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FBC Education Administrator Report

June 1, 2010

- A. Provided administrative support for FBC Education POC April 1, 2010 meeting
- B. Drafted minutes for FBC Education POC April 1, 2010 meeting
- C. Prepared agenda for FBC Education POC meeting on June 2, 2010
- D. Inquiries from the public April 3, 2010 to May 31, 2010 as follows:

21 inquiries: 6 telephone and email; 9 telephone only; 2 email only

Category of inquirers:

2 Architect	5 Engineer	3 Building Official
2 Attorney	7 Providers	1 Mitigation company
1 Consumer/public		

Types of Inquiries:

4 Core	10 Course Approval Questions
1 Scope of work for building official	1 Modular Certification Question
1 Code Question from 1997 Code	1 Website
1 Code Question on electronic version	2 E-mail list

E. FAW Notice for Rule 9B-70.002, Florida Administrative Code, relating to self-affirmation provision (see attached notice). The changes to BCIS to implement this are in process (but cannot be added until the rule is ready for filing).

F. Legislation for 2010 session (contact Cam at basfanswers@aol.com for a copy by e-mail):

- HB 545 – Relating to Windstorm Mitigation Rating (Adkins) PASSED (Gov by June 1)
- HB 663 - Relating to Building Safety (Aubuchon) PASSED (Gov by June 1)
- HB 713 – Relating to DBPR (Workman) Passed and approved by Governor
- SB 846 – Relating to Fire Sprinklers (Bennett) Passed and approved by Governor
- SB 2044 – Relating to Property Insurance (Richter) PASSED (Gov by June 1)
- HB 7179 – Relating to Energy (PACE program) Passed and approved by Governor
- HB 7243 – Relating to Recycling (T. Williams) Passed and approved by Governor

G. Survey to Gauge Interest in E-Portal for Submission of Permit Applications (see attached preliminary report)

Notice of Proposed Rule

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO: RULE TITLE

9B-70.002: Commission Approval and Accreditation of Advanced Building Code
 Training Courses

PURPOSE AND EFFECT: Correct a cross-reference and implement a system of self-affirmation for revisions to accredited courses

SUMMARY: The Florida Building Commission updates the building code every three years. Courses accredited by the Commission often require minor modification for consistency with the updated code. The rule is amended to permit an expeditious process for accreditation of the revisions to accredited courses resulting from code changes that relies upon affirmation by the course provider. A cross-reference is also corrected.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 10, 2010, 8:30 a.m. or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Crowne Plaza Hotel, MELBOURNE-OCEANFRONT, 2605 N. A1A, MELBOURNE, FL 32903

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using the Register Accreditor function and associated online screens, Form # 9B-70.002(1), effective January 1, 2009 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/BCISOld/ce/ce_pb_ce.aspx. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or possesses an active license issued pursuant to Section 471.015, 481.213, or 481.311; Chapter 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. Accreditors approved by the Commission under prior versions of this rule are authorized

to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

- (a) A four year college degree or graduate degree in the field for which approval is sought;
- (b) A letter verifying work experience in the field for which approval is sought from a person who supervised the applicant;
- (c) A letter verifying employment and specific position of the applicant in the field for which approval is sought from the applicant's employer; or
- (d) For an accreditor application submitted to accredit only accessibility courses, demonstrated proficiency acceptable to the Commission as a subject matter expert in the field of accessibility.

(2) Revocation of approval as an accreditor.

(a) Any accreditor shall have his/her approval status revoked for any of the following reasons:

1. Knowingly providing a fraudulent application to the Commission, when applying for accreditor status;
2. Suspension or revocation of a trade license submitted to the Commission as part of the initially approved accreditor application, which was not reported to the Commission at the time of suspension or revocation;
3. Failure to effectively and/or accurately accredit courses, specifically relating to the correctness of the course building code content references;
4. Failure to remove him/herself from any "conflict of interest" situations, such as accrediting courses in which the accreditor has a financial interest; or
5. Failure of the accreditor to cooperate with a Commission ordered investigation.

(b) The Commission may suspend the approval status of any accreditor based on any provision of paragraph (2)(a) of this rule, until such time as the accreditor demonstrates that the accreditor's status is currently in compliance with the requirements of this rule.

(c) The Commission shall initiate an investigation based on a written complaint submitted by any substantially affected party and containing substantial material evidence of a violation of this rule.

(d) The Commission shall clearly post the status of an investigation on its website, the Florida Building Codes Information System, www.floridabuilding.org.

(3) Training Provider Registration and Requirements.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced building code courses shall register with the Building Code Information System using the Register Training Provider function and associated online screens, Form 9B-70.002(4)(a) effective January 1, 2009, adopted herein by reference and available from the Building Code Information System at http://www.floridabuilding.org/ce/ce_tporgapp_dtl1.aspx, and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing the Submit a Course Application function and associated online screens, Form 9B-70.002(4)(b) effective January 1, 2009, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

(c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d) and shall be listed with the expertise in the field for which approval is sought.

(d) Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification from the Building Code Information System at www.floridabuilding.org and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the accreditation approval status on the Building Code Information System. The accreditor

shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.

(e) The Building Code Information System www.floridabuilding.org shall assign an accreditation number to the application upon submittal. The application shall be accredited completely and placed in the “Pending FBC Action” file on the Building Code Information System at www.floridabuilding.org no later than 23 calendar days prior to the next scheduled meeting of the Florida Building Commission. The Commission shall finalize the accreditation process utilizing the Building Code Information System at www.floridabuilding.org and notify the provider and accreditor within 3 business days of the Florida Building Commission’s action on the applications.

(f) On or before the effective date of changes to the Florida Building Code, providers shall either designate on the Building Code Information System at www.floridabuilding.org that the course is not affected by the code changes or update the existing accredited courses affected by the code changes and submit for accreditation. If the course is not affected by the code changes, the course’s status shall remain active. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to approved accredited courses ~~and courses in alternative formats to approved accredited courses~~ shall be accomplished in the same manner as described in paragraphs (a) through (f) hereof, except that only the revision submitted shall be subject to review and these courses shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(g) If an approved accredited course requires revision to correct or update a reference, table, diagram, or quoted provision of code, law, or administrative rule, the training provider may submit the revised course and complete Form 9B-70.002(4)(a), effective _____, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. The training provider must list the exact change, the specific location of the change, and reason for the change in the course and affirm this is the only change. The changes to the course shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(h) A change to the delivery format of an approved accredited course must be submitted for accreditation.

(4) Course Content and Accreditor Review. Accreditors shall review courses submitted by registered providers to determine if the course accurately presents the technical and administrative responsibilities reflected in the current edition of the Florida Building Code, or future editions of the Code if the accreditor is reviewing a course revised to comply with an updated edition of the Florida Building Code in accordance with paragraph ~~(3)(4)~~(f) of this rule or Florida Statutes or rules related to the Florida Building Code. Accreditors shall not mutually accredit each others’ courses. The accreditor shall determine if the course meets the following minimum criteria:

- (a) Course title and number. The word “advanced” and, if appropriate, “internet” shall be in the title;
- (b) Hours of credit;
- (c) Name, address, telephone number and e-mail address of the provider;
- (d) Course description completely describing what the particular course is designed to address;
- (e) Course/learning objectives;
- (f) Course time allotments for course content;
- (g) Course outline and instructional methods – detailed description of course content in sequence of how taught and methods used to teach that content. The following instructional methods are authorized, but are not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations and presentations;
- (h) Code edition to which the course relates;
- (i) Course references cited in the outline;

- (j) Method of course evaluations;
 - (k) A minimum of 50% of the actual training materials content shall be related to the Florida Building Code or Florida Statutes or rules related to the Florida Building Code;
 - (l) Course materials shall accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission; and
 - (m) Course materials provided to the attendee shall be provided to the accreditor.
- (5) Course Accreditation by the Florida Building Commission. Accredited courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code or Florida Statutes or rules related to the Florida Building Code.
- (6) The Commission shall audit a minimum of 2% of all accredited courses. The courses selected for audit may not be those of only one provider or reviewed by only one accreditor. Any course submitted for accreditation or re-accreditation determined to not accurately reflect the current or adopted Florida Building Code edition; or Florida Statutes or rules related to the Florida Building Code shall be reported to the Commission for further action. All approved advanced building code courses must reflect the current or adopted Florida Building Code edition; or Florida Statutes or rules related to the Florida Building Code. Any courses accredited and determined by audit or any means to not accurately reflect the current or adopted Florida Building Code edition; or Florida Statutes or rules related to the Florida Building Code or accredited by an accreditor outside the approved areas of expertise shall have the accreditation revoked, the status of the course communicated to the respective licensing board or boards, and the provider will be required to file a new application for accreditation.
- (7) In the event the Commission identifies areas or topics of advanced building code education with an insufficient number of course available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

Rulemaking Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History—New 6-8-05, Amended 4-30-07, 6-12-08, 3-4-09, 11-2-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2010.

Summaries of Legislation That Passed in the 2010 Session

HB 545 by Pat Patterson (R-DeLand) repeals section 689.262, Florida Statutes, which states: “A purchaser of residential property that is located in the wind-borne debris region, as defined in s. 1609.2 of the International Building Code (2006), must be informed of the windstorm mitigation rating of the structure, based on the uniform home grading scale adopted pursuant to s. 215.55865. The rating must be included in the contract for sale or as a separate document attached to the contract for sale. The Financial Services Commission may adopt rules, consistent with other state laws, to administer this section, including the form of the disclosure and the requirements for the windstorm mitigation inspection or report that is required for purposes of determining the rating.”

HB 663 by Gary Aubuchon (R-Cape Coral) – see detailed summary following this page.

HB 713 by Ritch Workman (R-Melbourne) is the DBPR bill. It includes delay of the effective date (to July 1, 2011) of home inspector, mold assessor, and mold remediator licensing, and it modifies related grandfathering provisions. It adds language to allow certified general, building, or residential contractors to inspect and do the work (contrary to conflict of interest provisions in home inspector and mold assessor/remediator licensing).

SB 2044 by Garrett Richter (R-Naples) modifies provisions relating to public adjusters, home inspectors, mold assessors, and mold remediators (the same as described for HB 663), and replacement cost claims. Some provisions in the bill take effect on January 1, 2011 but most would go into effect on July 1, 2010.

HB 7179 by Steve Precourt (R-Orlando) establishes the “PACE” (property-assessed clean energy) program in Florida. The program allows for local government up-front financing for property owners to make “qualified improvements” and repay the loan over time through property tax assessments. The qualified improvements include energy conservation and efficiency improvements, renewable energy improvements, and wind resistance improvements. The bill also requires that properly licensed contractors be used for the work that requires it. If approved, this legislation will take effect right away.

HB 7243 by Trudi Williams (R-Ft. Myers) relates to recycling and requires each county to implement a program for recycling construction and demolition debris. It also requires reporting by each county of the amount of construction and demolition debris processed and recycled prior to disposal by January 1, 2012 and annually thereafter. The legislation also requires that, “to the extent economically feasible, all construction and demolition debris must be processed prior to disposal, either at a permitted materials recovery facility or at a permitted disposal facility.” Last, the bill amends section 553.77, Florida Statutes, relating to specific powers of the Florida Building Commission, to require that the Commission develop recommendations that increase residential and commercial recycling and composting and strongly encourage the use of recyclable materials and the recycling of construction and demolition debris.

HB 663 by Gary Aubuchon (R-Cape Coral) - Summary

Passed Legislature on April 30, 2010

(Sent to governor on May 17, 2010 – must act by June 1, 2010)

Amends section 196.031(6), Florida Statutes, relating to exemption of homesteads for property damaged by “misfortune or calamity” to provide that a building permit rendered invalid (for a variety of reasons) after three years constitutes abandonment of the property as homestead.

Amends various sections of chapter 399, Florida Statutes, relating to regulation of elevators.

Creates section 455.2122, Florida Statutes, relating to professional regulation education, to require approval of distance learning for prelicensure education requirements for community association managers, real estate professionals and appraisers, home inspectors, and mold assessors and remediators.

Amends section 455.2123, Florida Statutes, relating to professional regulation continuing education, to require approval of distance learning for continuing education for community association managers, real estate professionals and appraisers, home inspectors, and mold assessors and remediators.

Amends section 468.631(1), Florida Statutes, relating to building code administrators and inspectors fund, to modify the surcharge imposed from “one-half cent per square foot of under- roof floor space permitted” to “1.5 percent of all permit fees associated with enforcement of the Florida Building Code” with a minimum surcharge of \$2.00 per permit. Requires the funds collected to be allocated equally between the Florida Homeowners' Construction Recovery Fund and the functions of the Building Code Administrators and Inspectors Board (instead of current allocation to the board with any leftover (none in recent years) to the recovery fund). The effective date for this provision is October 1, 2010.

Amends sections 468.83 and 468.84, Florida Statutes, relating to home inspector, mold assessor, and mold remediator licensure, to create the licensure program at DBPR.

Amends section 468.8311(4), Florida Statutes, relating to definitions for home inspector licensure, to provide that “home inspection services” means “a limited visual examination of the following readily accessible installed systems and components of a home: the structure, electrical system, HVAC system, roof covering, plumbing system, interior components, exterior components,” rather than inspection of any of the listed items.

Amends sections 468.8313 and 468.8413, Florida Statutes, relating to examinations for home inspector, mold assessor, and mold remediator licensure, to make some technical changes and to require that an applicant submit fingerprints for a criminal history check.

Amends sections 468.8318 and 468.8418, Florida Statutes, relating to home inspector, mold assessor, and mold remediator licensure entities, to remove the proposed requirement that business entities be authorized, in favor of licensing the individual.

Amends sections 468.8319 and 468.8419, Florida Statutes, relating to home inspector, mold assessor, and mold remediator licensure requirements, to delay the effective date of the licensure law to July 1, 2011 (from July 1, 2010).

Amends section 468.8324, Florida Statutes, relating to grandfathering for home inspector licensure, to extend the time to qualify from July 1, 2010 to March 31, 2011, and to specify that an individual may qualify for grandfathering if he or she:

For home inspectors:

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

-- Has at least 3 years of experience (established by submitting at least 120 of the applicant's home inspection reports) as a home inspector at the time of application and has completed 14 hours of verifiable education on home inspection services.

For mold assessors and mold remediators:

-- Is certified as a mold assessor or mold remediator by

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

-- At the time of application, has at least 3 years of experience (established by at least 40 of the applicant's mold assessments or remediation invoices) as a mold assessor or mold remediator.

Provides additional requirements to qualify for licensure.

Amends section 468.8414, Florida Statutes, relating to mold assessor, and mold remediator licensure, to require specific insurance to qualify for licensure.

Amends section 468.8421(1), Florida Statutes, relating to insurance requirements for mold assessor licensure, to specify a licensee must carry at least \$1 million (rather than "not less than") of general liability and errors and omissions insurance coverage.

Amends section 489.103(22), Florida Statutes, relating to construction licensure exemptions, to change a technical reference applicable to changes made elsewhere in this legislation to section 633.061, Florida Statutes (this does not change existing law on exemptions).

Amends section 489.5335(1), Florida Statutes, relating to electrical journeyman licensure provisions, to eliminate reference to Florida Building Codes core course.

Amends section 553.37, Florida Statutes, relating to product approval inspections, to allow that manufacturers may pay fees directly through the Building Code Information System (BCIS). Adds the following provision: "Custom or one-of-a-kind prototype manufactured buildings are not required to have state approval, but must be in compliance with all local requirements of the governmental agency having jurisdiction at the installation site."

Amends section 553.357, Florida Statutes, relating to recertification of manufactured buildings, to provide for an application for certification when a building is relocated only when it is to a site that has a higher design wind speed.

Amends section 553.512(1), Florida Statutes, relating to certain modifications and waivers, to require the Florida Building Commission to establish a fee for submitting a request for a waiver.

Amends section 553.721, Florida Statutes, relating to surcharges, to modify the surcharge imposed from "one-half cent per square foot of under- roof floor space permitted" to "1.5 percent of all permit fees associated with enforcement of the Florida Building Code" with a minimum surcharge of \$2.00 per permit. Specifies that the funds be used "exclusively for the

duties of the Florida Building Commission and the Department of Community Affairs under” chapter 553, Florida Statutes.

Amends section 553.73, Florida Statutes, relating to the Florida Building Code, to:

- Allow counties and municipalities to adopt by ordinance an administrative or technical amendment to the Florida Building Code relating to flood resistance in order to implement the National Flood Insurance Program or incentives
- Remove the requirement that any model code selected by the Florida Building Commission as the foundation for the Florida version be made available to the public at least 6 months before the Commission selects it
- Allow the Florida Building Commission to approve amendments needed to address equivalency of standards
- Allow the Florida Building Commission to approve amendments relating to inconsistencies federal or state law
- Exempt from the Florida Building Code “family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete”
- Specify that the Florida Building Code is not applicable to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- Specify that “an agency or local government may not require that existing mechanical equipment on the surface of a roof be installed in compliance with the requirements of the Florida Building Code until the equipment is required to be removed or replaced.”
- Require that “the illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop. Public educational facilities must consider using light-emitting diode lighting before considering other lighting sources”
- Specify that “the provisions of section R313 of the most current version of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010”

Amends section 553.74, Florida Statutes, relating to the Florida Building Commission to specify a member of an FBC committee or workgroup does not have an impermissible conflict when representing a client before the Florida Building Commission. Further specifies that such a member may not participate in discussion or decision on any matter in which the member has a direct financial interest.

Amends section 553.76, Florida Statutes, relating to general powers of the Florida Building Commission, to permit the Commission to adopt rules for its consensus-based decisionmaking, including super majority voting requirements for code provisions.

Amends section 553.775, Florida Statutes, relating to Florida Building Code interpretations, to authorize charging a fee for declaratory statement requests (maximum \$250) and non-binding interpretations (maximum \$125).

Amends section 553.79, Florida Statutes, relating to Florida Building Code permits and inspections, to add: “Inspection services that are not required to be performed by a state

agency under a federal delegation of responsibility or by a state agency under the Florida Building Code must be performed under the alternative plans review and inspection process created in s. 553.791 or by a local governmental entity having authority to enforce the Florida Building Code.”

Amends section 553.80, Florida Statutes, relating to Florida Building Code enforcement, to limit additional review and inspection by the governing state agency to certain types of health care facilities. Allows for state agency plans review and inspection for hospice facilities. Imposes limitations on exemptions from code compliance for single-family residences located in mapped flood hazard areas, unless certain conditions are met.

Amends section 553.841, Florida Statutes, relating to the building code compliance and mitigation program, to eliminate all reference to the core course and its requirements.

Amends section 553.842, Florida Statutes, relating to product evaluation and approval, to allow for direct payment of fees to a contract administrator and specify that such fees shall be used only to fund the product evaluation and approval system. Authorizes the Florida Building Commission to make editorial revisions to product approvals. For products subject to approval by standardized testing, provides for time limits for staff review and addition to the list of products and provides additional related direction for the Florida Building Commission. Requires that the Florida Building Commission specifically approve the International Association of Plumbing and Mechanical Officials Evaluation Service as an evaluation entity, and deletes such designation for the International Conference of Building Officials Evaluation Services and the Building Officials and Code Administrators International Evaluation Services, the Southern Building Code Congress International Evaluation Services. Removes direction and authority for the Florida Building Commission to annually review and recommend additions to the list of evaluation entities.

Amends section 553.844, Florida Statutes, relating to windstorm loss mitigation and requirements for roofs and opening protection, to add the following provision:
“Notwithstanding the provisions of this section, exposed mechanical equipment or appliances fastened to a roof or installed on the ground in compliance with the code using rated stands, platforms, curbs, slabs, or other means are deemed to comply with the wind resistance requirements of the 2007 Florida Building Code, as amended. Further support or enclosure of such mechanical equipment or appliances is not required by a state or local official having authority to enforce the Florida Building Code. This subsection expires on the effective date of the 2010 Florida Building Code.”

Amends section 553.885, Florida Statutes, relating to carbon monoxide alarms, to add a catchall for additional equipment that emits carbon monoxide and provide that the alarms may be hard-wired or battery-powered. Adds new state correctional institutions to the requirements relating to location of the alarm in proximity to rooms. Specifies that certain provisions do not apply to existing buildings undergoing alterations or repairs unless the alteration is an addition defined as “an extension or increase in floor area, number of stories, or height of a building or structure.”

Amends section 553.9061, Florida Statutes, relating to scheduled increases in thermal efficiency standards, to add to the list of Energy efficiency performance options the following:

- Energy-efficient water heating systems (solar was already listed)
- Energy-saving devices and features installed within duct systems

- Energy-saving quality installation procedures for replacement air-conditioning systems, including, but not limited to, equipment sizing analysis and duct inspection
- Shading devices, sunscreening materials, and overhangs.
- Weatherstripping, caulking, and sealing of exterior openings and penetrations.
- Energy-efficient centralized computer data centers in office buildings.

Amends section 553.909, Florida Statutes, relating to setting requirements for appliances, to specify that residential swimming pool pumps or water heaters manufactured (rather than sold) after July 1, 2011, are in compliance. Adds a requirement that residential swimming pool filtration pumps and pump motors manufactured on or after July 1, 2011, comply with certain requirements. Provides additional requirements or specificity relating to residential filtration pool pumps and pump motors.

Amends section 553.912, Florida Statutes, relating to standards for air conditioners, to add: "It is the intent of the Legislature that all replacement air-conditioning systems be installed using energy-saving, quality installation procedures, including, but not limited to, equipment sizing analysis and duct inspection."

Amends section 627.711, Florida Statutes, relating to premium discounts for hurricane loss mitigation and uniform mitigation verification inspection form, to modify the list of authorized mitigation inspectors who may submit the uniform mitigation verification form as follows:

- [ADD] Licensed home inspector who has completed at least 3 hours of hurricane mitigation training which includes hurricane mitigation techniques and compliance with the uniform mitigation verification form and completion of a proficiency exam. Thereafter, approved licensed home inspectors must complete at least 2 hours of continuing education related to mitigation inspection and the uniform mitigation form each year
- [EXISTING] Building code inspector certified under s. 468.607
- [EXISTING] General, building, or residential contractor licensed under s. 489.111
- [EXISTING] Professional engineer licensed under s. 471.015
- [EXISTING] Professional architect licensed under s. 481.213
- [EXISTING] Any other individual or entity recognized by the insurer (at the insurer's option) as possessing the necessary qualifications to properly complete a uniform mitigation verification form
- [DELETE] Hurricane mitigation inspector certified 1963 by the My Safe Florida Home program

Also specifies that a "person who is authorized to sign a mitigation verification form must inspect the structures referenced by the form personally, not through employees or other persons, and must certify or attest to personal inspection of the structures referenced by the form. However, [engineers] or [general, building, or residential contractors] may authorize a direct employee, who is not an independent contractor, and who possesses the requisite skill, knowledge and experience to conduct a mitigation verification inspection. Insurers shall have the right to request and obtain information from the authorized [engineer or general, building, or residential contractor] mitigation inspector, regarding any authorized employee's qualifications prior to accepting a mitigation verification form performed by an employee that is not [a licensed engineer or general, building, or residential contractor]." Under the misconduct provision described below, provides that an engineer or general, building, or residential contractor is directly liable for the misconduct of an employee.

Creates a provision to address fraud or misconduct in completing the uniform mitigation verification inspection form and specifies the following acts apply when a signed form:

- Falsely indicates that he or she personally inspected the structures referenced by the form
- Falsely indicates the existence of a feature which entitles an insured to a mitigation discount which the inspector knows does not exist or did not personally inspect
- Contains erroneous information due to the gross negligence of the inspector

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

Requires that any insurer that finds evidence of fraud report this to the Division of Insurance Fraud, Office of Insurance Regulation.

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

Amends section 633.021, Florida Statutes, relating to fire prevention and control definitions, to add the following definitions:

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

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

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

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

-- For the definition of "preengineered system" and with respect to installation according to pretested limitations and configurations specified by the manufacturer and applicable National Fire Protection Association (NFPA) standards, adds the following: "Only those chapters within the National Fire Protection Association standards that pertain to servicing, recharging, repairing, installing, hydrotesting, or inspecting any type of preengineered fire extinguishing system may be used." Also adds that preengineered systems "consist of and include all of the components and parts providing fire suppression protection, but do not include the equipment being protected."

Amends section 633.0215, Florida Statutes, relating to the Florida Fire Prevention Code, to require the State Fire Marshal to issue expedited declaratory statements interpreting provisions of the Fire Prevention Code using the following guidelines (and all must be met):

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

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

3. The petition for an expedited declaratory statement must be: a. Related to an active project that is under construction or must have been submitted for a permit.

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

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

Amends section 633.025, Florida Statutes, relating to minimum firesafety standards, to provide: "Notwithstanding subsection (9), a property owner shall not be required to install fire sprinklers in any residential property based upon the use of such property as a rental property or any change in or reclassification of the property's primary use to a rental

property.” [Subsection (9) allows local governments to adopt residential fire sprinkler requirements in lieu of other fire protection requirements.]

Amends section 633.026, Florida Statutes, relating to informal interpretations of the Florida Fire Prevention Code, to state: “It is the intent of the Legislature that the Florida Fire Prevention Code be interpreted by fire officials and local enforcement agencies in a manner that reasonably and cost-effectively protects the public safety, health, and welfare, ensures uniform interpretations throughout this state, and provides just and expeditious processes for resolving disputes regarding such interpretations. It is the further intent of the Legislature that such processes provide for the expeditious resolution of the issues presented and that the resulting interpretation of such issues be published on the website of the Division of State Fire Marshal.” Provides that this may be contracted out to an experienced entity. Provides for the establishment of a Fire Code Interpretation Committee made up of seven persons and seven alternates (all certified fire safety inspectors with at least 5 years experience interpreting and enforcing the Florida Fire Prevention Code and the Life Safety Code) equally representing each area of the state to which persons can pose Fire Prevention Code questions. Provides time deadlines, fees, and appeal for such activities.

Amends section 633.061, Florida Statutes, relating to fire suppression equipment license to install or maintain, providing for inactive licenses, continuing education, and more.

Amends section 633.082, Florida Statutes, relating to inspection of fire control systems, fire hydrants, and fire protection systems, to provide that:

- Public fire hydrants owned by a governmental entity shall be inspected following procedures established in the inspection, testing, and maintenance standards adopted by the State Fire Marshal or equivalent standards such as those contained in the latest edition of the American Water Works Association's Manual M17, "Installation, Field Testing, and Maintenance of Fire Hydrants."
- County, municipal, and special district utilities may perform fire hydrant inspections required by this section using designated employees. Such designated employees need not be certified under this chapter. However, counties, municipalities, or special districts that use designated employees are responsible for ensuring that the designated employees are qualified to perform such inspections.

Also provides that “equipment requiring periodic testing or operation to ensure its maintenance shall be tested or operated as specified in the Fire Prevention Code, Life Safety Code, National Fire Protection Association standards, or as directed by the agency having jurisdiction, provided that such agency shall not require a sprinkler system not required by the Fire Prevention Code, Life Safety Code or National Fire Protection Association Standards to be removed regardless of its condition.”

Amends section 633.521, Florida Statutes, relating to fire sprinkler contractor licensure, to specify that qualification for licensure as a fire protection system contractor IV requires that the applicant must be a certified plumbing contractor and must complete a training program acceptable to the State Fire Marshal that is not less than 40 contact hours covering the applicable installation standard as described in NFPA 13D. It also eliminates the existing requirement of at least 2 years proven experience in the employment of a fire protection system contractor I, II, III, or IV or a combination of equivalent education and experience.

Modifies the qualification for licensure as a fire protection system contractor V to specify that prerequisite licensure as a plumbing contractor means a certified plumbing contractor.

This provision also makes a variety of changes to the other contractor category qualifications.

Amends section 633.524, Florida Statutes, relating to certificate and permit fees, to provide that the State Fire Marshal may contract out administration of examinations.

Amends section 633.537, Florida Statutes, relating to certification, expiration, renewal, and continuing education, to authorize approval by the Division of Fire Safety and the State Fire Marshal.

Repeals section 718.113(6), Florida Statutes, relating to condominium maintenance, limitation upon improvement, display of flag, hurricane shutters, or display of religious decorations, that states: "As to any condominium building greater than three stories in height, at least every 5 years, and within 5 years if not available for inspection on October 1, 2008, the board shall have the condominium building inspected to provide a report under seal of an architect or engineer authorized to practice in this state attesting to required maintenance, useful life, and replacement costs of the common elements. However, if approved by a majority of the voting interests present at a properly called meeting of the association, an association may waive this requirement. Such meeting and approval must occur prior to the end of the 5-year period and is effective only for that 5-year period."

Provides that: "The Department of Management Services shall consider the energy efficiency of all materials used in the construction, alteration, repair, or rebuilding of a building or facility owned or operated by a state agency. Whenever feasible, the department shall lease a building or facility that has high-efficiency lighting." Also provides that: "The Department of Management Services shall adopt rules requiring a state agency to install high-efficiency lamps when replacing an existing lamp or installing a new lamp in a building owned by the state agency."

If approved by the governor and except as otherwise expressly provided, this legislation will take effect July 1, 2010.

E Portal Survey – Preliminary Results – June 1, 2010

This survey was sent out on May 4, 2010 with a deadline for responding of May 21, 2010. It was sent to approximately 9,000 individuals (through BCIS e-mail list, Code Talk, BOAF Discussion Group, and association e-mail lists). A total of 650 responses were received by the May 21, 2010 deadline.

Qualifications of those responding (percentages – some fit and checked multiple categories):

Architect	13.0%
Engineer	19.1%
Landscape Architect	0.8%
Interior Designer	5.0%
Electrical Contractor	7.2%
Construction Contractor	38.3%
Building Official	13.8%
Code Enforcement Official	7.2%
Licensing Official	1.3%
Fire Official	1.3%
Fire Safety Inspector	2.5%
Home Inspector	4.2%
Mold Assessor/Remediator	1.1%
Training Provider	4.1%
Researcher	1.4%
Insurance Agent	0.2%
Insurance Adjuster	0.6%
Consumer/Public	5.8%
Other	15.3%

(Certified energy rater, realtor, LEED-AP, Florida rater, auditor, construction law attorney, R&D hurricane and energy efficient buildings, manufacturer, supplier, drafter/designer, journeyman electrician, construction manager, business owner, and more)

Almost all responding (93.2%) own and use a computer, and 53.7% use a computer at work owned by the individual's employer.

On the question of whether the responder's permitting jurisdiction has a website that can be used for information, communication, or submission of materials, 62.7% said yes, 21.1% said no, and 16.3% do not know.

For the main question asked in this survey, whether a "statewide uniform single electronic point of entry for submission of building permit applications would be an efficient, effective, and otherwise beneficial tool for you, your job, or your business," responses were as follows (see the end for breakdown of answers by categories):

Position	Percentage	Number
Strongly Agree	43.4%	280
Agree	23.1%	149
Neutral	15.8%	102
Disagree	7.6%	49
Strongly Disagree	10.1%	65
Not Responding	-----	5

For prioritization of most important components of such a system, the following are the most common items listed (of 401 or 62% individuals providing information):

212	Automated tracking, inspection scheduling, interaction (discussion), and status reports
198	Uniform application/procedure
127	E-mail confirmation/notification/communication
93	Automated verification of certain information (licensure, insurance, etc.)
41	Plans/Drawings/Related documents and notes
37	Electronic payment
18	Single point of entry
16	Permit/CO Issuance

Additional noteworthy comments or subjects from those supporting the concept:

- Value the ability to interact with local building officials, plans examiners, and inspectors by electronic communication AND by telephone or in person.
- Numerous comments supporting speeding up and streamlining the processes, reducing the amount of paper, reducing the need to travel to the building department, improving the ability to track violations and determine whether there is unpermitted work.
- Strong interest in achieving uniformity of permit applications and requirements but also maintaining flexibility to accommodate unusual types of projects or work.
- Great interest in making improvements relating to archiving and accessing such archived information and history relating to structures as well as inspection history.
- Interest in application being simultaneously channeled to other approving offices (such as fire marshal, DEP, etc.).
- Also interest in linking to related sites (such as official records for deeds or other property documents).
- A number expressed interest in the concept matching up with product approval information.
- Concern about proper levels of security and limiting who can access certain information (interest in being able to set levels of access).
- Much interest in expanding hours available to submit applications and complete transactions (such as requesting or scheduling inspections, etc.).
- At least two comments to exclude school construction because it is a different system with unique and established process and payment structure, etc.
- Inclusion of ability to file notice of commencement electronically as well.
- Many comments requesting an emphasis on keeping it simple and including good instructions.
- Appreciation for the concept but wary of creating additional (rather than alternate) layers of government.
- Search capabilities are important (search for a variety of different things, such as types of permits, violations, permit history for the property, and more).
- A number view the concept as a way to achieve uniform code interpretation.
- A number also expressed an interest in more uniformity for plans review and inspections and dependability of information needed for successful application submission.
- Numerous comments requesting standardized or uniform fees (it may be enough to give them ability to calculate fee before submission of application, etc. – predictability).

There were 55 individuals opposing the concept who also provided comments to that effect under the question asking for prioritization of the most important aspects. Most of the concerns expressed relate to the local nature of permit approval and inspections, loss of jobs at the local level, concern that this would be too complicated, and concern that there are too many variables.

Breakdown of Agree/Disagree Question by Qualification/Category of Individual Responding:

Qualification/ Category	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Architect	45.8%	25.3%	12.0%	7.2%	9.6%
Engineer	39.7%	24.0%	24.8%	2.5%	9.1%
Landscape Architect	25.0%	0.0%	25.0%	25.0%	25.0%
Interior Designer	53.1%	25.0%	15.6%	3.1%	3.1%
Construction Contractor	50.6%	23.0%	11.5%	5.8%	9.1%
Electrical Contractor	71.1%	15.6%	8.9%	2.2%	2.2%
Building Official	13.8%	17.2%	20.7%	16.1%	32.2%
Code Enforcement Official	17.4%	15.2%	19.6%	19.6%	28.3%
Licensing Official	12.5%	25.0%	0.0%	0.0%	62.5%
Fire Official	42.9%	0.0%	14.3%	0.0%	42.9%
Fire Safety Inspector	13.3%	20.0%	6.7%	20.0%	40.0%
Home Inspector	22.2%	40.7%	18.5%	3.7%	14.8%
Mold Assessor/Remediator	16.7%	33.3%	50.0%	0.0%	0.0%
Training Provider	42.3%	11.5%	11.5%	23.1%	11.5%
Researcher	55.6%	22.2%	11.1%	0.0%	11.1%