

Bill No. CS for CS for SB 442

Barcode 502562

CHAMBER ACTION

Senate

House

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The Committee on Banking and Insurance (Atwater) 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

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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) Fifteen percent of the total appropriation in
 31 paragraph (2)(a) shall be used for education awareness

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

21 Section 2. Paragraph (i) of subsection (1) of section
 22 468.621, Florida Statutes, is amended, and paragraph (j) is
 23 added to that subsection, to read:

24 468.621 Disciplinary proceedings.--

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

27 (i) Failing to lawfully execute the duties and
 28 responsibilities specified in this part and ss. 553.73,
 29 553.781, ~~and~~ 553.79, and 553.791.

30 (j) Violating or failing to comply with a valid rule
 31 or lawful order of the Florida Building Commission adopted

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1 under part IV of chapter 553.

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

4 489.537 Application of this part.--

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

7 (a) To regulate the quality and character of work
8 performed by contractors through a system of permits, fees,
9 and inspections which is designed to secure compliance with,
10 and aid in the implementation of, state and local building
11 laws or to enforce other local laws for the protection of the
12 public health and safety. However, a certified alarm system
13 contractor or certified electrical contractor is not subject
14 to any additional certification or licensure requirements that
15 are not required by this part.

16 Section 4. Subsection (3) of section 553.37, Florida
17 Statutes, is amended to read:

18 553.37 Rules; inspections; and insignia.--

19 (3) All manufactured buildings issued and bearing
20 insignia of approval pursuant to subsection (2) shall be
21 deemed to comply with the Florida Building Code and are exempt
22 from local amendments enacted by any local government. Lawn
23 storage buildings and storage sheds bearing the insignia of
24 approval of the department are not subject to s. 553.842 and
25 may be delivered and installed without need of a contractor's
26 license or specialty license.

27 Section 5. Subsection (2), paragraph (c) of subsection
28 (4), subsection (6), and paragraphs (a) and (c) of subsection
29 (7) of section 553.73, Florida Statutes, are amended, and
30 subsection (12) is added to that section, to read:

31 553.73 Florida Building Code.--

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1 (2) The Florida Building Code shall contain provisions
 2 or requirements for public and private buildings, structures,
 3 and facilities relative to structural, mechanical, electrical,
 4 plumbing, energy, and gas systems, existing buildings,
 5 historical buildings, manufactured buildings, elevators,
 6 coastal construction, lodging facilities, food sales and food
 7 service facilities, health care facilities, including assisted
 8 living facilities, adult day care facilities, and facilities
 9 for the control of radiation hazards, public or private
 10 educational facilities, swimming pools, and correctional
 11 facilities and enforcement of and compliance with such
 12 provisions or requirements. Further, the Florida Building Code
 13 must provide for uniform implementation of ss. 515.25, 515.27,
 14 and 515.29 by including standards and criteria for residential
 15 swimming pool barriers, pool covers, latching devices, door
 16 and window exit alarms, and other equipment required therein,
 17 which are consistent with the intent of s. 515.23. With
 18 respect to the exit alarm provision from all doors and windows
 19 providing direct access from the home to the pool, as
 20 specified in ss. 515.25(4) and 515.27(1), such an alarm must
 21 be of the battery-powered, hard-wired, or plug-in type.
 22 Technical provisions to be contained within the Florida
 23 Building Code are restricted to requirements related to the
 24 types of materials used and construction methods and standards
 25 employed in order to meet criteria specified in the Florida
 26 Building Code. Provisions relating to the personnel,
 27 supervision or training of personnel, or any other
 28 professional qualification requirements relating to
 29 contractors or their workforce may not be included within the
 30 Florida Building Code, and subsections (4), (5), (6), and (7)
 31 are not to be construed to allow the inclusion of such

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1 provisions within the Florida Building Code by amendment. This
 2 restriction applies to both initial development and amendment
 3 of the Florida Building Code.

4 (4)

5 (c) Any amendment adopted by a local enforcing agency
 6 pursuant to this subsection shall not apply to state or school
 7 district owned buildings, manufactured buildings or
 8 factory-built school buildings approved by the commission, or
 9 prototype buildings approved pursuant to s. 553.77(3)(5). The
 10 respective responsible entities shall consider the physical
 11 performance parameters substantiating such amendments when
 12 designing, specifying, and constructing such exempt buildings.

13 (6)(a) The commission, by rule adopted pursuant to ss.
 14 120.536(1) and 120.54, shall update the Florida Building Code
 15 every 3 years. When updating the Florida Building Code, the
 16 commission shall select the most current version of the
 17 International Building Code, the International Fuel Gas Code,
 18 the International Mechanical Code, the International Plumbing
 19 Code, and the International Residential Code, all of which are
 20 adopted by the International Code Council, and the National
 21 Electrical Code, which is adopted by the National Fire
 22 Prevention Association, to form the foundation codes of the
 23 updated Florida Building Code, if the version has been adopted
 24 by the International Code Council and made available to the
 25 public at least 6 months prior to its selection by the
 26 commission.

27 (b) Codes regarding noise contour lines shall be
 28 reviewed annually, and the most current federal guidelines
 29 shall be adopted.

30 (c) The commission may modify any portion of the
 31 foundation codes only as needed to accommodate the specific

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1 needs of this state. Standards or criteria referenced by such
2 codes shall be incorporated by reference. If a referenced
3 standard or criterion requires amplification or modification
4 to be appropriate for use in this state, only the
5 amplification or modification shall be set forth in the
6 Florida Building Code. The commission may approve technical
7 amendments to the updated Florida Building Code after the
8 amendments have been subject to the conditions set forth in
9 paragraphs (3)(a)-(d). Amendments to the foundation codes
10 which are adopted in accordance with this subsection shall be
11 clearly marked in printed versions of the Florida Building
12 Code so that the fact that the provisions are Florida-specific
13 amendments to the foundation codes is readily apparent.
14 ~~consider changes made by the adopting entity of any selected~~
15 ~~model code for any model code incorporated into the Florida~~
16 ~~Building Code, and may subsequently adopt the new edition or~~
17 ~~successor of the model code or any part of such code, no~~
18 ~~sooner than 6 months after such model code has been adopted by~~
19 ~~the adopting organization, which may then be modified for this~~
20 ~~state as provided in this section, and~~

21 (d) The commission shall further consider the
22 commission's own interpretations, declaratory statements,
23 appellate decisions, and approved statewide and local
24 technical amendments and shall incorporate such
25 interpretations, statements, decisions, and amendments into
26 the updated Florida Building Code only to the extent that they
27 are needed to modify the foundation codes to accommodate the
28 specific needs of the state. A change made by an institute or
29 standards organization to any standard or criterion that is
30 adopted by reference in the Florida Building Code does not
31 become effective statewide until it has been adopted by the

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1 | commission. Furthermore, the edition of the Florida Building
2 | Code which is in effect on the date of application for any
3 | permit authorized by the code governs the permitted work for
4 | the life of the permit and any extension granted to the
5 | permit.

6 | (e) A rule updating the Florida Building Code in
7 | accordance with this subsection shall take effect no sooner
8 | than 6 months after publication of the updated code. Any
9 | amendment to the Florida Building Code which is adopted upon a
10 | finding by the commission that the amendment is necessary to
11 | protect the public from immediate threat of harm takes effect
12 | immediately.

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

16 | 1. Is needed in order to accommodate the specific
17 | needs of this state.

18 | ~~2.1.~~ Has a reasonable and substantial connection with
19 | the health, safety, and welfare of the general public.

20 | ~~3.2.~~ Strengthens or improves the Florida Building
21 | Code, or in the case of innovation or new technology, will
22 | provide equivalent or better products or methods or systems of
23 | construction.

24 | ~~4.3.~~ Does not discriminate against materials,
25 | products, methods, or systems of construction of demonstrated
26 | capabilities.

27 | ~~5.4.~~ Does not degrade the effectiveness of the Florida
28 | Building Code.

29 |
30 | Furthermore, the Florida Building Commission may approve
31 | technical amendments to the code once each year to incorporate

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1 into the Florida Building Code its own interpretations of the
 2 code which are embodied in its opinions, final orders, and
 3 declaratory statements, and interpretations of hearing officer
 4 panels under s. 553.775(3)(c), but shall do so only to the
 5 extent that incorporation of interpretations is needed to
 6 modify the foundation codes to accommodate the specific needs
 7 of this state. Amendments approved under this paragraph shall
 8 be adopted by rule pursuant to ss. 120.536(1) and 120.54,
 9 after the amendments have been subjected to the provisions of
 10 subsection (3).

11 (c) The commission may not approve any proposed
 12 amendment that does not accurately and completely address all
 13 requirements for amendment which are set forth in this
 14 section. The commission shall require all proposed amendments
 15 and information submitted with proposed amendments to be
 16 reviewed by commission staff prior to consideration by any
 17 technical advisory committee. These reviews shall be for
 18 sufficiency only and are not intended to be qualitative in
 19 nature. Staff members shall reject any proposed amendment that
 20 fails to include a fiscal impact statement. Proposed
 21 amendments rejected by members of the staff may not be
 22 considered by the commission or any technical advisory
 23 committee.

24 (12) Notwithstanding any other provision of this
 25 section, the permitted standards and conditions for unvented
 26 conditioned attic assemblies in the International Residential
 27 Code are incorporated by reference as an authorized
 28 alternative in the Florida Building Code. The commission shall
 29 incorporate such permitted standards and conditions in the
 30 Florida Building Code by rule as provided in this section.
 31 However, the effectiveness of such permitted standards and

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1 conditions shall not be delayed in adopting pending rules.

2 This subsection is repealed upon the adoption of such

3 permitted standards and conditions by rule as an authorized

4 alternative in the Florida Building Code.

5 (13) For type "S" buildings, as defined in the Florida

6 Building Code, all space under mezzanines, both enclosed and

7 not enclosed, shall be included in the determination of the

8 size of the room or space in which the mezzanine is located. A

9 mezzanine may not exceed one-third of the room or space in

10 which it is located. The fee owner or the fee owner's

11 architect may elect, but may not be required by rule or

12 action, to have mezzanines that are less than one-third of the

13 room or space in which they are located. The requirements of

14 this subsection apply retroactively to January 1, 2001.

15 (14) Travel distance from all floor areas, including

16 the most remote point of the mezzanine shall comply with Table

17 1004 of the Florida Building Code, chapter 10, s. 1005, Table

18 1004. A single unenclosed stair is permitted for mezzanines if

19 the criteria of the Florida Building Code, chapter 10, s.

20 1005.7.1 and Table 1005.7 travel distance is not exceed from

21 the most remote point of the mezzanine to a point where there

22 is a choice of more than one means of egress and the limits of

23 Table 1004 are met. The requirements of this subsection shall

24 take effect upon this act becoming law.

25 Section 6. Section 553.77, Florida Statutes, is

26 amended to read:

27 553.77 Specific powers of the commission.--

28 (1) The commission shall:

29 (a) Adopt and update the Florida Building Code or

30 amendments thereto, pursuant to ss. 120.536(1) and 120.54.

31 (b) Make a continual study of the operation of the

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1 Florida Building Code and other laws relating to the design,
2 construction, erection, alteration, modification, repair, or
3 demolition of public or private buildings, structures, and
4 facilities, including manufactured buildings, and code
5 enforcement, to ascertain their effect upon the cost of
6 building construction and determine the effectiveness of their
7 provisions. Upon updating the Florida Building Code every 3
8 years, the commission shall review existing provisions of law
9 and make recommendations to the Legislature for the next
10 regular session of the Legislature regarding provisions of law
11 that should be revised or repealed to ensure consistency with
12 the Florida Building Code at the point the update goes into
13 effect. State agencies and local jurisdictions shall provide
14 such information as requested by the commission for evaluation
15 of and recommendations for improving the effectiveness of the
16 system of building code laws for reporting to the Legislature
17 annually. Failure to comply with this or other requirements of
18 this act must be reported to the Legislature for further
19 action. Any proposed legislation providing for the revision or
20 repeal of existing laws and rules relating to technical
21 requirements applicable to building structures or facilities
22 should expressly state that such legislation is not intended
23 to imply any repeal or sunset of existing general or special
24 laws governing any special district that are not specifically
25 identified in the legislation.

26 (c) Upon written application by any substantially
27 affected person or a local enforcement agency, issue
28 declaratory statements pursuant to s. 120.565 relating to new
29 technologies, techniques, and materials which have been tested
30 where necessary and found to meet the objectives of the
31 Florida Building Code. This paragraph does not apply to the

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1 types of products, materials, devices, or methods of
2 construction required to be approved under paragraph ~~(f)(i)~~.

3 ~~(d) Upon written application by any substantially~~
4 ~~affected person, state agency, or a local enforcement agency,~~
5 ~~issue declaratory statements pursuant to s. 120.565 relating~~
6 ~~to the enforcement or administration by local governments of~~
7 ~~the Florida Building Code. Paragraph (h) provides the~~
8 ~~exclusive remedy for addressing local interpretations of the~~
9 ~~code.~~

10 ~~(e) When requested in writing by any substantially~~
11 ~~affected person, state agency, or a local enforcing agency,~~
12 ~~shall issue declaratory statements pursuant to s. 120.565~~
13 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~
14 ~~515.37. Actions of the commission are subject to judicial~~
15 ~~review pursuant to s. 120.68.~~

16 ~~(d)(f)~~ Make recommendations to, and provide assistance
17 upon the request of, the Florida Commission on Human Relations
18 regarding rules relating to accessibility for persons with
19 disabilities.

20 ~~(e)(g)~~ Participate with the Florida Fire Code Advisory
21 Council created under s. 633.72, to provide assistance and
22 recommendations relating to firesafety code interpretations.
23 The administrative staff of the commission shall attend
24 meetings of the Florida Fire Code Advisory Council and
25 coordinate efforts to provide consistency between the Florida
26 Building Code and the Florida Fire Prevention Code and the
27 Life Safety Code.

28 ~~(h) Hear appeals of the decisions of local boards of~~
29 ~~appeal regarding interpretation decisions of local building~~
30 ~~officials, or if no local board exists, hear appeals of~~
31 ~~decisions of the building officials regarding interpretations~~

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1 ~~of the code. For such appeals:~~

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

6 2. ~~All appeals shall be heard in the county of the~~
7 ~~jurisdiction defending the appeal.~~

8 3. ~~Hearings shall be conducted pursuant to chapter 120~~
9 ~~and the uniform rules of procedure, and decisions of the~~
10 ~~commission are subject to judicial review pursuant to s.~~
11 ~~120.68.~~

12 (f)(i) Determine the types of products which may be
13 approved by the commission ~~requiring approval for local or~~
14 statewide use and shall provide for the evaluation and
15 approval of such products, materials, devices, and method of
16 construction for statewide use. The commission may prescribe
17 by rule a schedule of reasonable fees to provide for
18 evaluation and approval of products, materials, devices, and
19 methods of construction. Evaluation and approval shall be by
20 action of the commission or delegated pursuant to s. 553.842.
21 This paragraph does not apply to products approved by the
22 State Fire Marshal.

23 (g)(j) Appoint experts, consultants, technical
24 advisers, and advisory committees for assistance and
25 recommendations relating to the major areas addressed in the
26 Florida Building Code.

27 (h)(k) Establish and maintain a mutual aid program,
28 organized through the department, to provide an efficient
29 supply of various levels of code enforcement personnel, design
30 professionals, commercial property owners, and construction
31 industry individuals, to assist in the rebuilding effort in an

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1 area which has been hit with disaster. The program shall
2 include provisions for:

3 1. Minimum postdisaster structural, electrical, and
4 plumbing inspections and procedures.

5 2. Emergency permitting and inspection procedures.

6 3. Establishing contact with emergency management
7 personnel and other state and federal agencies.

8 ~~(i)(1)~~ Maintain a list of interested parties for
9 noticing rulemaking workshops and hearings, disseminating
10 information on code adoption, revisions, amendments, and all
11 other such actions which are the responsibility of the
12 commission.

13 ~~(j)(m)~~ Coordinate with the state and local
14 governments, industry, and other affected stakeholders in the
15 examination of legislative provisions and make recommendations
16 to fulfill the responsibility to develop a consistent, single
17 code.

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

22 ~~(l)(o)~~ Develop recommendations for local governments
23 to use when pursuing partial or full privatization of building
24 department functions. The recommendations shall include, but
25 not be limited to, provisions relating to equivalency of
26 service, conflict of interest, requirements for competency,
27 liability, insurance, and long-term accountability.

28 ~~(2) Upon written application by any substantially~~
29 ~~affected person, the commission shall issue a declaratory~~
30 ~~statement pursuant to s. 120.565 relating to a state agency's~~
31 ~~interpretation and enforcement of the specific provisions of~~

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1 ~~the Florida Building Code the agency is authorized to enforce.~~
 2 ~~The provisions of this subsection shall not be construed to~~
 3 ~~provide any powers, other than advisory, to the commission~~
 4 ~~with respect to any decision of the State Fire Marshal made~~
 5 ~~pursuant to the provisions of chapter 633.~~

6 ~~(3) The commission may designate a commission member~~
 7 ~~with demonstrated expertise in interpreting building plans to~~
 8 ~~attend each meeting of the advisory council created in s.~~
 9 ~~553.512. The commission member may vary from meeting to~~
 10 ~~meeting, shall serve on the council in a nonvoting capacity,~~
 11 ~~and shall receive per diem and expenses as provided in s.~~
 12 ~~553.74(3).~~

13 (2)~~(4)~~ For educational and public information
 14 purposes, the commission shall develop and publish an
 15 informational and explanatory document which contains
 16 descriptions of the roles and responsibilities of the licensed
 17 design professional, residential designer, contractor, and
 18 local building and fire code officials. The State Fire Marshal
 19 shall be responsible for developing and specifying roles and
 20 responsibilities for fire code officials. Such document may
 21 also contain descriptions of roles and responsibilities of
 22 other participants involved in the building codes system.

23 (3)~~(5)~~ The commission may provide by rule for plans
 24 review and approval of prototype buildings owned by public and
 25 private entities to be replicated throughout the state. The
 26 rule must allow for review and approval of plans and changes
 27 to approved plans for prototype buildings to be performed by a
 28 public or private entity with oversight by the commission. The
 29 department may charge reasonable fees to cover the
 30 administrative costs of the program. Such approved plans or
 31 prototype buildings shall be exempt from further review

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1 required by s. 553.79(2), except changes to the prototype
2 design, site plans, and other site-related items. Changes to
3 an approved plan may be approved by the local building
4 department or by the public or private entity that approved
5 the plan. As provided in s. 553.73, prototype buildings are
6 exempt from any locally adopted amendment to any part of the
7 Florida Building Code. Construction or erection of such
8 prototype buildings is subject to local permitting and
9 inspections pursuant to this part.

10 ~~(4)(6)~~ The commission may produce and distribute a
11 commentary document to accompany the Florida Building Code.
12 The commentary must be limited in effect to providing
13 technical assistance and must not have the effect of binding
14 interpretations of the code document itself.

15 (5) A member of the Florida Building Commission may
16 abstain from voting in any matter before the commission which
17 would inure to the commissioner's special private gain or
18 loss, which the commissioner knows would inure to the special
19 private gain or loss of any principal by whom he or she is
20 retained or to the parent organization or subsidiary of a
21 corporate principal by which he or she is retained, or which
22 he or she knows would inure to the special private gain or
23 loss of a relative or business associate of the commissioner.
24 A commissioner must abstain from voting on matters before the
25 commission under s. 120.569 or s. 120.60 in the foregoing
26 circumstances. The commissioner shall, before the vote is
27 taken, publicly state to the assembly the nature of the
28 commissioner's interest in the matter from which he or she is
29 abstaining from voting and, within 15 days after the vote
30 occurs, disclose the nature of his other interest as a public
31 record in a memorandum filed with the person responsible for

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1 recording the minutes of the meeting, who shall incorporate
2 the memorandum in the minutes.

3 ~~(7) The commission shall by rule establish an informal~~
4 ~~process of rendering nonbinding interpretations of the Florida~~
5 ~~Building Code. The commission is specifically authorized to~~
6 ~~refer interpretive issues to organizations that represent~~
7 ~~those engaged in the construction industry. The commission is~~
8 ~~directed to immediately implement the process prior to the~~
9 ~~completion of formal rulemaking. It is the intent of the~~
10 ~~Legislature that the commission create a process to refer~~
11 ~~questions to a small, rotating group of individuals licensed~~
12 ~~under part XII of chapter 468, to which a party can pose~~
13 ~~questions regarding the interpretation of code provisions. It~~
14 ~~is the intent of the Legislature that the process provide for~~
15 ~~the expeditious resolution of the issues presented and~~
16 ~~publication of the resulting interpretation on the Building~~
17 ~~Code Information System. Such interpretations are to be~~
18 ~~advisory only and nonbinding on the parties or the commission.~~

19 Section 7. Section 553.775, Florida Statutes, is
20 created to read:

21 553.775 Interpretations.--

22 (1) It is the intent of the Legislature that the
23 Florida Building Code be interpreted by building officials,
24 local enforcement agencies, and the commission in a manner
25 that protects the public safety, health, and welfare at the
26 most reasonable cost to the consumer by ensuring uniform
27 interpretations throughout the state and by providing
28 processes for resolving disputes regarding interpretations of
29 the Florida Building Code which are just and expeditious.

30 (2) Local enforcement agencies, local building
31 officials, state agencies, and the commission shall interpret

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1 provisions of the Florida Building Code in a manner that is
 2 consistent with declaratory statements and interpretations
 3 entered by the commission, except that conflicts between the
 4 Florida Fire Prevention Code and the Florida Building Code
 5 shall be resolved in accordance with s. 553.73(9)(c) and (d).

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

8 (a) Upon written application by any substantially
 9 affected person or state agency or by a local enforcement
 10 agency, the commission shall issue declaratory statements
 11 pursuant to s. 120.565 relating to the enforcement or
 12 administration by local governments of the Florida Building
 13 Code.

14 (b) When requested in writing by any substantially
 15 affected person or state agency or by a local enforcement
 16 agency, the commission shall issue a declaratory statement
 17 pursuant to s. 120.565 relating to this part and ss. 515.25,
 18 515.27, 515.29, and 515.37. Actions of the commission are
 19 subject to judicial review under s. 120.68.

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

26 1. The commission shall coordinate with the Building
 27 Officials Association of Florida, Inc., to designate panels
 28 composed of five members to hear requests to review decisions
 29 of local building officials. The members must be licensed as
 30 building code administrators under part XII of chapter 468 and
 31 must have experience interpreting and enforcing provisions of

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1 the Florida Building Code.

2 2. Requests to review a decision of a local building
3 official interpreting provisions of the Florida Building Code
4 may be initiated by any substantially affected person,
5 including an owner or builder subject to a decision of a local
6 building official or an association of owners or builders
7 having members who are subject to a decision of a local
8 building official. In order to initiate review, the
9 substantially affected person must file a petition with the
10 commission. The commission shall adopt a form for the
11 petition, which shall be published on the Building Code
12 Information System. The form shall, at a minimum, require the
13 following:

14 a. The name and address of the county or municipality
15 in which provisions of the Florida Building Code are being
16 interpreted.

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

19 c. The name, address, and telephone number of the
20 petitioner; the name, address, and telephone number of the
21 petitioner's representative, if any; and an explanation of how
22 the petitioner's substantial interests are being affected by
23 the local interpretation of the Florida Building Code.

24 d. A statement of the provisions of the Florida
25 Building Code which are being interpreted by the local
26 building official.

27 e. A statement of the interpretation given to
28 provisions of the Florida Building Code by the local building
29 official and the manner in which the interpretation was
30 rendered.

31 f. A statement of the interpretation that the

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1 petitioner contends should be given to the provisions of the
2 Florida Building Code and a statement supporting the
3 petitioner's interpretation.

4 g. Space for the local building official to respond in
5 writing. The space shall, at a minimum, require the local
6 building official to respond by providing a statement
7 admitting or denying the statements contained in the petition
8 and a statement of the interpretation of the provisions of the
9 Florida Building Code which the local jurisdiction or the
10 local building official contends is correct, including the
11 basis for the interpretation.

12 3. The petitioner shall submit the petition to the
13 local building official, who shall place the date of receipt
14 on the petition. The local building official shall respond to
15 the petition in accordance with the form and shall return the
16 petition along with his or her response to the petitioner
17 within 5 days after receipt, exclusive of Saturdays, Sundays,
18 and legal holidays. The petitioner may file the petition with
19 the commission at any time after the local building official
20 provides a response. If no response is provided by the local
21 building official, the petitioner may file the petition with
22 the commission 10 days after submission of the petition to the
23 local building official and shall note that the local building
24 official did not respond.

25 4. Upon receipt of a petition that meets the
26 requirements of subparagraph 2., the commission shall
27 immediately provide copies of the petition to a panel, and the
28 commission shall publish the petition, including any response
29 submitted by the local building official, on the Building Code
30 Information System in a manner that allows interested persons
31 to address the issues by posting comments.

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1 5. The panel shall conduct proceedings as necessary to
2 resolve the issues; shall give due regard to the petitions,
3 the response, and to comments posed on the Building Code
4 Information System; and shall issue an interpretation
5 regarding the provisions of the Florida Building Code within
6 21 days after the filing of the petition. The panel shall
7 render a determination based upon the Florida Building Code
8 or, if the code is ambiguous, the intent of the code. The
9 panel's interpretation shall be provided to the commission,
10 which shall publish the interpretation on the Building Code
11 Information System and in the Florida Administrative Weekly.
12 The interpretation shall be considered an interpretation
13 entered by the commission, and shall be binding upon the
14 parties and upon all jurisdictions subject to the Florida
15 Building Code, unless it is superseded by a declaratory
16 statement issued by the Florida Building Commission or by a
17 final order entered after an appeal proceeding conducted in
18 accordance with subparagraph 7.

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

24 7. Any substantially affected person may appeal an
25 interpretation rendered by a hearing officer panel by filing a
26 petition with the commission. Such appeals shall be initiated
27 in accordance with chapter 120 and the uniform rules of
28 procedure and must be filed within 30 days after publication
29 of the interpretation on the Building Code Information System
30 or in the Florida Administrative Weekly. Hearings shall be
31 conducted pursuant to chapter 120 and the uniform rules of

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1 procedure. Decisions of the commission are subject to judicial
 2 review pursuant to s. 120.68. The final order of the
 3 commission is binding upon the parties and upon all
 4 jurisdictions subject to the Florida Building Code.

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

8 9. In any review proceeding initiated in accordance
 9 with this paragraph, including any proceeding initiated in
 10 accordance with subparagraph 7., the fact that an owner or
 11 builder has proceeded with construction may not be grounds for
 12 determining an issue to be moot if the issue is one that is
 13 likely to arise in the future.

14
 15 This paragraph provides the exclusive remedy for addressing
 16 requests to review local interpretations of the code and
 17 appeals from review proceedings.

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

23 (e) Upon written application by any substantially
 24 affected person, the commission shall issue a declaratory
 25 statement pursuant to s. 120.565 relating to an agency's
 26 interpretation and enforcement of the specific provisions of
 27 the Florida Building Code which the agency is authorized to
 28 enforce. This subsection does not provide any powers, other
 29 than advisory, to the commission with respect to any decision
 30 of the State Fire Marshal made pursuant to chapter 633.

31 (f) The commission may designate a commission member

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1 who has demonstrated expertise in interpreting building plans
2 to attend each meeting of the advisory council created in s.
3 553.512. The commission member may vary from meeting to
4 meeting, shall serve on the council in a nonvoting capacity,
5 and shall receive per diem and expenses as provided in s.
6 553.74(3).

7 (g) The commission shall by rule establish an informal
8 process of rendering nonbinding interpretations of the Florida
9 Building Code. The commission is specifically authorized to
10 refer interpretive issues to organizations that represent
11 those engaged in the construction industry. The commission
12 shall immediately implement the process before completing
13 formal rulemaking. It is the intent of the Legislature that
14 the commission create a process to refer questions to a small,
15 rotating group of individuals licensed under part XII of
16 chapter 468, to which a party may pose questions regarding the
17 interpretation of code provisions. It is the intent of the
18 Legislature that the process provide for the expeditious
19 resolution of the issues presented and publication of the
20 resulting interpretation on the Building Code Information
21 System. Such interpretations shall be advisory only and
22 nonbinding on the parties and the commission.

23 (4) In order to administer this section, the
24 commission may adopt by rule and impose a fee for binding
25 interpretations to recoup the cost of the proceedings which
26 may not exceed \$250 for each request for a review or
27 interpretation. For proceedings conducted by or in
28 coordination with a third-party, the rule may provide that
29 payment be made directly to the third party, who shall remit
30 to the department that portion of the fee necessary to cover
31 the costs of the department.

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1 Section 8. Subsection (14) of section 553.79, Florida
2 Statutes, is amended to read:

3 553.79 Permits; applications; issuance; inspections.--

4 (14) Certifications by contractors authorized under
5 the provisions of s. 489.115(4)(b) shall be considered
6 equivalent to sealed plans and specifications by a person
7 licensed under chapter 471 or chapter 481 by local enforcement
8 agencies for plans review for permitting purposes relating to
9 compliance with the wind resistance provisions of the code or
10 alternate methodologies approved by the commission for one and
11 two family dwellings. Local enforcement agencies may rely upon
12 such certification by contractors that the plans and
13 specifications submitted conform to the requirements of the
14 code for wind resistance. Upon good cause shown, local
15 government code enforcement agencies may accept or reject
16 plans sealed by persons licensed under chapter 471, chapter
17 481, or chapter 489. A truss-placement plan is not required to
18 be signed and sealed by an engineer or architect unless
19 prepared by an engineer or architect or specifically required
20 by the Florida Building Code.

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

25 553.791 Alternative plans review and inspection.--

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

27 (f) "Permit application" means a properly completed
28 and submitted application for+

29 ~~+~~ the requested building or construction permit,
30 including:-

31 1.2- The plans reviewed by the private provider.

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1 ~~2.3.~~ The affidavit from the private provider required
2 pursuant to subsection (5).

3 ~~3.4.~~ Any applicable fees.

4 ~~4.5.~~ Any documents required by the local building
5 official to determine that the fee owner has secured all other
6 government approvals required by law.

7 (2) Notwithstanding any other provision of law or
8 local government ordinance or local policy, the fee owner of a
9 building or structure, or the fee owner's contractor upon
10 written authorization from the fee owner, may choose to use a
11 private provider to provide building code inspection services
12 with regard to such building or structure and may make payment
13 directly to the private provider for the provision of such
14 services. All such services shall be the subject of a written
15 contract between the private provider, or the private
16 provider's firm, and the fee owner. The fee owner may elect to
17 use a private provider to provide ~~either~~ plans review or
18 required building inspections, or both. However, if the fee
19 owner or the fee owner's contractor uses a private provider to
20 provide the plans review, the local building official, in his
21 or her discretion and pursuant to duly adopted policies of the
22 local enforcement agency, may require the fee owner or the fee
23 owner's contractor who desires to use a private provider ~~to~~
24 ~~use the private provider to provide both plans review and~~
25 required building inspection services.

26 (4) A fee owner or the fee owner's contractor using a
27 private provider to provide building code inspection services
28 shall notify the local building official at the time of permit
29 application, or no less than 7 business days prior to the
30 first scheduled inspection by the local building official or
31 building code enforcement agency for a private provider

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1 performing required inspections of construction under this
2 section, on a form to be adopted by the commission. This
3 notice shall include the following information:

4 (a) The services to be performed by the private
5 provider.

6 (b) The name, firm, address, telephone number, and
7 facsimile number of each private provider who is performing or
8 will perform such services, his or her professional license or
9 certification number, qualification statements or resumes,
10 and, if required by the local building official, a certificate
11 of insurance demonstrating that professional liability
12 insurance coverage is in place for the private provider's
13 firm, the private provider, and any duly authorized
14 representative in the amounts required by this section.

15 (c) An acknowledgment from the fee owner in
16 substantially the following form:

17
18 I have elected to use one or more private providers to provide
19 building code plans review and/or inspection services on the
20 building or structure that is the subject of the enclosed
21 permit application, as authorized by s. 553.791, Florida
22 Statutes. I understand that the local building official may
23 not review the plans submitted or perform the required
24 building inspections to determine compliance with the
25 applicable codes, except to the extent specified in said law.
26 Instead, plans review and/or required building inspections
27 will be performed by licensed or certified personnel
28 identified in the application. The law requires minimum
29 insurance requirements for such personnel, but I understand
30 that I may require more insurance to protect my interests. By
31 executing this form, I acknowledge that I have made inquiry

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1 regarding the competence of the licensed or certified
2 personnel and the level of their insurance and am satisfied
3 that my interests are adequately protected. I agree to
4 indemnify, defend, and hold harmless the local government, the
5 local building official, and their building code enforcement
6 personnel from any and all claims arising from my use of these
7 licensed or certified personnel to perform building code
8 inspection services with respect to the building that is the
9 subject of the enclosed permit application.

10

11 If the fee owner or the fee owner's contractor makes any
12 changes to the listed private providers or the services to be
13 provided by those private providers, the fee owner or the fee
14 owner's contractor shall, within 1 business day after any
15 change, update the notice to reflect such changes. In
16 addition, the fee owner or the fee owner's contractor shall
17 post at the project site, prior to the commencement of
18 construction and updated within 1 business day after any
19 change, on a form to be adopted by the commission, the name,
20 firm, address, telephone number, and facsimile number of each
21 private provider who is performing or will perform building
22 code inspection services, the type of service being performed,
23 and similar information for the primary contact of the private
24 provider on the project.

25 (6)(a) No more than ~~within~~ 30 business days after
26 receipt of a permit application and the affidavit from the
27 private provider required pursuant to subsection (5), the
28 local building official shall issue the requested permit or
29 provide a written notice to the permit applicant identifying
30 the specific plan features that do not comply with the
31 applicable codes, as well as the specific code chapters and

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1 sections. If the local building official does not provide a
2 written notice of the plan deficiencies within the prescribed
3 30-day period, the permit application shall be deemed approved
4 as a matter of law, and the permit shall be issued by the
5 local building official on the next business day.

6 (7) A private provider performing required inspections
7 under this section shall inspect each phase of construction as
8 required by the applicable codes. The private provider shall
9 be permitted to send a duly authorized representative to the
10 building site to perform the required inspections, provided
11 all required reports and certifications are prepared by and
12 bear the signature of the private provider. The duly
13 authorized representative must be an employee of the private
14 provider entitled to receive unemployment compensation
15 benefits under chapter 443. The contractor's contractual or
16 legal obligations are not relieved by any action of the
17 private provider.

18 (9) Upon completing the required inspections at each
19 applicable phase of construction, the private provider shall
20 record such inspections on a form acceptable to the local
21 building official. These inspection records shall reflect
22 those inspections required by the applicable codes of each
23 phase of construction for which permitting by a local
24 enforcement agency is required. The private provider, before
25 leaving the project site, shall post each completed inspection
26 record, indicating pass or fail, at the site and provide the
27 record to the local building official within 2 business days.
28 The local building official may waive the requirement to
29 provide a record of each inspection within 2 business days if
30 the record is posted at the project site and all such
31 inspection records are submitted with the certificate of

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1 compliance. Records of all required and completed inspections
2 shall be maintained at the building site at all times and made
3 available for review by the local building official. The
4 private provider shall report to the local enforcement agency
5 any condition that poses an immediate threat to public safety
6 and welfare.

7 (11) No more than ~~Within~~ 2 business days after receipt
8 of a request for a certificate of occupancy or certificate of
9 completion and the applicant's presentation of a certificate
10 of compliance and approval of all other government approvals
11 required by law, the local building official shall issue the
12 certificate of occupancy or certificate of completion or
13 provide a notice to the applicant identifying the specific
14 deficiencies, as well as the specific code chapters and
15 sections. If the local building official does not provide
16 notice of the deficiencies within the prescribed 2-day period,
17 the request for a certificate of occupancy or certificate of
18 completion shall be deemed granted and the certificate of
19 occupancy or certificate of completion shall be issued by the
20 local building official on the next business day. To resolve
21 any identified deficiencies, the applicant may elect to
22 dispute the deficiencies pursuant to subsection (12) or to
23 submit a corrected request for a certificate of occupancy or
24 certificate of completion.

25 (12) If the local building official determines that
26 the building construction or plans do not comply with the
27 applicable codes, the official may deny the permit or request
28 for a certificate of occupancy or certificate of completion,
29 as appropriate, or may issue a stop-work order for the project
30 or any portion thereof as provided by law, if the official
31 determines that such noncompliance poses a threat to public

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1 safety and welfare, subject to the following:

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

7 (b) If the local building official and private
 8 provider are unable to resolve the dispute, the matter shall
 9 be referred to the local enforcement agency's board of
 10 appeals, if one exists, which shall consider the matter at its
 11 next scheduled meeting or sooner. Any decisions by the local
 12 enforcement agency's board of appeals, or local building
 13 official if there is no board of appeals, may be appealed to
 14 the commission as provided by this chapter ~~pursuant to s.~~
 15 ~~553.77(1)(h)~~.

16 (c) Notwithstanding any provision of this section, any
 17 decisions regarding the issuance of a building permit,
 18 certificate of occupancy, or certificate of completion may be
 19 reviewed by the local enforcement agency's board of appeals,
 20 if one exists. Any decision by the local enforcement agency's
 21 board of appeals, or local building official if there is no
 22 board of appeals, may be appealed to the commission as
 23 provided by this chapter ~~pursuant to s. 553.77(1)(h)~~, and the
 24 commission ~~which~~ shall consider the matter at its ~~the~~
 25 ~~commission's~~ next scheduled meeting.

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

30 (b) A local enforcement agency, local building
 31 official, or local government may establish, for private

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1 providers and duly authorized representatives working within
 2 that jurisdiction, a system of registration to verify
 3 compliance with the licensure requirements of paragraph (1)(g)
 4 and the insurance requirements of subsection (15).

5 (c) This section does not limit the authority of the
 6 local building official to issue a stop-work order for a
 7 building project or any portion of such project, as provided
 8 by law, if the official determines that a condition on the
 9 building site constitutes an immediate threat to public safety
 10 and welfare.

11 (15) A private provider may perform building code
 12 inspection services on a building project under this section
 13 only if the private provider maintains insurance for
 14 professional ~~and comprehensive general liability~~ covering with
 15 ~~minimum policy limits of \$1 million per occurrence relating to~~
 16 all services performed as a private provider. The insurance
 17 shall have minimum policy limits of \$1 million per occurrence
 18 and \$2 million in the aggregate for any project having a
 19 construction cost of \$5 million or less and \$2 million per
 20 occurrence and \$4 million in the aggregate for any project
 21 having a construction cost of over \$5 million. This section
 22 does not limit the ability of the fee owner to require
 23 additional insurance or higher policy limits. For these
 24 purposes, the term "construction cost" means the total cost of
 25 building construction as stated in the building permit
 26 application. If the private provider chooses to secure
 27 claims-made coverage to fulfill this requirement, the private
 28 provider must also maintain, including tail coverage for a
 29 minimum of 5 years subsequent to the performance of building
 30 code inspection services. The insurance required under this
 31 subsection may be written only by an insurer that is

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1 authorized to do business in this state and has a minimum A.M.
 2 Best's rating of "A." Before providing building code
 3 inspection services within a local building official's
 4 jurisdiction, a private provider must provide to the local
 5 building official a certificate of insurance evidencing that
 6 the coverages required under this subsection are in force.

7 (17) Each local building code enforcement agency may
 8 ~~shall develop and maintain a process to~~ audit the performance
 9 of building code inspection services by private providers
 10 operating within the local jurisdiction. Work on a building or
 11 structure may proceed after inspection and approval by a
 12 private provider if the provider has given notice of the
 13 inspection pursuant to subsection (8). Subsequent to such
 14 inspection and approval, the work may not be delayed for
 15 completion of an inspection audit by the local building code
 16 enforcement agency.

17 Section 10. Paragraph (d) of subsection (1) and
 18 subsection (6) of section 553.80, Florida Statutes, are
 19 amended, and subsections (7) and (8) are added to that
 20 section, to read:

21 553.80 Enforcement.--

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

31 (d) Building plans approved under ~~pursuant to~~ s.

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1 553.77(3)(5) and state-approved manufactured buildings,
 2 including buildings manufactured and assembled offsite and not
 3 intended for habitation, such as lawn storage buildings and
 4 storage sheds, are exempt from local code enforcing agency
 5 plan reviews except for provisions of the code relating to
 6 erection, assembly, or construction at the site. Erection,
 7 assembly, and construction at the site are subject to local
 8 permitting and inspections. Lawn storage buildings and storage
 9 sheds bearing the insignia of approval of the department are
 10 not subject to s. 553.842. Such buildings that do not exceed
 11 400 square feet may be delivered and installed without need of
 12 a contractor's or specialty license.

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

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

28 (a)1. State universities, state community colleges, or
 29 public school districts shall conduct plan review and
 30 construction inspections to enforce building code compliance
 31 for their building projects that are subject to the Florida

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1 Building Code. These ~~Such~~ entities must ~~shall~~ use personnel or
 2 contract providers appropriately certified under part XII of
 3 chapter 468 to perform the plan reviews and inspections
 4 required by the code. Under these ~~such~~ arrangements, the ~~such~~
 5 entities are ~~shall~~ not ~~be~~ subject to local government
 6 permitting requirements, plans review, and inspection fees.
 7 State universities, state community colleges, and public
 8 school districts are ~~shall be~~ liable and responsible for all
 9 of their buildings, structures, and facilities. ~~Nothing in~~
 10 This paragraph does not ~~shall be construed to~~ limit the
 11 authority of the county, municipality, or code enforcement
 12 district to ensure that buildings, structures, and facilities
 13 owned by these ~~such~~ entities comply with the Florida Building
 14 Code or to limit the authority and responsibility of the fire
 15 official to conduct firesafety inspections under ~~pursuant to~~
 16 chapter 633.

17 2. In order to enforce building code compliance
 18 independent of a county or municipality, a state university,
 19 community college, or public school district may create a
 20 board of adjustment and appeal to which a substantially
 21 affected party may appeal an interpretation of the Florida
 22 Building Code which relates to a specific project. The
 23 decisions of this board, or, in its absence, the decision of
 24 the building code administrator, may be reviewed under s.
 25 553.775.

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

29 1. Fees charged by counties and municipalities for
 30 enforcement of the Florida Building Code on buildings,
 31 structures, and facilities of state universities, state

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1 colleges, and public school districts may ~~shall~~ not be more
 2 than the actual labor and administrative costs incurred for
 3 plans review and inspections to ensure compliance with the
 4 code.

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

11 3. A party substantially affected by an interpretation
 12 of the Florida Building Code by the local government's code
 13 enforcement offices may appeal the interpretation to the local
 14 government's board of adjustment and appeal or to the
 15 commission under s. 553.775 if no local board exists. The
 16 decision of a local board is reviewable in accordance with s.
 17 553.775.

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

23 (d) School boards, community college boards, and state
 24 universities may use annual facility maintenance permits to
 25 facilitate routine maintenance, emergency repairs, building
 26 refurbishment, and minor renovations of systems or equipment.
 27 The amount expended for maintenance projects may not exceed
 28 \$200,000 per project. A facility maintenance permit is valid
 29 for 1 year. A detailed log of alterations and inspections must
 30 be maintained and annually submitted to the building official.
 31 The building official retains the right to make inspections at

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1 the facility site as he or she considers necessary. Code
 2 compliance must be provided upon notification by the building
 3 official. If a pattern of code violations is found, the
 4 building official may withhold the issuance of future annual
 5 facility maintenance permits.

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

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

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1 to future years for allowable activities or shall be refunded
2 at the discretion of the local government. The basis for a fee
3 structure for allowable activities shall relate to the level
4 of service provided by the local government. Fees charged
5 shall be consistently applied.

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

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

18 1. Planning and zoning or other general government
19 activities.

20 2. Inspections of public buildings for a reduced fee
21 or no fee.

22 3. Public information requests, community functions,
23 boards, and any program not directly related to enforcement of
24 the Florida Building Code.

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

30 (c) A local government shall use recognized
31 management, accounting, and oversight practices to ensure that

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1 fees, fines, and investment earnings generated under this
2 subsection are maintained and allocated or used solely for the
3 purposes described in paragraph (a).

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

9 Section 11. Paragraph (c) is added to subsection (17)
10 of section 120.80, Florida Statutes, to read:

11 120.80 Exceptions and special requirements;
12 agencies.--

13 (17) FLORIDA BUILDING COMMISSION.--

14 (c) Notwithstanding ss. 120.565, 120.569, and 120.57,
15 the Florida Building Commission and hearing officer panels
16 appointed by the commission in accordance with s.
17 553.775(3)(c)1. may conduct proceedings to review decisions of
18 local building code officials in accordance with s.
19 553.775(3)(c).

20 Section 12. Section 553.841, Florida Statutes, is
21 amended to read:

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

24 553.841 Building code education and outreach
25 program.--

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

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1 needed.

2 (2) There is created the Building Code Education and
3 Outreach Council to coordinate, develop, and maintain
4 education and outreach to ensure administration and
5 enforcement of the Florida Building Code.

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

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

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

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

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

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

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

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

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

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

29
30 Each member of the board shall be appointed to a 2-year term
31 and may be reappointed at the discretion of the appointing

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1 body. A chair shall be elected by majority vote of the council
2 and shall serve a term of 1 year.

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

14 (5) The Building Code Education and Outreach Council
15 shall:

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

18 (b) Administer the provisions of this section.

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

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

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

27 (a) A core curriculum that is prerequisite to the
28 advanced module coursework.

29 (b) Advanced modules designed for use by each
30 profession.

31 (c) The core curriculum developed under this

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1 subsection must be approved by the commission and submitted to
 2 the Department of Business and Professional Regulation for
 3 approval. Advanced modules developed under this paragraph must
 4 be approved by the commission and submitted to the respective
 5 boards for approval.

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

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

30 (9) If funds collected for education and outreach
 31 projects in any year do not require the use of all available

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1 funds, the unused funds shall be carried forward and allocated
2 for use during the following fiscal year.

3 (10) The commission shall consider and approve or
4 reject the recommendations made by the council for subjects
5 for education and outreach concerning the Florida Building
6 Code. Any rejection must be made with specificity and must be
7 communicated to the council.

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

14 Section 13. Section 553.8413, Florida Statutes, is
15 repealed.

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

19 553.842 Product evaluation and approval.--

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

30 (4) ~~By October 1, 2003,~~ Products or methods or systems
31 of construction requiring approval under s. 553.77 must be

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1 approved by one of the methods established in subsection (5)
2 or subsection (6) before their use in construction in this
3 state. Products may be approved ~~either~~ by the commission for
4 statewide use, ~~or by a local building department for use in~~
5 ~~that department's jurisdiction only~~. Notwithstanding a local
6 government's authority to amend the Florida Building Code as
7 provided in this act, statewide approval shall preclude local
8 jurisdictions from requiring further testing, evaluation, or
9 submission of other evidence as a condition of using the
10 product so long as the product is being used consistent with
11 the conditions of its approval.

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

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

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

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1 product or method or system of construction is, for the
2 purpose intended, at least equivalent to that required by the
3 Florida Building Code:

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

14
15 A product evaluation report or a certification mark or listing
16 of an approved certification agency which demonstrates that
17 the product or method or system of construction complies with
18 the Florida Building Code for the purpose intended shall be
19 equivalent to a test report and test procedure as referenced
20 in the Florida Building Code.

21 (b) Products, methods, or systems of construction for
22 which there are no specific standardized testing or
23 comparative or rational analysis methods established in the
24 code may be approved by submittal and validation of one of the
25 following:

- 26 1. A product evaluation report based upon testing or
- 27 comparative or rational analysis, or a combination thereof,
- 28 from an approved product evaluation entity indicating that the
- 29 product or method or system of construction was evaluated to
- 30 be in compliance with the intent of the Florida Building Code
- 31 and that the product or method or system of construction is,

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1 for the purpose intended, at least equivalent to that required
2 by the Florida Building Code; or

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

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

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

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

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1 (a) Evaluation entities that meet the criteria for
 2 approval adopted by the commission by rule. The commission
 3 shall specifically approve the National Evaluation Service,
 4 the International Conference of Building Officials Evaluation
 5 Services, the International Code Council Evaluation Services,
 6 the Building Officials and Code Administrators International
 7 Evaluation Services, the Southern Building Code Congress
 8 International Evaluation Services, and the Miami-Dade County
 9 Building Code Compliance Office Product Control. Architects
 10 and engineers licensed in this state are also approved to
 11 conduct product evaluations as provided in subsection(5)(6).

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

22 Section 15. Subsection (1) of section 627.0629,
 23 Florida Statutes, is amended to read:

24 627.0629 Residential property insurance; rate
 25 filings.--

26 (1) Effective October 1, 2005 ~~June 1, 2002~~, a rate
 27 filing for residential property insurance must include
 28 actuarially reasonable discounts, credits, or other rate
 29 differentials, or appropriate reductions in deductibles, for
 30 properties having superior structural framing systems
 31 installed which will prevent roof uplift damage from hurricane

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1 force, prefabricated steel shear panels, or steel moment
2 frames. A superior structural framing system is one that is
3 proactive, where forces to counter wind uplift are introduced
4 to the structure during construction as precompressing, rather
5 than reactive, where all resisting elements of the framing
6 system must be pulled straight and tight before installation
7 to resist wind uplift forces, resulting in near-zero uplift
8 movement at design load. Prefabricated all-steel shear panels
9 or steel moment frames resist shear and overturning forces and
10 limit deflection in areas where walls do not meet
11 height-to-width ratios as outlined in the Florida Building
12 Code. ~~on which fixtures or construction techniques~~
13 ~~demonstrated to reduce the amount of loss in a windstorm have~~
14 ~~been installed or implemented.~~ The fixtures or construction
15 techniques shall include, but not be limited to, fixtures or
16 construction techniques which enhance roof strength, roof
17 covering performance, roof-to-wall strength,
18 wall-to-floor-to-foundation strength, opening protection, and
19 window, door, and skylight strength. Credits, discounts, or
20 other rate differentials for fixtures and construction
21 techniques which meet the minimum requirements of the Florida
22 Building Code must be included in the rate filing. All
23 insurance companies must make a rate filing which includes the
24 credits, discounts, or other rate differentials by February
25 28, 2006 ~~February 28, 2003~~.

26 Section 16. Section 633.026, Florida Statutes, is
27 created to read:

28 633.026 Informal interpretations of the Florida Fire
29 Prevention Code.--The Division of State Fire Marshal shall by
30 rule establish an informal process of rendering nonbinding
31 interpretations of the Florida Fire Prevention Code. The

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

20 Section 17. Local product approval.--

21 (1) For local product approval, products or systems of
 22 construction shall demonstrate compliance with the structural
 23 windload requirements of the Florida Building Code through one
 24 of the following methods:

25 (a) A certification mark, listing, or label from a
 26 commission-approved certification agency indicating that the
 27 product complies with the code;

28 (b) A test report from a commission-approved testing
 29 laboratory indicating that the product tested complies with
 30 the code;

31 (c) A product-evaluation report based upon testing,

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1 comparative or rational analysis, or a combination thereof,
2 from a commission-approved product evaluation entity which
3 indicates that the product evaluated complies with the code;

4 (d) A product-evaluation report or certification based
5 upon testing or comparative or rational analysis, or a
6 combination thereof, developed and signed and sealed by a
7 Florida professional engineer or Florida registered architect,
8 which indicates that the product complies with the code; or

9 (e) A statewide product approval issued by the Florida
10 Building Commission.

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

14 (2) For product-evaluation reports that indicate
15 compliance with the code based upon a test report from an
16 approved testing laboratory and rational or comparative
17 analysis by a Florida registered architect or Florida
18 professional engineer, the testing laboratory or the
19 evaluating architect or engineer must certify independence
20 from the product manufacturer.

21 (3) Local building officials may accept modifications
22 to approved products or their installations if sufficient
23 evidence is submitted to the local building official to
24 demonstrate compliance with the code or the intent of the
25 code, including such evidence as certifications from a Florida
26 registered architect or Florida professional engineer.

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

30 (5) Products bearing a certification mark, label, or
31 listing by an approved certification agency require no further

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1 documentation to establish compliance with the code.

2 (6) Upon review of the compliance documentation, the
3 authority having jurisdiction or a local building official
4 shall deem the product approved for use in accordance with its
5 approval and limitation of use.

6 (7) Approval shall be valid until such time as the
7 product changes and decreases in performance; the standards of
8 the code change, requiring increased performance; or the
9 approval is otherwise suspended or revoked. Changes to the
10 code do not void the approval of products previously installed
11 in existing buildings if such products met building code
12 requirements at the time the product was installed.

13 Section 18. Mitigation Grant Program guideline.--

14 (1) The Legislature finds that facilities owned by the
15 government and those designated to protect the public should
16 be the first to adopt the best practices, active risk
17 management, and improved security planning. These facilities
18 should be protected to a higher level.

19 (2) Beginning July 1, 2005, the construction of new or
20 retrofitted window or door covering that is funded by a
21 hazard-mitigation grant program or shelter-retrofit program
22 must conform to design drawings that are signed, sealed, and
23 inspected by a structural engineer who is registered in this
24 state. Before the Department of Community Affairs forwards
25 payment to a recipient of the grant, an inspection report and
26 attestation or a copy of the sign and sealed plans shall be
27 provided to the department.

28 (3) If the construction is funded by a hazard
29 mitigation grant or shelter retrofit program, the Department
30 of Community Affairs shall advise the county, municipality, or
31 other entity applying for the grant that the cost or price of

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1 the project is not the sole criterion for selecting a vendor.
 2 The department shall encourage the use and consideration of
 3 other criteria, including vendor experience in its
 4 demonstrated field, the use of higher-rated materials, or
 5 providers who have satisfactorily completed other public
 6 projects.

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

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

13 Section 20. Subsections (5), (14), and (18) of section
 14 633.021, Florida Statutes, are amended to read:

15 633.021 Definitions.--As used in this chapter:

16 (5)(a) "Contractor I" means a contractor whose
 17 business includes the execution of contracts requiring the
 18 ability to lay out, fabricate, install, inspect, alter,
 19 repair, and service all types of fire protection systems,
 20 excluding preengineered systems.

21 (b) "Contractor II" means a contractor whose business
 22 is limited to the execution of contracts requiring the ability
 23 to lay out, fabricate, install, inspect, alter, repair, and
 24 service water sprinkler systems, water spray systems,
 25 foam-water sprinkler systems, foam-water spray systems,
 26 standpipes, combination standpipes and sprinkler risers, all
 27 piping that is an integral part of the system beginning at the
 28 point of service as defined in this section ~~where the piping~~
 29 ~~is used exclusively for fire protection, sprinkler tank~~
 30 heaters, air lines, thermal systems used in connection with
 31 sprinklers, and tanks and pumps connected thereto, excluding

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1 preengineered systems.

2 (c) "Contractor III" means a contractor whose business
3 is limited to the execution of contracts requiring the ability
4 to ~~lay out~~, fabricate, install, inspect, alter, repair, and
5 service CO₂ systems, foam extinguishing systems, dry
6 chemical systems, and Halon and other chemical systems,
7 excluding preengineered systems.

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

17 (e) "Contractor V" 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 the underground piping for a fire protection system
21 using water as the extinguishing agent beginning at the point
22 of service as defined in this act ~~at which the piping is used~~
23 ~~exclusively for fire protection~~ and ending no more than 1 foot
24 above the finished floor.

25
26 The definitions in this subsection must not be construed to
27 include fire protection engineers or architects and do not
28 limit or prohibit a licensed fire protection engineer or
29 architect from designing any type of fire protection system. A
30 distinction is made between system design concepts prepared by
31 the design professional and system layout as defined in this

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1 section and typically prepared by the contractor. However,
 2 persons certified as a Contractor I, Contractor II, or
 3 Contractor IV under this chapter may design fire protection
 4 systems of 49 or fewer sprinklers heads, and may design the
 5 alteration of an existing fire sprinkler system if the
 6 alteration consists of the relocation, addition, or deletion
 7 of not more than 49 sprinklers heads, notwithstanding the size
 8 of the existing fire sprinkler system. A Contractor I,
 9 Contractor II, or Contractor IV may design a fire protection
 10 system the scope of which complies with NFPA 13D, Standard for
 11 the Installation of Sprinkler Systems in One- and Two-Family
 12 Dwellings and Manufactured Homes, as adopted by the State Fire
 13 Marshal, notwithstanding the number of fire sprinklers.
 14 Contractor-developed ~~Such~~ plans may not be required by any
 15 local permitting authority to be sealed by a registered
 16 professional engineer.

17 (14) "Layout" as used in this chapter means the layout
 18 of risers, cross mains, branch lines, sprinkler heads, sizing
 19 of pipe, hanger locations, and hydraulic calculations in
 20 accordance with the design concepts established through the
 21 provisions of the Responsibility Rules adopted by the Board of
 22 Professional Engineers or such other standards as the State
 23 Fire Marshal adopts which provide comparable design concepts
 24 ~~s. 553.79(6)(c).~~

25 (18) "Point-of-service" means the point at which the
 26 underground piping for a fire protection ~~sprinkler~~ system as
 27 defined in this section using water as the extinguishing agent
 28 becomes used exclusively for the fire protection ~~sprinkler~~
 29 system. ~~The point of service is designated by the engineer who~~
 30 ~~sealed the plans for a system of 50 or more heads or by the~~
 31 ~~contractor who designed the plans for a system of 49 or fewer~~

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1 ~~heads.~~

2 Section 21. Subsection (11) is added to section
3 633.0215, Florida Statutes, to read:

4 633.0215 Florida Fire Prevention Code.--

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

9 Section 22. Subsection (3) is added to section
10 633.065, Florida Statutes, to read:

11 633.065 Requirements for installation, inspection, and
12 maintenance of fire suppression equipment.--

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

24 (b) The owner of a private fire hydrant shall cause
25 any repair or replacement indicated by an inspection to be
26 made within 30 days and shall maintain records of the repair
27 or replacement.

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

31 (d) Consistent with the provisions of s. 633.025(1),

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1 the requirements of this subsection shall be deemed adopted by
2 each municipality, county, and special district having
3 firesafety responsibilities.

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

6 Section 23. Section 633.071, Florida Statutes, is
7 amended to read:

8 633.071 Standard service tag required on all fire
9 extinguishers and preengineered systems; serial number
10 required on all portable fire extinguishers; standard
11 inspection tags required on all fire protection systems.--

12 (1) The State Fire Marshal shall adopt by rule
13 specifications as to the size, shape, color, and information
14 and data contained thereon of service tags to be attached to
15 all fire extinguishers and preengineered systems required by
16 statute or by rule, whether they be portable, stationary, or
17 on wheels when they are placed in service, installed,
18 serviced, repaired, tested, recharged, or inspected. Fire
19 extinguishers may be tagged only after meeting all standards
20 as set forth by this chapter, the standards of the National
21 Fire Protection Association, and manufacturer's
22 specifications. Preengineered systems may be tagged only after
23 a system has been inspected, serviced, installed, repaired,
24 tested, recharged, and hydrottested in compliance with this
25 chapter, the standards of the National Fire Protection
26 Association, and the manufacturer's specifications, and after
27 a report, as specified by rule, has been completed in detail,
28 indicating any and all deficiencies or deviations from the
29 manufacturer's specifications and the standards of the
30 National Fire Protection Association. A copy of the inspection
31 report shall be provided to the owner at the time of

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1 inspection, and, if a system is found to be in violation of
 2 this chapter, the manufacturer's specifications, or the
 3 standards of the National Fire Protection Association, a copy
 4 shall be forwarded to the state or local authority having
 5 jurisdiction within 30 days from the date of service. It shall
 6 be unlawful to place in service, service, test, repair,
 7 inspect, install, hydrotest, or recharge any fire extinguisher
 8 or preengineered system without attaching one of these tags
 9 completed in detail, including the actual month work was
 10 performed, or to use a tag not meeting the specifications set
 11 forth by the State Fire Marshal.

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

24 (3) The State Fire Marshal shall adopt by rule
 25 specifications as to the size, shape, color, information, and
 26 data contained thereon of inspection tags to be attached to
 27 all types of fire protection systems and information required
 28 on an inspection report of such an inspection.

29 Section 24. Section 633.082, Florida Statutes, is
 30 amended to read:

31 633.082 Inspection of fire control systems and fire

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1 protection systems.--

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

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

16 (3) The inspecting contractor shall provide to the
17 building owner and the local authority having jurisdiction a
18 copy of the inspection report established under s. 633.071(3).
19 The maintenance of fire sprinkler systems as well as
20 corrective actions on deficient systems is the responsibility
21 of the property owner. This section does not prohibit
22 governmental entities from inspecting and enforcing firesafety
23 codes.

24 Section 25. Section 633.521, Florida Statutes, is
25 amended to read:

26 633.521 Certificate application and issuance; permit
27 issuance; examination and investigation of applicant.--

28 (1) To obtain a certificate, an applicant shall submit
29 to the State Fire Marshal an application in writing, on a form
30 provided by the State Fire Marshal containing the information
31 prescribed, which shall be accompanied by the fee fixed

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1 herein, containing a statement that the applicant desires the
2 issuance of a certificate and stating the class of certificate
3 requested.

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

21 (b) A passing grade on the examination is 70 percent,
22 and such examinations may be developed by an independent
23 professional testing agency. The tests shall be prepared,
24 administered, and scored in compliance with generally accepted
25 professional testing standards.

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

28 (d) A reexamination may not be scheduled sooner than
29 30 days after any administration of an examination to an
30 applicant.

31 (e) An applicant may not be examined more than four

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

14 (3) As a prerequisite to taking the examination for
15 certification as a Contractor I, Contractor II, or Contractor
16 III, the applicant must be at least 18 years of age, be of
17 good moral character, and shall possess 4 years' proven
18 experience in the employment of a fire protection system
19 Contractor I, Contractor II, or Contractor III or a
20 combination of equivalent education and experience. As a
21 prerequisite to taking the examination for certification as a
22 Contractor IV, the applicant shall be at least 18 years old,
23 be of good moral character, and have at least 2 years' proven
24 experience in the employment of a fire protection system
25 Contractor I, Contractor II, Contractor III, or Contractor IV
26 or combination of equivalent education and experience which
27 combination need not include experience in the employment of a
28 fire protection system contractor. As a prerequisite to
29 taking the examination for certification as a Contractor V,
30 the applicant shall be at least 18 years old, be of good moral
31 character, and have been licensed as a certified underground

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1 utility and excavation contractor pursuant to chapter 489,
2 have verification by an individual who is licensed as a
3 certified utility contractor pursuant to chapter 489 that the
4 applicant has 4 years' proven experience in the employ of a
5 certified underground utility and excavation contractor, or
6 have a combination of education and experience equivalent to 4
7 years' proven experience in the employ of a certified
8 underground utility and excavation contractor. Within 30 days
9 after ~~from~~ the date of the examination, the State Fire Marshal
10 shall inform the applicant in writing whether she or he has
11 qualified or not and, if the applicant has qualified, that she
12 or he is ready to issue a certificate of competency, subject
13 to compliance with the requirements of subsection (4).

14 (4) As a prerequisite to issuance of a certificate,
15 the State Fire Marshal shall require the applicant to submit
16 satisfactory evidence that she or he has obtained insurance
17 providing coverage for comprehensive general liability for
18 bodily injury and property damages, products liability,
19 completed operations, and contractual liability. The State
20 Fire Marshal may adopt rules providing for the amount of
21 insurance, but such amount shall not be less than \$500,000 for
22 a Contractor I, Contractor II, Contractor III, or Contractor V
23 and shall not be less than \$250,000 for a Contractor IV. An
24 insurer which provides such coverage shall notify within 30
25 days the State Fire Marshal of any material change in coverage
26 or any termination, cancellation, or nonrenewal of such
27 coverage. An insurer which fails to so notify the State Fire
28 Marshal's office shall be subject to the penalties provided
29 under s. 624.4211.

30 (5) Upon satisfaction of the requirements of
31 subsections (1), (2), (3), and (4), the certificate shall be

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1 issued forthwith. However, no certificate shall remain in
 2 effect if, after issuance, the certificateholder fails to
 3 maintain the insurance coverage required by this section.

4 (6) If an applicant for an original certificate, after
 5 having been notified to do so, does not appear for examination
 6 or does not pass the examination within 1 year from the date
 7 of filing her or his application, the fee paid by the
 8 applicant shall be forfeited. New applications for a
 9 certificate shall be accompanied by another application fee
 10 fixed by this chapter.

11 (7) The State Fire Marshal may, at any time subsequent
 12 to the issuance of the certificate or its renewal, require,
 13 upon demand and in no event more than 30 days after notice of
 14 the demand, the certificateholder to provide proof of
 15 insurance coverage on a form provided by the State Fire
 16 Marshal containing confirmation of insurance coverage as
 17 required by this chapter. Failure to provide proof of
 18 insurance coverage as required, for any length of time, shall
 19 result in the immediate suspension of the certificate until
 20 proof of insurance is provided to the State Fire Marshal.

21 (8) An individual employed by a Contractor I or
 22 Contractor II certificateholder, as established in this
 23 section, who will be inspecting water-based fire protection
 24 systems as required under s. 633.082, must be issued a permit
 25 by the State Fire Marshal to conduct such work. The permit is
 26 valid solely for use by the holder thereof in his or her
 27 employment by the certificateholder named in the permit. A
 28 permittee must have a valid and subsisting permit upon his or
 29 her person at all times while engaging in inspecting fire
 30 protection systems, and a permitholder must be able to produce
 31 such a permit upon demand. In addition, a permittee shall, at

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1 all times while performing inspections, carry an
2 identification card containing his or her photograph and other
3 identifying information as prescribed by the State Fire
4 Marshal, and the permittee must produce the identification
5 card and information upon demand. The permit and the
6 identification may be one and the same. A permittee is limited
7 as to the specific type of work performed, depending upon the
8 class of certificate held by the certificateholder under whom
9 the permittee is working. The permit class shall be known as a
10 Water-Based Fire Protection Inspector whose permit allows the
11 holder to inspect water sprinkler systems, water spray
12 systems, foam-water sprinkler systems, foam-water spray
13 systems, standpipes, combination standpipes and sprinkler
14 systems, all piping that is an integral part of the system
15 beginning at the point where the piping is used exclusively
16 for fire protection, sprinkler tank heaters, air lines,
17 thermal systems used in connection with sprinklers, and tanks
18 and pumps connected thereto, excluding preengineered systems.

19
20 It is the intent of the Legislature that the inspections and
21 testing of automatic fire sprinkler systems for detached
22 one-family dwellings, detached two-family dwellings, and
23 mobile homes be accomplished by the owner, who is responsible
24 for requesting service from a contractor when necessary. It is
25 further intended that the NFPA-25 inspection of exposed
26 underground piping supplying a fire protection system be
27 conducted by a Contractor I or Contractor II.

28 (9) Effective July 1, 2008, the State Fire Marshal
29 shall require the National Institute of Certification in
30 Engineering Technologies (NICET), Sub-field of Inspection and
31 Testing of Fire Protection Systems Level II or equivalent

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1 training and education as determined by the division as proof
 2 that the permitholders are knowledgeable about nationally
 3 accepted standards for the inspection of fire protection
 4 systems. It is the intent of this act, from July 1, 2005,
 5 until July 1, 2008, to accept continuing education of all
 6 certificateholders' employees who perform inspection functions
 7 which specifically prepares the permitholder to qualify for
 8 NICET II certification.

9 Section 26. Section 633.524, Florida Statutes, is
 10 amended to read:

11 633.524 Certificate and permit fees; use and deposit
 12 of collected funds.--

13 (1) The initial application fee for each class of
 14 certificate shall be \$300. The biennial renewal fee for each
 15 class of certificate shall be ~~\$150~~~~\$250~~. The initial
 16 application fee for the permit classification shall be \$100.
 17 The biennial renewal fee for the permit classification shall
 18 be \$50. The fee for certificates issued as duplicates or to
 19 reflect a change of address is \$15 ~~shall be \$5 each~~. The fee
 20 for each examination or reexamination for each class of
 21 certificate ~~scheduled~~ shall be \$100.

22 (2) All moneys collected by the State Fire Marshal
 23 pursuant to this chapter are hereby appropriated for the use
 24 of the State Fire Marshal in the administration of this
 25 chapter and shall be deposited in the Insurance Regulatory
 26 Trust Fund.

27 Section 27. Subsection (4) is added to section
 28 633.537, Florida Statutes, to read:

29 633.537 Certificate; expiration; renewal; inactive
 30 certificate; continuing education.--

31 (4) The renewal period for the permit class is the

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

13 Section 28. Subsection (2) of section 633.539, Florida
14 Statutes, is amended to read:

15 633.539 Requirements for installation, inspection, and
16 maintenance of fire protection systems.--

17 (2) Equipment shall be inspected, serviced, and
18 maintained in accordance with the manufacturer's maintenance
19 procedures and with applicable National Fire Protection
20 Association standards. The inspection of fire protection
21 systems shall be conducted by a certificateholder or holder of
22 a permit issued by the State Fire Marshal. The permitholder
23 may perform inspections on fire protection systems only while
24 employed by the certificateholder. This section does not
25 prohibit the authority having jurisdiction or insurance
26 company representatives from reviewing the system in
27 accordance with acceptable oversight standards.

28 (3) For contracts written after June 30, 2005, the
29 contractor who installs the underground from the point of
30 service is responsible for completing the installation to the
31 aboveground connection flange, which by definition in this

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1 chapter is no more than 1 foot above the finished floor,
 2 before completing the Contractor's Material and Test
 3 Certificate for Underground Piping document. Aboveground
 4 contractors may not complete the Contractor's Material and
 5 Test Certificate for Underground Piping document for
 6 underground piping or portions thereof which have been
 7 installed by others.

8 (4) The Contractor V may install the cross-connection
 9 backflow prevention device as defined in this chapter on new
 10 installations and only when the specific backflow prevention
 11 device is included in the system hydraulic calculations. The
 12 retrofitting of a backflow device on an existing fire
 13 protection system will cause a reduction in available water
 14 pressure and probable system malfunction. The development of
 15 aboveground fire protection system hydraulic calculations is a
 16 task of the Contractor I and II, as defined in this chapter.
 17 Accordingly, a Contractor V is expressly prohibited from
 18 retrofitting cross-connection backflow prevention devices on
 19 an existing fire protection system, and only a Contractor I or
 20 Contractor II who is tasked to recalculate the system and take
 21 corrective actions to ensure that the system will function
 22 with the available water supply may retroactively install
 23 these backflow devices on existing fire protection systems.

24 Section 29. Section 633.547, Florida Statutes, is
 25 amended to read:

26 633.547 Disciplinary action; fire protection system
 27 contractors; grounds for denial, nonrenewal, suspension, or
 28 revocation of certificate or permit.--

29 (1) The State Fire Marshal shall investigate the
 30 alleged illegal action of any fire protection system
 31 contractor or permittee certified under this chapter and hold

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1 hearings pursuant to chapter 120.

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

4 (a) Violation of any provision of this chapter or of
5 any rule adopted pursuant thereto.

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

8 (c) Diversion of funds or property received for
9 prosecution or completion of a specified construction project
10 or operation when, as a result of the diversion, the
11 contractor is, or will be, unable to fulfill the terms of her
12 or his obligation or contract.

13 (d) Disciplinary action by any municipality or county,
14 which action shall be reviewed by the State Fire Marshal
15 before taking any disciplinary action.

16 (e) Failure to supervise the installation of the fire
17 protection system covered by the building permit signed by the
18 contractor.

19 (f) Rendering a fire protection system, standpipe
20 system, or underground water supply main connecting to the
21 system inoperative except when the fire protection system,
22 standpipe system, or underground water supply main is being
23 inspected, serviced, tested, or repaired, or except pursuant
24 to court order.

25 (g) Improperly servicing, repairing, testing, or
26 inspecting a fire protection, standpipe system, or underground
27 water supply main connecting to the system.

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

31 (i) Failing to obtain, retain, or maintain one or more

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1 of the qualifications for a certificate as specified in this
2 chapter.

3 (j) Making a material misstatement, misrepresentation,
4 or committing a fraud in obtaining or attempting to obtain a
5 certificate.

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

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

11 (a) She or he may suspend the certificateholder for a
12 period not to exceed 2 years from all operations as a
13 contractor during the period fixed by the State Fire Marshal,
14 but she or he may permit the certificateholder to complete any
15 contracts then incomplete.

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

18 (4) During the suspension or revocation of the
19 certificate, the former certificateholder shall not engage in
20 or attempt to profess to engage in any transaction or business
21 for which a certificate is required under this chapter or
22 directly or indirectly own, control, or be employed in any
23 manner by any firm or corporation for which a certificate
24 under this chapter is required. The department shall not, so
25 long as the revocation or suspension remains in effect, grant
26 any new certificate for the establishment of any new firm,
27 business, or corporation of any person that has or will have
28 the same or similar management, ownership, control, or
29 employees or that will use a same or similar name as a
30 previously revoked or suspended firm, business, or
31 corporation.

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

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

5 (b) Any firm or corporation if an officer, director,
6 stockholder, owner, or person interested directly or
7 indirectly has had his or her certificate under this chapter
8 suspended or revoked.

9 (c) Any person who is or has been an officer,
10 director, stockholder, or owner of a firm or corporation, or
11 who was interested directly or indirectly in a corporation,
12 the certificate of which has been suspended or revoked under
13 this chapter.

14 (6) The lapse or suspension of a certificate by
15 operation of law or by order of the State Fire Marshal or a
16 court or its voluntary surrender by a certificateholder does
17 not deprive the State Fire Marshal of jurisdiction to
18 investigate or act in disciplinary proceedings against the
19 certificateholder.

20 (7) The filing of a petition in bankruptcy, either
21 voluntary or involuntary, or the making of a composition of
22 creditors or the appointment of a receiver for the business of
23 the certificateholder may be considered by the State Fire
24 Marshal as just cause for suspension of a certificate.

25 Section 30. Subsection (4) is added to section
26 633.702, Florida Statutes, to read:

27 633.702 Prohibited acts regarding alarm system
28 contractors or certified unlimited electrical contractors;
29 penalties.--

30 (4) It is a misdemeanor of the first degree,
31 punishable as provided in s. 775.082 or s. 775.083, for any

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1 person to intentionally or willfully install, service, test,
2 repair, improve, or inspect a fire alarm system unless;

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

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

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

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

12 Section 31. (1) A local government must advise an
13 applicant what information, if any, is needed to deem the
14 application properly completed in compliance with the filing
15 requirements published by the local government. The local
16 government must notify the applicant not later than 10 days
17 after the applicant submits the application to the local
18 government. If the applicant does not receive a written notice
19 that the applicant has not submitted the properly completed
20 application, the application is automatically deemed properly
21 completed and accepted. Within 45 days after receiving a
22 completed application, a local government must notify an
23 applicant if additional information is required for the local
24 government to determine the sufficiency of the application,
25 and shall specify the additional information that is required.
26 The applicant must submit the additional information to the
27 local government or request that the local government act
28 without the additional information. While the applicant
29 responds to the request for additional information, the
30 120-day period described in subsection (2) is tolled. Both
31 parties may agree to a reasonable request for an extension of

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1 time, particularly in the event of a force majeure or other
2 extraordinary circumstance. The local government must approve,
3 approve with conditions, or deny the application within 120
4 days following receipt of a completed application.

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

19 Section 32. Subsection (3) of section 109 of chapter
20 2000-141, Laws of Florida, is amended to read:

21 Section 109. The Legislature has reviewed the Florida
22 Building Code that was adopted by action of the Florida
23 Building Commission on February 15, 2000, and that was noticed
24 for rule adoption by reference in Rule 9B-3.047, F.A.C., on
25 February 18, 2000, in the Florida Administrative Weekly on
26 page 731. The Florida Building Commission is directed to
27 continue the process to adopt the code, pursuant to section
28 120.54(3), Florida Statutes, and to incorporate the following
29 provisions or standards for the State of Florida:

30 (3) For areas of the state not within the high
31 velocity hurricane zone, the commission shall adopt, pursuant

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

21 Section 33. Notwithstanding any other provision of
22 this act, the option for designing for internal pressure for
23 buildings within the windborne debris region shall be repealed
24 immediately upon adoption of standards and conditions within
25 the International Building Code or International Residential
26 Code prohibiting such design option. The Florida Building
27 Commission shall initiate rulemaking to incorporate such
28 standards and conditions prohibiting designing for internal
29 pressure for buildings into the Florida Building Code when the
30 base code is updated.

31 Section 34. The Legislature appropriates \$200,000 from

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1 the Insurance Regulatory Trust Fund to the Department of
 2 Financial Services to be used to develop a joint program
 3 between the Florida Insurance Council and the Florida Home
 4 Builders Association to educate contractors on the benefits
 5 and options available for designing buildings for windborne
 6 debris protection and to develop a standardized affidavit to
 7 be used for verifying the insurance discounts for residential
 8 construction techniques demonstrated to reduce the amount of
 9 loss during a windstorm.

10 Section 35. The Florida Building Commission, in
 11 conjunction with local building officials, shall conduct a
 12 review of damage resulting from Hurricane Ivan and any other
 13 data to evaluate, and to make recommendations to the
 14 Legislature for any changes to, Florida's Building Code,
 15 specifically as it applies to the region from the eastern
 16 border of Franklin County to the Florida-Alabama line. The
 17 commission shall issue a report summarizing its findings and
 18 recommendations prior to the 2006 Regular Session.

19 Section 36. The Florida Building Commission shall
 20 evaluate the definition of "exposure category C" as currently
 21 defined in section 553.71(10), Florida Statutes, and make
 22 recommendations for a new definition that more accurately
 23 depicts Florida-specific conditions prior to the 2006 Regular
 24 Session.

25 Section 37. Section 553.851, Florida Statutes, is
 26 repealed.

27 Section 38. 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:

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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.

15 468.621, F.S.; providing additional grounds for

16 which disciplinary actions may be taken against

17 building code enforcement officials; amending

18 s. 489.537, F.S.; providing that certain alarm

19 system contractors and electrical contractors

20 may not be required by a municipality or county

21 to obtain additional certification or meet

22 additional licensure requirements; amending s.

23 553.37, F.S.; providing requirements for exit

24 alarms; providing for the approval, delivery,

25 and installation of lawn storage buildings and

26 storage sheds; amending s. 553.73, F.S.;

27 specifying certain codes from the International

28 Code Congress and the International Code

29 Council as foundation codes for the updated

30 Florida Building Code; providing requirements

31 for amendments to the foundation codes;

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1 providing for the incorporation of certain
2 statements, decisions, and amendments into the
3 Florida Building Code; providing a timeframe
4 for rule updates to the Florida Building Code
5 to become effective; adding a requirement for
6 technical amendments to the Florida Building
7 Code; providing requirements for the Florida
8 Building Commission in reviewing code
9 amendments; providing an exception;
10 incorporating by reference certain standards
11 for unvented conditioned attic assemblies;
12 amending s. 553.77, F.S.; revising duties of
13 the Florida Building Commission; authorizing
14 local building departments or other entities to
15 approve changes to an approved building plan;
16 providing that a member may abstain from voting
17 under certain circumstances; deleting
18 requirements that the commission hear certain
19 appeals and issue declaratory statements;
20 creating s. 553.775, F.S.; providing
21 legislative intent with respect to the
22 interpretation of the Florida Building Code;
23 providing for the commission to resolve
24 disputes regarding interpretations of the code;
25 requiring the commission to review decisions of
26 local building officials and local enforcement
27 agencies; providing for publication of an
28 interpretation on the Building Code Information
29 System and in the Florida Administrative
30 Weekly; authorizing the commission to adopt a
31 fee; amending s. 553.79, F.S.; exempting

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1 truss-placement plans from certain
2 requirements; amending s. 553.791, F.S.;
3 clarifying a definition; expanding
4 authorization to use private providers to
5 provide building code inspection services;
6 including fee owner contractors within such
7 authorization; revising notice requirements for
8 using private providers; revising procedures
9 for issuing permits; providing requirements for
10 representatives of private providers; providing
11 for waiver of certain inspection records
12 requirements under certain circumstances;
13 requiring that issuance of stop-work orders be
14 pursuant to law; providing for establishment of
15 a registration system for private providers and
16 authorized representatives of private providers
17 for licensure compliance purposes; preserving
18 authority to issue emergency stop-work orders;
19 revising insurance requirements for private
20 providers; specifying conditions for proceeding
21 with building work; amending s. 553.80, F.S.;
22 providing that certain buildings are exempt
23 from the building code; providing that
24 universities and colleges may create a board of
25 adjustment; authorizing local governments to
26 impose certain fees for code enforcement;
27 providing requirements and limitations;
28 conforming a cross-reference; requiring the
29 commission to expedite adoption and
30 implementation of the existing state building
31 code as part of the Florida Building Code

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1 pursuant to limited procedures; exempting
2 certain buildings of the Department of
3 Agriculture and Consumer Services from local
4 permitting requirements, review, or fees;
5 amending s. 120.80, F.S.; authorizing the
6 Florida Building Commission to conduct
7 proceedings to review decisions of local
8 officials; amending s. 553.841, F.S.; revising
9 provisions governing the Building Code Training
10 Program; creating the Building Code Education
11 and Outreach Council to coordinate, develop,
12 and ensure enforcement of the Florida Building
13 Code; providing for membership, terms of
14 office, and meetings; providing duties of the
15 council; providing for administrative support
16 for the council; requiring the council to
17 develop a core curriculum and equivalency test
18 for specified licensees; providing for the use
19 of funds by the council; repealing s. 553.8413,
20 F.S., relating to the Education Technical
21 Advisory Committee; amending s. 553.842, F.S.;
22 providing for products to be approved for
23 statewide use; deleting an obsolete date;
24 deleting a provision requiring the commission
25 to adopt certain criteria for local program
26 verification and validation by rule; adding an
27 evaluation entity to the list of entities
28 specifically approved by the commission;
29 deleting a requirement that the commission
30 establish a schedule for adopting rules
31 relating to product approvals under certain

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1 circumstances; authorizing the commission to
2 adopt rules relating to material standards;
3 amending s. 627.0629, F.S.; requiring that
4 residential property insurance rates must
5 include credits for residential properties with
6 superior structural framing systems; creating
7 s. 633.026, F.S.; requiring that the State Fire
8 Marshal establish by rule a process for
9 rendering nonbinding interpretations of the
10 Florida Fire Prevention Code; authorizing the
11 State Fire Marshal to enter into contracts and
12 refer interpretations to a nonprofit
13 organization; providing for the interpretations
14 to be advisory; providing for funding the
15 program from the Insurance Regulatory Trust
16 Fund; providing requirements for local product
17 approval of products or systems of
18 construction; specifying methods for
19 demonstrating compliance with the structural
20 windload requirements of the Florida Building
21 Code; providing for certification to be issued
22 by a professional engineer or registered
23 architect; providing for audits under a quality
24 assurance program and other types of
25 certification; providing that changes to the
26 Florida Building Code do not void the approval
27 of previously installed products; providing for
28 guidelines for the mitigation grant program;
29 amending s. 633.021, F.S.; redefining terms
30 used in ch. 633, F.S.; amending s. 633.0215,
31 F.S.; revising provisions relating to the

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1 construction of townhouse stairs; amending s.
2 633.065, F.S.; providing additional
3 requirements for inspection and maintenance of
4 fire suppression equipment; amending s.
5 633.071, F.S.; requiring inspection tags to be
6 attached to all fire protection systems;
7 providing for the standardization of inspection
8 tags and reports; amending s. 633.082, F.S.;
9 requiring fire protection systems to be
10 inspected in accordance with nationally
11 accepted standards; amending s. 633.521, F.S.;
12 establishing a permit classification for
13 individuals who inspect fire protection
14 systems; amending s. 633.524, F.S.;
15 establishing fees for various classes of
16 permits; amending s. 633.537, F.S.;
17 establishing continuing education requirements;
18 amending s. 633.539, F.S.; requiring fire
19 protection systems to be inspected, serviced,
20 or maintained by a permitholder; establishing
21 the scope of work criteria; amending s.
22 633.547, F.S.; providing for disciplinary
23 action; amending s. 633.702, F.S.; providing a
24 criminal penalty for intentionally or willfully
25 installing, servicing, testing, repairing,
26 improving, or inspecting a fire alarm system
27 unless the person who performs those acts has
28 certain qualifications or is exempt under s.
29 489.503, F.S.; amending ch. 2000-141, Laws of
30 Florida; providing for removal of outdated
31 wind-protection standards from the Florida

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1 Building Code; providing for an update of the
2 code's wind-protection standards; providing an
3 appropriation; providing for incorporation in
4 the Florida Building Code of the repeal of a
5 design option relating to internal pressure for
6 buildings within the windborne debris region;
7 requiring the Florida Building Commission to
8 make recommendations to the Legislature;
9 repealing s. 553.851, F.S., relating to the
10 protection of underground gas pipelines;
11 providing that a local government must act upon
12 certain permit applications within a specified
13 time or the permits are automatically deemed
14 approved; providing for an extension; providing
15 an effective date.

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