

Bill No. CS for SB 442

Barcode 934372

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (Geller) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. 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.--

(3) Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of

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1 administering the programs set forth in this subsection in  
 2 accordance with established policy and procedures. The  
 3 administrative entity working with the advisory council set up  
 4 under subsection~~(6)(5)~~ shall develop a list of mobile home  
 5 parks and counties that may be eligible to participate in the  
 6 tie-down program.

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

21       (5) Fifteen percent of the total appropriation in  
 22 paragraph (2)(a) shall be used for education awareness  
 23 concerning the Florida Building Code and the operation of the  
 24 disaster contractors network. Not more than 30 days after the  
 25 effective date of each subsequent appropriation, the  
 26 Department of Community Affairs shall contract with a  
 27 nonprofit tax-exempt entity having prior contracting  
 28 experience with building code training, development, and  
 29 coordination and whose membership is representative of all of  
 30 the statewide construction and design licensee associations.  
 31 The entity shall allocate 20 percent of these resources to the

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1 disaster contractors network for the education of the  
2 construction industry and hurricane response if needed to  
3 coordinate the industry in the event of a natural disaster.  
4 The entity shall allocate 20 percent of these resources to the  
5 largest residential construction trade show in the state for  
6 the education of the residential construction industry on  
7 building code and mitigation issues. The remaining resources  
8 shall be used by the entity for outreach building code  
9 activities after consultation with the building code program  
10 under the Florida Building Commission as provided for in s.  
11 553.841.

12 Section 2. Paragraph (i) of subsection (1) of section  
13 468.621, Florida Statutes, is amended, and paragraph (j) is  
14 added to that subsection, to read:

15 468.621 Disciplinary proceedings.--

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

18 (i) Failing to lawfully execute the duties and  
19 responsibilities specified in this part and ss. 553.73,  
20 553.781, ~~and~~ 553.79, and 553.791.

21 (j) Imposing construction requirements that vary from  
22 those established in the Florida Building Code, lawful  
23 amendments to the Florida Building Code, or binding  
24 interpretations of the Florida Building Code.

25 Section 3. Paragraph (a) of subsection (3) of section  
26 489.537, Florida Statutes, is amended to read:

27 489.537 Application of this part.--

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

30 (a) To regulate the quality and character of work  
31 performed by contractors through a system of permits, fees,

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1 and inspections which is designed to secure compliance with,  
 2 and aid in the implementation of, state and local building  
 3 laws or to enforce other local laws for the protection of the  
 4 public health and safety. However, a certified alarm system  
 5 contractor or certified electrical contractor is not subject  
 6 to any additional certification or licensure requirements that  
 7 are not required by this part.

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

10 553.37 Rules; inspections; and insignia.--

11 (3) All manufactured buildings issued and bearing  
 12 insignia of approval pursuant to subsection (2) shall be  
 13 deemed to comply with the Florida Building Code and are exempt  
 14 from local amendments enacted by any local government. Lawn  
 15 storage buildings and storage sheds bearing the insignia of  
 16 approval of the department are not subject to s. 553.842 and  
 17 may be delivered and installed without need of a contractor's  
 18 license or specialty license.

19 Section 5. Subsection (2), paragraph (c) of subsection  
 20 (4), subsection (6), and paragraphs (a) and (c) of subsection  
 21 (7) of section 553.73, Florida Statutes, are amended, and  
 22 subsection (12) is added to that section, to read:

23 553.73 Florida Building Code.--

24 (2) The Florida Building Code shall contain provisions  
 25 or requirements for public and private buildings, structures,  
 26 and facilities relative to structural, mechanical, electrical,  
 27 plumbing, energy, and gas systems, existing buildings,  
 28 historical buildings, manufactured buildings, elevators,  
 29 coastal construction, lodging facilities, food sales and food  
 30 service facilities, health care facilities, including assisted  
 31 living facilities, adult day care facilities, and facilities

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1 for the control of radiation hazards, public or private  
2 educational facilities, swimming pools, and correctional  
3 facilities and enforcement of and compliance with such  
4 provisions or requirements. Further, the Florida Building Code  
5 must provide for uniform implementation of ss. 515.25, 515.27,  
6 and 515.29 by including standards and criteria for residential  
7 swimming pool barriers, pool covers, latching devices, door  
8 and window exit alarms, and other equipment required therein,  
9 which are consistent with the intent of s. 515.23. With  
10 respect to the exit alarm provision from all doors and windows  
11 providing direct access from the home to the pool, as  
12 specified in ss. 515.25(4) and 515.27(1), such an alarm must  
13 be of the battery-powered, hard-wired, or plug-in type.

14 Technical provisions to be contained within the Florida  
15 Building Code are restricted to requirements related to the  
16 types of materials used and construction methods and standards  
17 employed in order to meet criteria specified in the Florida  
18 Building Code. Provisions relating to the personnel,  
19 supervision or training of personnel, or any other  
20 professional qualification requirements relating to  
21 contractors or their workforce may not be included within the  
22 Florida Building Code, and subsections (4), (5), (6), and (7)  
23 are not to be construed to allow the inclusion of such  
24 provisions within the Florida Building Code by amendment. This  
25 restriction applies to both initial development and amendment  
26 of the Florida Building Code.

27 (4)

28 (c) Any amendment adopted by a local enforcing agency  
29 pursuant to this subsection shall not apply to state or school  
30 district owned buildings, manufactured buildings or  
31 factory-built school buildings approved by the commission, or

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1 prototype buildings approved pursuant to s. 553.77~~(3)(5)~~. The  
2 respective responsible entities shall consider the physical  
3 performance parameters substantiating such amendments when  
4 designing, specifying, and constructing such exempt buildings.

5       (6)(a) The commission, by rule adopted pursuant to ss.  
6 120.536(1) and 120.54, shall update the Florida Building Code  
7 every 3 years. When updating the Florida Building Code, the  
8 commission shall select the most current version of the  
9 International Building Code, the International Fuel Gas Code,  
10 the International Mechanical Code, the International Plumbing  
11 Code, the International Residential Code, and the National  
12 Electrical Code, all of which are adopted by the International  
13 Code Council, to form the foundation codes of the updated  
14 Florida Building Code, if the version has been adopted by the  
15 International Code Council and made available to the public at  
16 least 6 months prior to its selection by the commission.

17       (b) Codes regarding noise contour lines shall be  
18 reviewed annually, and the most current federal guidelines  
19 shall be adopted.

20       (c) The commission may modify any portion of the  
21 foundation codes only as needed to accommodate the specific  
22 needs of this state. Standards or criteria referenced by such  
23 codes shall be incorporated by reference. If a referenced  
24 standard or criterion requires amplification or modification  
25 to be appropriate for use in this state, only the  
26 amplification or modification shall be set forth in the  
27 Florida Building Code. The commission may approve technical  
28 amendments to the updated Florida Building Code after the  
29 amendments have been subject to the conditions set forth in  
30 paragraphs (3)(a)-(d). Amendments to the foundation codes  
31 which are adopted in accordance with this subsection shall be

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1 clearly marked in printed versions of the Florida Building  
2 Code so that the fact that the provisions are Florida-specific  
3 amendments to the foundation codes is readily apparent.  
4 ~~consider changes made by the adopting entity of any selected~~  
5 ~~model code for any model code incorporated into the Florida~~  
6 ~~Building Code, and may subsequently adopt the new edition or~~  
7 ~~successor of the model code or any part of such code, no~~  
8 ~~sooner than 6 months after such model code has been adopted by~~  
9 ~~the adopting organization, which may then be modified for this~~  
10 ~~state as provided in this section, and~~

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

27       (e) A rule updating the Florida Building Code in  
28 accordance with this subsection shall take effect no sooner  
29 than 6 months after publication of the updated code. Any  
30 amendment to the Florida Building Code which is adopted upon a  
31 finding by the commission that the amendment is necessary to

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1 protect the public from immediate threat of harm takes effect  
2 immediately.

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

6 1. Is needed in order to accommodate the specific  
7 needs of this state.

8 ~~2.1.~~ Has a reasonable and substantial connection with  
9 the health, safety, and welfare of the general public.

10 ~~3.2.~~ Strengthens or improves the Florida Building  
11 Code, or in the case of innovation or new technology, will  
12 provide equivalent or better products or methods or systems of  
13 construction.

14 ~~4.3.~~ Does not discriminate against materials,  
15 products, methods, or systems of construction of demonstrated  
16 capabilities.

17 ~~5.4.~~ Does not degrade the effectiveness of the Florida  
18 Building Code.

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



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1           (c) The commission may not approve any proposed  
2 amendment that does not accurately and completely address all  
3 requirements for amendment which are set forth in this  
4 section. The commission shall require all proposed amendments  
5 and information submitted with proposed amendments to be  
6 reviewed by commission staff prior to consideration by any  
7 technical advisory committee. These reviews shall be for  
8 sufficiency only and are not intended to be qualitative in  
9 nature. Staff members shall reject any proposed amendment that  
10 fails to include a fiscal impact statement providing  
11 information responsive to all criteria identified. Proposed  
12 amendments rejected by members of the staff may not be  
13 considered by the commission or any technical advisory  
14 committee.

15           (12) Notwithstanding any other provision of this  
16 section, the permitted standards and conditions for unvented  
17 conditioned attic assemblies in the International Residential  
18 Code are incorporated by reference as an authorized  
19 alternative in the Florida Building Code. The commission shall  
20 incorporate such permitted standards and conditions in the  
21 Florida Building Code by rule as provided in this section.  
22 However, the effectiveness of such permitted standards and  
23 conditions shall not be delayed in adopting pending rules.  
24 This subsection is repealed upon the adoption of such  
25 permitted standards and conditions by rule as an authorized  
26 alternative in the Florida Building Code.

27           (13) For type "S" buildings, as defined in the Florida  
28 Building Code, all space under mezzanines, both enclosed and  
29 not enclosed, shall be included in the determination of the  
30 size of the room or space in which the mezzanine is located. A  
31 mezzanine may not exceed one-third of the room or space in

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1 which it is located. The fee owner or the fee owner's  
 2 architect may elect, but may not be required by rule or  
 3 action, to have mezzanines that are less than one-third of the  
 4 room or space in which they are located. The requirements of  
 5 this subsection apply retroactively to January 1, 2001.

6 (14) Travel distance from all floor areas, including  
 7 the most remote point of the mezzanine shall comply with Table  
 8 1004 of the Florida Building Code, chapter 10, s. 1005, Table  
 9 1004. A single unenclosed stair is permitted for mezzanines if  
 10 the criteria of the Florida Building Code, chapter 10, s.  
 11 1005.7.1 and Table 1005.7 travel distance is not exceed from  
 12 the most remote point of the mezzanine to a point where there  
 13 is a choice of more than one means of egress and the limits of  
 14 Table 1004 are met. The requirements of this subsection shall  
 15 take effect upon this act becoming law.

16 Section 6. Section 553.77, Florida Statutes, is  
 17 amended to read:

18 553.77 Specific powers of the commission.--

19 (1) The commission shall:

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

22 (b) Make a continual study of the operation of the  
 23 Florida Building Code and other laws relating to the design,  
 24 construction, erection, alteration, modification, repair, or  
 25 demolition of public or private buildings, structures, and  
 26 facilities, including manufactured buildings, and code  
 27 enforcement, to ascertain their effect upon the cost of  
 28 building construction and determine the effectiveness of their  
 29 provisions. Upon updating the Florida Building Code every 3  
 30 years, the commission shall review existing provisions of law  
 31 and make recommendations to the Legislature for the next

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

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

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

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

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

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

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

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

28           ~~2. All appeals shall be heard in the county of the~~  
29 ~~jurisdiction defending the appeal.~~

30           ~~3. Hearings shall be conducted pursuant to chapter 120~~  
31 ~~and the uniform rules of procedure, and decisions of the~~

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1 ~~commission are subject to judicial review pursuant to s.~~  
2 ~~120.68.~~

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

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

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

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

30       ~~(i)(l)~~ Maintain a list of interested parties for  
31 noticing rulemaking workshops and hearings, disseminating

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1 information on code adoption, revisions, amendments, and all  
2 other such actions which are the responsibility of the  
3 commission.

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

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

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

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

28 ~~(3)~~ The commission may designate a commission member  
29 with demonstrated expertise in interpreting building plans to  
30 attend each meeting of the advisory council created in s.  
31 553.512. The commission member may vary from meeting to

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1 ~~meeting, shall serve on the council in a nonvoting capacity,~~  
2 ~~and shall receive per diem and expenses as provided in s.~~  
3 ~~553.74(3).~~

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

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

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1           ~~(4)(6)~~ The commission may produce and distribute a  
 2 commentary document to accompany the Florida Building Code.  
 3 The commentary must be limited in effect to providing  
 4 technical assistance and must not have the effect of binding  
 5 interpretations of the code document itself.

6           (5) If a member of the commission has a present or  
 7 potential personal or financial interest in the outcome of a  
 8 vote or other action of the commission, the member shall  
 9 abstain from voting or taking action on the matter.

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

26           Section 7. Section 553.775, Florida Statutes, is  
 27 created to read:

28           553.775 Interpretations.--

29           (1) It is the intent of the Legislature that the  
 30 Florida Building Code be interpreted by building officials,  
 31 local enforcement agencies, and the commission in a manner



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1 that protects the public safety, health, and welfare at the  
2 most reasonable cost to the consumer by ensuring uniform  
3 interpretations throughout the state and by providing  
4 processes for resolving disputes regarding interpretations of  
5 the Florida Building Code which are just and expeditious.

6 (2) Local enforcement agencies, local building  
7 officials, state agencies, and the commission shall interpret  
8 provisions of the Florida Building Code in a manner that is  
9 consistent with declaratory statements and interpretations  
10 entered by the commission, except that conflicts between the  
11 Florida Fire Prevention Code and the Florida Building Code  
12 shall be resolved in accordance with s. 553.73(9)(c) and (d).

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

15 (a) Upon written application by any substantially  
16 affected person or state agency or by a local enforcement  
17 agency, the commission shall issue declaratory statements  
18 pursuant to s. 120.565 relating to the enforcement or  
19 administration by local governments of the Florida Building  
20 Code.

21 (b) When requested in writing by any substantially  
22 affected person or state agency or by a local enforcement  
23 agency, the commission shall issue a declaratory statement  
24 pursuant to s. 120.565 relating to this part and ss. 515.25,  
25 515.27, 515.29, and 515.37. Actions of the commission are  
26 subject to judicial review under s. 120.68.

27 (c) The commission shall review decisions of local  
28 building officials and local enforcement agencies regarding  
29 interpretations of the Florida Building Code after the local  
30 board of appeals has considered the decision, if such board  
31 exists, and if such appeals process is concluded within 10

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1 business days.

2       1. The commission shall coordinate with the Building  
3 Officials Association of Florida, Inc., to designate panels  
4 composed of five members to hear requests to review decisions  
5 of local building officials. The members must be licensed as  
6 building code administrators under part XII of chapter 468 and  
7 must have experience interpreting and enforcing provisions of  
8 the Florida Building Code.

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

21           a. The name and address of the county or municipality  
22 in which provisions of the Florida Building Code are being  
23 interpreted.

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

26           c. The name, address, and telephone number of the  
27 petitioner; the name, address, and telephone number of the  
28 petitioner's representative, if any; and an explanation of how  
29 the petitioner's substantial interests are being affected by  
30 the local interpretation of the Florida Building Code.

31           d. A statement of the provisions of the Florida

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1 Building Code which are being interpreted by the local  
2 building official.

3 e. A statement of the interpretation given to  
4 provisions of the Florida Building Code by the local building  
5 official and the manner in which the interpretation was  
6 rendered.

7 f. A statement of the interpretation that the  
8 petitioner contends should be given to the provisions of the  
9 Florida Building Code and a statement supporting the  
10 petitioner's interpretation.

11 g. Space for the local building official to respond in  
12 writing. The space shall, at a minimum, require the local  
13 building official to respond by providing a statement  
14 admitting or denying the statements contained in the petition  
15 and a statement of the interpretation of the provisions of the  
16 Florida Building Code which the local jurisdiction or the  
17 local building official contends is correct, including the  
18 basis for the interpretation.

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

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1           4. Upon receipt of a petition that meets the  
 2 requirements of subparagraph 2., the commission shall  
 3 immediately provide copies of the petition to a panel, and the  
 4 commission shall publish the petition, including any response  
 5 submitted by the local building official, on the Building Code  
 6 Information System in a manner that allows interested persons  
 7 to address the issues by posting comments.

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

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

31           7. Any substantially affected person may appeal an

1 interpretation rendered by a hearing officer panel by filing a  
 2 petition with the commission. Such appeals shall be initiated  
 3 in accordance with chapter 120 and the uniform rules of  
 4 procedure and must be filed within 30 days after publication  
 5 of the interpretation on the Building Code Information System  
 6 or in the Florida Administrative Weekly. Hearings shall be  
 7 conducted pursuant to chapter 120 and the uniform rules of  
 8 procedure. Decisions of the commission are subject to judicial  
 9 review pursuant to s. 120.68. The final order of the  
 10 commission is binding upon the parties and upon all  
 11 jurisdictions subject to the Florida Building Code.

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

15 9. In any review proceeding initiated in accordance  
 16 with this paragraph, including any proceeding initiated in  
 17 accordance with subparagraph 7., the fact that an owner or  
 18 builder has proceeded with construction may not be grounds for  
 19 determining an issue to be moot if the issue is one that is  
 20 likely to arise in the future.

21  
 22 This paragraph provides the exclusive remedy for addressing  
 23 requests to review local interpretations of the code and  
 24 appeals from review proceedings.

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

30 (e) Upon written application by any substantially  
 31 affected person, the commission shall issue a declaratory

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1 statement pursuant to s. 120.565 relating to an agency's  
 2 interpretation and enforcement of the specific provisions of  
 3 the Florida Building Code which the agency is authorized to  
 4 enforce. This subsection does not provide any powers, other  
 5 than advisory, to the commission with respect to any decision  
 6 of the State Fire Marshal made pursuant to chapter 633.

7       (f) The commission may designate a commission member  
 8 who has demonstrated expertise in interpreting building plans  
 9 to attend each meeting of the advisory council created in s.  
 10 553.512. The commission member may vary from meeting to  
 11 meeting, shall serve on the council in a nonvoting capacity,  
 12 and shall receive per diem and expenses as provided in s.  
 13 553.74(3).

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

30       (4) In order to administer this section, the  
 31 commission may adopt by rule and impose a fee that may not

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1 exceed \$50 for each request for a review or interpretation.

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

4 553.79 Permits; applications; issuance; inspections.--

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

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

26 553.791 Alternative plans review and inspection.--

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

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

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

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1           ~~1.2.~~ The plans reviewed by the private provider.

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

4           ~~3.4.~~ Any applicable fees.

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

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

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



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1 section, on a form to be adopted by the commission. This  
2 notice shall include the following information:

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

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

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

16  
17 I have elected to use one or more private providers to provide  
18 building code plans review and/or inspection services on the  
19 building or structure that is the subject of the enclosed  
20 permit application, as authorized by s. 553.791, Florida  
21 Statutes. I understand that the local building official may  
22 not review the plans submitted or perform the required  
23 building inspections to determine compliance with the  
24 applicable codes, except to the extent specified in said law.  
25 Instead, plans review and/or required building inspections  
26 will be performed by licensed or certified personnel  
27 identified in the application. The law requires minimum  
28 insurance requirements for such personnel, but I understand  
29 that I may require more insurance to protect my interests. By  
30 executing this form, I acknowledge that I have made inquiry  
31 regarding the competence of the licensed or certified

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

9  
 10 If the fee owner or the fee owner's contractor makes any  
 11 changes to the listed private providers or the services to be  
 12 provided by those private providers, the fee owner or the fee  
 13 owner's contractor shall, within 1 business day after any  
 14 change, update the notice to reflect such changes. In  
 15 addition, the fee owner or the fee owner's contractor shall  
 16 post at the project site, prior to the commencement of  
 17 construction and updated within 1 business day after any  
 18 change, on a form to be adopted by the commission, the name,  
 19 firm, address, telephone number, and facsimile number of each  
 20 private provider who is performing or will perform building  
 21 code inspection services, the type of service being performed,  
 22 and similar information for the primary contact of the private  
 23 provider on the project.

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

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1 written notice of the plan deficiencies within the prescribed  
2 30-day period, the permit application shall be deemed approved  
3 as a matter of law, and the permit shall be issued by the  
4 local building official on the next business day.

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

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

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

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

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

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

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

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

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

29 (b) A local enforcement agency, local building  
 30 official, or local government may establish, for private  
 31 providers and duly authorized representatives working within

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1 that jurisdiction, a system of registration to verify  
2 compliance with the licensure requirements of paragraph (1)(g)  
3 and the insurance requirements of subsection (15).

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

10 (15) A private provider may perform building code  
11 inspection services on a building project under this section  
12 only if the private provider maintains insurance for  
13 professional ~~and comprehensive general~~ liability covering with  
14 minimum policy limits of \$1 million per occurrence relating to  
15 all services performed as a private provider. Such insurance  
16 shall have minimum policy limits of \$1 million per occurrence  
17 and \$2 million in the aggregate for any project having a  
18 construction cost of \$5 million or less, \$2 million per  
19 occurrence and \$4 million in the aggregate for any project  
20 having a construction cost of over \$5 million but less than  
21 \$50 million, and \$5 million per occurrence and \$5 million in  
22 the aggregate for any project having a construction cost of  
23 \$50 million or more. For these purposes, the term  
24 "construction cost" means the total cost of building  
25 construction as stated in the building permit application. If  
26 the private provider chooses to secure claims-made coverage to  
27 fulfill this requirement, the private provider must also  
28 maintain, including tail coverage for a minimum of 5 years  
29 subsequent to the performance of building code inspection  
30 services. The insurance required under this subsection may be  
31 written only by an insurer that is authorized to do business

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1 in this state and has a minimum A.M. Best's rating of "A."  
 2 Before providing building code inspection services within a  
 3 local building official's jurisdiction, a private provider  
 4 must provide to the local building official a certificate of  
 5 insurance evidencing that the coverages required under this  
 6 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) of section  
 18 553.80, Florida Statutes, is amended, and subsections (7) and  
 19 (8) are added to that section, to read:

20           553.80 Enforcement.--

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

30           (d) Building plans approved pursuant to s.  
 31 553.77(3)(5) and state-approved manufactured buildings,

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1 including buildings manufactured and assembled offsite and not  
 2 intended for habitation, such as lawn storage buildings and  
 3 storage sheds, are exempt from local code enforcing agency  
 4 plan reviews except for provisions of the code relating to  
 5 erection, assembly, or construction at the site. Erection,  
 6 assembly, and construction at the site are subject to local  
 7 permitting and inspections.

8  
 9 The governing bodies of local governments may provide a  
 10 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
 11 and this section, for the enforcement of the provisions of  
 12 this part. Such fees shall be used solely for carrying out the  
 13 local government's responsibilities in enforcing the Florida  
 14 Building Code. The authority of state enforcing agencies to  
 15 set fees for enforcement shall be derived from authority  
 16 existing on July 1, 1998. However, nothing contained in this  
 17 subsection shall operate to limit such agencies from adjusting  
 18 their fee schedule in conformance with existing authority.

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



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1 structure for allowable activities shall relate to the level  
2 of service provided by the local government. Fees charged  
3 shall be consistently applied.

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

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

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

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

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

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

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

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1 purposes described in paragraph (a).

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

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

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

11 (17) FLORIDA BUILDING COMMISSION.--

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

18 Section 12. Section 553.841, Florida Statutes, is  
19 amended to read:

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

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

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

31 (2) There is created the Building Code Education and

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1 Outreach Council to coordinate, develop, and maintain  
2 education and outreach to ensure administration and  
3 enforcement of the Florida Building Code.

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

6 (a) Three representatives of the Florida Building  
7 Commission, selected by the commission;

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

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

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

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

16 (f) One representative of the Board of Architecture  
17 and Interior Design, selected by that board;

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

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

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

24  
25 Each member of the board shall be appointed to a 2-year term  
26 and may be reappointed at the discretion of the appointing  
27 body. A chair shall be elected by majority vote of the council  
28 and shall serve a term of 1 year.

29 (4) The Building Code Education and Outreach Council  
30 shall meet in Tallahassee no more than semiannually. The  
31 council may meet more often but not more than monthly, and

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1 such additional meetings may be by telephone conference call.  
 2 Travel costs, if any, shall be borne by the respective  
 3 appointing entity. The Department of Community Affairs may  
 4 contract with an entity that has previous experience with  
 5 building code training, development, and coordination to  
 6 provide administrative support for the council.

7 (5) The Building Code Education and Outreach Council  
 8 shall:

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

11 (b) Administer the provisions of this section.

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

14 (d) Review all proposed subjects for advanced courses  
 15 concerning the Florida Building Code and recommend to the  
 16 commission any related subjects that should be approved for  
 17 advanced courses.

18 (6) The Building Code Education and Outreach Council  
 19 shall develop or cause to be developed:

20 (a) A core curriculum that is prerequisite to the  
 21 advanced module coursework.

22 (b) Advanced modules designed for use by each  
 23 profession.

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

30 (7) The core curriculum shall cover the information  
 31 required to have all categories of participants appropriately

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

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

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

27       (10) The commission shall consider and approve or  
 28 reject the recommendations made by the council for subjects  
 29 for education and outreach concerning the Florida Building  
 30 Code. Any rejection must be made with specificity and must be  
 31 communicated to the council.

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

7           Section 13. Section 553.8413, Florida Statutes, is  
8 repealed.

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

12           553.842 Product evaluation and approval.--

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

23           (4) ~~By October 1, 2003,~~ Products or methods or systems  
24 of construction requiring approval under s. 553.77 must be  
25 approved by one of the methods established in subsection (5)  
26 or subsection (6) before their use in construction in this  
27 state. Products may be approved ~~either~~ by the commission for  
28 statewide use, ~~or by a local building department for use in~~  
29 ~~that department's jurisdiction only.~~ Notwithstanding a local  
30 government's authority to amend the Florida Building Code as  
31 provided in this act, statewide approval shall preclude local

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1 | jurisdictions from requiring further testing, evaluation, or  
2 | submission of other evidence as a condition of using the  
3 | product so long as the product is being used consistent with  
4 | the conditions of its approval.

5 | ~~(5) Local approval of products or methods or systems~~  
6 | ~~of construction may be achieved by the local building official~~  
7 | ~~through building plans review and inspection to determine that~~  
8 | ~~the product, method, or system of construction complies with~~  
9 | ~~the prescriptive standards established in the code.~~

10 | ~~Alternatively, local approval may be achieved by one of the~~  
11 | ~~methods established in subsection (6).~~

12 | ~~(5)(6)~~ Statewide ~~or local~~ approval of products,  
13 | methods, or systems of construction may be achieved by one of  
14 | the following methods. One of these methods must be used by  
15 | ~~local officials~~ or the commission to approve the following  
16 | categories of products: panel walls, exterior doors, roofing,  
17 | skylights, windows, shutters, and structural components as  
18 | established by the commission by rule.

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

- 28 | 1. A certification mark or listing of an approved
- 29 | certification agency;
- 30 | 2. A test report from an approved testing laboratory;
- 31 | 3. A product evaluation report based upon testing or

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1 comparative or rational analysis, or a combination thereof,  
2 from an approved product evaluation entity; or

3 4. 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.

7

8 A product evaluation report or a certification mark or listing  
9 of an approved certification agency which demonstrates that  
10 the product or method or system of construction complies with  
11 the Florida Building Code for the purpose intended shall be  
12 equivalent to a test report and test procedure as referenced  
13 in the Florida Building Code.

14 (b) Products, methods, or systems of construction for  
15 which there are no specific standardized testing or  
16 comparative or rational analysis methods established in the  
17 code may be approved by submittal and validation of one of the  
18 following:

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

27 2. A product evaluation report based upon testing or  
28 comparative or rational analysis, or a combination thereof,  
29 developed and signed and sealed by a professional engineer or  
30 architect, licensed in this state, who certifies that the  
31 product or method or system of construction is, for the



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

3 ~~(6)(7)~~ The commission shall ensure that product  
4 manufacturers that obtain statewide product approval operate  
5 quality assurance programs for all approved products. The  
6 commission shall adopt by rule criteria for operation of the  
7 quality assurance programs.

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

22 ~~(8)(9)~~ The commission may adopt rules to approve the  
23 following types of entities that produce information on which  
24 product approvals are based. All of the following entities,  
25 including engineers and architects, must comply with a  
26 nationally recognized standard demonstrating independence or  
27 no conflict of interest:

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

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

8 ~~(16) The commission shall establish a schedule for~~  
 9 ~~adoption of the rules required in this section to ensure that~~  
 10 ~~the product manufacturing industry has sufficient time to~~  
 11 ~~revise products to meet the requirements for approval and~~  
 12 ~~submit them for testing or evaluation before the system takes~~  
 13 ~~effect on October 1, 2003, and to ensure that the availability~~  
 14 ~~of statewide approval is not delayed.~~

15 Section 15. Section 633.026, Florida Statutes, is  
 16 created to read:

17 633.026 Informal interpretations of the Florida Fire  
 18 Prevention Code.--The Division of State Fire Marshal shall by  
 19 rule establish an informal process of rendering nonbinding  
 20 interpretations of the Florida Fire Prevention Code. The  
 21 Division of State Fire Marshal may contract with and refer  
 22 interpretive issues to a nonprofit organization that has  
 23 experience in fire safety and control issues. The Division of  
 24 State Fire Marshal shall immediately implement the process  
 25 prior to the completion of formal rulemaking. It is the intent  
 26 of the Legislature that the Division of State Fire Marshal  
 27 create a process to refer questions to a small group of  
 28 individuals certified under s. 633.081(2), to which a party  
 29 can pose questions regarding the interpretation of code  
 30 provisions. It is the intent of the Legislature that the  
 31 process provide for the expeditious resolution of the issues

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1 presented and publication of the resulting interpretation on  
 2 the website of the Division of State Fire Marshal. It is the  
 3 intent of the Legislature that this program be similar to the  
 4 program established by the Florida Building Commission in s.  
 5 553.77(7). Such interpretations shall be advisory only and  
 6 nonbinding on the parties or the State Fire Marshal. This  
 7 program shall be funded from the Insurance Regulatory Trust  
 8 Fund.

9 Section 16. Local product approval.--

10 (1) For local product approval, products or systems of  
 11 construction shall demonstrate compliance with the structural  
 12 windload requirements of the Florida Building Code through one  
 13 of the following methods:

14 (a) A certification mark, listing, or label from a  
 15 commission-approved certification agency indicating that the  
 16 product complies with the code;

17 (b) A test report from a commission-approved testing  
 18 laboratory indicating that the product tested complies with  
 19 the code;

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

24 (d) A product-evaluation report or certification based  
 25 upon testing or comparative or rational analysis, or a  
 26 combination thereof, developed and signed and sealed by a  
 27 Florida professional engineer or Florida registered architect,  
 28 which indicates that the product complies with the code; or

29 (e) A statewide product approval issued by the Florida  
 30 Building Commission.

31 (2) For product-evaluation reports that indicate

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1 compliance with the code based upon a test report from an  
 2 approved testing laboratory and rational or comparative  
 3 analysis by a Florida registered architect or Florida  
 4 professional engineer, the testing laboratory or the  
 5 evaluating architect or engineer must certify independence  
 6 from the product manufacturer.

7       (3) Local building officials may accept modifications  
 8 to products or their installations if sufficient evidence is  
 9 submitted to the local building official to demonstrate  
 10 compliance with the code or the intent of the code, including  
 11 such evidence as certifications from a Florida registered  
 12 architect or Florida professional engineer.

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

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

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

23       (7) Approval shall be valid until such time as the  
 24 product changes and decreases in performance; the standards of  
 25 the code change, requiring increased performance; or the  
 26 approval is otherwise suspended or revoked. Changes to the  
 27 code do not void the approval of products previously installed  
 28 in existing buildings if such products met building code  
 29 requirements at the time the product was installed.

30       Section 17. Window or door coverings in essential  
 31 facilities; impact-resistance standards.--

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1       (1) Beginning July 1, 2005, the construction of a new  
 2 or retrofitted window or door covering in a facility that is  
 3 an essential facility as defined in ASTM Level E 1996-04,  
 4 paragraph 6.2.1.1. which construction is funded by a grant of  
 5 state or federal funds must meet the requirements of ASTM  
 6 Level E 1996-04 for impact protection.

7       (2) Installation of such construction must conform to  
 8 design drawings that are signed, sealed, and inspected by a  
 9 structural engineer who is registered in this state.

10       (3) If such construction is funded under the Hazardous  
 11 Mitigation Grant Program (HMGP), the Department of Community  
 12 Affairs shall advise the county, municipality, or other entity  
 13 applying for the HMGP funds that cost or price for the project  
 14 shall not be the sole criteria for selecting a vendor.

15       (4) As used in this section, the term "essential  
 16 facilities" means buildings and other structures designated as  
 17 essential facilities, including, but not limited to, hospitals  
 18 and other health care facilities that have surgery or  
 19 emergency-treatment facilities; fire, rescue, and police  
 20 stations and emergency-vehicle garages; designated emergency  
 21 shelters; communications centers and other facilities required  
 22 for emergency response; power generating stations and other  
 23 public-utility facilities required in an emergency; and  
 24 buildings and other structures that have critical national  
 25 defense functions.

26       Section 18. Notwithstanding any provision of the  
 27 Florida Building Code to the contrary, backflow prevention  
 28 assemblies must be inspected once every 5 years.

29       Section 19. Subsections (5), (14), and (18) of section  
 30 633.021, Florida Statutes, are amended to read:

31       633.021 Definitions.--As used in this chapter:

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

6           (b) "Contractor II" means a contractor whose business  
 7 is limited to the execution of contracts requiring the ability  
 8 to lay out, fabricate, install, inspect, alter, repair, and  
 9 service water sprinkler systems, water spray systems,  
 10 foam-water sprinkler systems, foam-water spray systems,  
 11 standpipes, combination standpipes and sprinkler risers, all  
 12 piping that is an integral part of the system beginning at the  
 13 point of service as defined in this section ~~where the piping~~  
 14 ~~is used exclusively for fire protection~~, sprinkler tank  
 15 heaters, air lines, thermal systems used in connection with  
 16 sprinklers, and tanks and pumps connected thereto, excluding  
 17 preengineered systems.

18           (c) "Contractor III" means a contractor whose business  
 19 is limited to the execution of contracts requiring the ability  
 20 to ~~lay out~~, fabricate, install, inspect, alter, repair, and  
 21 service CO<sub>2</sub> systems, foam extinguishing systems, dry  
 22 chemical systems, and Halon and other chemical systems,  
 23 excluding preengineered systems.

24           (d) "Contractor IV" means a contractor whose business  
 25 is limited to the execution of contracts requiring the ability  
 26 to lay out, fabricate, install, inspect, alter, repair, and  
 27 service automatic fire sprinkler systems for detached  
 28 one-family dwellings, detached two-family dwellings, and  
 29 mobile homes, excluding preengineered systems and excluding  
 30 single-family homes in cluster units, such as apartments,  
 31 condominiums, and assisted living facilities or any building

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1 that is connected to other dwellings.

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

10

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

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1 professional engineer.

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

10 (18) "Point-of-service" means the point at which the  
 11 underground piping for a fire protection ~~sprinkler~~ system as  
 12 defined in this section using water as the extinguishing agent  
 13 becomes used exclusively for the fire protection ~~sprinkler~~  
 14 system. ~~The point-of-service is designated by the engineer who~~  
 15 ~~sealed the plans for a system of 50 or more heads or by the~~  
 16 ~~contractor who designed the plans for a system of 49 or fewer~~  
 17 ~~heads.~~

18 Section 20. Subsection (11) is added to section  
 19 633.0215, Florida Statutes, to read:

20 633.0215 Florida Fire Prevention Code.--

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

25 Section 21. Subsection (3) is added to section  
 26 633.065, Florida Statutes, to read:

27 633.065 Requirements for installation, inspection, and  
 28 maintenance of fire suppression equipment.--

29 (3)(a) Each fire hydrant shall be tested in accordance  
 30 with National Fire Protection Standard 24, subsection 4-3.6,  
 31 and inspected and maintained in compliance with National Fire



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1 Protection Association Standard 25, Standard for the  
 2 Inspection, Testing, and Maintenance of Water-Based  
 3 Fire-Protection Systems, as set forth in the edition currently  
 4 adopted by the State Fire Marshal pursuant to its  
 5 code-adoption and standards-adoption authority under chapter  
 6 633. The owner of a fire hydrant is responsible for performing  
 7 the required testing, inspection, or maintenance of that fire  
 8 hydrant.

9       (b) The owner of a private fire hydrant shall cause  
 10 any repair or replacement indicated by an inspection to be  
 11 made within 30 days and shall maintain records of the repair  
 12 or replacement.

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

16       (d) Consistent with the provisions of s. 633.025(1),  
 17 the requirements of this subsection shall be deemed adopted by  
 18 each municipality, county, and special district having  
 19 firesafety responsibilities.

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

22       Section 22. Section 633.071, Florida Statutes, is  
 23 amended to read:

24       633.071 Standard service tag required on all fire  
 25 extinguishers and preengineered systems; serial number  
 26 required on all portable fire extinguishers; standard  
 27 inspection tags required on all fire protection systems.--

28       (1) The State Fire Marshal shall adopt by rule  
 29 specifications as to the size, shape, color, and information  
 30 and data contained thereon of service tags to be attached to  
 31 all fire extinguishers and preengineered systems required by

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1 statute or by rule, whether they be portable, stationary, or  
2 on wheels when they are placed in service, installed,  
3 serviced, repaired, tested, recharged, or inspected. Fire  
4 extinguishers may be tagged only after meeting all standards  
5 as set forth by this chapter, the standards of the National  
6 Fire Protection Association, and manufacturer's  
7 specifications. Preengineered systems may be tagged only after  
8 a system has been inspected, serviced, installed, repaired,  
9 tested, recharged, and hydrotested in compliance with this  
10 chapter, the standards of the National Fire Protection  
11 Association, and the manufacturer's specifications, and after  
12 a report, as specified by rule, has been completed in detail,  
13 indicating any and all deficiencies or deviations from the  
14 manufacturer's specifications and the standards of the  
15 National Fire Protection Association. A copy of the inspection  
16 report shall be provided to the owner at the time of  
17 inspection, and, if a system is found to be in violation of  
18 this chapter, the manufacturer's specifications, or the  
19 standards of the National Fire Protection Association, a copy  
20 shall be forwarded to the state or local authority having  
21 jurisdiction within 30 days from the date of service. It shall  
22 be unlawful to place in service, service, test, repair,  
23 inspect, install, hydrotest, or recharge any fire extinguisher  
24 or preengineered system without attaching one of these tags  
25 completed in detail, including the actual month work was  
26 performed, or to use a tag not meeting the specifications set  
27 forth by the State Fire Marshal.

28 (2) All portable fire extinguishers required by  
29 statute or by rule shall be listed by Underwriters  
30 Laboratories, Inc., or approved by Factory Mutual  
31 Laboratories, Inc., or listed by a nationally recognized

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1 testing laboratory in accordance with procedures adopted  
 2 pursuant to s. 633.083(2), and carry an Underwriters  
 3 Laboratories, Inc., or manufacturer's serial number. These  
 4 listings, approvals, and serial numbers may be stamped on the  
 5 manufacturer's identification and instructions plate or on a  
 6 separate Underwriters Laboratories, Inc., or Factory Mutual  
 7 Laboratories, Inc., plate soldered or attached to the  
 8 extinguisher shell in some permanent manner.

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

14       Section 23. Section 633.082, Florida Statutes, is  
 15 amended to read:

16       633.082 Inspection of fire control systems and fire  
 17 protection systems.--

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

22       (2) Fire protection systems installed in public and  
 23 private properties, except one-family or two-family dwellings,  
 24 in this state shall be inspected following procedures  
 25 established in the nationally recognized inspection, testing,  
 26 and maintenance standard NFPA-25 as set forth in the edition  
 27 adopted by the State Fire Marshal. Quarterly, annual, 3-year,  
 28 and 5-year inspections consistent with the contractual  
 29 provisions with the owner shall be conducted by the  
 30 certificateholder or permittees employed by the  
 31 certificateholder pursuant to s. 633.521.

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1       (3) The inspecting contractor shall provide to the  
2 building owner and the local authority having jurisdiction a  
3 copy of the inspection report established under s. 633.071(3).  
4 The maintenance of fire sprinkler systems as well as  
5 corrective actions on deficient systems is the responsibility  
6 of the property owner. This section does not prohibit  
7 governmental entities from inspecting and enforcing firesafety  
8 codes.

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

11           633.521 Certificate application and issuance; permit  
12 issuance; examination and investigation of applicant.--

13           (1) To obtain a certificate, an applicant shall submit  
14 to the State Fire Marshal an application in writing, on a form  
15 provided by the State Fire Marshal containing the information  
16 prescribed, which shall be accompanied by the fee fixed  
17 herein, containing a statement that the applicant desires the  
18 issuance of a certificate and stating the class of certificate  
19 requested.

20           (2)(a) Examinations shall be administered by the State  
21 Fire Marshal and held at times and places within the state as  
22 the State Fire Marshal determines, but there shall be at least  
23 two examinations a year. Each applicant shall take and pass  
24 an objective, written examination of her or his fitness for a  
25 certificate in the class for which the application is  
26 requested. There shall be a type of examination for each of  
27 the classes of certificates defined in s. 633.021(5). The  
28 examination shall test the applicant's ability to lay out,  
29 fabricate, install, alter, repair, and inspect fire protection  
30 systems and their appurtenances and shall test the applicant's  
31 fitness in business and financial management. The test shall

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1 be based on applicable standards of the National Fire  
2 Protection Association and on relevant Florida and federal  
3 laws pertaining to the construction industry, safety  
4 standards, administrative procedures, and pertinent technical  
5 data.

6 (b) A passing grade on the examination is 70 percent,  
7 and such examinations may be developed by an independent  
8 professional testing agency. The tests shall be prepared,  
9 administered, and scored in compliance with generally accepted  
10 professional testing standards.

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

13 (d) A reexamination may not be scheduled sooner than  
14 30 days after any administration of an examination to an  
15 applicant.

16 (e) An applicant may not be examined more than four  
17 times during 1 year for certification as a contractor pursuant  
18 to this section unless the person is or has been certified and  
19 is taking the examination to change classifications. If an  
20 applicant does not pass one or more parts of the examination,  
21 she or he may take any part of the examination three more  
22 times during the 1-year period beginning upon the date she or  
23 he originally filed an application to take the examination.  
24 If the applicant does not pass the examination within that  
25 1-year period, she or he must file a new application and pay  
26 the application and examination fees in order to take the  
27 examination or a part of the examination again. However, the  
28 applicant may not file a new application sooner than 6 months  
29 after the date of her or his last examination.

30 (3) As a prerequisite to taking the examination for  
31 certification as a Contractor I, Contractor II, or Contractor

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

30 (4) As a prerequisite to issuance of a certificate,  
31 the State Fire Marshal shall require the applicant to submit

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1 satisfactory evidence that she or he has obtained insurance  
2 providing coverage for comprehensive general liability for  
3 bodily injury and property damages, products liability,  
4 completed operations, and contractual liability. The State  
5 Fire Marshal may adopt rules providing for the amount of  
6 insurance, but such amount shall not be less than \$500,000 for  
7 a Contractor I, Contractor II, Contractor III, or Contractor V  
8 and shall not be less than \$250,000 for a Contractor IV. An  
9 insurer which provides such coverage shall notify within 30  
10 days the State Fire Marshal of any material change in coverage  
11 or any termination, cancellation, or nonrenewal of such  
12 coverage. An insurer which fails to so notify the State Fire  
13 Marshal's office shall be subject to the penalties provided  
14 under s. 624.4211.

15 (5) Upon satisfaction of the requirements of  
16 subsections (1), (2), (3), and (4), the certificate shall be  
17 issued forthwith. However, no certificate shall remain in  
18 effect if, after issuance, the certificateholder fails to  
19 maintain the insurance coverage required by this section.

20 (6) If an applicant for an original certificate, after  
21 having been notified to do so, does not appear for examination  
22 or does not pass the examination within 1 year from the date  
23 of filing her or his application, the fee paid by the  
24 applicant shall be forfeited. New applications for a  
25 certificate shall be accompanied by another application fee  
26 fixed by this chapter.

27 (7) The State Fire Marshal may, at any time subsequent  
28 to the issuance of the certificate or its renewal, require,  
29 upon demand and in no event more than 30 days after notice of  
30 the demand, the certificateholder to provide proof of  
31 insurance coverage on a form provided by the State Fire

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1 Marshal containing confirmation of insurance coverage as  
2 required by this chapter. Failure to provide proof of  
3 insurance coverage as required, for any length of time, shall  
4 result in the immediate suspension of the certificate until  
5 proof of insurance is provided to the State Fire Marshal.

6 (8) An individual employed by a Contractor I or  
7 Contractor II certificateholder, as established in this  
8 section, who will be inspecting water-based fire protection  
9 systems as required under s. 633.082, must be issued a permit  
10 by the State Fire Marshal to conduct such work. The permit is  
11 valid solely for use by the holder thereof in his or her  
12 employment by the certificateholder named in the permit. A  
13 permittee must have a valid and subsisting permit upon his or  
14 her person at all times while engaging in inspecting fire  
15 protection systems, and a permit holder must be able to produce  
16 such a permit upon demand. In addition, a permittee shall, at  
17 all times while performing inspections, carry an  
18 identification card containing his or her photograph and other  
19 identifying information as prescribed by the State Fire  
20 Marshal, and the permittee must produce the identification  
21 card and information upon demand. The permit and the  
22 identification may be one and the same. A permittee is limited  
23 as to the specific type of work performed, depending upon the  
24 class of certificate held by the certificateholder under whom  
25 the permittee is working. The permit class shall be known as a  
26 Water-Based Fire Protection Inspector whose permit allows the  
27 holder to inspect water sprinkler systems, water spray  
28 systems, foam-water sprinkler systems, foam-water spray  
29 systems, standpipes, combination standpipes and sprinkler  
30 systems, all piping that is an integral part of the system  
31 beginning at the point where the piping is used exclusively



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1 for fire protection, sprinkler tank heaters, air lines,  
2 thermal systems used in connection with sprinklers, and tanks  
3 and pumps connected thereto, excluding preengineered systems.

4  
5 It is the intent of the Legislature that the inspections and  
6 testing of automatic fire sprinkler systems for detached  
7 one-family dwellings, detached two-family dwellings, and  
8 mobile homes be accomplished by the owner, who is responsible  
9 for requesting service from a contractor when necessary. It is  
10 further intended that the NFPA-25 inspection of exposed  
11 underground piping supplying a fire protection system be  
12 conducted by a Contractor I or Contractor II.

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

25 Section 25. Section 633.524, Florida Statutes, is  
26 amended to read:

27 633.524 Certificate and permit fees; use and deposit  
28 of collected funds.--

29 (1) The initial application fee for each class of  
30 certificate shall be \$300. The biannual ~~biennial~~ renewal fee  
31 for each class of certificate shall be ~~\$150~~\$250. The initial

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1 application fee for the permit classification shall be \$100.  
 2 The biannual renewal fee for the permit classification shall  
 3 be \$50. The fee for certificates issued as duplicates or to  
 4 reflect a change of address is \$15 ~~shall be \$5 each~~. The fee  
 5 for each examination or reexamination for each class of  
 6 certificate ~~scheduled~~ shall be \$100.

7 (2) All moneys collected by the State Fire Marshal  
 8 pursuant to this chapter are hereby appropriated for the use  
 9 of the State Fire Marshal in the administration of this  
 10 chapter and shall be deposited in the Insurance Regulatory  
 11 Trust Fund.

12 Section 26. Subsection (4) is added to section  
 13 633.537, Florida Statutes, to read:

14 633.537 Certificate; expiration; renewal; inactive  
 15 certificate; continuing education.--

16 (4) The renewal period for the permit class is the  
 17 same as that of the employing certificateholder. The  
 18 continuing education requirements for permitholders shall be 8  
 19 contact hours by June 30, 2006. An additional 16 contact hours  
 20 of continuing education is required by June 30, 2008, and  
 21 during each biannual renewal period thereafter. The continuing  
 22 education curriculum from July 1, 2005, until July 1, 2008,  
 23 shall be the preparatory curriculum for NICET II  
 24 certification; after July 1, 2008, the technical curriculum is  
 25 at the discretion of the State Fire Marshal. It is the  
 26 responsibility of the permitholder to maintain NICET II  
 27 certification as a condition of permit renewal after July 1,  
 28 2008.

29 Section 27. Subsection (2) of section 633.539, Florida  
 30 Statutes, is amended to read:

31 633.539 Requirements for installation, inspection, and

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1 maintenance of fire protection systems.--

2           (2) Equipment shall be inspected, serviced, and  
3 maintained in accordance with the manufacturer's maintenance  
4 procedures and with applicable National Fire Protection  
5 Association standards. The inspection of fire protection  
6 systems shall be conducted by a certificateholder or holder of  
7 a permit issued by the State Fire Marshal. The permit holder  
8 may perform inspections on fire protection systems only while  
9 employed by the certificateholder. This section does not  
10 prohibit the authority having jurisdiction or insurance  
11 company representatives from reviewing the system in  
12 accordance with acceptable oversight standards.

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

24           (4) The Contractor V may install the cross-connection  
25 backflow prevention device as defined in this chapter on new  
26 installations and only when the specific backflow prevention  
27 device is included in the system hydraulic calculations. The  
28 retrofitting of a backflow device on an existing fire  
29 protection system will cause a reduction in available water  
30 pressure and probable system malfunction. The development of  
31 aboveground fire protection system hydraulic calculations is a

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1 task of the Contractor I and II, as defined in this chapter.  
 2 Accordingly, a Contractor V is expressly prohibited from  
 3 retrofitting cross-connection backflow prevention devices on  
 4 an existing fire protection system, and only a Contractor I or  
 5 Contractor II who is tasked to recalculate the system and take  
 6 corrective actions to ensure that the system will function  
 7 with the available water supply may retroactively install  
 8 these backflow devices on existing fire protection systems.

9 Section 28. Section 633.547, Florida Statutes, is  
 10 amended to read:

11 633.547 Disciplinary action; fire protection system  
 12 contractors; grounds for denial, nonrenewal, suspension, or  
 13 revocation of certificate or permit.--

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

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

20 (a) Violation of any provision of this chapter or of  
 21 any rule adopted pursuant thereto.

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

24 (c) Diversion of funds or property received for  
 25 prosecution or completion of a specified construction project  
 26 or operation when, as a result of the diversion, the  
 27 contractor is, or will be, unable to fulfill the terms of her  
 28 or his obligation or contract.

29 (d) Disciplinary action by any municipality or county,  
 30 which action shall be reviewed by the State Fire Marshal  
 31 before taking any disciplinary action.

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1 (e) Failure to supervise the installation of the fire  
2 protection system covered by the building permit signed by the  
3 contractor.

4 (f) Rendering a fire protection system, standpipe  
5 system, or underground water supply main connecting to the  
6 system inoperative except when the fire protection system,  
7 standpipe system, or underground water supply main is being  
8 inspected, serviced, tested, or repaired, or except pursuant  
9 to court order.

10 (g) Improperly servicing, repairing, testing, or  
11 inspecting a fire protection, standpipe system, or underground  
12 water supply main connecting to the system.

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

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

19 (j) Making a material misstatement, misrepresentation,  
20 or committing a fraud in obtaining or attempting to obtain a  
21 certificate.

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

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

27 (a) She or he may suspend the certificateholder for a  
28 period not to exceed 2 years from all operations as a  
29 contractor during the period fixed by the State Fire Marshal,  
30 but she or he may permit the certificateholder to complete any  
31 contracts then incomplete.

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

3 (4) During the suspension or revocation of the  
4 certificate, the former certificateholder shall not engage in  
5 or attempt to profess to engage in any transaction or business  
6 for which a certificate is required under this chapter or  
7 directly or indirectly own, control, or be employed in any  
8 manner by any firm or corporation for which a certificate  
9 under this chapter is required. The department shall not, so  
10 long as the revocation or suspension remains in effect, grant  
11 any new certificate for the establishment of any new firm,  
12 business, or corporation of any person that has or will have  
13 the same or similar management, ownership, control, or  
14 employees or that will use a same or similar name as a  
15 previously revoked or suspended firm, business, or  
16 corporation.

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

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

21 (b) Any firm or corporation if an officer, director,  
22 stockholder, owner, or person interested directly or  
23 indirectly has had his or her certificate under this chapter  
24 suspended or revoked.

25 (c) Any person who is or has been an officer,  
26 director, stockholder, or owner of a firm or corporation, or  
27 who was interested directly or indirectly in a corporation,  
28 the certificate of which has been suspended or revoked under  
29 this chapter.

30 (6) The lapse or suspension of a certificate by  
31 operation of law or by order of the State Fire Marshal or a

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1 court or its voluntary surrender by a certificateholder does  
2 not deprive the State Fire Marshal of jurisdiction to  
3 investigate or act in disciplinary proceedings against the  
4 certificateholder.

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

10 Section 29. (1) A person who owns a private fire  
11 hydrant must ensure that the hydrant is tested in accordance  
12 with National Fire Protection Association Standard 24,  
13 subsection 4-3.6, and that it is inspected and maintained in  
14 compliance with National Fire Protection Association Standard  
15 25, Standard for the Inspection, Testing, and Maintenance of  
16 Water-Based Fire Protection Systems, the edition currently  
17 adopted by the State Fire Marshal pursuant to its  
18 code-adoption and standards-adoption authority in chapter 633,  
19 Florida Statutes. A person who owns a private fire hydrant  
20 must produce, upon request of an authorized fire official, a  
21 valid and continuing maintenance contract with a plumbing  
22 contractor licensed under chapter 489, Florida Statutes, an  
23 underground utility contractor licensed under chapter 489,  
24 Florida Statutes, or, if the private hydrant is part of a fire  
25 suppression system, a fire protection contractor licensed  
26 under chapter 633, Florida Statutes.

27 (2) The fire department having jurisdiction over the  
28 subject property may contract with the owner to maintain the  
29 fire hydrant as required by the code, if the contract does not  
30 violate any other federal law or state or local code, statute,  
31 or ordinance.

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1       (3) A person who violates this section commits a  
 2 noncriminal violation, punishable by a fine not to exceed \$100  
 3 for a first offense or \$250 for each subsequent offense.

4           Section 30. Section 553.851, Florida Statutes, is  
 5 repealed.

6           Section 31. This act shall take effect July 1, 2005.

7  
 8

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

10 And the title is amended as follows:

11           Delete everything before the enacting clause

12

13 and insert:

14                               A bill to be entitled

15           An act relating to building safety; amending s.

16           215.559, F.S.; requiring that a specified

17           percentage of the funds appropriated under the

18           Hurricane Loss Mitigation Program be used for

19           education concerning the Florida Building Code

20           and for the operation of the disaster

21           contractors network; requiring the Department

22           of Community Affairs to contract with a

23           nonprofit tax-exempt entity for training,

24           development, and coordination; amending s.

25           468.621, F.S.; providing additional grounds for

26           which disciplinary actions may be taken against

27           building code enforcement officials; amending

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

29           system contractors and electrical contractors

30           may not be required by a municipality or county

31           to obtain additional certification or meet



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1 additional licensure requirements; amending s.  
2 553.37, F.S.; providing requirements for exit  
3 alarms; providing for the approval, delivery,  
4 and installation of lawn storage buildings and  
5 storage sheds; amending s. 553.73, F.S.;  
6 specifying certain codes from the International  
7 Code Congress and the International Code  
8 Council as foundation codes for the updated  
9 Florida Building Code; providing requirements  
10 for amendments to the foundation codes;  
11 providing for the incorporation of certain  
12 statements, decisions, and amendments into the  
13 Florida Building Code; providing a timeframe  
14 for rule updates to the Florida Building Code  
15 to become effective; adding a requirement for  
16 technical amendments to the Florida Building  
17 Code; providing requirements for the Florida  
18 Building Commission in reviewing code  
19 amendments; providing an exception;  
20 incorporating by reference certain standards  
21 for unvented conditioned attic assemblies;  
22 amending s. 553.77, F.S.; revising duties of  
23 the Florida Building Commission; authorizing  
24 local building departments or other entities to  
25 approve changes to an approved building plan;  
26 prohibiting a commission member from voting or  
27 taking action on matters of a personal or  
28 financial interest to the member; deleting  
29 requirements that the commission hear certain  
30 appeals and issue declaratory statements;  
31 creating s. 553.775, F.S.; providing

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

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1 with building work; amending s. 553.80, F.S.;  
2 authorizing local governments to impose certain  
3 fees for code enforcement; providing  
4 requirements and limitations; conforming a  
5 cross-reference; requiring the commission to  
6 expedite adoption and implementation of the  
7 existing state building code as part of the  
8 Florida Building Code pursuant to limited  
9 procedures; exempting certain buildings of the  
10 Department of Agriculture and Consumer Services  
11 from local permitting requirements, review, or  
12 fees; amending s. 120.80, F.S.; authorizing the  
13 Florida Building Commission to conduct  
14 proceedings to review decisions of local  
15 officials; amending s. 553.841, F.S.; revising  
16 provisions governing the Building Code Training  
17 Program; creating the Building Code Education  
18 and Outreach Council to coordinate, develop,  
19 and ensure enforcement of the Florida Building  
20 Code; providing for membership, terms of  
21 office, and meetings; providing duties of the  
22 council; requiring Building A Safer Florida,  
23 Inc., to provide administrative support for the  
24 council; requiring the council to develop a  
25 core curriculum and equivalency test for  
26 specified licensees; providing for the use of  
27 funds by the council; repealing s. 553.8413,  
28 F.S., relating to the Education Technical  
29 Advisory Committee; amending s. 553.842, F.S.;  
30 providing for products to be approved for  
31 statewide use; deleting an obsolete date;

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1 deleting a provision requiring the commission  
2 to adopt certain criteria for local program  
3 verification and validation by rule; providing  
4 for validation of certain products by  
5 inspection of the certification mark or  
6 listing; adding an evaluation entity to the  
7 list of entities specifically approved by the  
8 commission; deleting a requirement that the  
9 commission establish a schedule for adopting  
10 rules relating to product approvals under  
11 certain circumstances; creating s. 633.026,  
12 F.S.; requiring that the State Fire Marshal  
13 establish by rule a process for rendering  
14 nonbinding interpretations of the Florida Fire  
15 Prevention Code; authorizing the State Fire  
16 Marshal to enter into contracts and refer  
17 interpretations to a nonprofit organization;  
18 providing for the interpretations to be  
19 advisory; providing for funding the program  
20 from the Insurance Regulatory Trust Fund;  
21 providing requirements for local product  
22 approval of products or systems of  
23 construction; specifying methods for  
24 demonstrating compliance with the structural  
25 windload requirements of the Florida Building  
26 Code; providing for certification to be issued  
27 by a professional engineer or registered  
28 architect; providing for audits under a quality  
29 assurance program and other types of  
30 certification; providing that changes to the  
31 Florida Building Code do not void the approval

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1 of previously installed products; amending s.  
2 633.021, F.S.; redefining terms used in ch.  
3 633, F.S.; amending s. 633.0215, F.S.; revising  
4 provisions relating to the construction of  
5 townhouse stairs; amending s. 633.065, F.S.;  
6 providing additional requirements for  
7 inspection and maintenance of fire suppression  
8 equipment; amending s. 633.071, F.S.; requiring  
9 inspection tags to be attached to all fire  
10 protection systems; providing for the  
11 standardization of inspection tags and reports;  
12 amending s. 633.082, F.S.; requiring fire  
13 protection systems to be inspected in  
14 accordance with nationally accepted standards;  
15 amending s. 633.521, F.S.; establishing a  
16 permit classification for individuals who  
17 inspect fire protection systems; amending s.  
18 633.524, F.S.; establishing fees for various  
19 classes of permits; amending s. 633.537, F.S.;  
20 establishing continuing education requirements;  
21 amending s. 633.539, F.S.; requiring fire  
22 protection systems to be inspected, serviced,  
23 or maintained by a permitholder; establishing  
24 the scope of work criteria; amending s.  
25 633.547, F.S.; providing for disciplinary  
26 action; requiring owners of private fire  
27 hydrants to test hydrants in accordance with  
28 national standards and to contract with  
29 licensed professionals or local fire-control  
30 authorities to inspect and service such  
31 hydrants; authorizing local fire officials to

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1 contract with owners of private fire hydrants  
2 to maintain such hydrants; providing fines for  
3 noncompliance; repealing s. 553.851, F.S.,  
4 relating to the protection of underground gas  
5 pipelines; providing an effective date.

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