

Bill No. CS for CS for CS for SB 442

Barcode 155634

CHAMBER ACTION

Senate

House

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The Committee on Government Efficiency Appropriations  
(Haridopolos) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (a) of subsection (2) and  
subsections (3) and (4) of section 215.559, Florida Statutes,  
are amended, present subsections (5), (6), and (7) of that  
section are redesignated as subsections (6), (7), and (8),  
respectively, and a new subsection (5) is added to that  
section, to read:

215.559 Hurricane Loss Mitigation Program.--

(2)(a) Seven million dollars in funds provided in  
subsection (1) shall be used for programs to improve the wind  
resistance of residences and mobile homes, including loans,  
subsidies, grants, demonstration projects, and direct  
assistance; educating persons concerning the Florida Building  
Code cooperative programs with local governments and the  
Federal Government; and other efforts to prevent or reduce

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 losses or reduce the cost of rebuilding after a disaster.

2           (3) Forty percent of the total appropriation in  
 3 paragraph (2)(a) shall be used to inspect and improve  
 4 tie-downs for mobile homes. Within 30 days after the effective  
 5 date of that appropriation, the department shall contract with  
 6 a public higher educational institution in this state which  
 7 has previous experience in administering the programs set  
 8 forth in this subsection to serve as the administrative entity  
 9 and fiscal agent pursuant to s. 216.346 for the purpose of  
 10 administering the programs set forth in this subsection in  
 11 accordance with established policy and procedures. The  
 12 administrative entity working with the advisory council set up  
 13 under subsection (5) shall develop a list of mobile home parks  
 14 and counties that may be eligible to participate in the  
 15 tie-down program.

16           (4) Of moneys provided to the Department of Community  
 17 Affairs in paragraph (2)(a), 10 percent shall be allocated to  
 18 a Type I Center within the State University System dedicated  
 19 to hurricane research. The Type I Center shall develop a  
 20 preliminary work plan approved by the advisory council set  
 21 forth in subsection ~~(6)~~~~(5)~~ to eliminate the state and local  
 22 barriers to upgrading existing mobile homes and communities,  
 23 research and develop a program for the recycling of existing  
 24 older mobile homes, and support programs of research and  
 25 development relating to hurricane loss reduction devices and  
 26 techniques for site-built residences. The State University  
 27 System also shall consult with the Department of Community  
 28 Affairs and assist the department with the report required  
 29 under subsection ~~(8)~~~~(7)~~.

30           (5) An amount equal to fifteen percent of the total  
 31 appropriation in paragraph (2)(a) shall be used for education

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 awareness concerning the Florida Building Code and the  
2 operation of the disaster contractors network. Not more than  
3 30 days after the effective date of each subsequent  
4 appropriation, the Department of Community Affairs shall  
5 contract with a nonprofit tax-exempt entity having prior  
6 contracting experience with building code training,  
7 development, and coordination and whose membership is  
8 representative of all of the statewide construction and design  
9 licensee associations. The entity shall allocate 20 percent of  
10 these resources to the disaster contractors network for the  
11 education of the construction industry and hurricane response  
12 if needed to coordinate the industry in the event of a natural  
13 disaster. The entity shall allocate 20 percent of these  
14 resources to the largest residential construction trade show  
15 in the state for the education of the residential construction  
16 industry on building code and mitigation issues. The remaining  
17 resources shall be used by the entity for outreach building  
18 code activities after consultation with the building code  
19 program under the Florida Building Commission as provided for  
20 in s. 553.841.

21 Section 2. Paragraph (a) of subsection (2) of section  
22 400.23, Florida Statutes, is amended to read:

23 400.23 Rules; evaluation and deficiencies; licensure  
24 status.--

25 (2) Pursuant to the intention of the Legislature, the  
26 agency, in consultation with the Department of Health and the  
27 Department of Elderly Affairs, shall adopt and enforce rules  
28 to implement this part, which shall include reasonable and  
29 fair criteria in relation to:

30 (a) The location of the facility and housing  
31 conditions that will ensure the health, safety, and comfort of

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 residents, including an adequate call system. In making such  
2 rules, the agency shall be guided by criteria recommended by  
3 nationally recognized reputable professional groups and  
4 associations with knowledge of such subject matters. The  
5 agency shall update or revise such criteria as the need  
6 arises. The agency may require alterations to a building if it  
7 determines that an existing condition constitutes a distinct  
8 hazard to life, health, or safety. In performing any  
9 inspections of facilities authorized by this part, the agency  
10 may enforce the special-occupancy provisions of the Florida  
11 Building Code and the Florida Fire Prevention Code which apply  
12 to nursing homes. Residents or their representatives shall be  
13 able to request a change in the placement of the bed in their  
14 room, provided that at admission they are presented with a  
15 room that meets requirements of the Florida Building Code. The  
16 location of a bed may be changed if the requested placement  
17 does not infringe on the resident's roommate or interfere with  
18 the resident's care or safety as determined by the care  
19 planning team in accordance with facility policies and  
20 procedures. In addition, the bed placement may not be used as  
21 a restraint. Each facility shall maintain a log of resident  
22 rooms with beds that are not in strict compliance with the  
23 code for surveyors and nurse monitors to use during  
24 inspections and visits. A resident or resident representative  
25 who requests that a bed be moved shall sign a statement  
26 indicating that he or she understands the room will not be in  
27 compliance with the Florida Building Code, but they would  
28 prefer to exercise their right to self-determination. The  
29 statement must be retained as part of the resident's care  
30 plan. Any facility that offers this option must submit a  
31 letter signed by the nursing home administrator of record to

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 the agency notifying it of this practice with a copy of the  
 2 policies and procedures of the facility. The agency is  
 3 directed to provide assistance to the Florida Building  
 4 Commission in updating the construction standards of the code  
 5 relative to nursing homes.

6 Section 3. Subsection (4) of section 403.814, Florida  
 7 Statutes, is amended to read:

8 403.814 General permits; delegation.--

9 (4) The department is authorized to delegate any of  
 10 its general permit authority to the district offices of the  
 11 department or to water management districts. However,  
 12 effective January 1, 2006, the department retains exclusive  
 13 authority for review and final action on permit applications  
 14 for docking facilities required under part IV of chapter 373.

15 Section 4. Paragraph (i) of subsection (1) of section  
 16 468.621, Florida Statutes, is amended, and paragraph (j) is  
 17 added to that subsection, to read:

18 468.621 Disciplinary proceedings.--

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

21 (i) Failing to lawfully execute the duties and  
 22 responsibilities specified in this part and ss. 553.73,  
 23 553.781, ~~and~~ 553.79, and 553.791.

24 (j) Performing building code inspection services under  
 25 s. 553.791, without satisfying the insurance requirements of  
 26 that section.

27 Section 5. Paragraph (1) is added to subsection (1) of  
 28 section 471.033, Florida Statutes, to read:

29 471.033 Disciplinary proceedings.--

30 (1) The following acts constitute grounds for which  
 31 the disciplinary actions in subsection (3) may be taken:

Bill No. CS for CS for CS for SB 442

Barcode 155634

1       (1) Performing building code inspection services under  
2 s. 553.791, without satisfying the insurance requirements of  
3 that section.

4           Section 6. Paragraph (1) is added to subsection (1) of  
5 section 481.225, Florida Statutes, to read:

6           481.225 Disciplinary proceedings against registered  
7 architects.--

8           (1) The following acts constitute grounds for which  
9 the disciplinary actions in subsection (3) may be taken:

10         (1) Performing building code inspection services under  
11 s. 553.791, without satisfying the insurance requirements of  
12 that section.

13           Section 7. Paragraph (a) of subsection (3) of section  
14 489.537, Florida Statutes, is amended to read:

15           489.537 Application of this part.--

16           (3) Nothing in this act limits the power of a  
17 municipality or county:

18           (a) To regulate the quality and character of work  
19 performed by contractors through a system of permits, fees,  
20 and inspections which is designed to secure compliance with,  
21 and aid in the implementation of, state and local building  
22 laws or to enforce other local laws for the protection of the  
23 public health and safety. However, a certified alarm system  
24 contractor or certified electrical contractor is not subject  
25 to any additional certification or licensure requirements that  
26 are not required by this part.

27           Section 8. Subsection (3) of section 553.37, Florida  
28 Statutes, is amended to read:

29           553.37 Rules; inspections; and insignia.--

30           (3) All manufactured buildings issued and bearing  
31 insignia of approval pursuant to subsection (2) shall be

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 deemed to comply with the Florida Building Code and are exempt  
 2 from local amendments enacted by any local government. Lawn  
 3 storage buildings and storage sheds not exceeding 400 square  
 4 feet and bearing the insignia of approval of the department  
 5 are not subject to s. 553.842 and may be delivered and  
 6 installed without need of a contractor's license or specialty  
 7 license.

8 Section 9. Paragraph (c) of subsection (4), subsection  
 9 (6), and paragraphs (a) and (c) of subsection (7) of section  
 10 553.73, Florida Statutes, are amended, and subsection (12) is  
 11 added to that section, to read:

12 553.73 Florida Building Code.--

13 (4)

14 (c) Any amendment adopted by a local enforcing agency  
 15 pursuant to this subsection shall not apply to state or school  
 16 district owned buildings, manufactured buildings or  
 17 factory-built school buildings approved by the commission, or  
 18 prototype buildings approved pursuant to s. 553.77~~(3)~~~~(5)~~. The  
 19 respective responsible entities shall consider the physical  
 20 performance parameters substantiating such amendments when  
 21 designing, specifying, and constructing such exempt buildings.

22 (6)(a) The commission, by rule adopted pursuant to ss.  
 23 120.536(1) and 120.54, shall update the Florida Building Code  
 24 every 3 years. When updating the Florida Building Code, the  
 25 commission shall select the most current version of the  
 26 International Building Code, the International Fuel Gas Code,  
 27 the International Mechanical Code, the International Plumbing  
 28 Code, and the International Residential Code, all of which are  
 29 adopted by the International Code Council, and the National  
 30 Electrical Code, which is adopted by the National Fire  
 31 Protection Association, to form the foundation codes of the

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 updated Florida Building Code, if the version has been adopted  
2 by the International Code Council and made available to the  
3 public at least 6 months prior to its selection by the  
4 commission.

5 (b) Codes regarding noise contour lines shall be  
6 reviewed annually, and the most current federal guidelines  
7 shall be adopted.

8 (c) The commission may modify any portion of the  
9 foundation codes only as needed to accommodate the specific  
10 needs of this state, maintaining the provisions of the High  
11 Velocity Hurricane Zone (HVHZ) area defined as Miami-Dade and  
12 Broward counties. Standards or criteria referenced by the  
13 codes shall be incorporated by reference. If a referenced  
14 standard or criterion requires amplification or modification  
15 to be appropriate for use in this state, only the  
16 amplification or modification shall be set forth in the  
17 Florida Building Code. The commission may approve technical  
18 amendments to the updated Florida Building Code after the  
19 amendments have been subject to the conditions set forth in  
20 paragraphs (3)(a)-(d). Amendments to the foundation codes  
21 which are adopted in accordance with this subsection shall be  
22 clearly marked in printed versions of the Florida Building  
23 Code so that the fact that the provisions are Florida-specific  
24 amendments to the foundation codes is readily apparent.

25 ~~consider changes made by the adopting entity of any selected~~  
26 ~~model code for any model code incorporated into the Florida~~  
27 ~~Building Code, and may subsequently adopt the new edition or~~  
28 ~~successor of the model code or any part of such code, no~~  
29 ~~sooner than 6 months after such model code has been adopted by~~  
30 ~~the adopting organization, which may then be modified for this~~  
31 ~~state as provided in this section, and~~



Bill No. CS for CS for CS for SB 442

Barcode 155634

1           (d) The commission shall further consider the  
 2      commission's own interpretations, declaratory statements,  
 3      appellate decisions, and approved statewide and local  
 4      technical amendments and shall incorporate such  
 5      interpretations, statements, decisions, and amendments into  
 6      the updated Florida Building Code only to the extent that they  
 7      are needed to modify the foundation codes to accommodate the  
 8      specific needs of the state. A change made by an institute or  
 9      standards organization to any standard or criterion that is  
 10     adopted by reference in the Florida Building Code does not  
 11     become effective statewide until it has been adopted by the  
 12     commission. Furthermore, the edition of the Florida Building  
 13     Code which is in effect on the date of application for any  
 14     permit authorized by the code governs the permitted work for  
 15     the life of the permit and any extension granted to the  
 16     permit.

17           (e) A rule updating the Florida Building Code in  
 18      accordance with this subsection shall take effect no sooner  
 19      than 6 months after publication of the updated code. Any  
 20      amendment to the Florida Building Code which is adopted upon a  
 21      finding by the commission that the amendment is necessary to  
 22      protect the public from immediate threat of harm takes effect  
 23      immediately.

24           (7)(a) The commission may approve technical amendments  
 25      to the Florida Building Code once each year for statewide or  
 26      regional application upon a finding that the amendment:

27           1. Is needed in order to accommodate the specific  
 28      needs of this state.

29           ~~2.1.~~ Has a reasonable and substantial connection with  
 30      the health, safety, and welfare of the general public.

31           ~~3.2.~~ Strengthens or improves the Florida Building

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 Code, or in the case of innovation or new technology, will  
2 provide equivalent or better products or methods or systems of  
3 construction.

4 ~~4.3.~~ Does not discriminate against materials,  
5 products, methods, or systems of construction of demonstrated  
6 capabilities.

7 ~~5.4.~~ Does not degrade the effectiveness of the Florida  
8 Building Code.

9  
10 Furthermore, the Florida Building Commission may approve  
11 technical amendments to the code once each year to incorporate  
12 into the Florida Building Code its own interpretations of the  
13 code which are embodied in its opinions, final orders, and  
14 declaratory statements, and interpretations of hearing officer  
15 panels under s. 553.775(3)(c), but shall do so only to the  
16 extent that incorporation of interpretations is needed to  
17 modify the foundation codes to accommodate the specific needs  
18 of this state. Amendments approved under this paragraph shall  
19 be adopted by rule pursuant to ss. 120.536(1) and 120.54,  
20 after the amendments have been subjected to the provisions of  
21 subsection (3).

22 (c) The commission may not approve any proposed  
23 amendment that does not accurately and completely address all  
24 requirements for amendment which are set forth in this  
25 section. The commission shall require all proposed amendments  
26 and information submitted with proposed amendments to be  
27 reviewed by commission staff prior to consideration by any  
28 technical advisory committee. These reviews shall be for  
29 sufficiency only and are not intended to be qualitative in  
30 nature. Staff members shall reject any proposed amendment that  
31 fails to include a fiscal impact statement. Proposed

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 amendments rejected by members of the staff may not be  
2 considered by the commission or any technical advisory  
3 committee.

4 (12) The Florida Building Commission shall amend the  
5 Florida Building Code, 2004 edition, to allow use of enclosed  
6 and unenclosed areas under mezzanines for the purpose of  
7 calculating the permissible size of mezzanines in sprinklered  
8 S2 occupancies of Type III construction. The permissible use,  
9 as conditioned herein, of enclosed and unenclosed space under  
10 mezzanines for the purpose of calculating mezzanine size shall  
11 be retroactive to the effective date of the 2001 Florida  
12 Building Code.

13 Section 10. Section 553.77, Florida Statutes, is  
14 amended to read:

15 553.77 Specific powers of the commission.--

16 (1) The commission shall:

17 (a) Adopt and update the Florida Building Code or  
18 amendments thereto, pursuant to ss. 120.536(1) and 120.54.

19 (b) Make a continual study of the operation of the  
20 Florida Building Code and other laws relating to the design,  
21 construction, erection, alteration, modification, repair, or  
22 demolition of public or private buildings, structures, and  
23 facilities, including manufactured buildings, and code  
24 enforcement, to ascertain their effect upon the cost of  
25 building construction and determine the effectiveness of their  
26 provisions. Upon updating the Florida Building Code every 3  
27 years, the commission shall review existing provisions of law  
28 and make recommendations to the Legislature for the next  
29 regular session of the Legislature regarding provisions of law  
30 that should be revised or repealed to ensure consistency with  
31 the Florida Building Code at the point the update goes into

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 effect. State agencies and local jurisdictions shall provide  
 2 such information as requested by the commission for evaluation  
 3 of and recommendations for improving the effectiveness of the  
 4 system of building code laws for reporting to the Legislature  
 5 annually. Failure to comply with this or other requirements of  
 6 this act must be reported to the Legislature for further  
 7 action. Any proposed legislation providing for the revision or  
 8 repeal of existing laws and rules relating to technical  
 9 requirements applicable to building structures or facilities  
 10 should expressly state that such legislation is not intended  
 11 to imply any repeal or sunset of existing general or special  
 12 laws governing any special district that are not specifically  
 13 identified in the legislation.

14 (c) Upon written application by any substantially  
 15 affected person or a local enforcement agency, issue  
 16 declaratory statements pursuant to s. 120.565 relating to new  
 17 technologies, techniques, and materials which have been tested  
 18 where necessary and found to meet the objectives of the  
 19 Florida Building Code. This paragraph does not apply to the  
 20 types of products, materials, devices, or methods of  
 21 construction required to be approved under paragraph(f)(i).

22 ~~(d) Upon written application by any substantially~~  
 23 ~~affected person, state agency, or a local enforcement agency,~~  
 24 ~~issue declaratory statements pursuant to s. 120.565 relating~~  
 25 ~~to the enforcement or administration by local governments of~~  
 26 ~~the Florida Building Code. Paragraph (h) provides the~~  
 27 ~~exclusive remedy for addressing local interpretations of the~~  
 28 ~~code.~~

29 ~~(e) When requested in writing by any substantially~~  
 30 ~~affected person, state agency, or a local enforcing agency,~~  
 31 ~~shall issue declaratory statements pursuant to s. 120.565~~

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~  
2 ~~515.37. Actions of the commission are subject to judicial~~  
3 ~~review pursuant to s. 120.68.~~

4       ~~(d)(f)~~ Make recommendations to, and provide assistance  
5 upon the request of, the Florida Commission on Human Relations  
6 regarding rules relating to accessibility for persons with  
7 disabilities.

8       ~~(e)(g)~~ Participate with the Florida Fire Code Advisory  
9 Council created under s. 633.72, to provide assistance and  
10 recommendations relating to firesafety code interpretations.  
11 The administrative staff of the commission shall attend  
12 meetings of the Florida Fire Code Advisory Council and  
13 coordinate efforts to provide consistency between the Florida  
14 Building Code and the Florida Fire Prevention Code and the  
15 Life Safety Code.

16       ~~(h)~~ ~~Hear appeals of the decisions of local boards of~~  
17 ~~appeal regarding interpretation decisions of local building~~  
18 ~~officials, or if no local board exists, hear appeals of~~  
19 ~~decisions of the building officials regarding interpretations~~  
20 ~~of the code. For such appeals:~~

21           1. ~~Local decisions declaring structures to be unsafe~~  
22 ~~and subject to repair or demolition shall not be appealable to~~  
23 ~~the commission if the local governing body finds there is an~~  
24 ~~immediate danger to the health and safety of its citizens.~~

25           2. ~~All appeals shall be heard in the county of the~~  
26 ~~jurisdiction defending the appeal.~~

27           3. ~~Hearings shall be conducted pursuant to chapter 120~~  
28 ~~and the uniform rules of procedure, and decisions of the~~  
29 ~~commission are subject to judicial review pursuant to s.~~  
30 ~~120.68.~~

31       ~~(f)(i)~~ Determine the types of products which may be

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 approved by the commission ~~requiring approval for local or~~  
2 statewide use and shall provide for the evaluation and  
3 approval of such products, materials, devices, and method of  
4 construction for statewide use. The commission may prescribe  
5 by rule a schedule of reasonable fees to provide for  
6 evaluation and approval of products, materials, devices, and  
7 methods of construction. Evaluation and approval shall be by  
8 action of the commission or delegated pursuant to s. 553.842.  
9 This paragraph does not apply to products approved by the  
10 State Fire Marshal.

11 ~~(g)(j)~~ Appoint experts, consultants, technical  
12 advisers, and advisory committees for assistance and  
13 recommendations relating to the major areas addressed in the  
14 Florida Building Code.

15 ~~(h)(k)~~ Establish and maintain a mutual aid program,  
16 organized through the department, to provide an efficient  
17 supply of various levels of code enforcement personnel, design  
18 professionals, commercial property owners, and construction  
19 industry individuals, to assist in the rebuilding effort in an  
20 area which has been hit with disaster. The program shall  
21 include provisions for:

- 22 1. Minimum postdisaster structural, electrical, and  
23 plumbing inspections and procedures.
- 24 2. Emergency permitting and inspection procedures.
- 25 3. Establishing contact with emergency management  
26 personnel and other state and federal agencies.

27 ~~(i)(l)~~ Maintain a list of interested parties for  
28 noticing rulemaking workshops and hearings, disseminating  
29 information on code adoption, revisions, amendments, and all  
30 other such actions which are the responsibility of the  
31 commission.

Bill No. CS for CS for CS for SB 442

Barcode 155634

1            ~~(j)(m)~~ Coordinate with the state and local  
 2 governments, industry, and other affected stakeholders in the  
 3 examination of legislative provisions and make recommendations  
 4 to fulfill the responsibility to develop a consistent, single  
 5 code.

6            ~~(k)(n)~~ Provide technical assistance to local building  
 7 departments in order to implement policies, procedures, and  
 8 practices which would produce the most cost-effective property  
 9 insurance ratings.

10           ~~(l)(o)~~ Develop recommendations for local governments  
 11 to use when pursuing partial or full privatization of building  
 12 department functions. The recommendations shall include, but  
 13 not be limited to, provisions relating to equivalency of  
 14 service, conflict of interest, requirements for competency,  
 15 liability, insurance, and long-term accountability.

16           ~~(2)~~ ~~Upon written application by any substantially~~  
 17 ~~affected person, the commission shall issue a declaratory~~  
 18 ~~statement pursuant to s. 120.565 relating to a state agency's~~  
 19 ~~interpretation and enforcement of the specific provisions of~~  
 20 ~~the Florida Building Code the agency is authorized to enforce.~~  
 21 ~~The provisions of this subsection shall not be construed to~~  
 22 ~~provide any powers, other than advisory, to the commission~~  
 23 ~~with respect to any decision of the State Fire Marshal made~~  
 24 ~~pursuant to the provisions of chapter 633.~~

25           ~~(3)~~ ~~The commission may designate a commission member~~  
 26 ~~with demonstrated expertise in interpreting building plans to~~  
 27 ~~attend each meeting of the advisory council created in s.~~  
 28 ~~553.512. The commission member may vary from meeting to~~  
 29 ~~meeting, shall serve on the council in a nonvoting capacity,~~  
 30 ~~and shall receive per diem and expenses as provided in s.~~  
 31 ~~553.74(3).~~

Bill No. CS for CS for CS for SB 442

Barcode 155634

1           ~~(2)(4)~~ For educational and public information  
 2 purposes, the commission shall develop and publish an  
 3 informational and explanatory document which contains  
 4 descriptions of the roles and responsibilities of the licensed  
 5 design professional, residential designer, contractor, and  
 6 local building and fire code officials. The State Fire Marshal  
 7 shall be responsible for developing and specifying roles and  
 8 responsibilities for fire code officials. Such document may  
 9 also contain descriptions of roles and responsibilities of  
 10 other participants involved in the building codes system.

11           ~~(3)(5)~~ The commission may provide by rule for plans  
 12 review and approval of prototype buildings owned by public and  
 13 private entities to be replicated throughout the state. The  
 14 rule must allow for review and approval of plans and changes  
 15 to approved plans for prototype buildings to be performed by a  
 16 public or private entity with oversight by the commission. The  
 17 department may charge reasonable fees to cover the  
 18 administrative costs of the program. Such approved plans or  
 19 prototype buildings shall be exempt from further review  
 20 required by s. 553.79(2), except changes to the prototype  
 21 design, site plans, and other site-related items. Changes to  
 22 an approved plan may be approved by the local building  
 23 department or by the public or private entity that approved  
 24 the plan. As provided in s. 553.73, prototype buildings are  
 25 exempt from any locally adopted amendment to any part of the  
 26 Florida Building Code. Construction or erection of such  
 27 prototype buildings is subject to local permitting and  
 28 inspections pursuant to this part.

29           ~~(4)(6)~~ The commission may produce and distribute a  
 30 commentary document to accompany the Florida Building Code.  
 31 The commentary must be limited in effect to providing



Bill No. CS for CS for CS for SB 442

Barcode 155634

1 technical assistance and must not have the effect of binding  
 2 interpretations of the code document itself.

3       (5) A member of the Florida Building Commission may  
 4 abstain from voting in any matter before the commission which  
 5 would inure to the commissioner's special private gain or  
 6 loss, which the commissioner knows would inure to the special  
 7 private gain or loss of any principal by whom he or she is  
 8 retained or to the parent organization or subsidiary of a  
 9 corporate principal by which he or she is retained, or which  
 10 he or she knows would inure to the special private gain or  
 11 loss of a relative or business associate of the commissioner.  
 12 A commissioner shall abstain from voting under the foregoing  
 13 circumstances if the matter is before the commission under ss.  
 14 120.569, 120.60, and 120.80. The commissioner shall, before  
 15 the vote is taken, publicly state to the assembly the nature  
 16 of the commissioner's interest in the matter from which he or  
 17 she is abstaining from voting and, within 15 days after the  
 18 vote occurs, disclose the nature of his other interest as a  
 19 public record in a memorandum filed with the person  
 20 responsible for recording the minutes of the meeting, who  
 21 shall incorporate the memorandum in the minutes.

22       ~~(7) The commission shall by rule establish an informal~~  
 23 ~~process of rendering nonbinding interpretations of the Florida~~  
 24 ~~Building Code. The commission is specifically authorized to~~  
 25 ~~refer interpretive issues to organizations that represent~~  
 26 ~~those engaged in the construction industry. The commission is~~  
 27 ~~directed to immediately implement the process prior to the~~  
 28 ~~completion of formal rulemaking. It is the intent of the~~  
 29 ~~Legislature that the commission create a process to refer~~  
 30 ~~questions to a small, rotating group of individuals licensed~~  
 31 ~~under part XII of chapter 468, to which a party can pose~~

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 ~~questions regarding the interpretation of code provisions. It~~  
 2 ~~is the intent of the Legislature that the process provide for~~  
 3 ~~the expeditious resolution of the issues presented and~~  
 4 ~~publication of the resulting interpretation on the Building~~  
 5 ~~Code Information System. Such interpretations are to be~~  
 6 ~~advisory only and nonbinding on the parties or the commission.~~

7 Section 11. Section 553.775, Florida Statutes, is  
 8 created to read:

9 553.775 Interpretations.--

10 (1) It is the intent of the Legislature that the  
 11 Florida Building Code be interpreted by building officials,  
 12 local enforcement agencies, and the commission in a manner  
 13 that protects the public safety, health, and welfare at the  
 14 most reasonable cost to the consumer by ensuring uniform  
 15 interpretations throughout the state and by providing  
 16 processes for resolving disputes regarding interpretations of  
 17 the Florida Building Code which are just and expeditious.

18 (2) Local enforcement agencies, local building  
 19 officials, state agencies, and the commission shall interpret  
 20 provisions of the Florida Building Code in a manner that is  
 21 consistent with declaratory statements and interpretations  
 22 entered by the commission, except that conflicts between the  
 23 Florida Fire Prevention Code and the Florida Building Code  
 24 shall be resolved in accordance with s. 553.73(9)(c) and (d).

25 (3) The following procedures may be invoked regarding  
 26 interpretations of the Florida Building Code:

27 (a) Upon written application by any substantially  
 28 affected person or state agency or by a local enforcement  
 29 agency, the commission shall issue declaratory statements  
 30 pursuant to s. 120.565 relating to the enforcement or  
 31 administration by local governments of the Florida Building

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 Code.

2 (b) When requested in writing by any substantially  
3 affected person or state agency or by a local enforcement  
4 agency, the commission shall issue a declaratory statement  
5 pursuant to s. 120.565 relating to this part and ss. 515.25,  
6 515.27, 515.29, and 515.37. Actions of the commission are  
7 subject to judicial review under s. 120.68.

8 (c) The commission shall review decisions of local  
9 building officials and local enforcement agencies regarding  
10 interpretations of the Florida Building Code after the local  
11 board of appeals has considered the decision, if such board  
12 exists, and if such appeals process is concluded within 25  
13 business days.

14 1. The commission shall coordinate with the Building  
15 Officials Association of Florida, Inc., to designate panels  
16 composed of five members to hear requests to review decisions  
17 of local building officials. The members must be licensed as  
18 building code administrators under part XII of chapter 468 and  
19 must have experience interpreting and enforcing provisions of  
20 the Florida Building Code.

21 2. Requests to review a decision of a local building  
22 official interpreting provisions of the Florida Building Code  
23 may be initiated by any substantially affected person,  
24 including an owner or builder subject to a decision of a local  
25 building official or an association of owners or builders  
26 having members who are subject to a decision of a local  
27 building official. In order to initiate review, the  
28 substantially affected person must file a petition with the  
29 commission. The commission shall adopt a form for the  
30 petition, which shall be published on the Building Code  
31 Information System. The form shall, at a minimum, require the

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 following:

2       a. The name and address of the county or municipality  
3 in which provisions of the Florida Building Code are being  
4 interpreted.

5       b. The name and address of the local building official  
6 who has made the interpretation being appealed.

7       c. The name, address, and telephone number of the  
8 petitioner; the name, address, and telephone number of the  
9 petitioner's representative, if any; and an explanation of how  
10 the petitioner's substantial interests are being affected by  
11 the local interpretation of the Florida Building Code.

12       d. A statement of the provisions of the Florida  
13 Building Code which are being interpreted by the local  
14 building official.

15       e. A statement of the interpretation given to  
16 provisions of the Florida Building Code by the local building  
17 official and the manner in which the interpretation was  
18 rendered.

19       f. A statement of the interpretation that the  
20 petitioner contends should be given to the provisions of the  
21 Florida Building Code and a statement supporting the  
22 petitioner's interpretation.

23       g. Space for the local building official to respond in  
24 writing. The space shall, at a minimum, require the local  
25 building official to respond by providing a statement  
26 admitting or denying the statements contained in the petition  
27 and a statement of the interpretation of the provisions of the  
28 Florida Building Code which the local jurisdiction or the  
29 local building official contends is correct, including the  
30 basis for the interpretation.

31       3. The petitioner shall submit the petition to the

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 local building official, who shall place the date of receipt  
2 on the petition. The local building official shall respond to  
3 the petition in accordance with the form and shall return the  
4 petition along with his or her response to the petitioner  
5 within 5 days after receipt, exclusive of Saturdays, Sundays,  
6 and legal holidays. The petitioner may file the petition with  
7 the commission at any time after the local building official  
8 provides a response. If no response is provided by the local  
9 building official, the petitioner may file the petition with  
10 the commission 10 days after submission of the petition to the  
11 local building official and shall note that the local building  
12 official did not respond.

13 4. Upon receipt of a petition that meets the  
14 requirements of subparagraph 2., the commission shall  
15 immediately provide copies of the petition to a panel, and the  
16 commission shall publish the petition, including any response  
17 submitted by the local building official, on the Building Code  
18 Information System in a manner that allows interested persons  
19 to address the issues by posting comments.

20 5. The panel shall conduct proceedings as necessary to  
21 resolve the issues; shall give due regard to the petitions,  
22 the response, and to comments posed on the Building Code  
23 Information System; and shall issue an interpretation  
24 regarding the provisions of the Florida Building Code within  
25 21 days after the filing of the petition. The panel shall  
26 render a determination based upon the Florida Building Code  
27 or, if the code is ambiguous, the intent of the code. The  
28 panel's interpretation shall be provided to the commission,  
29 which shall publish the interpretation on the Building Code  
30 Information System and in the Florida Administrative Weekly.  
31 The interpretation shall be considered an interpretation

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 entered by the commission, and shall be binding upon the  
 2 parties and upon all jurisdictions subject to the Florida  
 3 Building Code, unless it is superseded by a declaratory  
 4 statement issued by the Florida Building Commission or by a  
 5 final order entered after an appeal proceeding conducted in  
 6 accordance with subparagraph 7.

7       6. It is the intent of the Legislature that review  
 8 proceedings be completed within 21 days after the date that a  
 9 petition seeking review is filed with the commission, and the  
 10 time periods set forth in this paragraph may be waived only  
 11 upon consent of all parties.

12       7. Any substantially affected person may appeal an  
 13 interpretation rendered by a hearing officer panel by filing a  
 14 petition with the commission. Such appeals shall be initiated  
 15 in accordance with chapter 120 and the uniform rules of  
 16 procedure and must be filed within 30 days after publication  
 17 of the interpretation on the Building Code Information System  
 18 or in the Florida Administrative Weekly. Hearings shall be  
 19 conducted pursuant to chapter 120 and the uniform rules of  
 20 procedure. Decisions of the commission are subject to judicial  
 21 review pursuant to s. 120.68. The final order of the  
 22 commission is binding upon the parties and upon all  
 23 jurisdictions subject to the Florida Building Code.

24       8. The burden of proof in any proceeding initiated in  
 25 accordance with subparagraph 7. is on the party who initiated  
 26 the appeal.

27       9. In any review proceeding initiated in accordance  
 28 with this paragraph, including any proceeding initiated in  
 29 accordance with subparagraph 7., the fact that an owner or  
 30 builder has proceeded with construction may not be grounds for  
 31 determining an issue to be moot if the issue is one that is

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 likely to arise in the future.

2

3 This paragraph provides the exclusive remedy for addressing  
4 requests to review local interpretations of the code and  
5 appeals from review proceedings.

6 (d) Local decisions declaring structures to be unsafe  
7 and subject to repair or demolition are not subject to review  
8 under this subsection and may not be appealed to the  
9 commission if the local governing body finds that there is an  
10 immediate danger to the health and safety of the public.

11 (e) Upon written application by any substantially  
12 affected person, the commission shall issue a declaratory  
13 statement pursuant to s. 120.565 relating to an agency's  
14 interpretation and enforcement of the specific provisions of  
15 the Florida Building Code which the agency is authorized to  
16 enforce. This subsection does not provide any powers, other  
17 than advisory, to the commission with respect to any decision  
18 of the State Fire Marshal made pursuant to chapter 633.

19 (f) The commission may designate a commission member  
20 who has demonstrated expertise in interpreting building plans  
21 to attend each meeting of the advisory council created in s.  
22 553.512. The commission member may vary from meeting to  
23 meeting, shall serve on the council in a nonvoting capacity,  
24 and shall receive per diem and expenses as provided in s.  
25 553.74(3).

26 (g) The commission shall by rule establish an informal  
27 process of rendering nonbinding interpretations of the Florida  
28 Building Code. The commission is specifically authorized to  
29 refer interpretive issues to organizations that represent  
30 those engaged in the construction industry. The commission  
31 shall immediately implement the process before completing

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 formal rulemaking. It is the intent of the Legislature that  
 2 the commission create a process to refer questions to a small,  
 3 rotating group of individuals licensed under part XII of  
 4 chapter 468, to which a party may pose questions regarding the  
 5 interpretation of code provisions. It is the intent of the  
 6 Legislature that the process provide for the expeditious  
 7 resolution of the issues presented and publication of the  
 8 resulting interpretation on the Building Code Information  
 9 System. Such interpretations shall be advisory only and  
 10 nonbinding on the parties and the commission.

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

20 Section 12. Subsection (14) of section 553.79, Florida  
 21 Statutes, is amended to read:

22 553.79 Permits; applications; issuance; inspections.--

23 (14) Certifications by contractors authorized under  
 24 the provisions of s. 489.115(4)(b) shall be considered  
 25 equivalent to sealed plans and specifications by a person  
 26 licensed under chapter 471 or chapter 481 by local enforcement  
 27 agencies for plans review for permitting purposes relating to  
 28 compliance with the wind resistance provisions of the code or  
 29 alternate methodologies approved by the commission for one and  
 30 two family dwellings. Local enforcement agencies may rely upon  
 31 such certification by contractors that the plans and



Bill No. CS for CS for CS for SB 442

Barcode 155634

1 specifications submitted conform to the requirements of the  
 2 code for wind resistance. Upon good cause shown, local  
 3 government code enforcement agencies may accept or reject  
 4 plans sealed by persons licensed under chapter 471, chapter  
 5 481, or chapter 489. A truss-placement plan is not required to  
 6 be signed and sealed by an engineer or architect unless  
 7 prepared by an engineer or architect or specifically required  
 8 by the Florida Building Code.

9 Section 13. Paragraph (f) of subsection (1),  
 10 subsections (2) and (4), paragraph (a) of subsection (6), and  
 11 subsections (7), (9), (11), (12), (14), (15), and (17) of  
 12 section 553.791, Florida Statutes, are amended to read:

13 553.791 Alternative plans review and inspection.--

14 (1) As used in this section, the term:

15 (f) "Permit application" means a properly completed  
 16 and submitted application for+

17 ~~±~~ the requested building or construction permit,  
 18 including:-

19 1.2. The plans reviewed by the private provider.

20 2.3. The affidavit from the private provider required  
 21 pursuant to subsection (5).

22 3.4. Any applicable fees.

23 4.5. Any documents required by the local building  
 24 official to determine that the fee owner has secured all other  
 25 government approvals required by law.

26 (2) Notwithstanding any other provision of law or  
 27 local government ordinance or local policy, the fee owner of a  
 28 building or structure, or the fee owner's contractor upon  
 29 written authorization from the fee owner, may choose to use a  
 30 private provider to provide building code inspection services  
 31 with regard to such building or structure and may make payment

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 directly to the private provider for the provision of such  
 2 services. All such services shall be the subject of a written  
 3 contract between the private provider, or the private  
 4 provider's firm, and the fee owner. The fee owner may elect to  
 5 use a private provider to provide ~~either~~ plans review or  
 6 required building inspections, or both. However, if the fee  
 7 owner or the fee owner's contractor uses a private provider to  
 8 provide plans review, the local building official, in his or  
 9 her discretion and pursuant to duly adopted policies of the  
 10 local enforcement agency, may require the fee owner or the fee  
 11 owner's contractor~~who desires~~ to use a private provider ~~to~~  
 12 ~~use the private provider to also provide both plans review and~~  
 13 ~~required building inspections inspection services .~~

14 (4) A fee owner or the fee owner's contractor using a  
 15 private provider to provide building code inspection services  
 16 shall notify the local building official at the time of permit  
 17 application, or no less than 7 business days prior to the  
 18 first scheduled inspection by the local building official or  
 19 building code enforcement agency for a private provider  
 20 performing required inspections of construction under this  
 21 section, on a form to be adopted by the commission. This  
 22 notice shall include the following information:

23 (a) The services to be performed by the private  
 24 provider.

25 (b) The name, firm, address, telephone number, and  
 26 facsimile number of each private provider who is performing or  
 27 will perform such services, his or her professional license or  
 28 certification number, qualification statements or resumes,  
 29 and, if required by the local building official, a certificate  
 30 of insurance demonstrating that professional liability  
 31 insurance coverage is in place for the private provider's

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 firm, the private provider, and any duly authorized  
2 representative in the amounts required by this section.

3 (c) An acknowledgment from the fee owner in  
4 substantially the following form:

5  
6 I have elected to use one or more private providers to provide  
7 building code plans review and/or inspection services on the  
8 building or structure that is the subject of the enclosed  
9 permit application, as authorized by s. 553.791, Florida  
10 Statutes. I understand that the local building official may  
11 not review the plans submitted or perform the required  
12 building inspections to determine compliance with the  
13 applicable codes, except to the extent specified in said law.  
14 Instead, plans review and/or required building inspections  
15 will be performed by licensed or certified personnel  
16 identified in the application. The law requires minimum  
17 insurance requirements for such personnel, but I understand  
18 that I may require more insurance to protect my interests. By  
19 executing this form, I acknowledge that I have made inquiry  
20 regarding the competence of the licensed or certified  
21 personnel and the level of their insurance and am satisfied  
22 that my interests are adequately protected. I agree to  
23 indemnify, defend, and hold harmless the local government, the  
24 local building official, and their building code enforcement  
25 personnel from any and all claims arising from my use of these  
26 licensed or certified personnel to perform building code  
27 inspection services with respect to the building or structure  
28 that is the subject of the enclosed permit application.

29  
30 If the fee owner or the fee owner's contractor makes any  
31 changes to the listed private providers or the services to be

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 provided by those private providers, the fee owner or the fee  
2 owner's contractor shall, within 1 business day after any  
3 change, update the notice to reflect such changes. In  
4 addition, the fee owner or the fee owner's contractor shall  
5 post at the project site, prior to the commencement of  
6 construction and updated within 1 business day after any  
7 change, on a form to be adopted by the commission, the name,  
8 firm, address, telephone number, and facsimile number of each  
9 private provider who is performing or will perform building  
10 code inspection services, the type of service being performed,  
11 and similar information for the primary contact of the private  
12 provider on the project.

13 (6)(a) No more than ~~within~~ 30 business days after  
14 receipt of a permit application and the affidavit from the  
15 private provider required pursuant to subsection (5), the  
16 local building official shall issue the requested permit or  
17 provide a written notice to the permit applicant identifying  
18 the specific plan features that do not comply with the  
19 applicable codes, as well as the specific code chapters and  
20 sections. If the local building official does not provide a  
21 written notice of the plan deficiencies within the prescribed  
22 30-day period, the permit application shall be deemed approved  
23 as a matter of law, and the permit shall be issued by the  
24 local building official on the next business day.

25 (7) A private provider performing required inspections  
26 under this section shall inspect each phase of construction as  
27 required by the applicable codes. The private provider shall  
28 be permitted to send a duly authorized representative to the  
29 building site to perform the required inspections, provided  
30 all required reports and certifications are prepared by and  
31 bear the signature of the private provider. The duly

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 authorized representative must be an employee of the private  
 2 provider entitled to receive unemployment compensation  
 3 benefits under chapter 443. The contractor's contractual or  
 4 legal obligations are not relieved by any action of the  
 5 private provider.

6 (9) Upon completing the required inspections at each  
 7 applicable phase of construction, the private provider shall  
 8 record such inspections on a form acceptable to the local  
 9 building official. These inspection records shall reflect  
 10 those inspections required by the applicable codes of each  
 11 phase of construction for which permitting by a local  
 12 enforcement agency is required. The private provider, before  
 13 leaving the project site, shall post each completed inspection  
 14 record, indicating pass or fail, at the site and provide the  
 15 record to the local building official within 2 business days.  
 16 The local building official may waive the requirement to  
 17 provide a record of each inspection within 2 business days if  
 18 the record is posted at the project site and all such  
 19 inspection records are submitted with the certificate of  
 20 compliance. Records of all required and completed inspections  
 21 shall be maintained at the building site at all times and made  
 22 available for review by the local building official. The  
 23 private provider shall report to the local enforcement agency  
 24 any condition that poses an immediate threat to public safety  
 25 and welfare.

26 (11) No more than ~~within~~ 2 business days after receipt  
 27 of a request for a certificate of occupancy or certificate of  
 28 completion and the applicant's presentation of a certificate  
 29 of compliance and approval of all other government approvals  
 30 required by law, the local building official shall issue the  
 31 certificate of occupancy or certificate of completion or

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 provide a notice to the applicant identifying the specific  
2 deficiencies, as well as the specific code chapters and  
3 sections. If the local building official does not provide  
4 notice of the deficiencies within the prescribed 2-day period,  
5 the request for a certificate of occupancy or certificate of  
6 completion shall be deemed granted and the certificate of  
7 occupancy or certificate of completion shall be issued by the  
8 local building official on the next business day. To resolve  
9 any identified deficiencies, the applicant may elect to  
10 dispute the deficiencies pursuant to subsection (12) or to  
11 submit a corrected request for a certificate of occupancy or  
12 certificate of completion.

13 (12) If the local building official determines that  
14 the building construction or plans do not comply with the  
15 applicable codes, the official may deny the permit or request  
16 for a certificate of occupancy or certificate of completion,  
17 as appropriate, or may issue a stop-work order for the project  
18 or any portion thereof as provided by law, if the official  
19 determines that such noncompliance poses a threat to public  
20 safety and welfare, subject to the following:

21 (a) The local building official shall be available to  
22 meet with the private provider within 2 business days to  
23 resolve any dispute after issuing a stop-work order or  
24 providing notice to the applicant denying a permit or request  
25 for a certificate of occupancy or certificate of completion.

26 (b) If the local building official and private  
27 provider are unable to resolve the dispute, the matter shall  
28 be referred to the local enforcement agency's board of  
29 appeals, if one exists, which shall consider the matter at its  
30 next scheduled meeting or sooner. Any decisions by the local  
31 enforcement agency's board of appeals, or local building

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 official if there is no board of appeals, may be appealed to  
 2 the commission as provided by this chapter ~~pursuant to s.~~  
 3 ~~553.77(1)(h)~~.

4 (c) Notwithstanding any provision of this section, any  
 5 decisions regarding the issuance of a building permit,  
 6 certificate of occupancy, or certificate of completion may be  
 7 reviewed by the local enforcement agency's board of appeals,  
 8 if one exists. Any decision by the local enforcement agency's  
 9 board of appeals, or local building official if there is no  
 10 board of appeals, may be appealed to the commission as  
 11 provided by this chapter ~~pursuant to s. 553.77(1)(h)~~, which  
 12 shall consider the matter at the commission's next scheduled  
 13 meeting.

14 (14)(a) No local enforcement agency, local building  
 15 official, or local government may adopt or enforce any laws,  
 16 rules, procedures, policies, qualifications, or standards  
 17 more stringent than those prescribed by this section.

18 (b) A local enforcement agency, local building  
 19 official, or local government may establish, for private  
 20 providers and duly authorized representatives working within  
 21 that jurisdiction, a system of registration to verify  
 22 compliance with the licensure requirements of paragraph (1)(g)  
 23 and the insurance requirements of subsection (15).

24 (c) Nothing in this section limits the authority of  
 25 the local building official to issue a stop-work order for a  
 26 building project or any portion of such order, as provided by  
 27 law, if the official determines that a condition on the  
 28 building site constitutes an immediate threat to public safety  
 29 and welfare.

30 (15) A private provider may perform building code  
 31 inspection services on a building project under this section

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 only if the private provider maintains insurance for  
 2 professional ~~and comprehensive general~~ liability covering with  
 3 ~~minimum policy limits of \$1 million per occurrence relating to~~  
 4 all services performed as a private provider. Such insurance  
 5 shall have minimum policy limits of \$1 million per occurrence  
 6 and \$2 million in the aggregate for any project with a  
 7 construction cost of \$5 million or less and \$2 million per  
 8 occurrence and \$4 million in the aggregate for any project  
 9 with a construction cost of over \$5 million. Nothing in this  
 10 section limits the ability of a fee owner to require  
 11 additional insurance or higher policy limits. For these  
 12 purposes, the term "construction cost" means the total cost of  
 13 building construction as stated in the building permit  
 14 application. If the private provider chooses to secure  
 15 claims-made coverage to fulfill this requirement, the private  
 16 provider must also maintain, including tail coverage for a  
 17 minimum of 5 years subsequent to the performance of building  
 18 code inspection services. The insurance required under this  
 19 subsection shall be written only by insurers authorized to do  
 20 business in this state with a minimum A.M. Best's rating of A.  
 21 Before providing building code inspection services within a  
 22 local building official's jurisdiction, a private provider  
 23 must provide to the local building official a certificate of  
 24 insurance evidencing that the coverages required under this  
 25 subsection are in force.

26 (17) Each local building code enforcement agency may  
 27 ~~shall develop and maintain a process to~~ audit the performance  
 28 of building code inspection services by private providers  
 29 operating within the local jurisdiction. Work on a building or  
 30 structure may proceed after inspection and approval by a  
 31 private provider if the provider has given notice of the



Bill No. CS for CS for CS for SB 442

Barcode 155634

1 inspection pursuant to subsection (8) and, subsequent to such  
 2 inspection and approval, the work may not be delayed for  
 3 completion of an inspection audit by the local building code  
 4 enforcement agency.

5 Section 14. Paragraph (i) of subsection (1) of section  
 6 468.621, Florida Statutes, is amended to read:

7 468.621 Disciplinary proceedings.--

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

10 (i) Failing to lawfully execute the duties and  
 11 responsibilities specified in this part and ss. 553.73,  
 12 553.781, ~~and~~ 553.79, and 553.791.

13 Section 15. Paragraph (d) of subsection (1) and  
 14 subsection (6) of section 553.80, Florida Statutes, are  
 15 amended, and subsections (7) and (8) are added to that  
 16 section, to read:

17 553.80 Enforcement.--

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

27 (d) Building plans approved under ~~pursuant to~~ s.  
 28 553.77(3)(~~5~~) and state-approved manufactured buildings,  
 29 including buildings manufactured and assembled offsite and not  
 30 intended for habitation, such as lawn storage buildings and  
 31 storage sheds, are exempt from local code enforcing agency

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 plan reviews except for provisions of the code relating to  
 2 erection, assembly, or construction at the site. Erection,  
 3 assembly, and construction at the site are subject to local  
 4 permitting and inspections. Lawn storage buildings and storage  
 5 sheds not exceeding 400 square feet bearing the insignia of  
 6 approval of the department are not subject to s. 553.842. Such  
 7 buildings that do not exceed 400 square feet may be delivered  
 8 and installed without need of a contractor's or specialty  
 9 license.

10

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

21 (6) Notwithstanding any other ~~provision of~~ law, state  
 22 universities, community colleges, and public school districts  
 23 shall be subject to enforcement of the Florida Building Code  
 24 under ~~pursuant to~~ this part.

25 (a)1. State universities, state community colleges, or  
 26 public school districts shall conduct plan review and  
 27 construction inspections to enforce building code compliance  
 28 for their building projects that are subject to the Florida  
 29 Building Code. These ~~Such~~ entities must ~~shall~~ use personnel or  
 30 contract providers appropriately certified under part XII of  
 31 chapter 468 to perform the plan reviews and inspections

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 required by the code. Under these ~~such~~ arrangements, the ~~such~~  
2 entities are ~~shall~~ not ~~be~~ subject to local government  
3 permitting requirements, plans review, and inspection fees.  
4 State universities, state community colleges, and public  
5 school districts are ~~shall be~~ liable and responsible for all  
6 of their buildings, structures, and facilities. ~~Nothing in~~  
7 This paragraph does not ~~shall be construed to~~ limit the  
8 authority of the county, municipality, or code enforcement  
9 district to ensure that buildings, structures, and facilities  
10 owned by these ~~such~~ entities comply with the Florida Building  
11 Code or to limit the authority and responsibility of the fire  
12 official to conduct firesafety inspections under ~~pursuant to~~  
13 chapter 633.

14       2. In order to enforce building code compliance  
15 independent of a county or municipality, a state university,  
16 community college, or public school district may create a  
17 board of adjustment and appeal to which a substantially  
18 affected party may appeal an interpretation of the Florida  
19 Building Code which relates to a specific project. The  
20 decisions of this board, or, in its absence, the decision of  
21 the building code administrator, may be reviewed under s.  
22 553.775.

23       (b) If a state university, state community college, or  
24 public school district elects to use a local government's code  
25 enforcement offices:

26       1. Fees charged by counties and municipalities for  
27 enforcement of the Florida Building Code on buildings,  
28 structures, and facilities of state universities, state  
29 colleges, and public school districts may ~~shall~~ not be more  
30 than the actual labor and administrative costs incurred for  
31 plans review and inspections to ensure compliance with the

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 code.

2           2. Counties and municipalities shall expedite building  
3 construction permitting, building plans review, and  
4 inspections of projects of state universities, state community  
5 colleges, and public school districts that ~~which~~ are subject  
6 to the Florida Building Code according to guidelines  
7 established by the Florida Building Commission.

8           3. A party substantially affected by an interpretation  
9 of the Florida Building Code by the local government's code  
10 enforcement offices may appeal the interpretation to the local  
11 government's board of adjustment and appeal or to the  
12 commission under s. 553.775 if no local board exists. The  
13 decision of a local board is reviewable in accordance with s.  
14 553.775.

15           (c) The Florida Building Commission and code  
16 enforcement jurisdictions shall consider balancing code  
17 criteria and enforcement to unique functions, where they  
18 occur, of research institutions by application of performance  
19 criteria in lieu of prescriptive criteria.

20           (d) School boards, community college boards, and state  
21 universities may use annual facility maintenance permits to  
22 facilitate routine maintenance, emergency repairs, building  
23 refurbishment, and minor renovations of systems or equipment.  
24 The amount expended for maintenance projects may not exceed  
25 \$200,000 per project. A facility maintenance permit is valid  
26 for 1 year. A detailed log of alterations and inspections must  
27 be maintained and annually submitted to the building official.  
28 The building official retains the right to make inspections at  
29 the facility site as he or she considers necessary. Code  
30 compliance must be provided upon notification by the building  
31 official. If a pattern of code violations is found, the

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 building official may withhold the issuance of future annual  
 2 facility maintenance permits.

3  
 4 ~~Nothing in~~ This part may not shall be construed to authorize  
 5 counties, municipalities, or code enforcement districts to  
 6 conduct any permitting, plans review, or inspections not  
 7 covered by the Florida Building Code. Any actions by counties  
 8 or municipalities not in compliance with this part may be  
 9 appealed to the Florida Building Commission. The commission,  
 10 upon a determination that actions not in compliance with this  
 11 part have delayed permitting or construction, may suspend the  
 12 authority of a county, municipality, or code enforcement  
 13 district to enforce the Florida Building Code on the  
 14 buildings, structures, or facilities of a state university,  
 15 state community college, or public school district and provide  
 16 for code enforcement at the expense of the state university,  
 17 state community college, or public school district.

18 (7) The governing bodies of local governments may  
 19 provide a schedule of reasonable fees, as authorized by s.  
 20 125.56(2) or s. 166.222 and this section, for enforcing this  
 21 part. These fees, and any fines or investment earnings related  
 22 to the fees, shall be used solely for carrying out the local  
 23 government's responsibilities in enforcing the Florida  
 24 Building Code. When providing a schedule of reasonable fees,  
 25 the total estimated annual revenue derived from fees, and the  
 26 finances and investment earnings related to the fees, may not  
 27 exceed the total estimated annual costs of allowable  
 28 activities. Any unexpended balances shall be carried forward  
 29 to future years for allowable activities or shall be refunded  
 30 at the discretion of the local government. The basis for a fee  
 31 structure for allowable activities shall relate to the level

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 of service provided by the local government. Fees charged  
2 shall be consistently applied.

3 (a) As used in this subsection, the phrase "enforcing  
4 the Florida Building Code" includes the direct costs and  
5 reasonable indirect costs associated with review of building  
6 plans, building inspections, reinspections, building permit  
7 processing; building code enforcement; and fire inspections  
8 associated with new construction. The phrase may also include  
9 training costs associated with the enforcement of the Florida  
10 Building Code and enforcement action pertaining to unlicensed  
11 contractor activity to the extent not funded by other user  
12 fees.

13 (b) The following activities may not be funded with  
14 fees adopted for enforcing the Florida Building Code:

15 1. Planning and zoning or other general government  
16 activities.

17 2. Inspections of public buildings for a reduced fee  
18 or no fee.

19 3. Public information requests, community functions,  
20 boards, and any program not directly related to enforcement of  
21 the Florida Building Code.

22 4. Enforcement and implementation of any other local  
23 ordinance, excluding validly adopted local amendments to the  
24 Florida Building Code and excluding any local ordinance  
25 directly related to enforcing the Florida Building Code as  
26 defined in paragraph (a).

27 (c) A local government shall use recognized  
28 management, accounting, and oversight practices to ensure that  
29 fees, fines, and investment earnings generated under this  
30 subsection are maintained and allocated or used solely for the  
31 purposes described in paragraph (a).

Bill No. CS for CS for CS for SB 442

Barcode 155634

1       (8) The Department of Agriculture and Consumer  
 2 Services is not subject to local government permitting  
 3 requirements, plan review, or inspection fees for agricultural  
 4 structures, such as equipment storage sheds and polebarns that  
 5 are not used by the public.

6           Section 16. Paragraph (c) is added to subsection (17)  
 7 of section 120.80, Florida Statutes, to read:

8           120.80 Exceptions and special requirements;  
 9 agencies.--

10           (17) FLORIDA BUILDING COMMISSION.--

11           (c) Notwithstanding ss. 120.565, 120.569, and 120.57,  
 12 the Florida Building Commission and hearing officer panels  
 13 appointed by the commission in accordance with s.  
 14 553.775(3)(c)1. may conduct proceedings to review decisions of  
 15 local building code officials in accordance with s.  
 16 553.775(3)(c).

17           Section 17. Section 553.841, Florida Statutes, is  
 18 amended to read:

19           (Substantial rewording of section. See  
 20 s. 533.841, F.S., for present text.)

21           553.841 Building code education and outreach  
 22 program.--

23           (1) The Legislature finds that the effectiveness of  
 24 the building codes of this state depends on the performance of  
 25 all participants, as demonstrated through knowledge of the  
 26 codes and commitment to compliance with code directives, and  
 27 that to strengthen compliance by industry and enforcement by  
 28 government, a building code education and outreach program is  
 29 needed.

30           (2) There is created the Building Code Education and  
 31 Outreach Council to coordinate, develop, and maintain

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 education and outreach to ensure administration and  
2 enforcement of the Florida Building Code.

3 (3) The Building Code Education and Outreach Council  
4 shall be composed of the following members:

5 (a) Three representatives of the Florida Building  
6 Commission, one of whom must be a member of a Florida-based  
7 organization of persons with disabilities or a nationally  
8 chartered organization of persons with disabilities having  
9 chapters in this state, selected by the commission;

10 (b) One representative of the Florida Building Code  
11 Administrators and Inspectors Board, selected by that board;

12 (c) One representative of the Construction Industry  
13 Licensing Board, selected by that board;

14 (d) One representative of the Electrical Contractors  
15 Licensing Board, selected by that board;

16 (e) One representative of the Florida Board of  
17 Professional Engineers, selected by that board;

18 (f) One architect representative of the Board of  
19 Architecture and Interior Design, selected by that board;

20 (g) One interior designer representative of the Board  
21 of Architecture and Interior Design, selected by that board;

22 (h) One representative of the Board of Landscape  
23 Architecture, selected by that board; and

24 (i) One representative from the office of the State  
25 Fire Marshal, selected by that office.

26  
27 Each member of the board shall be appointed to a 2-year term  
28 and may be reappointed at the discretion of the appointing  
29 body. A chair shall be elected by majority vote of the council  
30 and shall serve a term of 1 year.

31 (4) The Building Code Education and Outreach Council



Bill No. CS for CS for CS for SB 442

Barcode 155634

1 shall meet in Tallahassee no more than semiannually. The  
2 council may meet more often but not more than monthly, and  
3 such additional meetings shall be by telephone conference  
4 call. Travel costs, if any, shall be borne by the respective  
5 appointing entity. The Department of Community Affairs shall  
6 provide administrative support to the council; however, the  
7 department may contract with an entity that has previous  
8 experience with building code training, development, and  
9 coordination to provide administrative support for the  
10 council.

11 (5) The Building Code Education and Outreach Council  
12 shall:

13 (a) Consider and determine any policies or procedures  
14 needed to administer ss. 489.109(3) and 489.509(3).

15 (b) Administer the provisions of this section.

16 (c) Determine the areas of priority for which funds  
17 should be expended for education and outreach.

18 (d) Review all proposed subjects for advanced courses  
19 concerning the Florida Building Code and recommend to the  
20 commission any related subjects that should be approved for  
21 advanced courses.

22 (6) The Building Code Education and Outreach Council  
23 shall maintain, update, develop, or cause to be developed:

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

26 (b) Advanced modules designed for use by each  
27 profession.

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

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 be approved by the commission and submitted to the respective  
2 boards for approval.

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

19 (8) Each biennium, upon receipt of funds by the  
20 Department of Community Affairs from the Construction Industry  
21 Licensing Board and the Electrical Contractors' Licensing  
22 Board provided under ss. 489.109(3) and 489.509(3), the  
23 council shall determine the amount of funds available for  
24 education and outreach projects from the proceeds of  
25 contractor licensing fees and identify, solicit, and accept  
26 funds from other sources for education and outreach projects.

27 (9) If funds collected for education and outreach  
28 projects in any year do not require the use of all available  
29 funds, the unused funds shall be carried forward and allocated  
30 for use during the following fiscal year.

31 (10) The commission shall consider and approve or

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 reject the recommendations made by the council for subjects  
2 for education and outreach concerning the Florida Building  
3 Code. Any rejection must be made with specificity and must be  
4 communicated to the council.

5 (11) The commission shall adopt rules for establishing  
6 procedures and criteria for the approval of advanced courses.  
7 This section does not modify or eliminate the continuing  
8 education course requirements or authority of any licensing  
9 board under part XII of chapter 468, chapter 471, chapter 481,  
10 or chapter 489.

11 Section 18. Section 553.8413, Florida Statutes, is  
12 repealed.

13 Section 19. Subsections (3), (4), (5), (6), (7), (8),  
14 paragraph (a) of subsection (9), and subsection (16) of  
15 section 553.842, Florida Statutes, are amended to read:

16 553.842 Product evaluation and approval.--

17 (3) Products or methods or systems of construction  
18 that require approval under s. 553.77, that have standardized  
19 testing or comparative or rational analysis methods  
20 established by the code, and that are certified by an approved  
21 product evaluation entity, testing laboratory, or  
22 certification agency as complying with the standards specified  
23 by the code shall be approved for ~~local or~~ statewide use.  
24 Products required to be approved for statewide use shall be  
25 approved by one of the methods established in subsection (6)  
26 without further evaluation.

27 (4) ~~By October 1, 2003,~~ Products or methods or systems  
28 of construction requiring approval under s. 553.77 must be  
29 approved by one of the methods established in subsection (5)  
30 or subsection (6) before their use in construction in this  
31 state. Products may be approved ~~either~~ by the commission for

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 ~~statewide use, or by a local building department for use in~~  
 2 ~~that department's jurisdiction only.~~ Notwithstanding a local  
 3 government's authority to amend the Florida Building Code as  
 4 provided in this act, statewide approval shall preclude local  
 5 jurisdictions from requiring further testing, evaluation, or  
 6 submission of other evidence as a condition of using the  
 7 product so long as the product is being used consistent with  
 8 the conditions of its approval.

9 ~~(5) Local approval of products or methods or systems~~  
 10 ~~of construction may be achieved by the local building official~~  
 11 ~~through building plans review and inspection to determine that~~  
 12 ~~the product, method, or system of construction complies with~~  
 13 ~~the prescriptive standards established in the code.~~  
 14 ~~Alternatively, local approval may be achieved by one of the~~  
 15 ~~methods established in subsection (6).~~

16 ~~(5)(6)~~ Statewide ~~or local~~ approval of products,  
 17 methods, or systems of construction may be achieved by one of  
 18 the following methods. One of these methods must be used by  
 19 ~~local officials or~~ the commission to approve the following  
 20 categories of products: panel walls, exterior doors, roofing,  
 21 skylights, windows, shutters, and structural components as  
 22 established by the commission by rule.

23 (a) Products for which the code establishes  
 24 standardized testing or comparative or rational analysis  
 25 methods shall be approved by submittal and validation of one  
 26 of the following reports or listings indicating that the  
 27 product or method or system of construction was evaluated to  
 28 be in compliance with the Florida Building Code and that the  
 29 product or method or system of construction is, for the  
 30 purpose intended, at least equivalent to that required by the  
 31 Florida Building Code:

Bill No. CS for CS for CS for SB 442

Barcode 155634

- 1           1. A certification mark or listing of an approved
- 2 certification agency;
- 3           2. A test report from an approved testing laboratory;
- 4           3. A product evaluation report based upon testing or
- 5 comparative or rational analysis, or a combination thereof,
- 6 from an approved product evaluation entity; or
- 7           4. A product evaluation report based upon testing or
- 8 comparative or rational analysis, or a combination thereof,
- 9 developed and signed and sealed by a professional engineer or
- 10 architect, licensed in this state.

11

12 A product evaluation report or a certification mark or listing

13 of an approved certification agency which demonstrates that

14 the product or method or system of construction complies with

15 the Florida Building Code for the purpose intended shall be

16 equivalent to a test report and test procedure as referenced

17 in the Florida Building Code.

18           (b) Products, methods, or systems of construction for

19 which there are no specific standardized testing or

20 comparative or rational analysis methods established in the

21 code may be approved by submittal and validation of one of the

22 following:

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

- 31           2. A product evaluation report based upon testing or

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 comparative or rational analysis, or a combination thereof,  
2 developed and signed and sealed by a professional engineer or  
3 architect, licensed in this state, who certifies that the  
4 product or method or system of construction is, for the  
5 purpose intended, at least equivalent to that required by the  
6 Florida Building Code.

7       ~~(6)(7)~~ The commission shall ensure that product  
8 manufacturers that obtain statewide product approval operate  
9 quality assurance programs for all approved products. The  
10 commission shall adopt by rule criteria for operation of the  
11 quality assurance programs.

12       ~~(7)(8)~~ ~~For local approvals, validation shall be~~  
13 ~~performed by the local building official. The commission shall~~  
14 ~~adopt by rule criteria constituting complete validation by the~~  
15 ~~local official, including, but not limited to, criteria~~  
16 ~~governing verification of a quality assurance program.~~ For  
17 state approvals, validation shall be performed by validation  
18 entities approved by the commission. The commission shall  
19 adopt by rule criteria for approval of validation entities,  
20 which shall be third-party entities independent of the  
21 product's manufacturer and which shall certify to the  
22 commission the product's compliance with the code.

23       ~~(8)(9)~~ The commission may adopt rules to approve the  
24 following types of entities that produce information on which  
25 product approvals are based. All of the following entities,  
26 including engineers and architects, must comply with a  
27 nationally recognized standard demonstrating independence or  
28 no conflict of interest:

29       (a) Evaluation entities that meet the criteria for  
30 approval adopted by the commission by rule. The commission  
31 shall specifically approve the National Evaluation Service,

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 the International Conference of Building Officials Evaluation  
 2 Services, the International Code Council Evaluation Services,  
 3 the Building Officials and Code Administrators International  
 4 Evaluation Services, the Southern Building Code Congress  
 5 International Evaluation Services, and the Miami-Dade County  
 6 Building Code Compliance Office Product Control. Architects  
 7 and engineers licensed in this state are also approved to  
 8 conduct product evaluations as provided in subsection(5)(6).

9 (16) The commission may adopt a rule listing the  
 10 prescriptive, material standards and alternative means by  
 11 which products subject to those standards may demonstrate  
 12 compliance with the code. ~~The commission shall establish a~~  
 13 ~~schedule for adoption of the rules required in this section to~~  
 14 ~~ensure that the product manufacturing industry has sufficient~~  
 15 ~~time to revise products to meet the requirements for approval~~  
 16 ~~and submit them for testing or evaluation before the system~~  
 17 ~~takes effect on October 1, 2003, and to ensure that the~~  
 18 ~~availability of statewide approval is not delayed.~~

19 Section 20. Subsection (9) of section 633.025, Florida  
 20 Statutes, is amended, and subsection (10) is added to that  
 21 section to read:

22 633.025 Minimum firesafety standards.--

23 (9) The provisions of the Life Safety Code shall not  
 24 apply to newly constructed one-family and two-family  
 25 dwellings. However, fire sprinkler protection may be  
 26 permitted by local government in lieu of other fire  
 27 protection-related development requirements for such  
 28 structures. While local governments may adopt fire sprinkler  
 29 requirements for one and two-family dwellings under this  
 30 subsection, it is the intent of the Legislature that the  
 31 economic consequences of the fire sprinkler mandate on home

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 owners be studied before the enactment of such a requirement.  
2 After the effective date of this act, any local government  
3 that desires to adopt a fire sprinkler requirement on one or  
4 two-family dwellings must prepare an economic cost and benefit  
5 report that analyzes the application of fire sprinklers to one  
6 or two-family dwellings or any proposed residential  
7 subdivision. The report must consider the tradeoffs and  
8 specific cost-savings and benefits of fire sprinklers for  
9 future owners of property. The report must include an  
10 assessment of the cost savings from any reduced or eliminated  
11 impact fees if applicable, the reduction in special fire  
12 district tax, insurance fees, and other taxes or fees imposed,  
13 and the waiver of certain infrastructure requirements  
14 including the reduction of roadway widths, the reduction of  
15 water line sizes, increased fire hydrant spacing, increased  
16 dead-end road way length and a reduction in cul-de-sac sizes  
17 relative to the costs from fire sprinkling. A failure to  
18 prepare an economic report shall result in the invalidation of  
19 the fire sprinkler requirement to any one or two-family  
20 dwelling or any proposed subdivision. In addition, a local  
21 jurisdiction or utility may not charge any additional fee,  
22 above what is charged to a non-fire sprinklered dwelling, on  
23 the basis that a one or two-family dwelling unit is protected  
24 by a fire sprinkler system.

25 (10) Before imposing a fire sprinkler requirement on  
26 any one or two-family dwelling, a local government must  
27 provide the owner of any one or two-family dwelling a letter  
28 documenting specific infrastructure or other tax or fee  
29 allowances and waivers that are listed in but not limited to  
30 those described in subsection (9) for the dwelling. The  
31 documentation must show that the cost savings reasonably



Bill No. CS for CS for CS for SB 442

Barcode 155634

1 approximate the cost of the purchase and installation of a  
2 fire protection system.

3 Section 21. Section 633.026, Florida Statutes, is  
4 created to read:

5 633.026 Informal interpretations of the Florida Fire  
6 Prevention Code.--The Division of State Fire Marshal shall by  
7 rule establish an informal process of rendering nonbinding  
8 interpretations of the Florida Fire Prevention Code. The  
9 Division of State Fire Marshal may contract with and refer  
10 interpretive issues to a nonprofit organization that has  
11 experience in interpreting and enforcing the Florida Fire  
12 Prevention Code. The Division of State Fire Marshal shall  
13 immediately implement the process prior to the completion of  
14 formal rulemaking. It is the intent of the Legislature that  
15 the Division of State Fire Marshal create a process to refer  
16 questions to a small group of individuals certified under s.  
17 633.081(2), to which a party can pose questions regarding the  
18 interpretation of code provisions. It is the intent of the  
19 Legislature that the process provide for the expeditious  
20 resolution of the issues presented and publication of the  
21 resulting interpretation on the website of the Division of  
22 State Fire Marshal. It is the intent of the Legislature that  
23 this program be similar to the program established by the  
24 Florida Building Commission in s. 553.77(7). Such  
25 interpretations shall be advisory only and nonbinding on the  
26 parties or the State Fire Marshal. This program shall be  
27 funded from the Insurance Regulatory Trust Fund.

28 Section 22. Local product approval.--

29 (1) For local product approval, products or systems of  
30 construction shall demonstrate compliance with the structural  
31 windload requirements of the Florida Building Code through one

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 of the following methods:

2       (a) A certification mark, listing, or label from a  
3 commission-approved certification agency indicating that the  
4 product complies with the code;

5       (b) A test report from a commission-approved testing  
6 laboratory indicating that the product tested complies with  
7 the code;

8       (c) A product-evaluation report based upon testing,  
9 comparative or rational analysis, or a combination thereof,  
10 from a commission-approved product evaluation entity which  
11 indicates that the product evaluated complies with the code;

12       (d) A product-evaluation report or certification based  
13 upon testing or comparative or rational analysis, or a  
14 combination thereof, developed and signed and sealed by a  
15 Florida professional engineer or Florida registered architect,  
16 which indicates that the product complies with the code; or

17       (e) A statewide product approval issued by the Florida  
18 Building Commission.

19       (f) Designation of compliance with a prescriptive,  
20 material standard adopted by the commission by rule under  
21 section 553.842(16), Florida Statutes.

22       (2) For product-evaluation reports that indicate  
23 compliance with the code based upon a test report from an  
24 approved testing laboratory and rational or comparative  
25 analysis by a Florida registered architect or Florida  
26 professional engineer, the testing laboratory or the  
27 evaluating architect or engineer must certify independence  
28 from the product manufacturer.

29       (3) Local building officials may accept modifications  
30 to approved products or their installations if sufficient  
31 evidence is submitted to the local building official to

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 demonstrate compliance with the code or the intent of the  
2 code, including such evidence as certifications from a Florida  
3 registered architect or Florida professional engineer.

4 (4) Products demonstrating compliance shall be  
5 manufactured under a quality assurance program audited by an  
6 approved quality assurance entity.

7 (5) Products bearing a certification mark, label, or  
8 listing by an approved certification agency require no further  
9 documentation to establish compliance with the code.

10 (6) Upon review of the compliance documentation, which  
11 indicates compliance with the code, the authority having  
12 jurisdiction or a local building official shall deem the  
13 product approved for use in accordance with its approval and  
14 limitation of use.

15 (7) Approval shall be valid until such time as the  
16 product changes and decreases in performance; the standards of  
17 the code change, requiring increased performance; or the  
18 approval is otherwise suspended or revoked. Changes to the  
19 code do not void the approval of products previously installed  
20 in existing buildings if such products met building code  
21 requirements at the time the product was installed.

22 Section 23. Mitigation Grant Program guideline.--

23 (1) The Legislature finds that facilities owned by the  
24 government and those designated to protect the public should  
25 be the first to adopt the best practices, active risk  
26 management, and improved security planning. These facilities  
27 should be protected to a higher level.

28 (2) Beginning July 1, 2005, the construction of new or  
29 retrofitted window or door covering that is funded by a  
30 hazard-mitigation grant program or shelter-retrofit program  
31 must conform to design drawings that are signed, sealed, and

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 inspected by a structural engineer who is registered in this  
2 state. Before the Department of Community Affairs forwards  
3 payment to a recipient of the grant, an inspection report and  
4 attestation or a copy of the sign and sealed plans shall be  
5 provided to the department.

6 (3) If the construction is funded by a hazard  
7 mitigation grant or shelter retrofit program, the Department  
8 of Community Affairs shall advise the county, municipality, or  
9 other entity applying for the grant that the cost or price of  
10 the project is not the sole criterion for selecting a vendor.  
11 The department shall encourage the use and consideration of  
12 other criteria, including vendor experience in its  
13 demonstrated field, the use of higher-rated materials, or  
14 providers who have satisfactorily completed other public  
15 projects.

16 (4) A project funded under mitigation or retrofit  
17 grants are subject to inspection by the local building  
18 officials in the county in which the project is performed.

19 Section 24. Notwithstanding any provision of the  
20 Florida Building Code to the contrary, backflow prevention  
21 assemblies must be inspected once every 5 years.

22 Section 25. Subsections (5), (14), and (18) of section  
23 633.021, Florida Statutes, are amended to read:

24 633.021 Definitions.--As used in this chapter:

25 (5)(a) "Contractor I" means a contractor whose  
26 business includes the execution of contracts requiring the  
27 ability to lay out, fabricate, install, inspect, alter,  
28 repair, and service all types of fire protection systems,  
29 excluding preengineered systems.

30 (b) "Contractor II" means a contractor whose business  
31 is limited to the execution of contracts requiring the ability

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 to lay out, fabricate, install, inspect, alter, repair, and  
 2 service water sprinkler systems, water spray systems,  
 3 foam-water sprinkler systems, foam-water spray systems,  
 4 standpipes, combination standpipes and sprinkler risers, all  
 5 piping that is an integral part of the system beginning at the  
 6 point of service as defined in this section ~~where the piping~~  
 7 ~~is used exclusively for fire protection~~, sprinkler tank  
 8 heaters, air lines, thermal systems used in connection with  
 9 sprinklers, and tanks and pumps connected thereto, excluding  
 10 preengineered systems.

11 (c) "Contractor III" means a contractor whose business  
 12 is limited to the execution of contracts requiring the ability  
 13 to ~~lay out~~, fabricate, install, inspect, alter, repair, and  
 14 service CO<sub>2</sub> systems, foam extinguishing systems, dry  
 15 chemical systems, and Halon and other chemical systems,  
 16 excluding preengineered systems.

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

26 (e) "Contractor V" means a contractor whose business  
 27 is limited to the execution of contracts requiring the ability  
 28 to ~~lay out~~, fabricate, install, inspect, alter, repair, and  
 29 service the underground piping for a fire protection system  
 30 using water as the extinguishing agent beginning at the point  
 31 of service as defined in this act ~~at which the piping is used~~

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 ~~exclusively for fire protection~~ and ending no more than 1 foot  
 2 above the finished floor.

3  
 4 The definitions in this subsection must not be construed to  
 5 include fire protection engineers or architects and do not  
 6 limit or prohibit a licensed fire protection engineer or  
 7 architect from designing any type of fire protection system. A  
 8 distinction is made between system design concepts prepared by  
 9 the design professional and system layout as defined in this  
 10 section and typically prepared by the contractor. However,  
 11 persons certified as a Contractor I, Contractor II, or  
 12 Contractor IV under this chapter may design fire protection  
 13 systems of 49 or fewer sprinklers heads, and may design the  
 14 alteration of an existing fire sprinkler system if the  
 15 alteration consists of the relocation, addition, or deletion  
 16 of not more than 49 sprinklers heads, notwithstanding the size  
 17 of the existing fire sprinkler system. A Contractor I,  
 18 Contractor II, or Contractor IV may design a fire protection  
 19 system the scope of which complies with NFPA 13D, Standard for  
 20 the Installation of Sprinkler Systems in One- and Two-Family  
 21 Dwellings and Manufactured Homes, as adopted by the State Fire  
 22 Marshal, notwithstanding the number of fire sprinklers.  
 23 Contractor-developed ~~Such~~ plans may not be required by any  
 24 local permitting authority to be sealed by a registered  
 25 professional engineer.

26 (14) "Layout" as used in this chapter means the layout  
 27 of risers, cross mains, branch lines, sprinkler heads, sizing  
 28 of pipe, hanger locations, and hydraulic calculations in  
 29 accordance with the design concepts established through the  
 30 provisions of the Responsibility Rules adopted by the Board of  
 31 Professional Engineers ~~s. 553.79(6)(c).~~

Bill No. CS for CS for CS for SB 442

Barcode 155634

1           (18) "Point-of-service" means the point at which the  
 2 underground piping for a fire protection sprinkler system as  
 3 defined in this section using water as the extinguishing agent  
 4 becomes used exclusively for the fire protection sprinkler  
 5 system. ~~The point of service is designated by the engineer who~~  
 6 ~~sealed the plans for a system of 50 or more heads or by the~~  
 7 ~~contractor who designed the plans for a system of 49 or fewer~~  
 8 ~~heads.~~

9           Section 26. Subsection (11) is added to section  
 10 633.0215, Florida Statutes, to read:

11           633.0215 Florida Fire Prevention Code.--

12           (11) The design of interior stairways within dwelling  
 13 units, including stair tread width and riser height, landings,  
 14 handrails, and guards, must be consistent with chapter 10 of  
 15 the Florida Building Code.

16           Section 27. Subsection (3) is added to section  
 17 633.065, Florida Statutes, to read:

18           633.065 Requirements for installation, inspection, and  
 19 maintenance of fire suppression equipment.--

20           (3)(a) Each fire hydrant shall be tested in accordance  
 21 with National Fire Protection Standard 24, subsection 4-3.6,  
 22 and inspected and maintained in compliance with National Fire  
 23 Protection Association Standard 25, Standard for the  
 24 Inspection, Testing, and Maintenance of Water-Based  
 25 Fire-Protection Systems, as set forth in the edition currently  
 26 adopted by the State Fire Marshal pursuant to its  
 27 code-adoption and standards-adoption authority under chapter  
 28 633. The owner of a fire hydrant is responsible for performing  
 29 the required testing, inspection, or maintenance of that fire  
 30 hydrant.

31           (b) The owner of a private fire hydrant shall cause

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 any repair or replacement indicated by an inspection to be  
2 made within 30 days and shall maintain records of the repair  
3 or replacement.

4 (c) Inspection results that determine that a private  
5 fire hydrant is nonfunctioning shall be reported immediately  
6 to the local authorities having jurisdiction.

7 (d) Consistent with the provisions of s. 633.025(1),  
8 the requirements of this subsection shall be deemed adopted by  
9 each municipality, county, and special district having  
10 firesafety responsibilities.

11 (e) Penalties for noncompliance with this subsection  
12 shall be in accordance with s. 633.171.

13 Section 28. Section 633.071, Florida Statutes, is  
14 amended to read:

15 633.071 Standard service tag required on all fire  
16 extinguishers and preengineered systems; serial number  
17 required on all portable fire extinguishers; standard  
18 inspection tags required on all fire protection systems.--

19 (1) The State Fire Marshal shall adopt by rule  
20 specifications as to the size, shape, color, and information  
21 and data contained thereon of service tags to be attached to  
22 all fire extinguishers and preengineered systems required by  
23 statute or by rule, whether they be portable, stationary, or  
24 on wheels when they are placed in service, installed,  
25 serviced, repaired, tested, recharged, or inspected. Fire  
26 extinguishers may be tagged only after meeting all standards  
27 as set forth by this chapter, the standards of the National  
28 Fire Protection Association, and manufacturer's  
29 specifications. Preengineered systems may be tagged only after  
30 a system has been inspected, serviced, installed, repaired,  
31 tested, recharged, and hydrottested in compliance with this



Bill No. CS for CS for CS for SB 442

Barcode 155634

1 chapter, the standards of the National Fire Protection  
2 Association, and the manufacturer's specifications, and after  
3 a report, as specified by rule, has been completed in detail,  
4 indicating any and all deficiencies or deviations from the  
5 manufacturer's specifications and the standards of the  
6 National Fire Protection Association. A copy of the inspection  
7 report shall be provided to the owner at the time of  
8 inspection, and, if a system is found to be in violation of  
9 this chapter, the manufacturer's specifications, or the  
10 standards of the National Fire Protection Association, a copy  
11 shall be forwarded to the state or local authority having  
12 jurisdiction within 30 days from the date of service. It shall  
13 be unlawful to place in service, service, test, repair,  
14 inspect, install, hydrottest, or recharge any fire extinguisher  
15 or preengineered system without attaching one of these tags  
16 completed in detail, including the actual month work was  
17 performed, or to use a tag not meeting the specifications set  
18 forth by the State Fire Marshal.

19 (2) All portable fire extinguishers required by  
20 statute or by rule shall be listed by Underwriters  
21 Laboratories, Inc., or approved by Factory Mutual  
22 Laboratories, Inc., or listed by a nationally recognized  
23 testing laboratory in accordance with procedures adopted  
24 pursuant to s. 633.083(2), and carry an Underwriters  
25 Laboratories, Inc., or manufacturer's serial number. These  
26 listings, approvals, and serial numbers may be stamped on the  
27 manufacturer's identification and instructions plate or on a  
28 separate Underwriters Laboratories, Inc., or Factory Mutual  
29 Laboratories, Inc., plate soldered or attached to the  
30 extinguisher shell in some permanent manner.

31 (3) The State Fire Marshal shall adopt by rule

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 specifications as to the size, shape, color, information, and  
2 data contained thereon of inspection tags to be attached to  
3 all types of fire protection systems and information required  
4 on an inspection report of such an inspection.

5 Section 29. Section 633.082, Florida Statutes, is  
6 amended to read:

7 633.082 Inspection of fire control systems and fire  
8 protection systems.--

9 (1) The State Fire Marshal shall have the right to  
10 inspect any fire control system during and after construction  
11 to determine that such system meets the standards set forth in  
12 the laws and rules of the state.

13 (2) Fire protection systems installed in public and  
14 private properties, except one-family or two-family dwellings,  
15 in this state shall be inspected following procedures  
16 established in the nationally recognized inspection, testing,  
17 and maintenance standard NFPA-25 as set forth in the edition  
18 adopted by the State Fire Marshal. Quarterly, annual, 3-year,  
19 and 5-year inspections consistent with the contractual  
20 provisions with the owner shall be conducted by the  
21 certificateholder or permittees employed by the  
22 certificateholder pursuant to s. 633.521.

23 (3) The inspecting contractor shall provide to the  
24 building owner and the local authority having jurisdiction a  
25 copy of the inspection report established under s. 633.071(3).  
26 The maintenance of fire sprinkler systems as well as  
27 corrective actions on deficient systems is the responsibility  
28 of the property owner. This section does not prohibit  
29 governmental entities from inspecting and enforcing firesafety  
30 codes.

31 Section 30. Section 633.521, Florida Statutes, is

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 amended to read:

2           633.521 Certificate application and issuance; permit  
3 issuance; examination and investigation of applicant.--

4           (1) To obtain a certificate, an applicant shall submit  
5 to the State Fire Marshal an application in writing, on a form  
6 provided by the State Fire Marshal containing the information  
7 prescribed, which shall be accompanied by the fee fixed  
8 herein, containing a statement that the applicant desires the  
9 issuance of a certificate and stating the class of certificate  
10 requested.

11           (2)(a) Examinations shall be administered by the State  
12 Fire Marshal and held at times and places within the state as  
13 the State Fire Marshal determines, but there shall be at least  
14 two examinations a year. Each applicant shall take and pass  
15 an objective, written examination of her or his fitness for a  
16 certificate in the class for which the application is  
17 requested. There shall be a type of examination for each of  
18 the classes of certificates defined in s. 633.021(5). The  
19 examination shall test the applicant's ability to lay out,  
20 fabricate, install, alter, repair, and inspect fire protection  
21 systems and their appurtenances and shall test the applicant's  
22 fitness in business and financial management. The test shall  
23 be based on applicable standards of the National Fire  
24 Protection Association and on relevant Florida and federal  
25 laws pertaining to the construction industry, safety  
26 standards, administrative procedures, and pertinent technical  
27 data.

28           (b) A passing grade on the examination is 70 percent,  
29 and such examinations may be developed by an independent  
30 professional testing agency. The tests shall be prepared,  
31 administered, and scored in compliance with generally accepted

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 professional testing standards.

2 (c) The division shall solicit suggestions from  
3 affected persons regarding the content of examinations.

4 (d) A reexamination may not be scheduled sooner than  
5 30 days after any administration of an examination to an  
6 applicant.

7 (e) An applicant may not be examined more than four  
8 times during 1 year for certification as a contractor pursuant  
9 to this section unless the person is or has been certified and  
10 is taking the examination to change classifications. If an  
11 applicant does not pass one or more parts of the examination,  
12 she or he may take any part of the examination three more  
13 times during the 1-year period beginning upon the date she or  
14 he originally filed an application to take the examination.  
15 If the applicant does not pass the examination within that  
16 1-year period, she or he must file a new application and pay  
17 the application and examination fees in order to take the  
18 examination or a part of the examination again. However, the  
19 applicant may not file a new application sooner than 6 months  
20 after the date of her or his last examination.

21 (3) As a prerequisite to taking the examination for  
22 certification as a Contractor I, Contractor II, or Contractor  
23 III, the applicant must be at least 18 years of age, be of  
24 good moral character, and shall possess 4 years' proven  
25 experience in the employment of a fire protection system  
26 Contractor I, Contractor II, or Contractor III or a  
27 combination of equivalent education and experience. As a  
28 prerequisite to taking the examination for certification as a  
29 Contractor IV, the applicant shall be at least 18 years old,  
30 be of good moral character, and have at least 2 years' proven  
31 experience in the employment of a fire protection system

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 Contractor I, Contractor II, Contractor III, or Contractor IV  
2 or combination of equivalent education and experience which  
3 combination need not include experience in the employment of a  
4 fire protection system contractor. As a prerequisite to  
5 taking the examination for certification as a Contractor V,  
6 the applicant shall be at least 18 years old, be of good moral  
7 character, and have been licensed as a certified underground  
8 utility and excavation contractor or plumbing contractor  
9 pursuant to chapter 489, have verification by an individual  
10 who is licensed as a certified utility contractor or plumbing  
11 contractor pursuant to chapter 489 that the applicant has 4  
12 years' proven experience in the employ of a certified  
13 underground utility and excavation contractor, or have a  
14 combination of education and experience equivalent to 4 years'  
15 proven experience in the employ of a certified underground  
16 utility and excavation contractor or plumbing contracor.  
17 Within 30 days after ~~from~~ the date of the examination, the  
18 State Fire Marshal shall inform the applicant in writing  
19 whether she or he has qualified or not and, if the applicant  
20 has qualified, that she or he is ready to issue a certificate  
21 of competency, subject to compliance with the requirements of  
22 subsection (4).

23 (4) As a prerequisite to issuance of a certificate,  
24 the State Fire Marshal shall require the applicant to submit  
25 satisfactory evidence that she or he has obtained insurance  
26 providing coverage for comprehensive general liability for  
27 bodily injury and property damages, products liability,  
28 completed operations, and contractual liability. The State  
29 Fire Marshal may adopt rules providing for the amount of  
30 insurance, but such amount shall not be less than \$500,000 for  
31 a Contractor I, Contractor II, Contractor III, or Contractor V

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 and shall not be less than \$250,000 for a Contractor IV. An  
2 insurer which provides such coverage shall notify within 30  
3 days the State Fire Marshal of any material change in coverage  
4 or any termination, cancellation, or nonrenewal of such  
5 coverage. An insurer which fails to so notify the State Fire  
6 Marshal's office shall be subject to the penalties provided  
7 under s. 624.4211.

8 (5) Upon satisfaction of the requirements of  
9 subsections (1), (2), (3), and (4), the certificate shall be  
10 issued forthwith. However, no certificate shall remain in  
11 effect if, after issuance, the certificateholder fails to  
12 maintain the insurance coverage required by this section.

13 (6) If an applicant for an original certificate, after  
14 having been notified to do so, does not appear for examination  
15 or does not pass the examination within 1 year from the date  
16 of filing her or his application, the fee paid by the  
17 applicant shall be forfeited. New applications for a  
18 certificate shall be accompanied by another application fee  
19 fixed by this chapter.

20 (7) The State Fire Marshal may, at any time subsequent  
21 to the issuance of the certificate or its renewal, require,  
22 upon demand and in no event more than 30 days after notice of  
23 the demand, the certificateholder to provide proof of  
24 insurance coverage on a form provided by the State Fire  
25 Marshal containing confirmation of insurance coverage as  
26 required by this chapter. Failure to provide proof of  
27 insurance coverage as required, for any length of time, shall  
28 result in the immediate suspension of the certificate until  
29 proof of insurance is provided to the State Fire Marshal.

30 (8) An individual employed by a Contractor I or  
31 Contractor II certificateholder, as established in this

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 section, who will be inspecting water-based fire protection  
2 systems as required under s. 633.082, must be issued a permit  
3 by the State Fire Marshal to conduct such work. The permit is  
4 valid solely for use by the holder thereof in his or her  
5 employment by the certificateholder named in the permit. A  
6 permittee must have a valid and subsisting permit upon his or  
7 her person at all times while engaging in inspecting fire  
8 protection systems, and a permitholder must be able to produce  
9 such a permit upon demand. In addition, a permittee shall, at  
10 all times while performing inspections, carry an  
11 identification card containing his or her photograph and other  
12 identifying information as prescribed by the State Fire  
13 Marshal, and the permittee must produce the identification  
14 card and information upon demand. The permit and the  
15 identification may be one and the same. A permittee is limited  
16 as to the specific type of work performed, depending upon the  
17 class of certificate held by the certificateholder under whom  
18 the permittee is working. The permit class shall be known as a  
19 Water-Based Fire Protection Inspector whose permit allows the  
20 holder to inspect water sprinkler systems, water spray  
21 systems, foam-water sprinkler systems, foam-water spray  
22 systems, standpipes, combination standpipes and sprinkler  
23 systems, all piping that is an integral part of the system  
24 beginning at the point where the piping is used exclusively  
25 for fire protection, sprinkler tank heaters, air lines,  
26 thermal systems used in connection with sprinklers, and tanks  
27 and pumps connected thereto, excluding preengineered systems.  
28  
29 It is the intent of the Legislature that the inspections and  
30 testing of automatic fire sprinkler systems for detached  
31 one-family dwellings, detached two-family dwellings, and

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 mobile homes be accomplished by the owner, who is responsible  
 2 for requesting service from a contractor when necessary. It is  
 3 further intended that the NFPA-25 inspection of exposed  
 4 underground piping supplying a fire protection system be  
 5 conducted by a Contractor I or Contractor II.

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

18 Section 31. Section 633.524, Florida Statutes, is  
 19 amended to read:

20 633.524 Certificate and permit fees; use and deposit  
 21 of collected funds.--

22 (1) The initial application fee for each class of  
 23 certificate shall be \$300. The biennial renewal fee for each  
 24 class of certificate shall be ~~\$150~~~~\$250~~. The initial  
 25 application fee for the permit classification shall be \$100.  
 26 The biennial renewal fee for the permit classification shall  
 27 be \$50. The fee for certificates issued as duplicates or to  
 28 reflect a change of address is \$15 ~~shall be \$5 each~~. The fee  
 29 for each examination or reexamination for each class of  
 30 certificate ~~scheduled~~ shall be \$100.

31 (2) All moneys collected by the State Fire Marshal



Bill No. CS for CS for CS for SB 442

Barcode 155634

1 pursuant to this chapter are hereby appropriated for the use  
2 of the State Fire Marshal in the administration of this  
3 chapter and shall be deposited in the Insurance Regulatory  
4 Trust Fund.

5 Section 32. Subsection (4) is added to section  
6 633.537, Florida Statutes, to read:

7 633.537 Certificate; expiration; renewal; inactive  
8 certificate; continuing education.--

9 (4) The renewal period for the permit class is the  
10 same as that of the employing certificateholder. The  
11 continuing education requirements for permitholders shall be 8  
12 contact hours by June 30, 2006. An additional 16 contact hours  
13 of continuing education is required by June 30, 2008, and  
14 during each biennial renewal period thereafter. The continuing  
15 education curriculum from July 1, 2005, until July 1, 2008,  
16 shall be the preparatory curriculum for NICET II  
17 certification; after July 1, 2008, the technical curriculum is  
18 at the discretion of the State Fire Marshal. It is the  
19 responsibility of the permitholder to maintain NICET II  
20 certification as a condition of permit renewal after July 1,  
21 2008.

22 Section 33. Subsection (2) of section 633.539, Florida  
23 Statutes, is amended to read:

24 633.539 Requirements for installation, inspection, and  
25 maintenance of fire protection systems.--

26 (2) Equipment shall be inspected, serviced, and  
27 maintained in accordance with the manufacturer's maintenance  
28 procedures and with applicable National Fire Protection  
29 Association standards. The inspection of fire protection  
30 systems shall be conducted by a certificateholder or holder of  
31 a permit issued by the State Fire Marshal. The permitholder

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 may perform inspections on fire protection systems only while  
2 employed by the certificateholder. This section does not  
3 prohibit the authority having jurisdiction or insurance  
4 company representatives from reviewing the system in  
5 accordance with acceptable oversight standards.

6 (3) For contracts written after June 30, 2005, the  
7 contractor who installs the underground from the point of  
8 service is responsible for completing the installation to the  
9 aboveground connection flange, which by definition in this  
10 chapter is no more than 1 foot above the finished floor,  
11 before completing the Contractor's Material and Test  
12 Certificate for Underground Piping document. Aboveground  
13 contractors may not complete the Contractor's Material and  
14 Test Certificate for Underground Piping document for  
15 underground piping or portions thereof which have been  
16 installed by others.

17 (4) The Contractor V may install the cross-connection  
18 backflow prevention device as defined in this chapter on new  
19 installations. The retrofitting of a backflow device on an  
20 existing fire protection system will cause a reduction in  
21 available water pressure and probable system malfunction. The  
22 development of aboveground fire protection system hydraulic  
23 calculations is a task of the Contractor I and II, as defined  
24 in this chapter. Accordingly, a Contractor V is expressly  
25 prohibited from retrofitting cross-connection backflow  
26 prevention devices on an existing fire protection system, and  
27 only a Contractor I or Contractor II who is tasked to  
28 recalculate the system and take corrective actions to ensure  
29 that the system will function with the available water supply  
30 may retroactively install these backflow devices on existing  
31 fire protection systems.

Bill No. CS for CS for CS for SB 442

Barcode 155634

1           Section 34. Section 633.547, Florida Statutes, is  
2 amended to read:

3           633.547 Disciplinary action; fire protection system  
4 contractors; grounds for denial, nonrenewal, suspension, or  
5 revocation of certificate or permit.--

6           (1) The State Fire Marshal shall investigate the  
7 alleged illegal action of any fire protection system  
8 contractor or permittee certified under this chapter and hold  
9 hearings pursuant to chapter 120.

10           (2) The following acts constitute cause for  
11 disciplinary action:

12           (a) Violation of any provision of this chapter or of  
13 any rule adopted pursuant thereto.

14           (b) Violation of the applicable building codes or laws  
15 of this state or any municipality or county thereof.

16           (c) Diversion of funds or property received for  
17 prosecution or completion of a specified construction project  
18 or operation when, as a result of the diversion, the  
19 contractor is, or will be, unable to fulfill the terms of her  
20 or his obligation or contract.

21           (d) Disciplinary action by any municipality or county,  
22 which action shall be reviewed by the State Fire Marshal  
23 before taking any disciplinary action.

24           (e) Failure to supervise the installation of the fire  
25 protection system covered by the building permit signed by the  
26 contractor.

27           (f) Rendering a fire protection system, standpipe  
28 system, or underground water supply main connecting to the  
29 system inoperative except when the fire protection system,  
30 standpipe system, or underground water supply main is being  
31 inspected, serviced, tested, or repaired, or except pursuant

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 to court order.

2 (g) Improperly servicing, repairing, testing, or  
3 inspecting a fire protection, standpipe system, or underground  
4 water supply main connecting to the system.

5 (h) Failing to provide proof of insurance to the State  
6 Fire Marshal or failing to maintain in force the insurance  
7 coverage required by s. 633.521.

8 (i) Failing to obtain, retain, or maintain one or more  
9 of the qualifications for a certificate as specified in this  
10 chapter.

11 (j) Making a material misstatement, misrepresentation,  
12 or committing a fraud in obtaining or attempting to obtain a  
13 certificate.

14 (k) Failing to notify the State Fire Marshal, in  
15 writing, within 30 days after a change of residence address,  
16 principal business address, or name.

17 (3) The State Fire Marshal is authorized to take the  
18 following disciplinary action:

19 (a) She or he may suspend the certificateholder for a  
20 period not to exceed 2 years from all operations as a  
21 contractor during the period fixed by the State Fire Marshal,  
22 but she or he may permit the certificateholder to complete any  
23 contracts then incomplete.

24 (b) She or he may revoke a certificate for a period  
25 not to exceed 5 years.

26 (4) During the suspension or revocation of the  
27 certificate, the former certificateholder shall not engage in  
28 or attempt to profess to engage in any transaction or business  
29 for which a certificate is required under this chapter or  
30 directly or indirectly own, control, or be employed in any  
31 manner by any firm or corporation for which a certificate

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 under this chapter is required. The department shall not, so  
2 long as the revocation or suspension remains in effect, grant  
3 any new certificate for the establishment of any new firm,  
4 business, or corporation of any person that has or will have  
5 the same or similar management, ownership, control, or  
6 employees or that will use a same or similar name as a  
7 previously revoked or suspended firm, business, or  
8 corporation.

9 (5) The State Fire Marshal may deny, suspend, or  
10 revoke the certificate of:

11 (a) Any person, firm, or corporation the certificate  
12 of which under this chapter has been suspended or revoked.

13 (b) Any firm or corporation if an officer, director,  
14 stockholder, owner, or person interested directly or  
15 indirectly has had his or her certificate under this chapter  
16 suspended or revoked.

17 (c) Any person who is or has been an officer,  
18 director, stockholder, or owner of a firm or corporation, or  
19 who was interested directly or indirectly in a corporation,  
20 the certificate of which has been suspended or revoked under  
21 this chapter.

22 (6) The lapse or suspension of a certificate by  
23 operation of law or by order of the State Fire Marshal or a  
24 court or its voluntary surrender by a certificateholder does  
25 not deprive the State Fire Marshal of jurisdiction to  
26 investigate or act in disciplinary proceedings against the  
27 certificateholder.

28 (7) The filing of a petition in bankruptcy, either  
29 voluntary or involuntary, or the making of a composition of  
30 creditors or the appointment of a receiver for the business of  
31 the certificateholder may be considered by the State Fire

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 Marshal as just cause for suspension of a certificate.

2 Section 35. Subsection (4) is added to section  
3 633.702, Florida Statutes, to read:

4 633.702 Prohibited acts regarding alarm system  
5 contractors or certified unlimited electrical contractors;  
6 penalties.--

7 (4) It is a misdemeanor of the first degree,  
8 punishable as provided in s. 775.082 or s. 775.083, for any  
9 person to intentionally or willfully install, service, test,  
10 repair, improve, or inspect a fire alarm system unless;

11 (a) The person is the holder of a valid and current  
12 active license as a certified unlimited electrical contractor,  
13 as defined in part II of chapter 489;

14 (b) The person is the holder of a valid and current  
15 active license as a licensed fire alarm contractor, as defined  
16 in part II of chapter 489;

17 (c) The person is authorized to act as a fire alarm  
18 system agent under s. 489.5185; or

19 (d) The person is exempt under s. 489.503.

20 Section 36. Upon the creation of chapter 515, Florida  
21 Statutes, the intent of the Legislature was that any swimming  
22 pool exit alarm that complied with Underwriters Laboratories  
23 Standard Number 2017 be a permissive' alternative to comply  
24 with the swimming pool safety provisions in chapter 515. The  
25 Florida Building Commission shall amend the Florida Building  
26 Code to accurately reflect this intent. Notwithstanding  
27 section 553.73, Florida Statutes, the commission is required  
28 only to follow the rule adoption procedures of chapter 120,  
29 Florida Statutes, to comply herewith and must complete  
30 rulemaking before November 1, 2005. Upon publication of the  
31 applicable Notice of Rule Development in the Florida

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 Administrative Weekly, any alarm that complies with the  
2 Underwriters Laboratories 2017 shall be allowed.

3       Section 37. Because of the water intrusion experienced  
4 during the recent hurricanes, the Florida Building Commission  
5 shall integrate standards pertaining to ventless attic spaces  
6 as adopted by the International Code Council into the Florida  
7 Building Code. Section 553.73, Florida Statutes,  
8 notwithstanding, the commission is authorized to adopt  
9 amendments to the Florida Building Code, 2004 edition, to  
10 integrate the provisions subject only to the rule adoption  
11 procedures contained in chapter 120, Florida Statutes. The  
12 commission must adopt the provisions into the code no later  
13 than November 1, 2005.

14       Section 38. (1) A local government must advise an  
15 applicant what information, if any, is needed to deem the  
16 application properly completed in compliance with the filing  
17 requirements published by the local government. The local  
18 government must notify the applicant not later than 10 days  
19 after the applicant submits the application to the local  
20 government. If the local government does not provide a written  
21 notice that the applicant has not submitted the properly  
22 completed application, the application is automatically deemed  
23 properly completed and accepted. Within 45 days after  
24 receiving a completed application, a local government must  
25 notify an applicant if additional information is required for  
26 the local government to determine the sufficiency of the  
27 application, and shall specify the additional information that  
28 is required. The applicant must submit the additional  
29 information to the local government or request that the local  
30 government act without the additional information. While the  
31 applicant responds to the request for additional information,

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 the 120-day period described in subsection (2) is tolled.  
 2 Both parties may agree to a reasonable request for an  
 3 extension of time, particularly in the event of a force major  
 4 or other extraordinary circumstance. The local government must  
 5 approve, approve with conditions, or deny the application  
 6 within 120 days following receipt of a completed application.

7       (2) The procedures set forth in subsection (1) apply  
 8 to the following building permit applications: accessory  
 9 structure; alarm permit; nonresidential buildings less than  
 10 25,000 square feet; electric; irrigation permit; landscaping;  
 11 mechanical; plumbing; residential units other than a single  
 12 family unit; multifamily residential not exceeding 50 units;  
 13 roofing; signs; site-plan approvals and subdivision plats not  
 14 requiring public hearings or public notice; and lot grading  
 15 and site alteration associated with the permit application set  
 16 forth in this subparagraph. The procedures set forth in  
 17 subsection (1) do not apply to permits for any wireless  
 18 communications facilities or when a law, agency rule, or local  
 19 ordinance specify different timeframes for review of local  
 20 building permit applications.

21       Section 39. Subsection (4) is added to section  
 22 1013.372, Florida Statutes, to read:

23       1013.372 Education facilities as emergency shelters.--

24       (4) All costs associated with ensuring that  
 25 appropriate new educational facilities can serve as public  
 26 shelters for emergency management purposes shall be the  
 27 responsibility of the county in which the facility is located.

28       Section 40. Subsection (3) of section 109 of chapter  
 29 2000-141, Laws of Florida, is amended to read:

30       Section 109. The Legislature has reviewed the Florida  
 31 Building Code that was adopted by action of the Florida



Bill No. CS for CS for CS for SB 442

Barcode 155634

1 Building Commission on February 15, 2000, and that was noticed  
2 for rule adoption by reference in Rule 9B-3.047, F.A.C., on  
3 February 18, 2000, in the Florida Administrative Weekly on  
4 page 731. The Florida Building Commission is directed to  
5 continue the process to adopt the code, pursuant to section  
6 120.54(3), Florida Statutes, and to incorporate the following  
7 provisions or standards for the State of Florida:

8           (3) For areas of the state not within the high  
9 velocity hurricane zone, the commission shall adopt, pursuant  
10 to s. 553.73, Florida Statutes, the most current edition of  
11 the wind protection requirements of the American Society of  
12 Civil Engineers, Standard 7, ~~1998 edition~~ as implemented by  
13 the International Building Code, ~~2000 edition, and as modified~~  
14 ~~by the commission in its February 15, 2000, adoption of the~~  
15 ~~Florida Building Code for rule adoption by reference in Rule~~  
16 ~~9B-3.047, Florida Administrative Code~~. However, from the  
17 eastern border of Franklin County to the Florida-Alabama line,  
18 only land within 1 mile of the coast shall be subject to the  
19 windborne-debris requirements adopted by the commission. The  
20 exact location of wind speed lines shall be established by  
21 local ordinance, using recognized physical landmarks such as  
22 major roads, canals, rivers, and lake shores, wherever  
23 possible. Buildings constructed in the windborne debris region  
24 must be either designed for internal pressures that may result  
25 inside a building when a window or door is broken or a hole is  
26 created in its walls or roof by large debris, or be designed  
27 with protected openings. Except in the high velocity hurricane  
28 zone, local governments may not prohibit the option of  
29 designing buildings to resist internal pressures.

30           Section 41. Notwithstanding any other provision of  
31 law, the Department of Environmental Protection shall retain

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 exclusive authority for review and final action on permit  
2 applications for boat docking facilities as required under  
3 chapters 373 and 403, Florida Statutes. The department is  
4 prohibited from delegating permitting authority for these  
5 facilities to the water management districts. This section  
6 shall take effect January 1, 2006.

7       Section 42. Notwithstanding any other provision of  
8 this act, the option for designing for internal pressure for  
9 buildings within the windborne debris region shall be repealed  
10 immediately upon adoption of standards and conditions within  
11 the International Building Code or International Residential  
12 Code prohibiting such design option. The Florida Building  
13 Commission shall initiate rulemaking to incorporate such  
14 standards and conditions prohibiting designing for internal  
15 pressure for buildings into the Florida Building Code when the  
16 base code is updated.

17       Section 43. The Legislature appropriates \$200,000 from  
18 the Insurance Regulatory Trust Fund to the Department of  
19 Financial Services to be used to develop a joint program  
20 between the Florida Insurance Council and the Florida Home  
21 Builders Association to educate contractors on the benefits  
22 and options available for designing buildings for windborne  
23 debris protection and to develop a standardized affidavit to  
24 be used for verifying the insurance discounts for residential  
25 construction techniques demonstrated to reduce the amount of  
26 loss during a windstorm.

27       Section 44. The Florida Building Commission, in  
28 conjunction with local building officials, shall conduct a  
29 review of damage resulting from Hurricane Ivan and any other  
30 data to evaluate, and to make recommendations to the  
31 Legislature for any changes to, Florida's Building Code,

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 specifically as it applies to the region from the eastern  
2 border of Franklin County to the Florida-Alabama line. The  
3 commission shall issue a report summarizing its findings and  
4 recommendations prior to the 2006 Regular Session.

5 Section 45. Notwithstanding any other provision of law  
6 to the contrary, the effective date of the Florida Building  
7 Code, 2004 Edition, shall be October 1, 2005.

8 Section 46. The Florida Building Commission shall  
9 evaluate the definition of "exposure category C" as currently  
10 defined in section 553.71(10), Florida Statutes, and make  
11 recommendations for a new definition that more accurately  
12 depicts Florida-specific conditions prior to the 2006 Regular  
13 Session.

14 Section 47. Section 553.851, Florida Statutes, is  
15 repealed.

16 Section 48. Any disaster impacted one-family,  
17 two-family or three-family residence repaired or replaced by a  
18 disaster recovery mitigation organization or any  
19 not-for-profit organization using volunteer labor when not  
20 holding themselves out to be contractors and assisting a  
21 property owner in mitigating unsafe living conditions, the  
22 organization must:

- 23 (a) Obtain all necessary building permits;
- 24 (b) Obtain all required building code inspections; and
- 25 (c) Provide for the supervision of all work by an  
26 individual with construction experience.

27 Section 49. This act shall take effect July 1, 2005.

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

31 And the title is amended as follows:

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 Delete everything before the enacting clause

2

3 and insert:

4 A bill to be entitled

5 An act relating to building safety; amending s.

6 215.559, F.S.; requiring that a specified

7 percentage of the funds appropriated under the

8 Hurricane Loss Mitigation Program be used for

9 education concerning the Florida Building Code

10 and for the operation of the disaster

11 contractors network; requiring the Department

12 of Community Affairs to contract with a

13 nonprofit tax-exempt entity for training,

14 development, and coordination; amending s.

15 400.023, F.S.; providing that residents of

16 nursing homes may move their beds under certain

17 circumstances; requiring the nursing homes to

18 notify the Agency for Health Care

19 Administration; amending s. 403.814, F.S.;

20 providing that the Department of Environmental

21 Protection retains exclusive authority for

22 review and final action on permit applications

23 for docking facilities; amending s. 468.621,

24 F.S.; providing additional grounds for which

25 disciplinary actions may be taken against

26 building code enforcement officials; amending

27 ss. 471.033 and 481.225, F.S.; providing

28 criminal penalties for performing building

29 inspections under certain circumstances;

30 amending s. 489.537, F.S.; providing that

31 certain alarm system contractors and electrical

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 contractors may not be required by a  
2 municipality or county to obtain additional  
3 certification or meet additional licensure  
4 requirements; amending s. 553.37, F.S.;  
5 providing requirements for exit alarms;  
6 providing for the approval, delivery, and  
7 installation of lawn storage buildings and  
8 storage sheds; amending s. 553.73, F.S.;  
9 specifying certain codes from the International  
10 Code Congress and the International Code  
11 Council as foundation codes for the updated  
12 Florida Building Code; providing requirements  
13 for amendments to the foundation codes;  
14 providing for the incorporation of certain  
15 statements, decisions, and amendments into the  
16 Florida Building Code; providing a timeframe  
17 for rule updates to the Florida Building Code  
18 to become effective; adding a requirement for  
19 technical amendments to the Florida Building  
20 Code; providing requirements for the Florida  
21 Building Commission in reviewing code  
22 amendments; providing an exception;  
23 incorporating by reference certain standards  
24 for unvented conditioned attic assemblies;  
25 amending s. 553.77, F.S.; revising duties of  
26 the Florida Building Commission; authorizing  
27 local building departments or other entities to  
28 approve changes to an approved building plan;  
29 providing that a member shall abstain from  
30 voting under certain circumstances; deleting  
31 requirements that the commission hear certain

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 | appeals and issue declaratory statements;  
2 | creating s. 553.775, F.S.; providing  
3 | legislative intent with respect to the  
4 | interpretation of the Florida Building Code;  
5 | providing for the commission to resolve  
6 | disputes regarding interpretations of the code;  
7 | requiring the commission to review decisions of  
8 | local building officials and local enforcement  
9 | agencies; providing for publication of an  
10 | interpretation on the Building Code Information  
11 | System and in the Florida Administrative  
12 | Weekly; authorizing the commission to adopt a  
13 | fee; amending s. 553.79, F.S.; exempting  
14 | truss-placement plans from certain  
15 | requirements; amending s. 553.791, F.S.;  
16 | clarifying a definition; expanding  
17 | authorization to use private providers to  
18 | provide building code inspection services;  
19 | including fee owner contractors within such  
20 | authorization; revising notice requirements for  
21 | using private providers; revising procedures  
22 | for issuing permits; providing requirements for  
23 | representatives of private providers; providing  
24 | for waiver of certain inspection records  
25 | requirements under certain circumstances;  
26 | requiring issuance of stop-work orders to be  
27 | pursuant to law; providing for establishment of  
28 | a registration system for private providers and  
29 | authorized representatives of private providers  
30 | for licensure compliance purposes; preserving  
31 | authority to issue emergency stop-work orders;

Bill No. CS for CS for CS for SB 442

Barcode 155634

1           revising insurance requirements for private  
 2           providers; providing a definition; authorizing  
 3           performance audits by local building code  
 4           enforcement agencies of private providers;  
 5           specifying conditions for proceeding with  
 6           building work; amending s. 468.621, F.S.;  
 7           revising a ground for taking certain  
 8           disciplinary actions; amending s. 553.80, F.S.;  
 9           providing that certain buildings are exempt  
 10          from the building code; providing that  
 11          universities and colleges may create a board of  
 12          adjustment; authorizing local governments to  
 13          impose certain fees for code enforcement;  
 14          providing requirements and limitations;  
 15          conforming a cross-reference; requiring the  
 16          commission to expedite adoption and  
 17          implementation of the existing state building  
 18          code as part of the Florida Building Code  
 19          pursuant to limited procedures; exempting  
 20          certain buildings of the Department of  
 21          Agriculture and Consumer Services from local  
 22          permitting requirements, review, or fees;  
 23          amending s. 120.80, F.S.; authorizing the  
 24          Florida Building Commission to conduct  
 25          proceedings to review decisions of local  
 26          officials; amending s. 553.841, F.S.; revising  
 27          provisions governing the Building Code Training  
 28          Program; creating the Building Code Education  
 29          and Outreach Council to coordinate, develop,  
 30          and ensure enforcement of the Florida Building  
 31          Code; providing for membership, terms of

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 office, and meetings; providing duties of the  
2 council; providing for administrative support  
3 for the council; requiring the council to  
4 develop a core curriculum and equivalency test  
5 for specified licensees; providing for the use  
6 of funds by the council; repealing s. 553.8413,  
7 F.S., relating to the Education Technical  
8 Advisory Committee; amending s. 553.842, F.S.;  
9 providing for products to be approved for  
10 statewide use; deleting an obsolete date;  
11 deleting a provision requiring the commission  
12 to adopt certain criteria for local program  
13 verification and validation by rule; adding an  
14 evaluation entity to the list of entities  
15 specifically approved by the commission;  
16 deleting a requirement that the commission  
17 establish a schedule for adopting rules  
18 relating to product approvals under certain  
19 circumstances; authorizing the commission to  
20 adopt rules relating to material standards;  
21 amending s. 633.025, F.S.; providing that  
22 local governments may adopt fire sprinkler  
23 requirements under certain circumstances;  
24 creating s. 633.026, F.S.; requiring that the  
25 State Fire Marshal establish by rule a process  
26 for rendering nonbinding interpretations of the  
27 Florida Fire Prevention Code; authorizing the  
28 State Fire Marshal to enter into contracts and  
29 refer interpretations to a nonprofit  
30 organization; providing for the interpretations  
31 to be advisory; providing for funding the



Bill No. CS for CS for CS for SB 442

Barcode 155634

1 program from the Insurance Regulatory Trust  
2 Fund; providing requirements for local product  
3 approval of products or systems of  
4 construction; specifying methods for  
5 demonstrating compliance with the structural  
6 windload requirements of the Florida Building  
7 Code; providing for certification to be issued  
8 by a professional engineer or registered  
9 architect; providing for audits under a quality  
10 assurance program and other types of  
11 certification; providing that changes to the  
12 Florida Building Code do not void the approval  
13 of previously installed products; providing for  
14 guidelines for the mitigation grant program;  
15 amending s. 633.021, F.S.; redefining terms  
16 used in ch. 633, F.S.; amending s. 633.0215,  
17 F.S.; revising provisions relating to the  
18 construction of townhouse stairs; amending s.  
19 633.065, F.S.; providing additional  
20 requirements for inspection and maintenance of  
21 fire suppression equipment; amending s.  
22 633.071, F.S.; requiring inspection tags to be  
23 attached to all fire protection systems;  
24 providing for the standardization of inspection  
25 tags and reports; amending s. 633.082, F.S.;  
26 requiring fire protection systems to be  
27 inspected in accordance with nationally  
28 accepted standards; amending s. 633.521, F.S.;  
29 establishing a permit classification for  
30 individuals who inspect fire protection  
31 systems; amending s. 633.524, F.S.;

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 establishing fees for various classes of  
 2 permits; amending s. 633.537, F.S.;  
 3 establishing continuing education requirements;  
 4 amending s. 633.539, F.S.; requiring fire  
 5 protection systems to be inspected, serviced,  
 6 or maintained by a permitholder; establishing  
 7 the scope of work criteria; amending s.  
 8 633.547, F.S.; providing for disciplinary  
 9 action; amending s. 633.702, F.S.; providing a  
 10 criminal penalty for intentionally or willfully  
 11 installing, servicing, testing, repairing,  
 12 improving, or inspecting a fire alarm system  
 13 unless the person who performs those acts has  
 14 certain qualifications or is exempt under s.  
 15 489.503, F.S.; amending s. 1013.372, F.S.;  
 16 providing that counties pay costs of making new  
 17 education facilities ready for emergencies;  
 18 amending ch. 2000-141, Laws of Florida;  
 19 providing for removal of outdated  
 20 wind-protection standards from the Florida  
 21 Building Code; providing for an update of the  
 22 code's wind-protection standards; providing an  
 23 appropriation; providing that the Department of  
 24 Environmental Protection retains exclusive  
 25 authority to review and approve boat docking  
 26 facility permits; providing for incorporation  
 27 in the Florida Building Code of the repeal of a  
 28 design option relating to internal pressure for  
 29 buildings within the windborne debris region;  
 30 requiring the Florida Building Commission to  
 31 make recommendations to the Legislature;

Bill No. CS for CS for CS for SB 442

Barcode 155634

1 providing an effective date for the Florida  
2 Building Code; repealing s. 553.851, F.S.,  
3 relating to the protection of underground gas  
4 pipelines; providing that a local government  
5 must act upon certain permit applications  
6 within a specified time or the permits are  
7 automatically deemed approved; providing for an  
8 extension; providing procedures for disaster  
9 recovery mitigation companies; providing an  
10 effective date.

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