allowing all residents access for a specified number of hours~~
598 ~~each day over a 5-day period following a natural disaster,~~
599 ~~manmade disaster, emergency, or other civil disturbance that~~
600 ~~disrupts the normal supply of electricity. The alternate power~~
601 ~~source that controls elevator operations must be capable of~~

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602 ~~powering any connected fire alarm system in the building. In~~
603 ~~addition to the required power source for the elevator and~~
604 ~~connected fire alarm system, the alternate power supply must be~~
605 ~~sufficient to provide emergency lighting to the interior~~
606 ~~lobbies, hallways, and other portions of the building used by~~
607 ~~the public. Engineering plans and verification of operational~~
608 ~~capability must be provided by the local building inspector to~~
609 ~~the county emergency management agency before occupancy of the~~
610 ~~newly constructed building.~~

611 ~~(d) Each person, firm, or corporation that is required to~~
612 ~~maintain an alternate power source under this subsection shall~~
613 ~~maintain a written emergency operations plan that details the~~
614 ~~sequence of operations before, during, and after a natural or~~
615 ~~manmade disaster or other emergency situation. The plan must~~
616 ~~include, at a minimum, a lifesafety plan for evacuation,~~
617 ~~maintenance of the electrical and lighting supply, and~~
618 ~~provisions for the health, safety, and welfare of the residents.~~
619 ~~In addition, the owner, manager, or operator of the residential~~
620 ~~multifamily dwelling must keep written records of any contracts~~
621 ~~for alternative power generation equipment. Also, quarterly~~
622 ~~inspection records of lifesafety equipment and alternate power~~
623 ~~generation equipment must be posted in the elevator machine room~~
624 ~~or other place conspicuous to the elevator inspector, which~~
625 ~~confirm that such equipment is properly maintained and in good~~
626 ~~working condition, and copies of contracts for alternate power~~
627 ~~generation equipment shall be maintained on site for~~
628 ~~verification. The written emergency operations plan and~~
629 ~~inspection records shall also be open for periodic inspection by~~

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630 ~~local and state government agencies as deemed necessary. The~~
631 ~~owner or operator must keep a generator key in a lockbox posted~~
632 ~~at or near any installed generator unit.~~

633 ~~(e) Multistory affordable residential dwellings for~~
634 ~~persons age 62 and older that are financed or insured by the~~
635 ~~United States Department of Housing and Urban Development must~~
636 ~~make every effort to obtain grant funding from the Federal~~
637 ~~Government or the Florida Housing Finance Corporation to comply~~
638 ~~with this subsection. If an owner of such a residential dwelling~~
639 ~~cannot comply with the requirements of this subsection, the~~
640 ~~owner must develop a plan with the local emergency management~~
641 ~~agency to ensure that residents are evacuated to a place of~~
642 ~~safety in the event of a power outage resulting from a natural~~
643 ~~or manmade disaster or other emergency situation that disrupts~~
644 ~~the normal supply of electricity for an extended period of time.~~
645 ~~A place of safety may include, but is not limited to, relocation~~
646 ~~to an alternative site within the building or evacuation to a~~
647 ~~local shelter.~~

648 ~~(f) As a part of the annual elevator inspection required~~
649 ~~under s. 399.061, certified elevator inspectors shall confirm~~
650 ~~that all installed generators required by this chapter are in~~
651 ~~working order, have current inspection records posted in the~~
652 ~~elevator machine room or other place conspicuous to the elevator~~
653 ~~inspector, and that the required generator key is present in the~~
654 ~~lockbox posted at or near the installed generator. If a building~~
655 ~~does not have an installed generator, the inspector shall~~
656 ~~confirm that the appropriate rewiring and switching~~
657 ~~capabilities are present and that a statement is posted in the~~

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658 ~~elevator machine room or other place conspicuous to the elevator~~
659 ~~inspector affirming a current guaranteed contract exists for~~
660 ~~contingent services for alternate power is current for the~~
661 ~~operating period.~~

662

663 However, buildings, structures, and facilities must, at as a
664 minimum, comply with the requirements in the Americans with
665 Disabilities Act Accessibility Guidelines.

666 Section 25. Subsection (1) of section 553.512, Florida
667 Statutes, is amended to read:

668 553.512 Modifications and waivers; advisory council.—

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

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686 of s. 553.5041(5)(a) and (c)1. governing the minimum width of
687 accessible routes and minimum width of accessible parking
688 spaces.

689 Section 26. Present subsections (5) through (13) of
690 section 553.73, Florida Statutes, are redesignated as
691 subsections (6) through (14), respectively, a new subsection (5)
692 is added to that section, paragraph (a) of subsection (6) and
693 subsections (7) and (9) of that section are amended, and
694 subsections (15) and (16) are added to that section, to read:

695 553.73 Florida Building Code.—

696 (5) Notwithstanding subsection (4), counties and
697 municipalities may adopt by ordinance an administrative or
698 technical amendment to the Florida Building Code regarding flood
699 resistance in order to implement the National Flood Insurance
700 Program or incentives. Specifically, an administrative amendment
701 may assign the duty to enforce all or portions of flood-related
702 code provisions to the appropriate agencies of the local
703 government and adopt procedures for variances and exceptions
704 from flood-related code provisions other than provisions for
705 structures seaward of the Coastal Construction Control Line
706 consistent with the requirements in 44 C.F.R. s. 60.6. A
707 technical amendment is authorized to the extent that it is more
708 stringent than the code. A technical amendment is not subject to
709 the requirements in subsection (4) and may not be rendered void
710 when the code is updated, if the amendment is adopted for the
711 purpose of participating in the Community Rating System
712 promulgated pursuant to 42 U.S.C. s. 4022. Any amendment adopted

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713 pursuant to this subsection shall be transmitted to the
714 commission within 30 days after the amendment is adopted.

715 (7)~~(6)~~(a) The commission, by rule adopted pursuant to ss.
716 120.536(1) and 120.54, shall update the Florida Building Code
717 every 3 years. When updating the Florida Building Code, the
718 commission shall select the most current version of the
719 International Building Code, the International Fuel Gas Code,
720 the International Mechanical Code, the International Plumbing
721 Code, and the International Residential Code, all of which are
722 adopted by the International Code Council, and the National
723 Electrical Code, which is adopted by the National Fire
724 Protection Association, to form the foundation codes of the
725 updated Florida Building Code, if the version has been adopted
726 by the applicable model code entity ~~and made available to the~~
727 ~~public at least 6 months prior to its selection by the~~
728 ~~commission~~. The commission shall select the most current version
729 of the International Energy Conservation Code (IECC) as a
730 foundation code; however, the IECC shall be modified by the
731 commission to maintain the efficiencies of the Florida Energy
732 Efficiency Code for Building Construction adopted and amended
733 pursuant to s. 553.901.

734 (8)~~(7)~~ Notwithstanding the provisions of subsection (3) or
735 subsection (7) ~~(6)~~, the commission may address issues identified
736 in this subsection by amending the code pursuant only to the
737 rule adoption procedures contained in chapter 120. Provisions of
738 the Florida Building Code, including those contained in
739 referenced standards and criteria, relating to wind resistance
740 or the prevention of water intrusion may not be amended pursuant

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741 | to this subsection to diminish those construction requirements;
742 | however, the commission may, subject to conditions in this
743 | subsection, amend the provisions to enhance those construction
744 | requirements. Following the approval of any amendments to the
745 | Florida Building Code by the commission and publication of the
746 | amendments on the commission's website, authorities having
747 | jurisdiction to enforce the Florida Building Code may enforce
748 | the amendments. The commission may approve amendments that are
749 | needed to address:

750 | (a) Conflicts within the updated code;

751 | (b) Conflicts between the updated code and the Florida
752 | Fire Prevention Code adopted pursuant to chapter 633;

753 | (c) The omission of previously adopted Florida-specific
754 | amendments to the updated code if such omission is not supported
755 | by a specific recommendation of a technical advisory committee
756 | or particular action by the commission;

757 | (d) Unintended results from the integration of previously
758 | adopted Florida-specific amendments with the model code;

759 | (e) Equivalency of standards;

760 | (f) The specific needs of state agencies when agency rules
761 | must be updated to reflect federal requirements relating to
762 | design criteria for public educational facilities and state-
763 | licensed facilities;

764 | (g) ~~(e)~~ Changes to or inconsistencies with federal or state

765 | law; or

766 | (h) ~~(f)~~ Adoption of an updated edition of the National

767 | Electrical Code if the commission finds that delay of

768 | implementing the updated edition causes undue hardship to

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769 stakeholders or otherwise threatens the public health, safety,
770 and welfare.

771 ~~(10)~~(9) The following buildings, structures, and
772 facilities are exempt from the Florida Building Code as provided
773 by law, and any further exemptions shall be as determined by the
774 Legislature and provided by law:

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

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

779 (c) Nonresidential farm buildings on farms.

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

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

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

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

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

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

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

807
808 With the exception of paragraphs (a), (b), (c), and (f), in
809 order to preserve the health, safety, and welfare of the public,
810 the Florida Building Commission may, by rule adopted pursuant to
811 chapter 120, provide for exceptions to the broad categories of
812 buildings exempted in this section, including exceptions for
813 application of specific sections of the code or standards
814 adopted therein. The Department of Agriculture and Consumer
815 Services shall have exclusive authority to adopt by rule,
816 pursuant to chapter 120, exceptions to nonresidential farm
817 buildings exempted in paragraph (c) when reasonably necessary to
818 preserve public health, safety, and welfare. The exceptions must
819 be based upon specific criteria, such as under-roof floor area,
820 aggregate electrical service capacity, HVAC system capacity, or
821 other building requirements. Further, the commission may
822 recommend to the Legislature additional categories of buildings,
823 structures, or facilities which should be exempted from the
824 Florida Building Code, to be provided by law. The Florida

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825 Building Code does not apply to temporary housing provided by
826 the Department of Corrections to any prisoner in the state
827 correctional system.

828 (15) The Florida Building Code or any agency or local
829 government may not require that existing mechanical equipment on
830 the surface of a roof be installed in compliance with the
831 requirements in the code until the reroofing of the structure or
832 the mechanical equipment is replaced.

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

838 Section 27. Subsection (5) is added to section 553.74,
839 Florida Statutes, to read:

840 553.74 Florida Building Commission.—

841 (5) Notwithstanding s. 112.313 or any other provision of
842 law, a member of any of commission's technical advisory
843 committees or a member of other advisory committees or
844 workgroups, shall not be considered to have an impermissible
845 conflict of interest when representing clients before the
846 commission or one of its committees or workgroups. However, the
847 member, in his or her capacity as member of the committee or
848 workgroup, may not take part in any discussion on or take action
849 on any matter in which he or she has a direct financial
850 interest.

851 Section 28. Subsection (2) of section 553.76, Florida
852 Statutes, is amended to read:

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853 553.76 General powers of the commission.—The commission is
854 authorized to:

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

861 Section 29. Subsections (2) and (4) of section 553.775,
862 Florida Statutes, are amended to read:

863 553.775 Interpretations.—

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

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

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880 Section 30. Subsection (9) of section 553.79, Florida
881 Statutes, is amended to read:

882 553.79 Permits; applications; issuance; inspections.—

883 (9) Any state agency whose enabling legislation authorizes
884 it to enforce provisions of the Florida Building Code may enter
885 into an agreement with any other unit of government to delegate
886 its responsibility to enforce those provisions and may expend
887 public funds for permit and inspection fees, which fees may be
888 no greater than the fees charged others. Inspection services
889 that are not required to be performed by a state agency under a
890 federal delegation of responsibility or by a state agency under
891 the Florida Building Code must be performed under the
892 alternative plans review and inspection process created in s.
893 553.791 or by a local governmental entity having authority to
894 enforce the Florida Building Code.

895 Section 31. For the purpose of incorporating the amendment
896 made by this act to section 553.79, Florida Statutes, in a
897 reference thereto, subsection (1) of section 553.80, Florida
898 Statutes, is reenacted, and subsection (3) of that section is
899 amended, to read:

900 553.80 Enforcement.—

901 (1) Except as provided in paragraphs (a)-(g), each local
902 government and each legally constituted enforcement district
903 with statutory authority shall regulate building construction
904 and, where authorized in the state agency's enabling
905 legislation, each state agency shall enforce the Florida
906 Building Code required by this part on all public or private
907 buildings, structures, and facilities, unless such

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908 responsibility has been delegated to another unit of government
909 pursuant to s. 553.79(9).

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

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

918 (c) In addition to the requirements of s. 553.79 and this
919 section, facilities subject to the provisions of chapter 395 and
920 part II of chapter 400 shall have facility plans reviewed and
921 construction surveyed by the state agency authorized to do so
922 under the requirements of chapter 395 and part II of chapter 400
923 and the certification requirements of the Federal Government.

924 (d) Building plans approved under s. 553.77(3) and state-
925 approved manufactured buildings, including buildings
926 manufactured and assembled offsite and not intended for
927 habitation, such as lawn storage buildings and storage sheds,
928 are exempt from local code enforcing agency plan reviews except
929 for provisions of the code relating to erection, assembly, or
930 construction at the site. Erection, assembly, and construction
931 at the site are subject to local permitting and inspections.
932 Lawn storage buildings and storage sheds bearing the insignia of
933 approval of the department are not subject to s. 553.842. Such
934 buildings that do not exceed 400 square feet may be delivered

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935 and installed without need of a contractor's or specialty
936 license.

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

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

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

950
951 The governing bodies of local governments may provide a schedule
952 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
953 section, for the enforcement of the provisions of this part.

954 Such fees shall be used solely for carrying out the local
955 government's responsibilities in enforcing the Florida Building
956 Code. The authority of state enforcing agencies to set fees for
957 enforcement shall be derived from authority existing on July 1,
958 1998. However, nothing contained in this subsection shall
959 operate to limit such agencies from adjusting their fee schedule
960 in conformance with existing authority.

961 (3) Each enforcement district shall be governed by a
962 board, the composition of which shall be determined by the

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963 affected localities. At its own option each enforcement district
964 or local enforcement agency may promulgate rules granting to the
965 owner of a single-family residence one or more exemptions from
966 the Florida Building Code; however, the exemptions do not apply
967 to single-family residences that are located in mapped flood
968 hazard areas, as defined in the code, unless the enforcement
969 district or local enforcement agency has determined that the
970 work, which is otherwise exempt, does not constitute a
971 substantial improvement, including the repair of substantial
972 damage, of such single-family residences, relating to:

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

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

980 (c) Building and inspection fees.

981
982 Each code exemption, as defined in paragraphs (a), (b), and (c),
983 shall be certified to the local board 10 days prior to
984 implementation and shall only be effective in the territorial
985 jurisdiction of the enforcement district or local enforcement
986 agency implementing it.

987 Section 32. Subsections (4) and (5) of section 553.841,
988 Florida Statutes, are amended, and present subsections (6)
989 through (9) of that section are redesignated as subsections (5)
990 through (8), respectively, to read:

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991 553.841 Building code compliance and mitigation program.-

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

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

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

998 ~~(c) The core curriculum developed under this subsection~~
999 ~~must be submitted to the Department of Business and Professional~~
1000 ~~Regulation for approval. Advanced modules developed under this~~
1001 ~~paragraph must be approved by the commission and submitted to~~
1002 ~~the respective boards for approval.~~

1003 ~~(5) The core curriculum shall cover the information~~
1004 ~~required to have all categories of participants appropriately~~
1005 ~~informed as to their technical and administrative~~
1006 ~~responsibilities in the effective execution of the code process~~
1007 ~~by all individuals currently licensed under part XII of chapter~~
1008 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
1009 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
1010 ~~prerequisite to the advanced module coursework for all licensees~~
1011 ~~and shall be completed by individuals licensed in all categories~~
1012 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
1013 ~~chapter 489 within the first 2-year period after initial~~
1014 ~~licensure. Core course hours taken by licensees to complete this~~
1015 ~~requirement shall count toward fulfillment of required~~
1016 ~~continuing education units under part XII of chapter 468,~~
1017 ~~chapter 471, chapter 481, or chapter 489.~~

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1018 Section 33. Subsections (1), (5), (8), and (17) of section
1019 553.842, Florida Statutes, are amended to read:

1020 553.842 Product evaluation and approval.-

1021 (1) The commission shall adopt rules under ss. 120.536(1)
1022 and 120.54 to develop and implement a product evaluation and
1023 approval system that applies statewide to operate in
1024 coordination with the Florida Building Code. The commission may
1025 enter into contracts to provide for administration of the
1026 product evaluation and approval system. The commission's rules
1027 and any applicable contract may provide that the payment of fees
1028 related to approvals be made directly to the administrator. Any
1029 fee paid by product manufacturers shall be used only for funding
1030 the state product approval system. The product evaluation and
1031 approval system shall provide:

1032 (a) Appropriate promotion of innovation and new
1033 technologies.

1034 (b) Processing submittals of products from manufacturers
1035 in a timely manner.

1036 (c) Independent, third-party qualified and accredited
1037 testing and laboratory facilities, product evaluation entities,
1038 quality assurance agencies, certification agencies, and
1039 validation entities.

1040 (d) An easily accessible product acceptance list to
1041 entities subject to the Florida Building Code.

1042 (e) Development of stringent but reasonable testing
1043 criteria based upon existing consensus standards, when
1044 available, for products.

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1045 (f) Long-term approvals, where feasible. State and local
1046 approvals will be valid until the requirements of the code on
1047 which the approval is based change, the product changes in a
1048 manner affecting its performance as required by the code, or the
1049 approval is revoked; however, the commission may allow by rule
1050 editorial revisions to approvals and charge a fee as provided in
1051 this section.

1052 (g) Criteria for revocation of a product approval.

1053 (h) Cost-effectiveness.

1054 (5) Statewide approval of products, methods, or systems of
1055 construction may be achieved by one of the following methods.
1056 One of these methods must be used by the commission to approve
1057 the following categories of products: panel walls, exterior
1058 doors, roofing, skylights, windows, shutters, and structural
1059 components as established by the commission by rule.

1060 (a) Products for which the code establishes standardized
1061 testing or comparative or rational analysis methods shall be
1062 approved by submittal and validation of one of the following
1063 reports or listings indicating that the product or method or
1064 system of construction was evaluated to be in compliance with
1065 the Florida Building Code and that the product or method or
1066 system of construction is, for the purpose intended, at least
1067 equivalent to that required by the Florida Building Code:

1068 1. A certification mark or listing of an approved
1069 certification agency, which may be used only for products for
1070 which the code designates standardized testing;

1071 2. A test report from an approved testing laboratory;

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1072 3. A product evaluation report based upon testing or
1073 comparative or rational analysis, or a combination thereof, from
1074 an approved product evaluation entity; or

1075 4. A product evaluation report based upon testing or
1076 comparative or rational analysis, or a combination thereof,
1077 developed and signed and sealed by a professional engineer or
1078 architect, licensed in this state.

1079

1080 A product evaluation report or a certification mark or listing
1081 of an approved certification agency which demonstrates that the
1082 product or method or system of construction complies with the
1083 Florida Building Code for the purpose intended shall be
1084 equivalent to a test report and test procedure as referenced in
1085 the Florida Building Code. An application for state approval of
1086 a product under subparagraph 1. must be approved by the
1087 department after the commission staff or a designee verifies
1088 that the application and related documentation are complete.
1089 This verification must be completed within 10 business days
1090 after receipt of the application. Upon approval by the
1091 department, the product shall be immediately added to the list
1092 of state-approved products maintained under subsection (13).
1093 Approvals by the department shall be reviewed and ratified by
1094 the commission's program oversight committee except for a
1095 showing of good cause that a review by the full commission is
1096 necessary.

1097 (b) Products, methods, or systems of construction for
1098 which there are no specific standardized testing or comparative

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1099 or rational analysis methods established in the code may be
1100 approved by submittal and validation of one of the following:

1101 1. A product evaluation report based upon testing or
1102 comparative or rational analysis, or a combination thereof, from
1103 an approved product evaluation entity indicating that the
1104 product or method or system of construction was evaluated to be
1105 in compliance with the intent of the Florida Building Code and
1106 that the product or method or system of construction is, for the
1107 purpose intended, at least equivalent to that required by the
1108 Florida Building Code; or

1109 2. A product evaluation report based upon testing or
1110 comparative or rational analysis, or a combination thereof,
1111 developed and signed and sealed by a professional engineer or
1112 architect, licensed in this state, who certifies that the
1113 product or method or system of construction is, for the purpose
1114 intended, at least equivalent to that required by the Florida
1115 Building Code.

1116 (8) The commission may adopt rules to approve the
1117 following types of entities that produce information on which
1118 product approvals are based. All of the following entities,
1119 including engineers and architects, must comply with a
1120 nationally recognized standard demonstrating independence or no
1121 conflict of interest:

1122 (a) Evaluation entities that meet the criteria for
1123 approval adopted by the commission by rule. The commission shall
1124 specifically approve the National Evaluation Service, the
1125 International Association of Plumbing and Mechanical Officials
1126 Evaluation Service ~~the International Conference of Building~~

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1127 ~~Officials Evaluation Services, the International Code Council~~
1128 ~~Evaluation Services, the Building Officials and Code~~
1129 ~~Administrators International Evaluation Services, the Southern~~
1130 ~~Building Code Congress International Evaluation Services, and~~
1131 the Miami-Dade County Building Code Compliance Office Product
1132 Control. Architects and engineers licensed in this state are
1133 also approved to conduct product evaluations as provided in
1134 subsection (5).

1135 (b) Testing laboratories accredited by national
1136 organizations, such as A2LA and the National Voluntary
1137 Laboratory Accreditation Program, laboratories accredited by
1138 evaluation entities approved under paragraph (a), and
1139 laboratories that comply with other guidelines for testing
1140 laboratories selected by the commission and adopted by rule.

1141 (c) Quality assurance entities approved by evaluation
1142 entities approved under paragraph (a) and by certification
1143 agencies approved under paragraph (d) and other quality
1144 assurance entities that comply with guidelines selected by the
1145 commission and adopted by rule.

1146 (d) Certification agencies accredited by nationally
1147 recognized accreditors and other certification agencies that
1148 comply with guidelines selected by the commission and adopted by
1149 rule.

1150 (e) Validation entities that comply with accreditation
1151 standards established by the commission by rule.

1152 ~~(17)(a) The Florida Building Commission shall review the~~
1153 ~~list of evaluation entities in subsection (8) and, in the annual~~
1154 ~~report required under s. 553.77, shall either recommend~~

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1155 ~~amendments to the list to add evaluation entities the commission~~
1156 ~~determines should be authorized to perform product evaluations~~
1157 ~~or shall report on the criteria adopted by rule or to be adopted~~
1158 ~~by rule allowing the commission to approve evaluation entities~~
1159 ~~that use the commission's product evaluation process. If the~~
1160 ~~commission adopts criteria by rule, the rulemaking process must~~
1161 ~~be completed by July 1, 2009.~~

1162 ~~(b) Notwithstanding paragraph (8)(a), the International~~
1163 ~~Association of Plumbing and Mechanical Officials Evaluation~~
1164 ~~Services is approved as an evaluation entity until October 1,~~
1165 ~~2009. If the association does not obtain permanent approval by~~
1166 ~~the commission as an evaluation entity by October 1, 2009,~~
1167 ~~products approved on the basis of an association evaluation must~~
1168 ~~be substituted by an alternative, approved entity by December~~
1169 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
1170 ~~the commission based on an association evaluation is void.~~

1171 Section 34. Subsection (4) is added to section 553.844,
1172 Florida Statutes, to read:

1173 553.844 Windstorm loss mitigation; requirements for roofs
1174 and opening protection.—

1175 (4) Notwithstanding the provisions of this section,
1176 exposed mechanical equipment or appliances fastened to rated
1177 stands, platforms, curbs, or slabs are deemed to comply with the
1178 wind resistance requirements for wind-borne debris regions as
1179 defined in s. 1609.2, Buildings Volume, 2007 Florida Building
1180 Code, as amended. Further support or enclosure of such
1181 mechanical equipment or appliances is not required by a state or

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1182 local official having authority to enforce the Florida Building
1183 Code. This subsection expires December 31, 2012.

1184 Section 35. Section 553.885, Florida Statutes, is amended
1185 to read:

1186 553.885 Carbon monoxide alarm required.—

1187 (1) Every separate building or addition to an existing
1188 building, other than a hospital, an inpatient hospice facility,
1189 or a nursing home facility licensed by the Agency for Health
1190 Care Administration, constructed for which a building permit is
1191 issued for new construction on or after July 1, 2008, and having
1192 a fossil-fuel-burning heater or appliance, a fireplace, ~~or~~ an
1193 attached garage, or other feature, fixture, or element that
1194 emits carbon monoxide as a byproduct of combustion shall have an
1195 approved operational carbon monoxide alarm installed within 10
1196 feet of each room used for sleeping purposes in the new building
1197 or addition, or at such other locations as required by the
1198 Florida Building Code. The requirements of this subsection may
1199 be satisfied with the installation of a battery-powered carbon
1200 monoxide alarm or a battery-powered combination carbon monoxide
1201 and smoke alarm. For a new hospital, an inpatient hospice
1202 facility, or a nursing home facility licensed by the Agency for
1203 Health Care Administration, an approved operational carbon
1204 monoxide detector shall be installed inside or directly outside
1205 of each room or area within the hospital or facility where a
1206 fossil-fuel-burning heater, engine, or appliance is located.
1207 This detector shall be connected to the fire alarm system of the
1208 hospital or facility as a supervisory signal. This subsection
1209 does not apply to existing buildings that are undergoing

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1210 alterations or repairs unless the alteration is an addition as
1211 defined in subsection (3).

1212 (2) The Florida Building Commission shall adopt rules to
1213 administer this section and shall incorporate such requirements
1214 into its next revision of the Florida Building Code.

1215 (3) As used in this section, the term:

1216 (a) "Carbon monoxide alarm" means a device that is meant
1217 for the purpose of detecting carbon monoxide, that produces a
1218 distinct audible alarm, and that meets the requirements of and
1219 is approved by the Florida Building Commission.

1220 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases,
1221 or other petroleum or hydrocarbon product that emits carbon
1222 monoxide as a by-product of combustion.

1223 (c) "Addition" means an extension or increase in floor
1224 area, number of stories, or height of a building or structure.

1225 Section 36. Subsection (2) of section 553.9061, Florida
1226 Statutes, is amended to read:

1227 553.9061 Scheduled increases in thermal efficiency
1228 standards.—

1229 (2) The Florida Building Commission shall identify within
1230 code support and compliance documentation the specific building
1231 options and elements available to meet the energy performance
1232 goals established in subsection (1). Energy efficiency
1233 performance options and elements include, but are not limited
1234 to:

1235 (a) Energy-efficient water heating systems, including
1236 solar water heating.

1237 (b) Energy-efficient appliances.

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- 1238 (c) Energy-efficient windows, doors, and skylights.
1239 (d) Low solar-absorption roofs, also known as "cool
1240 roofs."
1241 (e) Enhanced ceiling and wall insulation.
1242 (f) Reduced-leak duct systems and energy-saving devices
1243 and features installed within duct systems.
1244 (g) Programmable thermostats.
1245 (h) Energy-efficient lighting systems.
1246 (i) Energy-saving quality installation procedures for
1247 replacement air conditioning systems, including, but not limited
1248 to, equipment sizing analysis and duct inspection.
1249 (j) Shading devices, sunscreening materials, and
1250 overhangs.
1251 (k) Weatherstripping, caulking, and sealing of exterior
1252 openings and penetrations.
1253 (l) Energy-efficient centralized computer data centers in
1254 office buildings.
1255 Section 37. Subsections (3) and (4) of section 553.909,
1256 Florida Statutes, are amended to read:
1257 553.909 Setting requirements for appliances; exceptions.-
1258 (3) Commercial or residential swimming pool ~~pumps or~~ water
1259 heaters manufactured on or sold after July 1, 2011, shall comply
1260 with the requirements of this subsection.
1261 (a) Natural gas pool heaters shall not be equipped with
1262 constantly burning pilots.
1263 (b) Heat pump pool heaters shall have a coefficient of
1264 performance at low temperature of not less than 4.0.

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1265 (c) The thermal efficiency of gas-fired pool heaters and
1266 oil-fired pool heaters shall not be less than 78 percent.

1267 (d) All pool heaters shall have a readily accessible on-
1268 off switch that is mounted outside the heater and that allows
1269 shutting off the heater without adjusting the thermostat
1270 setting.

1271 (4) Residential swimming pool pumps and pump motors
1272 manufactured on or after July 1, 2011, shall comply with the
1273 requirements in this subsection.

1274 (a) Residential pool pump motors shall not be split-phase,
1275 shaded-pole, or capacitor start-induction run types.

1276 (b) Residential pool pumps and pool pump motors with a
1277 total horsepower of 1 HP or more shall have the capability of
1278 operating at two or more speeds with a low speed having a
1279 rotation rate that is no more than one-half of the motor's
1280 maximum rotation rate.

1281 (c) Residential pool pump motor controls shall have the
1282 capability of operating the pool pump at a minimum of two
1283 speeds. The default circulation speed shall be the residential
1284 filtration speed, with a higher speed override capability being
1285 for a temporary period not to exceed one normal cycle or 24
1286 hours ~~120 minutes~~, whichever is less; except that circulation
1287 speed for solar pool heating systems shall be permitted to run
1288 at higher speeds during periods of usable solar heat gain.

1289 Section 38. Section 553.912, Florida Statutes, is amended
1290 to read:

1291 553.912 Air conditioners.—All air conditioners that ~~which~~
1292 are sold or installed in the state shall meet the minimum

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1293 efficiency ratings of the Florida Energy Efficiency Code for
1294 Building Construction. These efficiency ratings shall be
1295 minimums and may be updated in the Florida Energy Efficiency
1296 Code for Building Construction by the department in accordance
1297 with s. 553.901, following its determination that more cost-
1298 effective energy-saving equipment and techniques are available.
1299 All replacement air-conditioning systems shall be installed
1300 using energy-saving quality installation procedures, including,
1301 but not limited to, equipment sizing analysis and duct
1302 inspection.

1303 Section 39. Subsection (2) of section 627.711, Florida
1304 Statutes, is amended to read:

1305 627.711 Notice of premium discounts for hurricane loss
1306 mitigation; uniform mitigation verification inspection form.-

1307 (2) By July 1, 2007, the Financial Services Commission
1308 shall develop by rule a uniform mitigation verification
1309 inspection form that shall be used by all insurers when
1310 submitted by policyholders for the purpose of factoring
1311 discounts for wind insurance. In developing the form, the
1312 commission shall seek input from insurance, construction, and
1313 building code representatives. Further, the commission shall
1314 provide guidance as to the length of time the inspection results
1315 are valid. An insurer shall accept as valid a uniform mitigation
1316 verification form certified by the Department of Financial
1317 Services or signed by:

1318 (a) A hurricane mitigation inspector certified by the My
1319 Safe Florida Home program;

1320 (b) A building code inspector certified under s. 468.607;

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1321 (c) A general, building, or residential contractor
1322 licensed under s. 489.111;

1323 (d) A professional engineer licensed under s. 471.015 ~~who~~
1324 ~~has passed the appropriate equivalency test of the Building Code~~
1325 ~~Training Program as required by s. 553.841;~~

1326 (e) A professional architect licensed under s. 481.213; or

1327 (f) Any other individual or entity recognized by the
1328 insurer as possessing the necessary qualifications to properly
1329 complete a uniform mitigation verification form.

1330 Section 40. Present subsections (7) through (28) of
1331 section 633.021, Florida Statutes, are redesignated as
1332 subsections (8) through (29), respectively, a new subsection (7)
1333 is added to that section, and present subsection (20) of that
1334 section is amended, to read:

1335 633.021 Definitions.—As used in this chapter:

1336 (7) (a) "Fire equipment dealer Class A" means a licensed
1337 fire equipment dealer whose business is limited to servicing,
1338 recharging, repairing, installing, or inspecting all types of
1339 fire extinguishers and conducting hydrostatic tests on all types
1340 of fire extinguishers.

1341 (b) "Fire equipment dealer Class B" means a licensed fire
1342 equipment dealer whose business is limited to servicing,
1343 recharging, repairing, installing, or inspecting all types of
1344 fire extinguishers, including recharging carbon dioxide units
1345 and conducting hydrostatic tests on all types of fire
1346 extinguishers, except carbon dioxide units.

1347 (c) "Fire equipment dealer Class C" means a licensed fire
1348 equipment dealer whose business is limited to servicing,

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1349 recharging, repairing, installing, or inspecting all types of
1350 fire extinguishers, except recharging carbon dioxide units, and
1351 conducting hydrostatic tests on all types of fire extinguishers,
1352 except carbon dioxide units.

1353 (d) "Fire equipment dealer Class D" means a licensed fire
1354 equipment dealer whose business is limited to servicing,
1355 recharging, repairing, installing, hydrotesting, or inspecting
1356 of all types of preengineered fire extinguishing systems.

1357 (21) ~~(20)~~ A "preengineered system" is a fire suppression
1358 system which:

1359 (a) Uses any of a variety of extinguishing agents.

1360 (b) Is designed to protect specific hazards.

1361 (c) Must be installed according to pretested limitations
1362 and configurations specified by the manufacturer and applicable
1363 National Fire Protection Association (NFPA) standards. Only
1364 those chapters within the NFPA standards which pertain to
1365 servicing, recharging, repairing, installing, hydrotesting, or
1366 inspecting any type of preengineered fire extinguishing system
1367 shall be used.

1368 (d) Must be installed using components specified by the
1369 manufacturer or components that are listed as equal parts by a
1370 nationally recognized testing laboratory such as Underwriters
1371 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

1372 (e) Must be listed by a nationally recognized testing
1373 laboratory.

1374

1375 Preengineered systems consist of and include all of the
1376 components and parts providing fire suppression protection, but

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1377 | do not include the equipment being protected, and may
1378 | incorporate special nozzles, flow rates, methods of application,
1379 | pressurization levels, and quantities of agents designed by the
1380 | manufacturer for specific hazards.

1381 | Section 41. Paragraph (b) of subsection (3) of section
1382 | 633.0215, Florida Statutes, is amended, and subsections (13) and
1383 | (14) are added to that section, to read:

1384 | 633.0215 Florida Fire Prevention Code.--

1385 | (3) No later than 180 days before the triennial adoption
1386 | of the Florida Fire Prevention Code, the State Fire Marshal
1387 | shall notify each municipal, county, and special district fire
1388 | department of the triennial code adoption and steps necessary
1389 | for local amendments to be included within the code. No later
1390 | than 120 days before the triennial adoption of the Florida Fire
1391 | Prevention Code, each local jurisdiction shall provide the State
1392 | Fire Marshal with copies of its local fire code amendments. The
1393 | State Fire Marshal has the option to process local fire code
1394 | amendments that are received less than 120 days before the
1395 | adoption date of the Florida Fire Prevention Code.

1396 | (b) Any local amendment to the Florida Fire Prevention
1397 | Code adopted by a local government shall be effective only until
1398 | the adoption of the new edition of the Florida Fire Prevention
1399 | Code, which shall be every third year. At such time, the State
1400 | Fire Marshal shall adopt such amendment as part of the Florida
1401 | Fire Prevention Code or rescind the amendment. The State Fire
1402 | Marshal shall immediately notify the respective local government
1403 | of the rescission of the amendment and the reason for the
1404 | rescission. After receiving such notice, the respective local

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1405 government may readopt the rescinded amendment. Incorporation of
1406 local amendments as regional and local concerns and variations
1407 shall be considered as adoption of an amendment pursuant to this
1408 section part.

1409 (13) The State Fire Marshal shall issue an expedited
1410 declaratory statement relating to interpretations of provisions
1411 of the Florida Fire Prevention Code according to the following
1412 guidelines:

1413 (a) The declaratory statement shall be rendered in
1414 accordance with s. 120.565, except that a final decision must be
1415 issued by the State Fire Marshal within 45 days after the
1416 division's receipt of a petition seeking an expedited
1417 declaratory statement. The State Fire Marshal shall give notice
1418 of the petition and the expedited declaratory statement or the
1419 denial of the petition in the next available issue of the
1420 Florida Administrative Weekly after the petition is filed and
1421 after the statement or denial is rendered.

1422 (b) The petitioner must be the owner of the disputed
1423 project or the owner's representative.

1424 (c) The petition for an expedited declaratory statement
1425 must be:

1426 1. Related to an active project that is under construction
1427 or must have been submitted for a permit;

1428 2. The subject of a written notice citing a specific
1429 provision of the Florida Fire Prevention Code which is in
1430 dispute; and

1431 3. Limited to a single question that is capable of being
1432 answered with a "yes" or "no" response.

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1433
1434 A petition for a declaratory statement which does not meet all
1435 of the requirements of this subsection must be denied without
1436 prejudice. This subsection does not affect the right of the
1437 petitioner as a substantially affected person to seek a
1438 declaratory statement under s. 633.01(6).

1439 (13) A condominium that is one or two stories in height
1440 and has an exterior means of egress corridor is exempt from
1441 installing a manual fire alarm system as required in s. 9.6 of
1442 the most recent edition of the Life Safety Code adopted in the
1443 Florida Fire Prevention Code.

1444 Section 42. Subsections (2) and (10) of section 633.0245,
1445 Florida Statutes, are amended to read:

1446 633.0245 State Fire Marshal Nursing Home Fire Protection
1447 Loan Guarantee Program.—

1448 (2) The State Fire Marshal may enter into limited loan
1449 guarantee agreements with one or more financial institutions
1450 qualified as public depositories in this state. Such agreements
1451 shall provide a limited guarantee by the State of Florida
1452 covering no more than 50 percent of the principal sum loaned by
1453 such financial institution to an eligible nursing home, as
1454 defined in subsection (10), for the sole purpose of the initial
1455 installation at such nursing home of a fire protection system,
1456 as defined in s. 633.021(10) ~~s. 633.021(9)~~, approved by the
1457 State Fire Marshal as being in compliance with the provisions of
1458 s. 633.022 and rules adopted thereunder.

1459 (10) For purposes of this section, "eligible nursing home"
1460 means a nursing home facility that provides nursing services as

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1461 defined in chapter 464, is licensed under part II of chapter
1462 400, and is certified by the Agency for Health Care
1463 Administration to lack an installed fire protection system as
1464 defined in s. 633.021 (10) ~~s. 633.021(9)~~.

1465 Section 43. Section 633.026, Florida Statutes, is amended
1466 to read:

1467 633.026 Legislative intent; informal interpretations of
1468 the Florida Fire Prevention Code.—It is the intent of the
1469 Legislature that the Florida Fire Prevention Code be interpreted
1470 by fire officials and local enforcement agencies in a manner
1471 that protects the public safety, health, and welfare by ensuring
1472 uniform interpretations throughout this state and by providing
1473 just and expeditious processes for resolving disputes regarding
1474 such interpretations. It is the intent of the Legislature that
1475 such processes provide for the expeditious resolution of the
1476 issues presented and that the resulting interpretation of such
1477 issues be published on the website of the Division of State Fire
1478 Marshal.

1479 (1) The Division of State Fire Marshal shall by rule
1480 establish an informal process of rendering nonbinding
1481 interpretations of the Florida Fire Prevention Code. The
1482 Division of State Fire Marshal may contract with and refer
1483 interpretive issues to a nonprofit organization that has
1484 experience in interpreting and enforcing the Florida Fire
1485 Prevention Code. ~~The Division of State Fire Marshal shall~~
1486 ~~immediately implement the process prior to the completion of~~
1487 ~~formal rulemaking.~~ It is the intent of the Legislature that the
1488 Division of State Fire Marshal establish ~~create~~ a Fire Code

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1489 Interpretation Committee composed of seven persons and seven
1490 alternates, equally representing each area of the state process
1491 ~~to refer questions to a small group of individuals certified~~
1492 ~~under s. 633.081(2), to which a party can pose questions~~
1493 regarding the interpretation of the Florida Fire Prevention Code
1494 provisions.

1495 (2) Each member and alternate member of the Fire Code
1496 Interpretation Committee must be certified as a firesafety
1497 inspector pursuant to s. 633.081(2) and must have a minimum of 5
1498 years of experience interpreting and enforcing the Florida Fire
1499 Prevention Code and the Life Safety Code. Each member and
1500 alternate member must be approved by the Division of State Fire
1501 Marshal and deemed by the division to have met these
1502 requirements for at least 30 days before participating in a
1503 review of a nonbinding interpretation. It is the intent of the
1504 ~~Legislature that the process provide for the expeditious~~
1505 ~~resolution of the issues presented and publication of the~~
1506 ~~resulting interpretation on the website of the Division of State~~
1507 ~~Fire Marshal. It is the intent of the Legislature that this~~
1508 ~~program be similar to the program established by the Florida~~
1509 ~~Building Commission in s. 553.775(3)(g).~~

1510 (3) Each nonbinding interpretation of code provisions must
1511 be provided within 10 business days after receipt of a request
1512 for interpretation. The response period established in this
1513 subsection may be waived only with the written consent of the
1514 party requesting the nonbinding interpretation and the Division
1515 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be

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1516 advisory only and nonbinding on the parties or the State Fire
1517 Marshal.

1518 (4) In order to administer this section, the Division of
1519 State Fire Marshal shall charge department may adopt by rule and
1520 impose a fee for nonbinding interpretations, with payment made
1521 directly to the third party. The fee may not exceed \$150 for
1522 each request for a review or interpretation. The division may
1523 authorize payment of fees directly to the nonprofit organization
1524 under contract pursuant to subsection (1).

1525 (5) A party requesting a nonbinding interpretation who
1526 disagrees with the interpretation issued under this section may
1527 apply for a formal interpretation from the State Fire Marshal
1528 pursuant to s. 633.01(6).

1529 (6) The Division of State Fire Marshal shall issue or
1530 cause to be issued a nonbinding interpretation of the Florida
1531 Fire Prevention Code pursuant to this section when requested to
1532 do so upon submission of a petition by a fire official or by the
1533 owner or owner's representative or the contractor or
1534 contractor's representative of a project in dispute. The
1535 division shall adopt a petition form by rule and the petition
1536 form must be published on the State Fire Marshal's website. The
1537 form shall, at a minimum, require:

1538 (a) The name and address of the local fire official,
1539 including the address of the county, municipality, or special
1540 district.

1541 (b) The name and address of the owner or owner's
1542 representative or the contractor or contractor's representative.

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1543 (c) A statement of the specific sections of the Florida
1544 Fire Prevention Code being interpreted by the local fire
1545 official.

1546 (d) An explanation of how the petitioner's substantial
1547 interests are being affected by the local interpretation of the
1548 Florida Fire Prevention Code.

1549 (e) A statement of the interpretation of the specific
1550 sections of the Florida Fire Prevention Code by the local fire
1551 official.

1552 (f) A statement of the interpretation that the petitioner
1553 contends should be given to the specific sections of the Florida
1554 Fire Prevention Code and a statement supporting the petitioner's
1555 interpretation.

1556 (7) Upon receipt of a petition that meets the requirements
1557 of subsection (6), the Division of State Fire Marshal shall
1558 immediately provide copies of the petition to the Fire Code
1559 Interpretation Committee, and shall publish the petition and any
1560 response submitted by the local fire official on the State Fire
1561 Marshal's website.

1562 (8) The committee shall conduct proceedings as necessary
1563 to resolve the issues and give due regard to the petition, the
1564 facts of the matter at issue, specific code sections cited, and
1565 any statutory implications affecting the Florida Fire Prevention
1566 Code. The committee shall issue an interpretation regarding the
1567 provisions of the Florida Fire Prevention Code within 10 days
1568 after the filing of a petition. The committee shall issue an
1569 interpretation based upon the Florida Fire Prevention Code or,
1570 if the code is ambiguous, the intent of the code. The

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1571 committee's interpretation shall be provided to the petitioner
1572 and shall include a notice that if the petitioner disagrees with
1573 the interpretation, the petitioner may file a request for formal
1574 interpretation by the State Fire Marshal under s. 633.01(6). The
1575 committee's interpretation shall be provided to the State Fire
1576 Marshal, and the division shall publish the interpretation on
1577 the State Fire Marshal's website and in the Florida
1578 Administrative Weekly.

1579 Section 44. Present subsections (2) through (10) of
1580 section 633.061, Florida Statutes, are redesignated as
1581 subsections (3) through (11), respectively, a new subsection (2)
1582 is added to that section, and paragraph (c) of present
1583 subsection (3) of that section is amended, to read:

1584 633.061 Fire suppression equipment; license to install or
1585 maintain.—

1586 (2) A person who holds a valid fire equipment dealer
1587 license may maintain such license in an inactive status during
1588 which time he or she may not engage in any work under the
1589 definition of license held. An inactive status license shall be
1590 void after 2 years or at the time that the license is renewed,
1591 whichever comes first. The biennial renewal fee for an inactive
1592 status license shall be \$75. An inactive status license may not
1593 be reactivated unless the continuing education requirements of
1594 this chapter have been fulfilled.

1595 (4) (3)

1596 (c) A license of any class shall not be issued or renewed
1597 by the State Fire Marshal and a license of any class shall not
1598 remain operative unless:

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1599 1. The applicant has submitted to the State Fire Marshal
1600 evidence of registration as a Florida corporation or evidence of
1601 compliance with s. 865.09.

1602 2. The State Fire Marshal or his or her designee has by
1603 inspection determined that the applicant possesses the equipment
1604 required for the class of license sought. The State Fire Marshal
1605 shall give an applicant a reasonable opportunity to correct any
1606 deficiencies discovered by inspection. A fee of \$50, payable to
1607 the State Fire Marshal, shall be required for any subsequent
1608 reinspection.

1609 3. The applicant has submitted to the State Fire Marshal
1610 proof of insurance providing coverage for comprehensive general
1611 liability for bodily injury and property damage, products
1612 liability, completed operations, and contractual liability. The
1613 State Fire Marshal shall adopt rules providing for the amounts
1614 of such coverage, but such amounts shall not be less than
1615 \$300,000 for Class A or Class D licenses, \$200,000 for Class B
1616 licenses, and \$100,000 for Class C licenses; and the total
1617 coverage for any class of license held in conjunction with a
1618 Class D license shall not be less than \$300,000. The State Fire
1619 Marshal may, at any time after the issuance of a license or its
1620 renewal, require upon demand, and in no event more than 30 days
1621 after notice of such demand, the licensee to provide proof of
1622 insurance, on a form provided by the State Fire Marshal,
1623 containing confirmation of insurance coverage as required by
1624 this chapter. Failure, for any length of time, to provide proof
1625 of insurance coverage as required shall result in the immediate
1626 suspension of the license until proof of proper insurance is

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1627 provided to the State Fire Marshal. An insurer which provides
1628 such coverage shall notify the State Fire Marshal of any change
1629 in coverage or of any termination, cancellation, or nonrenewal
1630 of any coverage.

1631 4. The applicant applies to the State Fire Marshal,
1632 provides proof of experience, and successfully completes a
1633 prescribed training course offered by the State Fire College or
1634 an equivalent course approved by the State Fire Marshal. This
1635 subparagraph does not apply to any holder of or applicant for a
1636 permit under paragraph (f) or to a business organization or a
1637 governmental entity seeking initial licensure or renewal of an
1638 existing license solely for the purpose of inspecting,
1639 servicing, repairing, marking, recharging, and maintaining fire
1640 extinguishers used and located on the premises of and owned by
1641 such organization or entity.

1642 5. The applicant has a current retestor identification
1643 number that is appropriate for the license for which the
1644 applicant is applying and that is listed with the United States
1645 Department of Transportation.

1646 6. The applicant has passed, with a grade of at least 70
1647 percent, a written examination testing his or her knowledge of
1648 the rules and statutes regulating the activities authorized by
1649 the license and demonstrating his or her knowledge and ability
1650 to perform those tasks in a competent, lawful, and safe manner.
1651 Such examination shall be developed and administered by the
1652 State Fire Marshal, or his or her designee in accordance with
1653 policies and procedures of the State Fire Marshal. An applicant
1654 shall pay a nonrefundable examination fee of \$50 for each

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1655 examination or reexamination scheduled. No reexamination shall
1656 be scheduled sooner than 30 days after any administration of an
1657 examination to an applicant. No applicant shall be permitted to
1658 take an examination for any level of license more than a total
1659 of four times during 1 year, regardless of the number of
1660 applications submitted. As a prerequisite to licensure of the
1661 applicant:

1662 a. Must be at least 18 years of age.

1663 b. Must have 4 years of proven experience as a fire
1664 equipment permittee at a level equal to or greater than the
1665 level of license applied for or have a combination of education
1666 and experience determined to be equivalent thereto by the State
1667 Fire Marshal. Having held a permit at the appropriate level for
1668 the required period constitutes the required experience.

1669 c. Must not have been convicted of, or pled nolo
1670 contendere to, any felony. If an applicant has been convicted of
1671 any such felony, the applicant must comply with s.

1672 112.011(1)(b).

1673

1674 This subparagraph does not apply to any holder of or applicant
1675 for a permit under paragraph (f) or to a business organization
1676 or a governmental entity seeking initial licensure or renewal of
1677 an existing license solely for the purpose of inspecting,
1678 servicing, repairing, marking, recharging, hydrotesting, and
1679 maintaining fire extinguishers used and located on the premises
1680 of and owned by such organization or entity.

1681 Section 45. Section 633.081, Florida Statutes, is amended
1682 to read:

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1683 633.081 Inspection of buildings and equipment; orders;
1684 firesafety inspection training requirements; certification;
1685 disciplinary action.—The State Fire Marshal and her or his
1686 agents shall, at any reasonable hour, when the State Fire
1687 Marshal department has reasonable cause to believe that a
1688 violation of this chapter or s. 509.215, or a rule promulgated
1689 thereunder, or a minimum firesafety code adopted by a local
1690 authority, may exist, inspect any and all buildings and
1691 structures which are subject to the requirements of this chapter
1692 or s. 509.215 and rules promulgated thereunder. The authority to
1693 inspect shall extend to all equipment, vehicles, and chemicals
1694 which are located within the premises of any such building or
1695 structure.

1696 (1) Each county, municipality, and special district that
1697 has firesafety enforcement responsibilities shall employ or
1698 contract with a firesafety inspector. The firesafety inspector
1699 must conduct all firesafety inspections that are required by
1700 law. The governing body of a county, municipality, or special
1701 district that has firesafety enforcement responsibilities may
1702 provide a schedule of fees to pay only the costs of inspections
1703 conducted pursuant to this subsection and related administrative
1704 expenses. Two or more counties, municipalities, or special
1705 districts that have firesafety enforcement responsibilities may
1706 jointly employ or contract with a firesafety inspector.

1707 (2) Every firesafety inspection conducted pursuant to
1708 state or local firesafety requirements shall be by a person
1709 certified as having met the inspection training requirements set
1710 by the State Fire Marshal. Such person shall:

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- 1711 (a) Be a high school graduate or the equivalent as
1712 determined by the department;
- 1713 (b) Not have been found guilty of, or having pleaded
1714 guilty or nolo contendere to, a felony or a crime punishable by
1715 imprisonment of 1 year or more under the law of the United
1716 States, or of any state thereof, which involves moral turpitude,
1717 without regard to whether a judgment of conviction has been
1718 entered by the court having jurisdiction of such cases;
- 1719 (c) Have her or his fingerprints on file with the
1720 department or with an agency designated by the department;
- 1721 (d) Have good moral character as determined by the
1722 department;
- 1723 (e) Be at least 18 years of age;
- 1724 (f) Have satisfactorily completed the firesafety inspector
1725 certification examination as prescribed by the department; and
- 1726 (g)1. Have satisfactorily completed, as determined by the
1727 department, a firesafety inspector training program of not less
1728 than 200 hours established by the department and administered by
1729 agencies and institutions approved by the department for the
1730 purpose of providing basic certification training for firesafety
1731 inspectors; or
- 1732 2. Have received in another state training which is
1733 determined by the department to be at least equivalent to that
1734 required by the department for approved firesafety inspector
1735 education and training programs in this state.
- 1736 (3) Each special state firesafety inspection which is
1737 required by law and is conducted by or on behalf of an agency of
1738 the state must be performed by an individual who has met the

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1739 provision of subsection (2), except that the duration of the
1740 training program shall not exceed 120 hours of specific training
1741 for the type of property that such special state firesafety
1742 inspectors are assigned to inspect.

1743 (4) A firefighter certified pursuant to s. 633.35 may
1744 conduct firesafety inspections, under the supervision of a
1745 certified firesafety inspector, while on duty as a member of a
1746 fire department company conducting inservice firesafety
1747 inspections without being certified as a firesafety inspector,
1748 if such firefighter has satisfactorily completed an inservice
1749 fire department company inspector training program of at least
1750 24 hours' duration as provided by rule of the department.

1751 (5) Every firesafety inspector or special state firesafety
1752 inspector certificate is valid for a period of 3 years from the
1753 date of issuance. Renewal of certification shall be subject to
1754 the affected person's completing proper application for renewal
1755 and meeting all of the requirements for renewal as established
1756 under this chapter or by rule promulgated thereunder, which
1757 shall include completion of at least 40 hours during the
1758 preceding 3-year period of continuing education as required by
1759 the rule of the department or, in lieu thereof, successful
1760 passage of an examination as established by the department.

1761 (6) The State Fire Marshal may deny, refuse to renew,
1762 suspend, or revoke the certificate of a firesafety inspector or
1763 special state firesafety inspector if it finds that any of the
1764 following grounds exist:

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1765 (a) Any cause for which issuance of a certificate could
1766 have been refused had it then existed and been known to the
1767 State Fire Marshal.

1768 (b) Violation of this chapter or any rule or order of the
1769 State Fire Marshal.

1770 (c) Falsification of records relating to the certificate.

1771 (d) Having been found guilty of or having pleaded guilty
1772 or nolo contendere to a felony, whether or not a judgment of
1773 conviction has been entered.

1774 (e) Failure to meet any of the renewal requirements.

1775 (f) Having been convicted of a crime in any jurisdiction
1776 which directly relates to the practice of fire code inspection,
1777 plan review, or administration.

1778 (g) Making or filing a report or record that the
1779 certificateholder knows to be false, or knowingly inducing
1780 another to file a false report or record, or knowingly failing
1781 to file a report or record required by state or local law, or
1782 knowingly impeding or obstructing such filing, or knowingly
1783 inducing another person to impede or obstruct such filing.

1784 (h) Failing to properly enforce applicable fire codes or
1785 permit requirements within this state which the
1786 certificateholder knows are applicable by committing willful
1787 misconduct, gross negligence, gross misconduct, repeated
1788 negligence, or negligence resulting in a significant danger to
1789 life or property.

1790 (i) Accepting labor, services, or materials at no charge
1791 or at a noncompetitive rate from any person who performs work
1792 that is under the enforcement authority of the certificateholder

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1793 and who is not an immediate family member of the
1794 certificateholder. For the purpose of this paragraph, the term
1795 "immediate family member" means a spouse, child, parent,
1796 sibling, grandparent, aunt, uncle, or first cousin of the person
1797 or the person's spouse or any person who resides in the primary
1798 residence of the certificateholder.

1799 (7) The Division of State Fire Marshal and the Florida
1800 Building Code Administrator and Inspectors Board, established
1801 pursuant to under s. 468.605, shall enter into a reciprocity
1802 agreement to facilitate joint recognition of continuing
1803 education recertification hours for certificateholders licensed
1804 under s. 468.609 and firesafety inspectors certified under
1805 subsection (2).

1806 (8) The State Fire Marshal shall develop by rule an
1807 advanced training and certification program for firesafety
1808 inspectors having fire code management responsibilities. The
1809 program must be consistent with the appropriate provisions of
1810 NFPA 1037, or similar standards adopted by the division, and
1811 establish minimum training, education, and experience levels for
1812 firesafety inspectors having fire code management
1813 responsibilities.

1814 (9) ~~(7)~~ The department shall provide by rule for the
1815 certification of firesafety inspectors.

1816 Section 46. Section 633.352, Florida Statutes, is amended
1817 to read:

1818 633.352 Retention of firefighter certification.—Any
1819 certified firefighter who has not been active as a firefighter,
1820 or as a volunteer firefighter with an organized fire department,

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1821 for a period of 3 years shall be required to retake the
1822 practical portion of the minimum standards state examination
1823 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
1824 Administrative Code, in order to maintain her or his
1825 certification as a firefighter; however, this requirement does
1826 not apply to state-certified firefighters who are certified and
1827 employed as full-time firesafety inspectors or firesafety
1828 instructors, regardless of the firefighter's employment status
1829 ~~as determined by the division~~. The 3-year period begins on the
1830 date the certificate of compliance is issued or upon termination
1831 of service with an organized fire department.

1832 Section 47. Paragraph (e) of subsection (2) and
1833 subsections (3), (10), and (11) of section 633.521, Florida
1834 Statutes, are amended to read:

1835 633.521 Certificate application and issuance; permit
1836 issuance; examination and investigation of applicant.—

1837 (2)

1838 (e) An applicant may not be examined more than four times
1839 during 1 year for certification as a contractor pursuant to this
1840 section unless the person is or has been certified and is taking
1841 the examination to change classifications. If an applicant does
1842 not pass one or more parts of the examination, she or he may
1843 take any part of the examination three more times during the 1-
1844 year period beginning upon the date she or he originally filed
1845 an application to take the examination. If the applicant does
1846 not pass the examination within that 1-year period, she or he
1847 must file a new application and pay the application and
1848 examination fees in order to take the examination or a part of

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1849 the examination again. However, the applicant may not file a new
1850 application sooner than 6 months after the date of her or his
1851 last examination. An applicant who passes the examination but
1852 does not meet the remaining qualifications as provided in
1853 applicable statutes and rules within 1 year after the
1854 application date must file a new application, pay the
1855 application and examination fee, successfully complete a
1856 prescribed training course approved by the State Fire College or
1857 an equivalent course approved by the State Fire Marshal, and
1858 retake and pass the written examination.

1859 (3) (a) As a prerequisite to taking the examination for
1860 certification as a Contractor I, ~~Contractor II, or Contractor~~
1861 ~~III~~, the applicant must be at least 18 years of age, be of good
1862 moral character, and ~~shall~~ possess 4 years' proven experience in
1863 the employment of a fire protection system Contractor I,
1864 ~~Contractor II, or Contractor III~~ or a combination of equivalent
1865 education and experience in both water-based and chemical fire
1866 suppression systems.

1867 (b) As a prerequisite to taking the examination for
1868 certification as a Contractor II, the applicant must be at least
1869 18 years of age, be of good moral character, and have 4 years of
1870 verifiable employment experience with a fire protection system
1871 as a Contractor I or Contractor II, or a combination of
1872 equivalent education and experience in water-based fire
1873 suppression systems.

1874 (c) Required education and experience for certification as
1875 a Contractor I, Contractor II, Contractor III, or Contractor IV

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1876 includes training and experience in both installation and system
1877 layout as defined in s. 633.021.

1878 (d) As a prerequisite to taking the examination for
1879 certification as a Contractor III, the applicant must be at
1880 least 18 years of age, be of good moral character, and have 4
1881 years of verifiable employment experience with a fire protection
1882 system as a Contractor I or Contractor II, or a combination of
1883 equivalent education and experience in chemical fire suppression
1884 systems.

1885 (e) As a prerequisite to taking the examination for
1886 certification as a Contractor IV, the applicant ~~must shall~~ be at
1887 least 18 years old, be of good moral character, ~~be licensed as a~~
1888 certified plumbing contractor under chapter 489, and
1889 successfully complete a training program acceptable to the State
1890 Fire Marshal of not less than 40 contact hours regarding the
1891 applicable installation standard used by the Contractor IV as
1892 described in NFPA 13D. The State Fire Marshal may adopt rules to
1893 administer this subsection ~~have at least 2 years' proven~~
1894 ~~experience in the employment of a fire protection system~~
1895 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
1896 ~~combination of equivalent education and experience which~~
1897 ~~combination need not include experience in the employment of a~~
1898 ~~fire protection system contractor.~~

1899 (f) As a prerequisite to taking the examination for
1900 certification as a Contractor V, the applicant ~~must shall~~ be at
1901 least 18 years old, be of good moral character, and have been
1902 licensed as a certified underground utility and excavation
1903 contractor or certified plumbing contractor pursuant to chapter

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1904 489, have verification by an individual who is licensed as a
1905 certified utility contractor or certified plumbing contractor
1906 pursuant to chapter 489 that the applicant has 4 years' proven
1907 experience in the employ of a certified underground utility and
1908 excavation contractor or certified plumbing contractor, or have
1909 a combination of education and experience equivalent to 4 years'
1910 proven experience in the employ of a certified underground
1911 utility and excavation contractor or certified plumbing
1912 contractor.

1913 (g) Within 30 days after the date of the examination, the
1914 State Fire Marshal shall inform the applicant in writing whether
1915 she or he has qualified or not and, if the applicant has
1916 qualified, that she or he is ready to issue a certificate of
1917 competency, subject to compliance with the requirements of
1918 subsection (4).

1919 (10) Effective July 1, 2008, the State Fire Marshal shall
1920 require the National Institute of Certification in Engineering
1921 Technologies (NICET), Sub-field of Inspection and Testing of
1922 Fire Protection Systems Level II or equivalent training and
1923 education as determined by the division as proof that the
1924 permitholders are knowledgeable about nationally accepted
1925 standards for the inspection of fire protection systems. ~~It is~~
1926 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
1927 ~~to accept continuing education of all certificateholders'~~
1928 ~~employees who perform inspection functions which specifically~~
1929 ~~prepares the permitholder to qualify for NICET II certification.~~

1930 (11) It is intended that a certificateholder, or a
1931 permitholder who is employed by a certificateholder, conduct

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1932 inspections required by this chapter. It is understood that
1933 after July 1, 2008, employee turnover may result in a depletion
1934 of personnel who are certified under the NICET Sub-field of
1935 Inspection and Testing of Fire Protection Systems Level II or
1936 equivalent training and education as required by the Division of
1937 State Fire Marshal ~~which is required for permit holders. The~~
1938 ~~extensive training and experience necessary to achieve NICET~~
1939 ~~Level II certification is recognized.~~ A certificateholder may
1940 therefore obtain a provisional permit with an endorsement for
1941 inspection, testing, and maintenance of water-based fire
1942 extinguishing systems for an employee if the employee has
1943 initiated procedures for obtaining Level II certification from
1944 the National Institute for Certification in Engineering
1945 Technologies Sub-field of Inspection and Testing of Fire
1946 Protection Systems and achieved Level I certification or an
1947 equivalent level as determined by the State Fire Marshal through
1948 verification of experience, training, and examination. The State
1949 Fire Marshal may establish rules to administer this subsection.
1950 After 2 years of provisional certification, the employee must
1951 have achieved NICET Level II certification or obtain equivalent
1952 training and education as determined by the division, or cease
1953 performing inspections requiring Level II certification. The
1954 provisional permit is valid only for the 2 calendar years after
1955 the date of issuance, may not be extended, and is not renewable.
1956 After the initial 2-year provisional permit expires, the
1957 certificateholder must wait 2 additional years before a new
1958 provisional permit may be issued. The intent is to prohibit the
1959 certificateholder from using employees who never reach NICET

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1960 Level II status, or equivalent training and education as
1961 determined by the division, by continuously obtaining
1962 provisional permits.

1963 Section 48. Subsection (3) is added to section 633.524,
1964 Florida Statutes, to read:

1965 633.524 Certificate and permit fees; use and deposit of
1966 collected funds.—

1967 (3) The State Fire Marshal may enter into a contract with
1968 any qualified public entity or private company in accordance
1969 with chapter 287 to provide examinations for any applicant for
1970 any examination administered under the jurisdiction of the State
1971 Fire Marshal. The State Fire Marshal may direct payments from
1972 each applicant for each examination directly to such contracted
1973 entity or company.

1974 Section 49. Subsection (4) of section 633.537, Florida
1975 Statutes, is amended to read:

1976 633.537 Certificate; expiration; renewal; inactive
1977 certificate; continuing education.—

1978 (4) The renewal period for the permit class is the same as
1979 that for the employing certificateholder. The continuing
1980 education requirements for permit holders are what is required to
1981 maintain NICET Sub-field of Inspection and Testing of Fire
1982 Protection Systems Level II, equivalent training and education
1983 as determined by the division, or higher certification plus 8
1984 contact hours of continuing education approved by the State Fire
1985 Marshal during each biennial renewal period thereafter. The
1986 continuing education curriculum from July 1, 2005, until July 1,
1987 2008, shall be the preparatory curriculum for NICET II

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1988 ~~certification; after July 1, 2008, the technical curriculum is~~
1989 ~~at the discretion of the State Fire Marshal and may be used to~~
1990 ~~meet the maintenance of NICET Level II certification and 8~~
1991 ~~contact hours of continuing education requirements. It is the~~
1992 responsibility of the permit holder to maintain NICET II
1993 certification or equivalent training and education as determined
1994 by the division as a condition of permit renewal after July 1,
1995 2008.

1996 Section 50. Subsection (4) of section 633.72, Florida
1997 Statutes, is amended to read:

1998 633.72 Florida Fire Code Advisory Council.—

1999 (4) Each appointee shall serve a 4-year term. No member
2000 shall serve more than two consecutive terms ~~one term~~. No member
2001 of the council shall be paid a salary as such member, but each
2002 shall receive travel and expense reimbursement as provided in s.
2003 112.061.

2004 Section 51. Subsection (6) of section 718.113, Florida
2005 Statutes, is repealed.

2006 Section 52. The Florida Building Commission shall revise
2007 the Florida Building Code in order to make it consistent with
2008 the revisions made by this act to s. 399.02, Florida Statutes.

2009 Section 53. Except as otherwise expressly provided in this
2010 act, this act shall take effect July 1, 2010.

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Amendment No.

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

Remove the entire title and insert:

An act relating to building safety; amending s. 399.02, F.S.;
exempting certain elevators from provisions requiring
modifications to heat sensors and electronic controls; amending
s. 399.15, F.S.; providing an alternative method to allow access
to regional emergency elevators; providing for a uniform lock
box; providing for a master key; providing the Division of State
Fire Marshal with enforcement authority; directing the
Department of Financial Services to select the provider of the
uniform lock box; amending s. 468.8311, F.S.; revising the term
"home inspection services" to include the visual examination of
additional components; amending s. 468.8312, F.S.; deleting a
provision that provides the threshold amount of a fee for a
certificate of authorization; amending s. 468.8313, F.S.;
revising provisions relating to licensure examinations for home
inspectors; requiring that a person pass the examination before
becoming licensed as a home inspector; requiring that an
applicant for such license submit fingerprints along with the
application; requiring that the Department of Law Enforcement
submit the fingerprints to the Federal Bureau of Investigation
for a level 2 background check; requiring that the applicant pay
the costs associated with processing the fingerprints; amending
s. 468.8318, F.S.; deleting provisions regarding the issuance of
a certificate of authorization to providers of home inspection
services; amending s. 468.8319, F.S.; revising certain
prohibitions with respect to providers of home inspection
services; conforming provisions to changes made by the act;

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2044 providing that the prohibitions and penalties for home
2045 inspectors in s. 468.8319(1), F.S., remain in effect until a
2046 specified date, notwithstanding s. 4 of ch. 2007-235, Laws of
2047 Florida; amending s. 468.832, F.S.; authorizing the Department
2048 of Business and Professional Regulation to impose penalties
2049 against a licensee found guilty of certain violations; amending
2050 s. 468.8324, F.S.; providing additional requirements for
2051 licensure as a home inspector; creating s. 468.8325, F.S.,
2052 requiring that the department adopt rules relating to home
2053 inspectors; amending s. 468.8412, F.S.; deleting a provision
2054 that provides a threshold amount for a fee to renew a biennial
2055 certificate of authorization as a mold assessor or mold
2056 remediator; amending s. 468.8413, F.S.; providing additional
2057 requirements for a license as a mold assessor or mold
2058 remediator; amending s. 468.8414, F.S.; requiring that an
2059 applicant for such license possess certain liability insurance;
2060 amending s. 468.8418, F.S.; deleting provisions to conform to
2061 changes made by the act; providing that the prohibitions and
2062 penalties for mold assessors and mold remediators in s.
2063 468.8419(1)(a) and (b), F.S., remain in effect until a specified
2064 date, notwithstanding s. 4 of ch. 2007-235, Laws of Florida;
2065 amending s. 468.842, F.S.; authorizing the Department of
2066 Business and Professional Regulation to impose penalties against
2067 a licensee found guilty of certain violations; amending s.
2068 468.8421, F.S.; requiring that a mold assessor maintain
2069 insurance to cover preliminary and postremediation activities;
2070 amending s. 468.8423, F.S.; providing additional application
2071 requirements for a person performing mold assessment or mold

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2072 remediation; creating s. 468.8424, F.S., requiring that the
2073 department adopt rules regarding mold-related services; amending
2074 s. 489.103, F.S.; conforming a cross-reference; amending s.
2075 553.37, F.S.; authorizing manufacturers to pay inspection fees
2076 directly to the provider of inspection services; providing
2077 requirements for department rules regarding the schedule of
2078 fees; authorizing the department to enter into contracts for the
2079 performance of certain administrative duties; revising
2080 inspection requirements for certain custom manufactured
2081 buildings; amending s. 553.375, F.S.; revising the requirement
2082 for recertification of manufactured buildings prior to
2083 relocation; amending s. 553.509, F.S.; deleting requirements for
2084 alternate power sources for elevators for purposes of operating
2085 during an emergency; amending s. 553.512, F.S.; requiring that
2086 the Florida Building Commission establish by rule a fee for
2087 waivers of certain requirements; amending s. 553.73, F.S.;
2088 authorizing the commission to approve amendments relating to
2089 equivalency of standards; authorizing the commission to approve
2090 amendments necessary to accommodate state agency rules to meet
2091 federal requirements for design criteria relating to public
2092 educational facilities and state-licensed facilities; exempting
2093 certain mausoleums from the requirements of the Florida Building
2094 Code; exempting certain temporary housing provided by the
2095 Department of Corrections from the requirements of the Florida
2096 Building Code; restricting the code or a code enforcement agency
2097 from imposing requirements on existing mechanical equipment on
2098 the surface of a roof; requiring that the Florida Building Code
2099 contain certain requirements regarding illumination in classroom

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2100 units; requiring that classroom units be designed to provide and
2101 maintain an average of 40 foot-candles of light at each desktop;
2102 requiring that public educational facilities consider using
2103 light-emitting diode lighting before considering other lighting
2104 sources; amending s. 553.74, F.S.; providing that a member of a
2105 Florida Building Commission technical advisory committee or
2106 other advisory committee or workgroup does not have a conflict
2107 of interest when representing clients before the commission or
2108 one of the commission's committees or workgroups, except if the
2109 member has a direct financial interest; amending s. 553.76,
2110 F.S.; authorizing the Florida Building Commission to adopt rules
2111 related to consensus-building decisionmaking; amending s.
2112 553.775, F.S.; authorizing the commission to charge a fee for
2113 nonbinding interpretations; amending s. 553.79, F.S.; requiring
2114 that state agencies enter into contracts for inspection services
2115 under the alternative plans review and inspection process or
2116 with a local governmental entity; reenacting and amending s.
2117 553.80(1) and (3), F.S., relating to the enforcement of the
2118 Florida Building Code, to incorporate the amendments made to s.
2119 553.79, F.S., in a reference thereto; restricting the
2120 application of exemptions for certain single-family residences;
2121 amending s. 553.841, F.S.; deleting provisions requiring that
2122 the Department of Community Affairs maintain, update, develop,
2123 or cause to be developed a core curriculum for persons who
2124 enforce the Florida Building Code; amending s. 553.842, F.S.;
2125 authorizing rules requiring the payment of product evaluation
2126 fees directly to the administrator of the product evaluation and
2127 approval system; requiring that the provider remit a portion of

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2128 the fees to the department to cover its costs; providing
2129 requirements for the approval of applications for state approval
2130 of a product; providing for certain approved products to be
2131 immediately added to the list of state-approved products;
2132 requiring that the commission's oversight committee review
2133 approved products; revising the list of approved evaluation
2134 entities; deleting obsolete provisions governing evaluation
2135 entities; amending s. 553.844, F.S.; providing an exemption from
2136 the requirements regarding roof and opening protections for
2137 certain exposed mechanical equipment or appliances; providing
2138 for future expiration; amending s. 553.885, F.S.; revising
2139 requirements for carbon monoxide alarms; providing an exception
2140 for buildings undergoing alterations or repairs; defining the
2141 term "addition" as it relates to the requirement of a carbon
2142 monoxide alarm; amending s. 553.9061, F.S.; revising the energy-
2143 efficiency performance options and elements identified by the
2144 commission for purposes of meeting certain goals; amending s.
2145 553.909, F.S.; revising requirements for pool pump motors to
2146 conform to federal law; amending s. 553.912, F.S.; requiring
2147 that replacement air-conditioning systems be installed using
2148 energy-saving quality installation procedures; amending s.
2149 627.711, F.S.; conforming provisions to changes made by the act
2150 in which core curriculum courses relating to the Florida
2151 Building Code are deleted; amending s. 633.021, F.S.; providing
2152 definitions; revising the definition of the term "preengineered
2153 system"; amending s. 633.0215, F.S.; providing guidelines for
2154 the State Fire Marshal to apply when issuing an expedited
2155 declaratory statement; requiring that the State Fire Marshal

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2156 issue an expedited declaratory statement under certain
2157 circumstances; providing requirements for a petition requesting
2158 an expedited declaratory statement; providing an exemption for
2159 certain condominiums from installing a manual fire alarm system;
2160 amending s. 633.0245, F.S.; conforming cross-references;
2161 amending s. 633.026, F.S.; providing legislative intent;
2162 providing for the establishment of the Fire Code Interpretation
2163 Committee; providing for the membership of the committee and
2164 requirements for membership; requiring that nonbinding
2165 interpretations of the Florida Fire Prevention Code be issued
2166 within a specified period after a request is received; providing
2167 for the waiver of such requirement under certain conditions;
2168 requiring that the Division of State Fire Marshal charge a fee
2169 for nonbinding interpretations; providing that fees may be paid
2170 directly to a contract provider; providing requirements for
2171 requesting a nonbinding interpretation; requiring that the
2172 Division of State Fire Marshal develop a form for submitting a
2173 petition for a nonbinding interpretation; providing for a formal
2174 interpretation by the State Fire Marshal; requiring that an
2175 interpretation of the Florida Fire Prevention Code be published
2176 on the division's website and in the Florida Administrative
2177 Weekly; amending s. 633.061, F.S.; providing that a person who
2178 holds a valid fire equipment dealer license may maintain such
2179 license in an inactive status; providing for a fee; amending s.
2180 633.081, F.S.; requiring that the State Fire Marshal inspect a
2181 building when the State Fire Marshal, rather than the Department
2182 of Financial Services, has cause to believe a violation has
2183 occurred; requiring that the Division of State Fire Marshal and

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2184 the Florida Building Code Administrator and Inspectors Board
2185 enter into a reciprocity agreement for purposes of recertifying
2186 building code inspectors, plan inspectors, building code
2187 administrators, and firesafety inspectors; requiring that the
2188 State Fire Marshal develop by rule an advanced training and
2189 certification program for firesafety inspectors who have fire
2190 code management responsibilities; requiring that the program be
2191 consistent with certain standards and establish minimum
2192 training, education, and experience levels for such firesafety
2193 inspectors; amending s. 633.352, F.S.; providing an exception to
2194 requirements for recertification as a firefighter; amending s.
2195 633.521, F.S.; revising requirements for certification as a fire
2196 protection system contractor; revising the prerequisites for
2197 taking the certification examination; authorizing the State Fire
2198 Marshal to accept more than one source of professional
2199 certification; revising legislative intent; amending s. 633.524,
2200 F.S.; authorizing the State Fire Marshal to enter into contracts
2201 for examination services; providing for the direct payment of
2202 examination fees to contract providers; amending s. 633.537,
2203 F.S.; revising the continuing education requirements for certain
2204 permitholders; amending 633.72, F.S.; revising the terms of
2205 service for members of the Fire Code Advisory Council; repealing
2206 s. 718.113(6), F.S., relating to requirements for 5-year
2207 inspections of certain condominium improvements; directing the
2208 Florida Building Commission to conform provisions of the Florida
2209 Building Code with revisions made by the act relating to the
2210 operation of elevators; providing effective dates.

COMMITTEE MEETING REPORT
Insurance, Business & Financial Affairs Policy Committee

3/3/2010 2:00:00PM

Location: Webster Hall (212 Knott)

HB 701 : Design Professionals

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Carl Domino	X				
Eric Eisnaugle	X				
Anitere Flores	X				
Tom Grady		X			
D. Alan Hays	X				
Evan Jenne	X				
Janet Long				X	
Peter Nehr	X				
Bryan Nelson	X				
Kevin Rader	X				
Dwayne Taylor	X				
John Wood	X				
Ritch Workman	X				
Pat Patterson (Chair)	X				
Total Yeas: 12		Total Nays: 1			

Appearances:

Brian Pitts, Chair - Information Only

Justice-2-Jesus
 1119 Newton Avenue S.
 St. Petersburg FL 33705
 Phone: 727-897-9291

Kevin Thabault, Asst. Secretary (Lobbyist) (State Employee) - Information Only

FL Department of Transportation
 605 Suwannee Street
 Tallahassee FL 32399
 Phone: 850-414-5220

Warren Husband (Lobbyist) - Opponent

P. O. Box 10909
 Tallahassee FL 32302
 Phone: 850-205-9000

Peter Dyga, VP Govt. Affairs (Lobbyist) - Proponent

Association Builders & Contractors
 3730 Coconut Creel Parkway
 Coconut FL 33060
 Phone: 954-520-3764

Mike Huey (Lobbyist) - Proponent

301 S. Bronough
 Tallahassee FL 32301
 Phone: 850-577-9090

Committee meeting was reported out: Wednesday, March 03, 2010 6:03:24PM

COMMITTEE MEETING REPORT
Insurance, Business & Financial Affairs Policy Committee

3/3/2010 2:00:00PM

Location: Webster Hall (212 Knott)

Paul Jess (Lobbyist) - Opponent

218 S. Monroe Street

Tallahassee FL

Phone: 850-224-9403

Committee meeting was reported out: Wednesday, March 03, 2010 6:03:24PM

COMMITTEE MEETING REPORT
Insurance, Business & Financial Affairs Policy Committee

3/3/2010 2:00:00PM

Location: Webster Hall (212 Knott)

HB 707 : International Banking Corporations

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Carl Domino	X				
Eric Eisnaugle	X				
Anitere Flores	X				
Tom Grady	X				
D. Alan Hays				X	
Evan Jenne	X				
Janet Long				X	
Peter Nehr	X				
Bryan Nelson	X				
Kevin Rader	X				
Dwayne Taylor	X				
John Wood	X				
Ritch Workman	X				
Pat Patterson (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Brian Pitts, Chair - Information Only
 Justice-2-Jesus
 1119 Newton Avenue S.
 St. Petersburg FL 33705
 Phone: 727-897-9291

COMMITTEE MEETING REPORT
Insurance, Business & Financial Affairs Policy Committee

3/3/2010 2:00:00PM

Location: Webster Hall (212 Knott)

HB 713 : Regulation of Professions

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Carl Domino	X				
Eric Eisnaugle	X				
Anitere Flores	X				
Tom Grady	X				
D. Alan Hays	X				
Evan Jenne	X				
Janet Long				X	
Peter Nehr	X				
Bryan Nelson	X				
Kevin Rader	X				
Dwayne Taylor		X			
John Wood	X				
Ritch Workman	X				
Pat Patterson (Chair)	X				
Total Yeas: 12 Total Nays: 1					

Appearances:

Nehr Amendment

Keyna Cory, Senior Lobbyist (Lobbyist) - Proponent

AIF

110 E. College Avenue

Tallahassee FL 32301

Phone: 850-681-1065

Nehr Amendment

Jack Cory, Vice President - Proponent

Daily Business Publications

110 E. College Avenue

Tallahassee FL 32301

Phone: 850-681-1065

Darrick McGhee, Director, Office of Legislative Affairs (Lobbyist) (State Employee) - Information Only

Department of Business & Professional Regulation

1940 North Monroe Street

Tallahassee FL 32399

Phone: 850-922-3046

Nehr Amendment

Sam Morley, FPA General Counsel (Lobbyist) - Proponent

FPA Florida Press Association

Phone: 850-212-4395

Committee meeting was reported out: Wednesday, March 03, 2010 6:03:24PM

**House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET**

Council/Committee: Insurance, Business & Financial Affairs PC
 Meeting Date: 3/3/10
 Place: 212 Kott
 Time: 2:00

Bill Number: HB 713
 Date Received: _____
 Date Reported: _____
 Subject: Regulation of Professions

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	# 1		# 2		# 3		# 4	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Domino								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Eisnaugle								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Flores	Adopted		Adopted		Adopted		Adopted	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Grady								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Hays								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Jenne								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Long								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Nehr								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Nelson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Rader								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Taylor								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Wood								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Workman								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Chair Patterson								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
12	1									

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Adopted
3/3/10

Amendment No.1

Bill No. **HB 713**

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business, and
 2 Financial Affairs Policy Committee
 3 Representative(s) Workman offered the following amendment 1:

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

4
 5
 6 Remove line 2 and insert:
 7 An act relating to the Department of Business and Professional
 8 Regulation; amending

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Adopted
3/3/10

Amendment No. 2

Bill No. HB 713

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business, and
 2 Financial Affairs Policy Committee
 3 Representative(s) Workman offered the following:

Amendment (with title amendment)

Remove line(s) 1152-1177

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

10 Remove line(s) 110-113 and insert:
 11 keep certain records for a specified time; reenacting
 12 ss.468.436(2) (a),
 13

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

*Adopted
3/3/10*

Amendment No. 3

Bill No. 713

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business, and
 2 Financial Affairs Policy Committee
 3 Representative(s) Workman offered the following:

4
5 **Amendment**

6 Remove line(s) 936-937 and insert:
 7 electronically authenticated application, digital fingerprint
 8 data, and fee, and a fingerprint card. The digital fingerprints
 9 ~~finger print card~~ shall

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Adopted 3/3/10

Amendment No. 4

Bill No. 713

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business, and
 2 Financial Affairs Policy Committee
 3 Representative(s) Workman offered the following:

Amendment (title amendments)

Remove line(s) 1117-1151

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

10 Remove line(s) 104-110 and insert:
 11 beverage licenses; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

*Adopted
3/3/10*

Amendment No. 5

Bill No. HB 713

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business, and
 2 Financial Affairs Policy Committee
 3 Representative(s) Workman offered the following:

Amendment (with title amendment)

Remove line(s) 600-602 and insert:

7 Section 17. Notwithstanding section 4 of chapter 2007-235,
 8 Laws of Florida, paragraphs (a) and (b) of subsection (1) of
 9 section 468.8319, Florida Statutes, shall take effect July 1,
 10 2011.

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

Remove line(s) 43-44 and insert:

15 companies; providing that the prohibitions and penalties for
 16 home inspectors in s. 468.8319(1), F.S., remain in effect until
 17 a specified date, notwithstanding s. 4 of ch. 2007-235, Laws of
 18 Florida; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6

*Adopted
3/3/10*

Bill No. **HB 713**

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business, and
 2 Financial Affairs Policy Committee
 3 Representative(s) Workman offered the following:

Amendment (with title amendment)

Remove line(s) 843-845 and insert:

7 Section 26. Notwithstanding section 4 of chapter 2007-235,
 8 Laws of Florida, paragraphs (a) and (b) of subsection (1) of
 9 section 468.8419, Florida Statutes, shall take effect July 1,
 10 2011.

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

Remove line(s) 69-71 and insert:

14 services; providing that the prohibitions and penalties for mold
 15 assessors and mold remediators in s. 468.8419(1)(a) and (b),
 16 F.S., remain in effect until a specified date, notwithstanding
 17 s. 4 of ch. 2007-235, Laws of Florida; amending s. 468.842,
 18 F.S.; providing an

Adopted
3/3/10

COUNCIL/COMMITTEE AMENDMENT
Bill No. HB 713 (2010)

Amendment No. 7

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Insurance, Business & Financial
2 Affairs Policy Committee

3 Representative Hudson offered the following:

Amendment (with directory and title amendments)

6 Between lines 995 and 996, insert:

7 (3) Notwithstanding s. 112.313, any member of the board
8 who is a licensed or certified real estate appraiser and who
9 holds an active appraiser instructor permit issued by the
10 department, to the extent authorized pursuant to such permit,
11 may offer, conduct, or teach any course prescribed or approved
12 by the board or the department.

13 Section 33. Subsection (3) is added to section 475.02,
14 Florida Statutes, to read:

15 475.02 Florida Real Estate Commission.-

16 (3) Notwithstanding s. 112.313, any member of the
17 commission who is a licensed real estate broker or sales
18 associate and who holds an active real estate school permit,
19 chief administrator permit, school instructor permit, or any

Amendment No.

20 combination of such permits issued by the department, to the
21 extent authorized pursuant to such permit, may offer, conduct,
22 or teach any course prescribed or approved by the commission or
23 the department.

24
25 -----
26 **D I R E C T O R Y A M E N D M E N T**

27 Remove lines 952-953 and insert:

28 Section 32. Subsection (1) of section 475.613, Florida
29 Statutes, is amended, and subsection (3) is added to that
30 section, to read:

31
32 -----
33 **T I T L E A M E N D M E N T**

34 Remove line 91 and insert:

35 Florida Real Estate Appraisal Board; authorizing certain
36 board members to offer, conduct, and teach courses
37 prescribed or approved by the board or the department;
38 amending s. 475.02, F.S.; authorizing certain members of
39 the Florida Real Estate Commission to offer, conduct, and
40 teach courses prescribed or approved by the commission or
41 the department; amending s. 477.019,

Failed
3/3/10

Amendment No. 8

Bill No. 713

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)

ADOPTED AS AMENDED ___ (Y/N)

ADOPTED W/O OBJECTION ___ (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN ___ (Y/N)

OTHER _____

1 Council/Committee hearing bill: Insurance, Business, and
 2 Financial affairs Policy Council
 3 Representative Nehr offered the following:

Amendment (with title amendment)

Remove line(s) 429-455 and insert:

Section 10. Section 455.274, Florida Statutes, is created to read:

455.274 Publication of legal advertisements and notices.-

(1) In addition to s. 49.10, when the department is
required to publish a notice of action for any proceeding
involving a licensee, by publishing the notice of action in a
newspaper, the department shall publish the notice of action for
4 consecutive weeks on the department's Internet website in a
designated section of the website that pertains to the
licensee's profession.

(2) In addition to s. 50.011, when the department is
required or authorized to publish a legal advertisement or
notice for any purpose described in s. 50.011 involving a
licensee, by publishing the legal advertisement or notice in a
newspaper, the department shall publish the legal advertisement

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

22 or notice on the department's Internet website in a designated
23 section of the website that pertains to the licensee's
24 profession.

25 (3) In addition to s. 120.60(5), when the department is
26 required to publish notice to a licensee of the revocation,
27 suspension, annulment, or withdrawal of his or her license, if
28 personal service cannot be made to the licensee and the
29 certified mail notice is returned undelivered, by publishing the
30 notice in a newspaper, the department shall publish the notice
31 for 4 consecutive weeks on the department's Internet website in
32 a designated section of the website that pertains to the
33 licensee's profession.

34

35 -----

36

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

37

Remove line 26 and insert:

38

the department's Internet website in addition to publication

39