

1 for rule updates to the Florida Building Code
2 to become effective; adding a requirement for
3 technical amendments to the Florida Building
4 Code; providing requirements for the Florida
5 Building Commission in reviewing code
6 amendments; providing an exception;
7 incorporating by reference certain standards
8 for unvented conditioned attic assemblies;
9 amending s. 553.77, F.S.; revising duties of
10 the Florida Building Commission; authorizing
11 local building departments or other entities to
12 approve changes to an approved building plan;
13 providing that a member may abstain from voting
14 under certain circumstances; deleting
15 requirements that the commission hear certain
16 appeals and issue declaratory statements;
17 creating s. 553.775, F.S.; providing
18 legislative intent with respect to the
19 interpretation of the Florida Building Code;
20 providing for the commission to resolve
21 disputes regarding interpretations of the code;
22 requiring the commission to review decisions of
23 local building officials and local enforcement
24 agencies; providing for publication of an
25 interpretation on the Building Code Information
26 System and in the Florida Administrative
27 Weekly; authorizing the commission to adopt a
28 fee; amending s. 553.79, F.S.; exempting
29 truss-placement plans from certain
30 requirements; amending s. 553.791, F.S.;
31 clarifying a definition; expanding

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

1 | permitting requirements, review, or fees;
2 | amending s. 120.80, F.S.; authorizing the
3 | Florida Building Commission to conduct
4 | proceedings to review decisions of local
5 | officials; amending s. 553.841, F.S.; revising
6 | provisions governing the Building Code Training
7 | Program; creating the Building Code Education
8 | and Outreach Council to coordinate, develop,
9 | and ensure enforcement of the Florida Building
10 | Code; providing for membership, terms of
11 | office, and meetings; providing duties of the
12 | council; providing for administrative support
13 | for the council; requiring the council to
14 | develop a core curriculum and equivalency test
15 | for specified licensees; providing for the use
16 | of funds by the council; repealing s. 553.8413,
17 | F.S., relating to the Education Technical
18 | Advisory Committee; amending s. 553.842, F.S.;
19 | providing for products to be approved for
20 | statewide use; deleting an obsolete date;
21 | deleting a provision requiring the commission
22 | to adopt certain criteria for local program
23 | verification and validation by rule; adding an
24 | evaluation entity to the list of entities
25 | specifically approved by the commission;
26 | deleting a requirement that the commission
27 | establish a schedule for adopting rules
28 | relating to product approvals under certain
29 | circumstances; authorizing the commission to
30 | adopt rules relating to material standards;
31 | creating s. 633.026, F.S.; requiring that the

1 State Fire Marshal establish by rule a process
2 for rendering nonbinding interpretations of the
3 Florida Fire Prevention Code; authorizing the
4 State Fire Marshal to enter into contracts and
5 refer interpretations to a nonprofit
6 organization; providing for the interpretations
7 to be advisory; providing for funding the
8 program from the Insurance Regulatory Trust
9 Fund; providing requirements for local product
10 approval of products or systems of
11 construction; specifying methods for
12 demonstrating compliance with the structural
13 windload requirements of the Florida Building
14 Code; providing for certification to be issued
15 by a professional engineer or registered
16 architect; providing for audits under a quality
17 assurance program and other types of
18 certification; providing that changes to the
19 Florida Building Code do not void the approval
20 of previously installed products; providing for
21 guidelines for the mitigation grant program;
22 amending s. 633.021, F.S.; redefining terms
23 used in ch. 633, F.S.; amending s. 633.0215,
24 F.S.; revising provisions relating to the
25 construction of townhouse stairs; amending s.
26 633.065, F.S.; providing additional
27 requirements for inspection and maintenance of
28 fire suppression equipment; amending s.
29 633.071, F.S.; requiring inspection tags to be
30 attached to all fire protection systems;
31 providing for the standardization of inspection

1 tags and reports; amending s. 633.082, F.S. ;
2 requiring fire protection systems to be
3 inspected in accordance with nationally
4 accepted standards; amending s. 633.521, F.S. ;
5 establishing a permit classification for
6 individuals who inspect fire protection
7 systems; amending s. 633.524, F.S. ;
8 establishing fees for various classes of
9 permits; amending s. 633.537, F.S. ;
10 establishing continuing education requirements;
11 amending s. 633.539, F.S. ; requiring fire
12 protection systems to be inspected, serviced,
13 or maintained by a permitholder; establishing
14 the scope of work criteria; amending s.
15 633.547, F.S. ; providing for disciplinary
16 action; amending s. 633.702, F.S. ; providing a
17 criminal penalty for intentionally or willfully
18 installing, servicing, testing, repairing,
19 improving, or inspecting a fire alarm system
20 unless the person who performs those acts has
21 certain qualifications or is exempt under s.
22 489.503, F.S. ; amending ch. 2000-141, Laws of
23 Florida; providing for removal of outdated
24 wind-protection standards from the Florida
25 Building Code; providing for an update of the
26 code's wind-protection standards; providing an
27 appropriation; providing for incorporation in
28 the Florida Building Code of the repeal of a
29 design option relating to internal pressure for
30 buildings within the windborne debris region;
31 requiring the Florida Building Commission to

1 make recommendations to the Legislature;
2 repealing s. 553.851, F.S., relating to the
3 protection of underground gas pipelines;
4 providing that a local government must act upon
5 certain permit applications within a specified
6 time or the permits are automatically deemed
7 approved; providing for an extension; providing
8 an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (a) of subsection (2) and
13 subsections (3) and (4) of section 215.559, Florida Statutes,
14 are amended, present subsections (5), (6), and (7) of that
15 section are redesignated as subsections (6), (7), and (8),
16 respectively, and a new subsection (5) is added to that
17 section, to read:

18 215.559 Hurricane Loss Mitigation Program.--
19 (2)(a) Seven million dollars in funds provided in
20 subsection (1) shall be used for programs to improve the wind
21 resistance of residences and mobile homes, including loans,
22 subsidies, grants, demonstration projects, and direct
23 assistance; educating persons concerning the Florida Building
24 Code cooperative programs with local governments and the
25 Federal Government; and other efforts to prevent or reduce
26 losses or reduce the cost of rebuilding after a disaster.

27 (3) Forty percent of the total appropriation in
28 paragraph (2)(a) shall be used to inspect and improve
29 tie-downs for mobile homes. Within 30 days after the effective
30 date of that appropriation, the department shall contract with
31 a public higher educational institution in this state which

1 | has previous experience in administering the programs set
2 | forth in this subsection to serve as the administrative entity
3 | and fiscal agent pursuant to s. 216.346 for the purpose of
4 | administering the programs set forth in this subsection in
5 | accordance with established policy and procedures. The
6 | administrative entity working with the advisory council set up
7 | under subsection (5) shall develop a list of mobile home parks
8 | and counties that may be eligible to participate in the
9 | tie-down program.

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

24 | (5) Fifteen percent of the total appropriation in
25 | paragraph (2)(a) shall be used for education awareness
26 | concerning the Florida Building Code and the operation of the
27 | disaster contractors network. Not more than 30 days after the
28 | effective date of each subsequent appropriation, the
29 | Department of Community Affairs shall contract with a
30 | nonprofit tax-exempt entity having prior contracting
31 | experience with building code training, development, and

1 coordination and whose membership is representative of all of
2 the statewide construction and design licensee associations.
3 The entity shall allocate 20 percent of these resources to the
4 disaster contractors network for the education of the
5 construction industry and hurricane response if needed to
6 coordinate the industry in the event of a natural disaster.
7 The entity shall allocate 20 percent of these resources to the
8 largest residential construction trade show in the state for
9 the education of the residential construction industry on
10 building code and mitigation issues. The remaining resources
11 shall be used by the entity for outreach building code
12 activities after consultation with the building code program
13 under the Florida Building Commission as provided for in s.
14 553.841.

15 Section 2. Paragraph (i) of subsection (1) of section
16 468.621, Florida Statutes, is amended, and paragraph (j) is
17 added to that subsection, to read:

18 468.621 Disciplinary proceedings.--

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

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

24 (j) Violating or failing to comply with a valid rule
25 or lawful order of the Florida Building Commission adopted
26 under part IV of chapter 553.

27 Section 3. Paragraph (a) of subsection (3) of section
28 489.537, Florida Statutes, is amended to read:

29 489.537 Application of this part.--

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

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

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

12 553.37 Rules; inspections; and insignia.--

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

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

25 553.73 Florida Building Code.--

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

1 service facilities, health care facilities, including assisted
2 living facilities, adult day care facilities, and facilities
3 for the control of radiation hazards, public or private
4 educational facilities, swimming pools, and correctional
5 facilities and enforcement of and compliance with such
6 provisions or requirements. Further, the Florida Building Code
7 must provide for uniform implementation of ss. 515.25, 515.27,
8 and 515.29 by including standards and criteria for residential
9 swimming pool barriers, pool covers, latching devices, door
10 and window exit alarms, and other equipment required therein,
11 which are consistent with the intent of s. 515.23. With
12 respect to the exit alarm provision from all doors and windows
13 providing direct access from the home to the pool, as
14 specified in ss. 515.25(4) and 515.27(1), such an alarm must
15 be of the battery-powered, hard-wired, or plug-in type.
16 Technical provisions to be contained within the Florida
17 Building Code are restricted to requirements related to the
18 types of materials used and construction methods and standards
19 employed in order to meet criteria specified in the Florida
20 Building Code. Provisions relating to the personnel,
21 supervision or training of personnel, or any other
22 professional qualification requirements relating to
23 contractors or their workforce may not be included within the
24 Florida Building Code, and subsections (4), (5), (6), and (7)
25 are not to be construed to allow the inclusion of such
26 provisions within the Florida Building Code by amendment. This
27 restriction applies to both initial development and amendment
28 of the Florida Building Code.
29 (4)
30 (c) Any amendment adopted by a local enforcing agency
31 pursuant to this subsection shall not apply to state or school

1 district owned buildings, manufactured buildings or
2 factory-built school buildings approved by the commission, or
3 prototype buildings approved pursuant to s. 553.77~~(3)(5)~~. The
4 respective responsible entities shall consider the physical
5 performance parameters substantiating such amendments when
6 designing, specifying, and constructing such exempt buildings.

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

21 (b) Codes regarding noise contour lines shall be
22 reviewed annually, and the most current federal guidelines
23 shall be adopted.

24 (c) The commission may modify any portion of the
25 foundation codes only as needed to accommodate the specific
26 needs of this state. Standards or criteria referenced by such
27 codes shall be incorporated by reference. If a referenced
28 standard or criterion requires amplification or modification
29 to be appropriate for use in this state, only the
30 amplification or modification shall be set forth in the
31 Florida Building Code. The commission may approve technical

1 amendments to the updated Florida Building Code after the
2 amendments have been subject to the conditions set forth in
3 paragraphs (3)(a)-(d). Amendments to the foundation codes
4 which are adopted in accordance with this subsection shall be
5 clearly marked in printed versions of the Florida Building
6 Code so that the fact that the provisions are Florida-specific
7 amendments to the foundation codes is readily apparent.
8 ~~consider changes made by the adopting entity of any selected~~
9 ~~model code for any model code incorporated into the Florida~~
10 ~~Building Code, and may subsequently adopt the new edition or~~
11 ~~successor of the model code or any part of such code, no~~
12 ~~sooner than 6 months after such model code has been adopted by~~
13 ~~the adopting organization, which may then be modified for this~~
14 ~~state as provided in this section, and~~
15 (d) The commission shall further consider the
16 commission's own interpretations, declaratory statements,
17 appellate decisions, and approved statewide and local
18 technical amendments and shall incorporate such
19 interpretations, statements, decisions, and amendments into
20 the updated Florida Building Code only to the extent that they
21 are needed to modify the foundation codes to accommodate the
22 specific needs of the state. A change made by an institute or
23 standards organization to any standard or criterion that is
24 adopted by reference in the Florida Building Code does not
25 become effective statewide until it has been adopted by the
26 commission. Furthermore, the edition of the Florida Building
27 Code which is in effect on the date of application for any
28 permit authorized by the code governs the permitted work for
29 the life of the permit and any extension granted to the
30 permit.
31

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

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

11 1. Is needed in order to accommodate the specific
12 needs of this state.

13 ~~2.1.~~ Has a reasonable and substantial connection with
14 the health, safety, and welfare of the general public.

15 ~~3.2.~~ Strengthens or improves the Florida Building
16 Code, or in the case of innovation or new technology, will
17 provide equivalent or better products or methods or systems of
18 construction.

19 ~~4.3.~~ Does not discriminate against materials,
20 products, methods, or systems of construction of demonstrated
21 capabilities.

22 ~~5.4.~~ Does not degrade the effectiveness of the Florida
23 Building Code.

24
25 Furthermore, the Florida Building Commission may approve
26 technical amendments to the code once each year to incorporate
27 into the Florida Building Code its own interpretations of the
28 code which are embodied in its opinions, final orders, and
29 declaratory statements, and interpretations of hearing officer
30 panels under s. 553.775(3)(c), but shall do so only to the
31 extent that incorporation of interpretations is needed to

1 modify the foundation codes to accommodate the specific needs
2 of this state. Amendments approved under this paragraph shall
3 be adopted by rule pursuant to ss. 120.536(1) and 120.54,
4 after the amendments have been subjected to the provisions of
5 subsection (3).

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

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

1 (13) For type "S" buildings, as defined in the Florida
2 Building Code, all space under mezzanines, both enclosed and
3 not enclosed, shall be included in the determination of the
4 size of the room or space in which the mezzanine is located. A
5 mezzanine may not exceed one-third of the room or space in
6 which it is located. The fee owner or the fee owner's
7 architect may elect, but may not be required by rule or
8 action, to have mezzanines that are less than one-third of the
9 room or space in which they are located. The requirements of
10 this subsection apply retroactively to January 1, 2001.

11 (14) Travel distance from all floor areas, including
12 the most remote point of the mezzanine shall comply with Table
13 1004 of the Florida Building Code, chapter 10, s. 1005, Table
14 1004. A single unenclosed stair is permitted for mezzanines if
15 the criteria of the Florida Building Code, chapter 10, s.
16 1005.7.1 and Table 1005.7 travel distance is not exceed from
17 the most remote point of the mezzanine to a point where there
18 is a choice of more than one means of egress and the limits of
19 Table 1004 are met. The requirements of this subsection shall
20 take effect upon this act becoming law.

21 Section 6. Section 553.77, Florida Statutes, is
22 amended to read:

23 553.77 Specific powers of the commission.--

24 (1) The commission shall:

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

27 (b) Make a continual study of the operation of the
28 Florida Building Code and other laws relating to the design,
29 construction, erection, alteration, modification, repair, or
30 demolition of public or private buildings, structures, and
31 facilities, including manufactured buildings, and code

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

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

30 ~~(d) Upon written application by any substantially~~
31 ~~affected person, state agency, or a local enforcement agency,~~

1 ~~issue declaratory statements pursuant to s. 120.565 relating~~
2 ~~to the enforcement or administration by local governments of~~
3 ~~the Florida Building Code. Paragraph (h) provides the~~
4 ~~exclusive remedy for addressing local interpretations of the~~
5 ~~code.~~

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

12 ~~(d)(f)~~ Make recommendations to, and provide assistance
13 upon the request of, the Florida Commission on Human Relations
14 regarding rules relating to accessibility for persons with
15 disabilities.

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

24 ~~(h) Hear appeals of the decisions of local boards of~~
25 ~~appeal regarding interpretation decisions of local building~~
26 ~~officials, or if no local board exists, hear appeals of~~
27 ~~decisions of the building officials regarding interpretations~~
28 ~~of the code. For such appeals:~~

29 ~~1. Local decisions declaring structures to be unsafe~~
30 ~~and subject to repair or demolition shall not be appealable to~~
31

1 ~~the commission if the local governing body finds there is an~~
2 ~~immediate danger to the health and safety of its citizens.~~

3 ~~2. All appeals shall be heard in the county of the~~
4 ~~jurisdiction defending the appeal.~~

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

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

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

24 (h)(k) Establish and maintain a mutual aid program,
25 organized through the department, to provide an efficient
26 supply of various levels of code enforcement personnel, design
27 professionals, commercial property owners, and construction
28 industry individuals, to assist in the rebuilding effort in an
29 area which has been hit with disaster. The program shall
30 include provisions for:
31

1 1. Minimum postdisaster structural, electrical, and
2 plumbing inspections and procedures.

3 2. Emergency permitting and inspection procedures.

4 3. Establishing contact with emergency management
5 personnel and other state and federal agencies.

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

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

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

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

26 ~~(2) Upon written application by any substantially~~
27 ~~affected person, the commission shall issue a declaratory~~
28 ~~statement pursuant to s. 120.565 relating to a state agency's~~
29 ~~interpretation and enforcement of the specific provisions of~~
30 ~~the Florida Building Code the agency is authorized to enforce.~~
31 ~~The provisions of this subsection shall not be construed to~~

1 ~~provide any powers, other than advisory, to the commission~~
2 ~~with respect to any decision of the State Fire Marshal made~~
3 ~~pursuant to the provisions of chapter 633.~~

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

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

21 ~~(3)(5)~~ The commission may provide by rule for plans
22 review and approval of prototype buildings owned by public and
23 private entities to be replicated throughout the state. The
24 rule must allow for review and approval of plans and changes
25 to approved plans for prototype buildings to be performed by a
26 public or private entity with oversight by the commission. The
27 department may charge reasonable fees to cover the
28 administrative costs of the program. Such approved plans or
29 prototype buildings shall be exempt from further review
30 required by s. 553.79(2), except changes to the prototype
31 design, site plans, and other site-related items. Changes to

1 an approved plan may be approved by the local building
2 department or by the public or private entity that approved
3 the plan. As provided in s. 553.73, prototype buildings are
4 exempt from any locally adopted amendment to any part of the
5 Florida Building Code. Construction or erection of such
6 prototype buildings is subject to local permitting and
7 inspections pursuant to this part.

8 ~~(4)(6)~~ The commission may produce and distribute a
9 commentary document to accompany the Florida Building Code.
10 The commentary must be limited in effect to providing
11 technical assistance and must not have the effect of binding
12 interpretations of the code document itself.

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

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

17 Section 7. Section 553.775, Florida Statutes, is
18 created to read:

19 553.775 Interpretations.--

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

28 (2) Local enforcement agencies, local building
29 officials, state agencies, and the commission shall interpret
30 provisions of the Florida Building Code in a manner that is
31 consistent with declaratory statements and interpretations

1 entered by the commission, except that conflicts between the
2 Florida Fire Prevention Code and the Florida Building Code
3 shall be resolved in accordance with s. 553.73(9)(c) and (d).

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

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

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

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

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

31

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

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

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

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

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

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

30 f. A statement of the interpretation that the
31 petitioner contends should be given to the provisions of the

1 Florida Building Code and a statement supporting the
2 petitioner's interpretation.

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

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

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

31

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

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

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

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

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

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

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

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

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

31

1 (f) The commission may designate a commission member
2 who has demonstrated expertise in interpreting building plans
3 to attend each meeting of the advisory council created in s.
4 553.512. The commission member may vary from meeting to
5 meeting, shall serve on the council in a nonvoting capacity,
6 and shall receive per diem and expenses as provided in s.
7 553.74(3).

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

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

1 to the department that portion of the fee necessary to cover
2 the costs of the department.

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

5 553.79 Permits; applications; issuance; inspections.--

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

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

27 553.791 Alternative plans review and inspection.--

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

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

31

1 ~~1.~~ the requested building or construction permit,
2 including:-
3 ~~1.2.~~ The plans reviewed by the private provider.
4 ~~2.3.~~ The affidavit from the private provider required
5 pursuant to subsection (5).
6 ~~3.4.~~ Any applicable fees.
7 ~~4.5.~~ Any documents required by the local building
8 official to determine that the fee owner has secured all other
9 government approvals required by law.
10 (2) Notwithstanding any other provision of law or
11 local government ordinance or local policy, the fee owner of a
12 building or structure, or the fee owner's contractor upon
13 written authorization from the fee owner, may choose to use a
14 private provider to provide building code inspection services
15 with regard to such building or structure and may make payment
16 directly to the private provider for the provision of such
17 services. All such services shall be the subject of a written
18 contract between the private provider, or the private
19 provider's firm, and the fee owner. The fee owner may elect to
20 use a private provider to provide ~~either~~ plans review or
21 required building inspections, or both. However, if the fee
22 owner or the fee owner's contractor uses a private provider to
23 provide the plans review, the local building official, in his
24 or her discretion and pursuant to duly adopted policies of the
25 local enforcement agency, may require the fee owner or the fee
26 owner's contractor who desires to use a private provider ~~to~~
27 ~~use the private provider to provide both plans review and~~
28 required building inspection services.
29 (4) A fee owner or the fee owner's contractor using a
30 private provider to provide building code inspection services
31 shall notify the local building official at the time of permit

1 application, or no less than 7 business days prior to the
2 first scheduled inspection by the local building official or
3 building code enforcement agency for a private provider
4 performing required inspections of construction under this
5 section, on a form to be adopted by the commission. This

6 notice shall include the following information:

7 (a) The services to be performed by the private
8 provider.

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

18 (c) An acknowledgment from the fee owner in
19 substantially the following form:

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

1 insurance requirements for such personnel, but I understand
2 that I may require more insurance to protect my interests. By
3 executing this form, I acknowledge that I have made inquiry
4 regarding the competence of the licensed or certified
5 personnel and the level of their insurance and am satisfied
6 that my interests are adequately protected. I agree to
7 indemnify, defend, and hold harmless the local government, the
8 local building official, and their building code enforcement
9 personnel from any and all claims arising from my use of these
10 licensed or certified personnel to perform building code
11 inspection services with respect to the building that is the
12 subject of the enclosed permit application.

13

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

28 (6)(a) No more than ~~Within~~ 30 business days after
29 receipt of a permit application and the affidavit from the
30 private provider required pursuant to subsection (5), the
31 local building official shall issue the requested permit or

1 provide a written notice to the permit applicant identifying
2 the specific plan features that do not comply with the
3 applicable codes, as well as the specific code chapters and
4 sections. If the local building official does not provide a
5 written notice of the plan deficiencies within the prescribed
6 30-day period, the permit application shall be deemed approved
7 as a matter of law, and the permit shall be issued by the
8 local building official on the next business day.

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

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

1 provide a record of each inspection within 2 business days if
2 the record is posted at the project site and all such
3 inspection records are submitted with the certificate of
4 compliance. Records of all required and completed inspections
5 shall be maintained at the building site at all times and made
6 available for review by the local building official. The
7 private provider shall report to the local enforcement agency
8 any condition that poses an immediate threat to public safety
9 and welfare.

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

28 (12) If the local building official determines that
29 the building construction or plans do not comply with the
30 applicable codes, the official may deny the permit or request
31 for a certificate of occupancy or certificate of completion,

1 as appropriate, or may issue a stop-work order for the project
2 or any portion thereof as provided by law, if the official
3 determines that such noncompliance poses a threat to public
4 safety and welfare, subject to the following:

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

10 (b) If the local building official and private
11 provider are unable to resolve the dispute, the matter shall
12 be referred to the local enforcement agency's board of
13 appeals, if one exists, which shall consider the matter at its
14 next scheduled meeting or sooner. Any decisions by the local
15 enforcement agency's board of appeals, or local building
16 official if there is no board of appeals, may be appealed to
17 the commission as provided by this chapter ~~pursuant to s.~~
18 ~~553.77(1)(h)~~.

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

29 (14)(a) No local enforcement agency, local building
30 official, or local government may adopt or enforce any laws,
31

1 rules, procedures, policies, qualifications, or standards more
2 stringent than those prescribed by this section.

3 (b) A local enforcement agency, local building
4 official, or local government may establish, for private
5 providers and duly authorized representatives working within
6 that jurisdiction, a system of registration to verify
7 compliance with the licensure requirements of paragraph (1)(g)
8 and the insurance requirements of subsection (15).

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

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

1 ~~provider must also maintain, including tail~~ coverage for a
2 minimum of 5 years subsequent to the performance of building
3 code inspection services. The insurance required under this
4 subsection may be written only by an insurer that is
5 authorized to do business in this state and has a minimum A.M.
6 Best's rating of "A." Before providing building code
7 inspection services within a local building official's
8 jurisdiction, a private provider must provide to the local
9 building official a certificate of insurance evidencing that
10 the coverages required under this subsection are in force.

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

21 Section 10. Paragraph (d) of subsection (1) and
22 subsection (6) of section 553.80, Florida Statutes, are
23 amended, and subsections (7) and (8) are added to that
24 section, to read:

25 553.80 Enforcement.--

26 (1) Except as provided in paragraphs (a)-(f), each
27 local government and each legally constituted enforcement
28 district with statutory authority shall regulate building
29 construction and, where authorized in the state agency's
30 enabling legislation, each state agency shall enforce the
31 Florida Building Code required by this part on all public or

1 private buildings, structures, and facilities, unless such
2 responsibility has been delegated to another unit of
3 government pursuant to s. 553.79(9).

4 (d) Building plans approved under ~~pursuant to~~ s.
5 553.77(3)(5) and state-approved manufactured buildings,
6 including buildings manufactured and assembled offsite and not
7 intended for habitation, such as lawn storage buildings and
8 storage sheds, are exempt from local code enforcing agency
9 plan reviews except for provisions of the code relating to
10 erection, assembly, or construction at the site. Erection,
11 assembly, and construction at the site are subject to local
12 permitting and inspections. Lawn storage buildings and storage
13 sheds bearing the insignia of approval of the department are
14 not subject to s. 553.842. Such buildings that do not exceed
15 400 square feet may be delivered and installed without need of
16 a contractor's or specialty license.

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

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

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

21 2. In order to enforce building code compliance
22 independent of a county or municipality, a state university,
23 community college, or public school district may create a
24 board of adjustment and appeal to which a substantially
25 affected party may appeal an interpretation of the Florida
26 Building Code which relates to a specific project. The
27 decisions of this board, or, in its absence, the decision of
28 the building code administrator, may be reviewed under s.
29 553.775.

30
31

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

4 1. Fees charged by counties and municipalities for
5 enforcement of the Florida Building Code on buildings,
6 structures, and facilities of state universities, state
7 colleges, and public school districts ~~may shall~~ not be more
8 than the actual labor and administrative costs incurred for
9 plans review and inspections to ensure compliance with the
10 code.

11 2. Counties and municipalities shall expedite building
12 construction permitting, building plans review, and
13 inspections of projects of state universities, state community
14 colleges, and public school districts ~~that which~~ are subject
15 to the Florida Building Code according to guidelines
16 established by the Florida Building Commission.

17 3. A party substantially affected by an interpretation
18 of the Florida Building Code by the local government's code
19 enforcement offices may appeal the interpretation to the local
20 government's board of adjustment and appeal or to the
21 commission under s. 553.775 if no local board exists. The
22 decision of a local board is reviewable in accordance with s.
23 553.775.

24 (c) The Florida Building Commission and code
25 enforcement jurisdictions shall consider balancing code
26 criteria and enforcement to unique functions, where they
27 occur, of research institutions by application of performance
28 criteria in lieu of prescriptive criteria.

29 (d) School boards, community college boards, and state
30 universities may use annual facility maintenance permits to
31 facilitate routine maintenance, emergency repairs, building

1 refurbishment, and minor renovations of systems or equipment.
2 The amount expended for maintenance projects may not exceed
3 \$200,000 per project. A facility maintenance permit is valid
4 for 1 year. A detailed log of alterations and inspections must
5 be maintained and annually submitted to the building official.
6 The building official retains the right to make inspections at
7 the facility site as he or she considers necessary. Code
8 compliance must be provided upon notification by the building
9 official. If a pattern of code violations is found, the
10 building official may withhold the issuance of future annual
11 facility maintenance permits.

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

27 (7) The governing bodies of local governments may
28 provide a schedule of reasonable fees, as authorized by s.
29 125.56(2) or s. 166.222 and this section, for enforcing this
30 part. These fees, and any fines or investment earnings related
31 to the fees, shall be used solely for carrying out the local

1 government's responsibilities in enforcing the Florida
2 Building Code. When providing a schedule of reasonable fees,
3 the total estimated annual revenue derived from fees, and the
4 finances and investment earnings related to the fees, may not
5 exceed the total estimated annual costs of allowable
6 activities. Any unexpended balances shall be carried forward
7 to future years for allowable activities or shall be refunded
8 at the discretion of the local government. The basis for a fee
9 structure for allowable activities shall relate to the level
10 of service provided by the local government. Fees charged
11 shall be consistently applied.

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

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

24 1. Planning and zoning or other general government
25 activities.

26 2. Inspections of public buildings for a reduced fee
27 or no fee.

28 3. Public information requests, community functions,
29 boards, and any program not directly related to enforcement of
30 the Florida Building Code.

31

1 4. Enforcement and implementation of any other local
2 ordinance, excluding validly adopted local amendments to the
3 Florida Building Code and excluding any local ordinance
4 directly related to enforcing the Florida Building Code as
5 defined in paragraph (a).

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

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

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

18 120.80 Exceptions and special requirements;
19 agencies.--

20 (17) FLORIDA BUILDING COMMISSION.--

21 (c) Notwithstanding ss. 120.565, 120.569, and 120.57,
22 the Florida Building Commission and hearing officer panels
23 appointed by the commission in accordance with s.
24 553.775(3)(c)1. may conduct proceedings to review decisions of
25 local building code officials in accordance with s.
26 553.775(3)(c).

27 Section 12. Section 553.841, Florida Statutes, is
28 amended to read:

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

1 553.841 Building code education and outreach
2 program.--
3 (1) The Legislature finds that the effectiveness of
4 the building codes of this state depends on the performance of
5 all participants, as demonstrated through knowledge of the
6 codes and commitment to compliance with code directives, and
7 that to strengthen compliance by industry and enforcement by
8 government, a building code education and outreach program is
9 needed.
10 (2) There is created the Building Code Education and
11 Outreach Council to coordinate, develop, and maintain
12 education and outreach to ensure administration and
13 enforcement of the Florida Building Code.
14 (3) The Building Code Education and Outreach Council
15 shall be composed of the following members:
16 (a) Three representatives of the Florida Building
17 Commission, one of whom must be a member of a Florida-based
18 organization of persons with disabilities or a nationally
19 chartered organization of persons with disabilities having
20 chapters in this state, selected by the commission;
21 (b) One representative of the Florida Building Code
22 Administrators and Inspectors Board, selected by that board;
23 (c) One representative of the Construction Industry
24 Licensing Board, selected by that board;
25 (d) One representative of the Electrical Contractors
26 Licensing Board, selected by that board;
27 (e) One representative of the Florida Board of
28 Professional Engineers, selected by that board;
29 (f) One architect representative of the Board of
30 Architecture and Interior Design, selected by that board;
31

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

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

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

7
8 Each member of the board shall be appointed to a 2-year term
9 and may be reappointed at the discretion of the appointing
10 body. A chair shall be elected by majority vote of the council
11 and shall serve a term of 1 year.

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

23 (5) The Building Code Education and Outreach Council
24 shall:

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

27 (b) Administer the provisions of this section.

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

30 (d) Review all proposed subjects for advanced courses
31 concerning the Florida Building Code and recommend to the

1 commission any related subjects that should be approved for
2 advanced courses.

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

5 (a) A core curriculum that is prerequisite to the
6 advanced module coursework.

7 (b) Advanced modules designed for use by each
8 profession.

9 (c) The core curriculum developed under this
10 subsection must be approved by the commission and submitted to
11 the Department of Business and Professional Regulation for
12 approval. Advanced modules developed under this paragraph must
13 be approved by the commission and submitted to the respective
14 boards for approval.

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

31

1 (8) Each biennium, upon receipt of funds by the
2 Department of Community Affairs from the Construction Industry
3 Licensing Board and the Electrical Contractors' Licensing
4 Board provided under ss. 489.109(3) and 489.509(3), the
5 council shall determine the amount of funds available for
6 education and outreach projects from the proceeds of
7 contractor licensing fees and identify, solicit, and accept
8 funds from other sources for education and outreach projects.

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

13 (10) The commission shall consider and approve or
14 reject the recommendations made by the council for subjects
15 for education and outreach concerning the Florida Building
16 Code. Any rejection must be made with specificity and must be
17 communicated to the council.

18 (11) The commission shall adopt rules for establishing
19 procedures and criteria for the approval of advanced courses.
20 This section does not modify or eliminate the continuing
21 education course requirements or authority of any licensing
22 board under part XII of chapter 468, chapter 471, chapter 481,
23 or chapter 489.

24 Section 13. Section 553.8413, Florida Statutes, is
25 repealed.

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

29 553.842 Product evaluation and approval.--

30 (3) Products or methods or systems of construction
31 that require approval under s. 553.77, that have standardized

1 testing or comparative or rational analysis methods
2 established by the code, and that are certified by an approved
3 product evaluation entity, testing laboratory, or
4 certification agency as complying with the standards specified
5 by the code shall be approved for ~~local or~~ statewide use.

6 Products required to be approved for statewide use shall be
7 approved by one of the methods established in subsection (6)
8 without further evaluation.

9 (4) ~~By October 1, 2003,~~ Products or methods or systems
10 of construction requiring approval under s. 553.77 must be
11 approved by one of the methods established in subsection (5)
12 or subsection (6) before their use in construction in this
13 state. Products may be approved ~~either~~ by the commission for
14 statewide use, ~~or by a local building department for use in~~
15 ~~that department's jurisdiction only.~~ Notwithstanding a local
16 government's authority to amend the Florida Building Code as
17 provided in this act, statewide approval shall preclude local
18 jurisdictions from requiring further testing, evaluation, or
19 submission of other evidence as a condition of using the
20 product so long as the product is being used consistent with
21 the conditions of its approval.

22 ~~(5) Local approval of products or methods or systems~~
23 ~~of construction may be achieved by the local building official~~
24 ~~through building plans review and inspection to determine that~~
25 ~~the product, method, or system of construction complies with~~
26 ~~the prescriptive standards established in the code.~~
27 ~~Alternatively, local approval may be achieved by one of the~~
28 ~~methods established in subsection (6).~~

29 (5)(6) Statewide ~~or local~~ approval of products,
30 methods, or systems of construction may be achieved by one of
31 the following methods. One of these methods must be used by

1 ~~local officials or~~ the commission to approve the following
2 categories of products: panel walls, exterior doors, roofing,
3 skylights, windows, shutters, and structural components as
4 established by the commission by rule.

5 (a) Products for which the code establishes
6 standardized testing or comparative or rational analysis
7 methods shall be approved by submittal and validation of one
8 of the following reports or listings indicating that the
9 product or method or system of construction was evaluated to
10 be in compliance with the Florida Building Code and that the
11 product or method or system of construction is, for the
12 purpose intended, at least equivalent to that required by the
13 Florida Building Code:

- 14 1. A certification mark or listing of an approved
15 certification agency;
- 16 2. A test report from an approved testing laboratory;
- 17 3. A product evaluation report based upon testing or
18 comparative or rational analysis, or a combination thereof,
19 from an approved product evaluation entity; or
- 20 4. A product evaluation report based upon testing or
21 comparative or rational analysis, or a combination thereof,
22 developed and signed and sealed by a professional engineer or
23 architect, licensed in this state.

24
25 A product evaluation report or a certification mark or listing
26 of an approved certification agency which demonstrates that
27 the product or method or system of construction complies with
28 the Florida Building Code for the purpose intended shall be
29 equivalent to a test report and test procedure as referenced
30 in the Florida Building Code.

31

1 (b) Products, methods, or systems of construction for
2 which there are no specific standardized testing or
3 comparative or rational analysis methods established in the
4 code may be approved by submittal and validation of one of the
5 following:

6 1. A product evaluation report based upon testing or
7 comparative or rational analysis, or a combination thereof,
8 from an approved product evaluation entity indicating that the
9 product or method or system of construction was evaluated to
10 be in compliance with the intent of the Florida Building Code
11 and that the product or method or system of construction is,
12 for the purpose intended, at least equivalent to that required
13 by the Florida Building Code; or

14 2. A product evaluation report based upon testing or
15 comparative or rational analysis, or a combination thereof,
16 developed and signed and sealed by a professional engineer or
17 architect, licensed in this state, who certifies that the
18 product or method or system of construction is, for the
19 purpose intended, at least equivalent to that required by the
20 Florida Building Code.

21 ~~(6)(7)~~ The commission shall ensure that product
22 manufacturers that obtain statewide product approval operate
23 quality assurance programs for all approved products. The
24 commission shall adopt by rule criteria for operation of the
25 quality assurance programs.

26 ~~(7)(8) For local approvals, validation shall be~~
27 ~~performed by the local building official. The commission shall~~
28 ~~adopt by rule criteria constituting complete validation by the~~
29 ~~local official, including, but not limited to, criteria~~
30 ~~governing verification of a quality assurance program. For~~
31 state approvals, validation shall be performed by validation

1 entities approved by the commission. The commission shall
2 adopt by rule criteria for approval of validation entities,
3 which shall be third-party entities independent of the
4 product's manufacturer and which shall certify to the
5 commission the product's compliance with the code.

6 ~~(8)(9)~~ The commission may adopt rules to approve the
7 following types of entities that produce information on which
8 product approvals are based. All of the following entities,
9 including engineers and architects, must comply with a
10 nationally recognized standard demonstrating independence or
11 no conflict of interest:

12 (a) Evaluation entities that meet the criteria for
13 approval adopted by the commission by rule. The commission
14 shall specifically approve the National Evaluation Service,
15 the International Conference of Building Officials Evaluation
16 Services, the International Code Council Evaluation Services,
17 the Building Officials and Code Administrators International
18 Evaluation Services, the Southern Building Code Congress
19 International Evaluation Services, and the Miami-Dade County
20 Building Code Compliance Office Product Control. Architects
21 and engineers licensed in this state are also approved to
22 conduct product evaluations as provided in subsection~~(5)(6)~~.

23 (16) The commission may adopt a rule listing the
24 prescriptive, material standards and alternative means by
25 which products subject to those standards may demonstrate
26 compliance with the code. ~~The commission shall establish a~~
27 ~~schedule for adoption of the rules required in this section to~~
28 ~~ensure that the product manufacturing industry has sufficient~~
29 ~~time to revise products to meet the requirements for approval~~
30 ~~and submit them for testing or evaluation before the system~~
31

1 ~~takes effect on October 1, 2003, and to ensure that the~~
2 ~~availability of statewide approval is not delayed.~~

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

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

28 Section 16. Local product approval.--

29 (1) For local product approval, products or systems of
30 construction shall demonstrate compliance with the structural
31

1 windload requirements of the Florida Building Code through one
2 of the following methods:

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

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

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

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

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

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

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

30 (3) Local building officials may accept modifications
31 to approved products or their installations if sufficient

1 evidence is submitted to the local building official to
2 demonstrate compliance with the code or the intent of the
3 code, including such evidence as certifications from a Florida
4 registered architect or Florida professional engineer.

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

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

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

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

22 Section 17. Mitigation Grant Program guideline.--

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

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

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

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

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

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

22 Section 19. Subsections (5), (14), and (18) of section
23 633.021, Florida Statutes, are amended to read:

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

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

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

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

11 (c) "Contractor III" means a contractor whose business
12 is limited to the execution of contracts requiring the ability
13 to ~~lay out~~, fabricate, install, inspect, alter, repair, and
14 service CO₂ systems, foam extinguishing systems, dry
15 chemical systems, and Halon and other chemical systems,
16 excluding preengineered systems.

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

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

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

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

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

1 Fire Marshal adopts which provide comparable design concepts
2 ~~s. 553.79(6)(c).~~

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

11 Section 20. Subsection (11) is added to section
12 633.0215, Florida Statutes, to read:

13 633.0215 Florida Fire Prevention Code.--

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

18 Section 21. Subsection (3) is added to section
19 633.065, Florida Statutes, to read:

20 633.065 Requirements for installation, inspection, and
21 maintenance of fire suppression equipment.--

22 (3)(a) Each fire hydrant shall be tested in accordance
23 with National Fire Protection Standard 24, subsection 4-3.6,
24 and inspected and maintained in compliance with National Fire
25 Protection Association Standard 25, Standard for the
26 Inspection, Testing, and Maintenance of Water-Based
27 Fire-Protection Systems, as set forth in the edition currently
28 adopted by the State Fire Marshal pursuant to its
29 code-adoption and standards-adoption authority under chapter
30 633. The owner of a fire hydrant is responsible for performing
31

1 the required testing, inspection, or maintenance of that fire
2 hydrant.

3 (b) The owner of a private fire hydrant shall cause
4 any repair or replacement indicated by an inspection to be
5 made within 30 days and shall maintain records of the repair
6 or replacement.

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

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

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

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

18 633.071 Standard service tag required on all fire
19 extinguishers and preengineered systems; serial number
20 required on all portable fire extinguishers; standard
21 inspection tags required on all fire protection systems.--

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

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

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

1 Laboratories, Inc., plate soldered or attached to the
2 extinguisher shell in some permanent manner.

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

8 Section 23. Section 633.082, Florida Statutes, is
9 amended to read:

10 633.082 Inspection of fire control systems and fire
11 protection systems.--

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

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

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

1 governmental entities from inspecting and enforcing firesafety
2 codes.

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

5 633.521 Certificate application and issuance; permit
6 issuance; examination and investigation of applicant.--

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

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

31

1 (b) A passing grade on the examination is 70 percent,
2 and such examinations may be developed by an independent
3 professional testing agency. The tests shall be prepared,
4 administered, and scored in compliance with generally accepted
5 professional testing standards.

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

8 (d) A reexamination may not be scheduled sooner than
9 30 days after any administration of an examination to an
10 applicant.

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

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

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

25 (4) As a prerequisite to issuance of a certificate,
26 the State Fire Marshal shall require the applicant to submit
27 satisfactory evidence that she or he has obtained insurance
28 providing coverage for comprehensive general liability for
29 bodily injury and property damages, products liability,
30 completed operations, and contractual liability. The State
31 Fire Marshal may adopt rules providing for the amount of

1 insurance, but such amount shall not be less than \$500,000 for
2 a Contractor I, Contractor II, Contractor III, or Contractor V
3 and shall not be less than \$250,000 for a Contractor IV. An
4 insurer which provides such coverage shall notify within 30
5 days the State Fire Marshal of any material change in coverage
6 or any termination, cancellation, or nonrenewal of such
7 coverage. An insurer which fails to so notify the State Fire
8 Marshal's office shall be subject to the penalties provided
9 under s. 624.4211.

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

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

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

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

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

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

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

23 633.524 Certificate and permit fees; use and deposit
24 of collected funds.--

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

1 for each examination or reexamination for each class of
2 certificate ~~scheduled~~ shall be \$100.

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

8 Section 26. Subsection (4) is added to section
9 633.537, Florida Statutes, to read:

10 633.537 Certificate; expiration; renewal; inactive
11 certificate; continuing education.--

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

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

27 633.539 Requirements for installation, inspection, and
28 maintenance of fire protection systems.--

29 (2) Equipment shall be inspected, serviced, and
30 maintained in accordance with the manufacturer's maintenance
31 procedures and with applicable National Fire Protection

1 Association standards. The inspection of fire protection
2 systems shall be conducted by a certificateholder or holder of
3 a permit issued by the State Fire Marshal. The permit holder
4 may perform inspections on fire protection systems only while
5 employed by the certificateholder. This section does not
6 prohibit the authority having jurisdiction or insurance
7 company representatives from reviewing the system in
8 accordance with acceptable oversight standards.

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

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

1 Contractor II who is tasked to recalculate the system and take
2 corrective actions to ensure that the system will function
3 with the available water supply may retroactively install
4 these backflow devices on existing fire protection systems.

5 Section 28. Section 633.547, Florida Statutes, is
6 amended to read:

7 633.547 Disciplinary action; fire protection system
8 contractors; grounds for denial, nonrenewal, suspension, or
9 revocation of certificate or permit.--

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

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

16 (a) Violation of any provision of this chapter or of
17 any rule adopted pursuant thereto.

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

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

25 (d) Disciplinary action by any municipality or county,
26 which action shall be reviewed by the State Fire Marshal
27 before taking any disciplinary action.

28 (e) Failure to supervise the installation of the fire
29 protection system covered by the building permit signed by the
30 contractor.

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

7 (g) Improperly servicing, repairing, testing, or
8 inspecting a fire protection, standpipe system, or underground
9 water supply main connecting to the system.

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

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

16 (j) Making a material misstatement, misrepresentation,
17 or committing a fraud in obtaining or attempting to obtain a
18 certificate.

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

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

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

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

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

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

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

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

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

28 (6) The lapse or suspension of a certificate by
29 operation of law or by order of the State Fire Marshal or a
30 court or its voluntary surrender by a certificateholder does
31 not deprive the State Fire Marshal of jurisdiction to

1 investigate or act in disciplinary proceedings against the
2 certificateholder.

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

8 Section 29. Subsection (4) is added to section
9 633.702, Florida Statutes, to read:

10 633.702 Prohibited acts regarding alarm system
11 contractors or certified unlimited electrical contractors;
12 penalties.--

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

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

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

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

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

26 Section 30. (1) A local government must advise an
27 applicant what information, if any, is needed to deem the
28 application properly completed in compliance with the filing
29 requirements published by the local government. The local
30 government must notify the applicant not later than 10 days
31 after the applicant submits the application to the local

1 government. If the applicant does not receive a written notice
2 that the applicant has not submitted the properly completed
3 application, the application is automatically deemed properly
4 completed and accepted. Within 45 days after receiving a
5 completed application, a local government must notify an
6 applicant if additional information is required for the local
7 government to determine the sufficiency of the application,
8 and shall specify the additional information that is required.
9 The applicant must submit the additional information to the
10 local government or request that the local government act
11 without the additional information. While the applicant
12 responds to the request for additional information, the
13 120-day period described in subsection (2) is tolled. Both
14 parties may agree to a reasonable request for an extension of
15 time, particularly in the event of a force majeure or other
16 extraordinary circumstance. The local government must approve,
17 approve with conditions, or deny the application within 120
18 days following receipt of a completed application.

19 (2) The procedures set forth in subsection (1) apply
20 to the following building permit applications: accessory
21 structure; alarm permit; nonresidential buildings less than
22 25,000 square feet; electric; irrigation permit; landscaping;
23 mechanical; plumbing; residential units other than a single
24 family unit; multifamily residential not exceeding 50 units;
25 roofing; signs; site-plan approvals and subdivision plats not
26 requiring public hearings or public notice; and lot grading
27 and site alteration associated with the permit application set
28 forth in this subparagraph. The procedures set forth in
29 subsection (1) do not apply to permits for any wireless
30 communications facilities or when a law, agency rule, or local
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1 ordinance specify different timeframes for review of local
2 building permit applications.

3 Section 31. Subsection (3) of section 109 of chapter
4 2000-141, Laws of Florida, is amended to read:

5 Section 109. The Legislature has reviewed the Florida
6 Building Code that was adopted by action of the Florida
7 Building Commission on February 15, 2000, and that was noticed
8 for rule adoption by reference in Rule 9B-3.047, F.A.C., on
9 February 18, 2000, in the Florida Administrative Weekly on
10 page 731. The Florida Building Commission is directed to
11 continue the process to adopt the code, pursuant to section
12 120.54(3), Florida Statutes, and to incorporate the following
13 provisions or standards for the State of Florida:

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

1 created in its walls or roof by large debris, or be designed
2 with protected openings. Except in the high velocity hurricane
3 zone, local governments may not prohibit the option of
4 designing buildings to resist internal pressures.

5 Section 32. Notwithstanding any other provision of
6 this act, the option for designing for internal pressure for
7 buildings within the windborne debris region shall be repealed
8 immediately upon adoption of standards and conditions within
9 the International Building Code or International Residential
10 Code prohibiting such design option. The Florida Building
11 Commission shall initiate rulemaking to incorporate such
12 standards and conditions prohibiting designing for internal
13 pressure for buildings into the Florida Building Code when the
14 base code is updated.

15 Section 33. The Legislature appropriates \$200,000 from
16 the Insurance Regulatory Trust Fund to the Department of
17 Financial Services to be used to develop a joint program
18 between the Florida Insurance Council and the Florida Home
19 Builders Association to educate contractors on the benefits
20 and options available for designing buildings for windborne
21 debris protection and to develop a standardized affidavit to
22 be used for verifying the insurance discounts for residential
23 construction techniques demonstrated to reduce the amount of
24 loss during a windstorm.

25 Section 34. The Florida Building Commission, in
26 conjunction with local building officials, shall conduct a
27 review of damage resulting from Hurricane Ivan and any other
28 data to evaluate, and to make recommendations to the
29 Legislature for any changes to, Florida's Building Code,
30 specifically as it applies to the region from the eastern
31 border of Franklin County to the Florida-Alabama line. The

1 commission shall issue a report summarizing its findings and
2 recommendations prior to the 2006 Regular Session.

3 Section 35. The Florida Building Commission shall
4 evaluate the definition of "exposure category C" as currently
5 defined in section 553.71(10), Florida Statutes, and make
6 recommendations for a new definition that more accurately
7 depicts Florida-specific conditions prior to the 2006 Regular
8 Session.

9 Section 36. Section 553.851, Florida Statutes, is
10 repealed.

11 Section 37. This act shall take effect July 1, 2005.

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- 1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/CS for Senate Bill 442
- 4
- 5 o Sets forth situations in which a Florida Building
6 Commission member may abstain from voting, and when the
7 member must abstain from voting.
- 8 o Permits the Florida Building Commission to adopt a \$250
9 fee to be charged for each request for a review or
10 interpretation of the Florida Building Code.
- 11 o States that a private provider of building code services
12 must maintain insurance for professional liability of \$2
13 million per occurrence and \$4 million in the aggregate
14 for construction projects having a cost of over \$5
15 million.
- 16 o Exempts lawn storage buildings and storage sheds not
17 bearing the insignia of approval of the department from
18 s. 553.842, F.S.
- 19 o Permits state universities, community colleges, and
20 school districts to create a board of appeal to which a
21 substantially affected party may appeal an interpretation
22 of the Code with regard to a specific project.
- 23 o Requires one of the three Florida Building Commission
24 members on the Florida Building Code Education and
25 Outreach Council to be a member of a disabled persons
26 organization located or based in Florida.
- 27 o Authorizes the Florida Building Commission to adopt by
28 rule standards and alternative means by which products
29 may demonstrate compliance with the code.
- 30 o Compliance with the windload requirements of the Florida
31 Building Code may be shown by making a designation of
 compliance with a standard adopted by rule by the
 Commission.
- o Promulgates guidelines for the Mitigation Grant Program.
- o Revises definitions in s. 633.021, F.S.
- o Provides license requirements for testing a fire alarm
 system.
- o Requires a county or municipal government to review and
 approve, approve with conditions or deny an application
 for a site development plan, building permit or other
 permit within certain time frames.
- o Eliminates the option for designing for internal
 pressure for buildings within the windborne debris region
 upon certain conditions.
- o Appropriates \$200,000 from the Insurance Regulatory Trust
 Fund to the Department of Financial Services to develop a

- 1 joint program to educate builders on windborne debris
2 protection.
- 3 o Instructs the Florida Building Commission to evaluate the
4 definition of "exposure category C" in the Florida
5 Building Code and to make recommendations.
 - 6 o Provides excavation guidelines for the protection of
7 underground gas pipelines.
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