

By the Committees on Government Efficiency Appropriations; Banking and Insurance; Regulated Industries; Community Affairs; and Senators Bennett, Haridopolos and Campbell

593-2213-05

1 A bill to be entitled
2 An act relating to building safety; amending s.
3 215.559, F.S.; requiring that a specified
4 percentage of the funds appropriated under the
5 Hurricane Loss Mitigation Program be used for
6 education concerning the Florida Building Code
7 and for the operation of the disaster
8 contractors network; requiring the Department
9 of Community Affairs to contract with a
10 nonprofit tax-exempt entity for training,
11 development, and coordination; amending s.
12 400.23, F.S.; providing that residents of
13 nursing homes may move their beds under certain
14 circumstances; requiring the nursing homes to
15 notify the Agency for Health Care
16 Administration; amending s. 468.621, F.S.;
17 providing additional grounds for which
18 disciplinary actions may be taken against
19 building code enforcement officials; amending
20 ss. 471.033 and 481.225, F.S.; providing
21 criminal penalties for performing building
22 inspections under certain circumstances;
23 amending s. 489.537, F.S.; providing that
24 certain alarm system contractors and electrical
25 contractors may not be required by a
26 municipality or county to obtain additional
27 certification or meet additional licensure
28 requirements; amending s. 553.73, F.S.;
29 specifying certain codes from the International
30 Code Congress and the International Code
31 Council as foundation codes for the updated

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

1 Weekly; authorizing the commission to adopt a
2 fee; amending s. 553.79, F.S.; exempting
3 truss-placement plans from certain
4 requirements; amending s. 553.791, F.S.;
5 clarifying a definition; expanding
6 authorization to use private providers to
7 provide building code inspection services;
8 including fee owner contractors within such
9 authorization; revising notice requirements for
10 using private providers; revising procedures
11 for issuing permits; providing requirements for
12 representatives of private providers; providing
13 for waiver of certain inspection records
14 requirements under certain circumstances;
15 requiring issuance of stop-work orders to be
16 pursuant to law; providing for establishment of
17 a registration system for private providers and
18 authorized representatives of private providers
19 for licensure compliance purposes; preserving
20 authority to issue emergency stop-work orders;
21 revising insurance requirements for private
22 providers; providing a definition; authorizing
23 performance audits by local building code
24 enforcement agencies of private providers;
25 specifying conditions for proceeding with
26 building work; amending s. 553.80, F.S.;
27 providing that certain buildings are exempt
28 from the building code; providing that
29 universities and colleges may create a board of
30 adjustment; authorizing local governments to
31 impose certain fees for code enforcement;

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

1 evaluation entity to the list of entities
2 specifically approved by the commission;
3 deleting a requirement that the commission
4 establish a schedule for adopting rules
5 relating to product approvals under certain
6 circumstances; authorizing the commission to
7 adopt rules relating to material standards;
8 amending s. 633.025, F.S.; providing that
9 local governments may adopt fire sprinkler
10 requirements under certain circumstances;
11 creating s. 633.026, F.S.; requiring that the
12 State Fire Marshal establish by rule a process
13 for rendering nonbinding interpretations of the
14 Florida Fire Prevention Code; authorizing the
15 State Fire Marshal to enter into contracts and
16 refer interpretations to a nonprofit
17 organization; providing for the interpretations
18 to be advisory; providing for establishing a
19 fee by department rule; providing requirements
20 for local product approval of products or
21 systems of construction; specifying methods for
22 demonstrating compliance with the structural
23 windload requirements of the Florida Building
24 Code; providing for certification to be issued
25 by a professional engineer or registered
26 architect; providing for audits under a quality
27 assurance program and other types of
28 certification; providing that changes to the
29 Florida Building Code do not void the approval
30 of previously installed products; providing for
31 guidelines for the mitigation grant program;

1 amending s. 633.021, F.S.; redefining terms
2 used in ch. 633, F.S.; amending s. 633.0215,
3 F.S.; revising provisions relating to the
4 construction of townhouse stairs; amending s.
5 633.071, F.S.; requiring inspection tags to be
6 attached to all fire protection systems;
7 providing for the standardization of inspection
8 tags and reports; amending s. 633.082, F.S.;
9 requiring fire protection systems to be
10 inspected in accordance with nationally
11 accepted standards; amending s. 633.521, F.S.;
12 establishing a permit classification for
13 individuals who inspect fire protection
14 systems; amending s. 633.524, F.S.;
15 establishing fees for various classes of
16 permits; amending s. 633.537, F.S.;
17 establishing continuing education requirements;
18 amending s. 633.539, F.S.; requiring fire
19 protection systems to be inspected, serviced,
20 or maintained by a permitholder; establishing
21 the scope of work criteria; amending s.
22 633.547, F.S.; providing for disciplinary
23 action; amending s. 633.702, F.S.; providing a
24 criminal penalty for intentionally or willfully
25 installing, servicing, testing, repairing,
26 improving, or inspecting a fire alarm system
27 unless the person who performs those acts has
28 certain qualifications or is exempt under s.
29 489.503, F.S.; amending s. 1013.372, F.S.;
30 providing that counties pay costs of making new
31 education facilities ready for emergencies;

1 amending ch. 2000-141, Laws of Florida;
2 providing for removal of outdated
3 wind-protection standards from the Florida
4 Building Code; providing for an update of the
5 code's wind-protection standards; providing an
6 appropriation; providing that the Department of
7 Environmental Protection retains exclusive
8 authority to review and approve boat docking
9 facility permits; providing for incorporation
10 in the Florida Building Code of the repeal of a
11 design option relating to internal pressure for
12 buildings within the windborne debris region;
13 requiring the Florida Building Commission to
14 make recommendations to the Legislature;
15 providing an effective date for the Florida
16 Building Code; repealing s. 553.851, F.S.,
17 relating to the protection of underground gas
18 pipelines; providing that a local government
19 must act upon certain permit applications
20 within a specified time or the permits are
21 automatically deemed approved; providing for an
22 extension; providing procedures for disaster
23 recovery mitigation companies; requiring the
24 Florida Building Commission to amend certain
25 provisions of the Florida Building Code
26 relating to mezzanine size and use; requiring
27 the Florida Building Commission to convene a
28 workgroup to study the recommendation for a
29 single validation entity; providing an
30 effective date.

31

1 Be It Enacted by the Legislature of the State of Florida:

2

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

9 215.559 Hurricane Loss Mitigation Program.--

10 (2)(a) Seven million dollars in funds provided in
11 subsection (1) shall be used for programs to improve the wind
12 resistance of residences and mobile homes, including loans,
13 subsidies, grants, demonstration projects, and direct
14 assistance; educating persons concerning the Florida Building
15 Code cooperative programs with local governments and the
16 Federal Government; and other efforts to prevent or reduce
17 losses or reduce the cost of rebuilding after a disaster.

18 (3) Forty percent of the total appropriation in
19 paragraph (2)(a) shall be used to inspect and improve
20 tie-downs for mobile homes. Within 30 days after the effective
21 date of that appropriation, the department shall contract with
22 a public higher educational institution in this state which
23 has previous experience in administering the programs set
24 forth in this subsection to serve as the administrative entity
25 and fiscal agent pursuant to s. 216.346 for the purpose of
26 administering the programs set forth in this subsection in
27 accordance with established policy and procedures. The
28 administrative entity working with the advisory council set up
29 under subsection (5) shall develop a list of mobile home parks
30 and counties that may be eligible to participate in the
31 tie-down program.

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

15 (5) An amount equal to fifteen percent of the total
16 appropriation in paragraph (2)(a) shall be used for education
17 awareness concerning the Florida Building Code and the
18 operation of the disaster contractors network. Not more than
19 30 days after the effective date of each subsequent
20 appropriation, the Department of Community Affairs shall
21 contract with a nonprofit tax-exempt entity having prior
22 contracting experience with building code training,
23 development, and coordination and whose membership is
24 representative of all of the statewide construction and design
25 licensee associations. The entity shall allocate 20 percent of
26 these resources to the disaster contractors network for the
27 education of the construction industry and hurricane response
28 if needed to coordinate the industry in the event of a natural
29 disaster. The entity shall allocate 20 percent of these
30 resources to the largest residential construction trade show
31 in the state for the education of the residential construction

1 industry on building code and mitigation issues. The remaining
2 resources shall be used by the entity for outreach building
3 code activities after consultation with the building code
4 program under the Florida Building Commission as provided for
5 in s. 553.841.

6 Section 2. Paragraph (a) of subsection (2) of section
7 400.23, Florida Statutes, is amended to read:

8 400.23 Rules; evaluation and deficiencies; licensure
9 status.--

10 (2) Pursuant to the intention of the Legislature, the
11 agency, in consultation with the Department of Health and the
12 Department of Elderly Affairs, shall adopt and enforce rules
13 to implement this part, which shall include reasonable and
14 fair criteria in relation to:

15 (a) The location of the facility and housing
16 conditions that will ensure the health, safety, and comfort of
17 residents, including an adequate call system. In making such
18 rules, the agency shall be guided by criteria recommended by
19 nationally recognized reputable professional groups and
20 associations with knowledge of such subject matters. The
21 agency shall update or revise such criteria as the need
22 arises. The agency may require alterations to a building if it
23 determines that an existing condition constitutes a distinct
24 hazard to life, health, or safety. In performing any
25 inspections of facilities authorized by this part, the agency
26 may enforce the special-occupancy provisions of the Florida
27 Building Code and the Florida Fire Prevention Code which apply
28 to nursing homes. Residents or their representatives shall be
29 able to request a change in the placement of the bed in their
30 room, provided that at admission they are presented with a
31 room that meets requirements of the Florida Building Code. The

1 location of a bed may be changed if the requested placement
2 does not infringe on the resident's roommate or interfere with
3 the resident's care or safety as determined by the care
4 planning team in accordance with facility policies and
5 procedures. In addition, the bed placement may not be used as
6 a restraint. Each facility shall maintain a log of resident
7 rooms with beds that are not in strict compliance with the
8 Florida Building Code in order for such log to be used by
9 surveyors and nurse monitors during inspections and visits. A
10 resident or resident representative who requests that a bed be
11 moved shall sign a statement indicating that he or she
12 understands the room will not be in compliance with the
13 Florida Building Code, but they would prefer to exercise their
14 right to self-determination. The statement must be retained as
15 part of the resident's care plan. Any facility that offers
16 this option must submit a letter signed by the nursing home
17 administrator of record to the agency notifying it of this
18 practice with a copy of the policies and procedures of the
19 facility. The agency is directed to provide assistance to the
20 Florida Building Commission in updating the construction
21 standards of the code relative to nursing homes.

22 Section 3. Paragraph (i) of subsection (1) of section
23 468.621, Florida Statutes, is amended, and paragraph (j) is
24 added to that subsection, to read:

25 468.621 Disciplinary proceedings.--

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

28 (i) Failing to lawfully execute the duties and
29 responsibilities specified in this part and ss. 553.73,
30 553.781, ~~and~~ 553.79, and 553.791.

31

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

4 Section 4. Paragraph (1) is added to subsection (1) of
5 section 471.033, Florida Statutes, to read:

6 471.033 Disciplinary proceedings.--

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

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

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

14 481.225 Disciplinary proceedings against registered
15 architects.--

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

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

21 Section 6. Paragraph (a) of subsection (3) of section
22 489.537, Florida Statutes, is amended to read:

23 489.537 Application of this part.--

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

26 (a) To regulate the quality and character of work
27 performed by contractors through a system of permits, fees,
28 and inspections which is designed to secure compliance with,
29 and aid in the implementation of, state and local building
30 laws or to enforce other local laws for the protection of the
31 public health and safety. However, a certified alarm system

1 contractor or certified electrical contractor is not subject
2 to any additional certification or licensure requirements that
3 are not required by this part.

4 Section 7. Paragraph (c) of subsection (4), subsection
5 (6), and paragraphs (a) and (c) of subsection (7) of section
6 553.73, Florida Statutes, are amended to read:

7 553.73 Florida Building Code.--

8 (4)

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

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

1 (b) Codes regarding noise contour lines shall be
2 reviewed annually, and the most current federal guidelines
3 shall be adopted.

4 (c) The commission may modify any portion of the
5 foundation codes only as needed to accommodate the specific
6 needs of this state, maintaining Florida-specific amendments
7 previously adopted by the commission and not addressed by the
8 updated foundation code. Standards or criteria referenced by
9 the codes shall be incorporated by reference. If a referenced
10 standard or criterion requires amplification or modification
11 to be appropriate for use in this state, only the
12 amplification or modification shall be set forth in the
13 Florida Building Code. The commission may approve technical
14 amendments to the updated Florida Building Code after the
15 amendments have been subject to the conditions set forth in
16 paragraphs (3)(a)-(d). Amendments to the foundation codes
17 which are adopted in accordance with this subsection shall be
18 clearly marked in printed versions of the Florida Building
19 Code so that the fact that the provisions are Florida-specific
20 amendments to the foundation codes is readily apparent.

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

28 (d) The commission shall further consider the
29 commission's own interpretations, declaratory statements,
30 appellate decisions, and approved statewide and local
31 technical amendments and shall incorporate such

1 interpretations, statements, decisions, and amendments into
2 the updated Florida Building Code only to the extent that they
3 are needed to modify the foundation codes to accommodate the
4 specific needs of the state. A change made by an institute or
5 standards organization to any standard or criterion that is
6 adopted by reference in the Florida Building Code does not
7 become effective statewide until it has been adopted by the
8 commission. Furthermore, the edition of the Florida Building
9 Code which is in effect on the date of application for any
10 permit authorized by the code governs the permitted work for
11 the life of the permit and any extension granted to the
12 permit.

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

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

23 1. Is needed in order to accommodate the specific
24 needs of this state.

25 ~~2.1-~~ Has a reasonable and substantial connection with
26 the health, safety, and welfare of the general public.

27 ~~3.2-~~ Strengthens or improves the Florida Building
28 Code, or in the case of innovation or new technology, will
29 provide equivalent or better products or methods or systems of
30 construction.

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1 ~~4.3-~~ Does not discriminate against materials,
2 products, methods, or systems of construction of demonstrated
3 capabilities.

4 ~~5.4-~~ Does not degrade the effectiveness of the Florida
5 Building Code.

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

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

1 Section 8. Section 553.77, Florida Statutes, is
2 amended to read:

3 553.77 Specific powers of the commission.--

4 (1) The commission shall:

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

7 (b) Make a continual study of the operation of the
8 Florida Building Code and other laws relating to the design,
9 construction, erection, alteration, modification, repair, or
10 demolition of public or private buildings, structures, and
11 facilities, including manufactured buildings, and code
12 enforcement, to ascertain their effect upon the cost of
13 building construction and determine the effectiveness of their
14 provisions. Upon updating the Florida Building Code every 3
15 years, the commission shall review existing provisions of law
16 and make recommendations to the Legislature for the next
17 regular session of the Legislature regarding provisions of law
18 that should be revised or repealed to ensure consistency with
19 the Florida Building Code at the point the update goes into
20 effect. State agencies and local jurisdictions shall provide
21 such information as requested by the commission for evaluation
22 of and recommendations for improving the effectiveness of the
23 system of building code laws for reporting to the Legislature
24 annually. Failure to comply with this or other requirements of
25 this act must be reported to the Legislature for further
26 action. Any proposed legislation providing for the revision or
27 repeal of existing laws and rules relating to technical
28 requirements applicable to building structures or facilities
29 should expressly state that such legislation is not intended
30 to imply any repeal or sunset of existing general or special
31

1 laws governing any special district that are not specifically
2 identified in the legislation.

3 (c) Upon written application by any substantially
4 affected person or a local enforcement agency, issue
5 declaratory statements pursuant to s. 120.565 relating to new
6 technologies, techniques, and materials which have been tested
7 where necessary and found to meet the objectives of the
8 Florida Building Code. This paragraph does not apply to the
9 types of products, materials, devices, or methods of
10 construction required to be approved under paragraph ~~(f)(i)~~.

11 ~~(d) Upon written application by any substantially~~
12 ~~affected person, state agency, or a local enforcement agency,~~
13 ~~issue declaratory statements pursuant to s. 120.565 relating~~
14 ~~to the enforcement or administration by local governments of~~
15 ~~the Florida Building Code. Paragraph (h) provides the~~
16 ~~exclusive remedy for addressing local interpretations of the~~
17 ~~code.~~

18 ~~(e) When requested in writing by any substantially~~
19 ~~affected person, state agency, or a local enforcing agency,~~
20 ~~shall issue declaratory statements pursuant to s. 120.565~~
21 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~
22 ~~515.37. Actions of the commission are subject to judicial~~
23 ~~review pursuant to s. 120.68.~~

24 (d)(f) Make recommendations to, and provide assistance
25 upon the request of, the Florida Commission on Human Relations
26 regarding rules relating to accessibility for persons with
27 disabilities.

28 (e)(g) Participate with the Florida Fire Code Advisory
29 Council created under s. 633.72, to provide assistance and
30 recommendations relating to firesafety code interpretations.
31 The administrative staff of the commission shall attend

1 meetings of the Florida Fire Code Advisory Council and
2 coordinate efforts to provide consistency between the Florida
3 Building Code and the Florida Fire Prevention Code and the
4 Life Safety Code.

5 ~~(h) Hear appeals of the decisions of local boards of~~
6 ~~appeal regarding interpretation decisions of local building~~
7 ~~officials, or if no local board exists, hear appeals of~~
8 ~~decisions of the building officials regarding interpretations~~
9 ~~of the code. For such appeals:~~

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

14 2. ~~All appeals shall be heard in the county of the~~
15 ~~jurisdiction defending the appeal.~~

16 3. ~~Hearings shall be conducted pursuant to chapter 120~~
17 ~~and the uniform rules of procedure, and decisions of the~~
18 ~~commission are subject to judicial review pursuant to s.~~
19 ~~120.68.~~

20 (f)(i) Determine the types of products which may be
21 approved by the commission ~~requiring approval for local or~~
22 statewide use and shall provide for the evaluation and
23 approval of such products, materials, devices, and method of
24 construction for statewide use. The commission may prescribe
25 by rule a schedule of reasonable fees to provide for
26 evaluation and approval of products, materials, devices, and
27 methods of construction. Evaluation and approval shall be by
28 action of the commission or delegated pursuant to s. 553.842.
29 This paragraph does not apply to products approved by the
30 State Fire Marshal.

31

1 ~~(g)~~(j) Appoint experts, consultants, technical
2 advisers, and advisory committees for assistance and
3 recommendations relating to the major areas addressed in the
4 Florida Building Code.

5 ~~(h)~~(k) Establish and maintain a mutual aid program,
6 organized through the department, to provide an efficient
7 supply of various levels of code enforcement personnel, design
8 professionals, commercial property owners, and construction
9 industry individuals, to assist in the rebuilding effort in an
10 area which has been hit with disaster. The program shall
11 include provisions for:

12 1. Minimum postdisaster structural, electrical, and
13 plumbing inspections and procedures.

14 2. Emergency permitting and inspection procedures.

15 3. Establishing contact with emergency management
16 personnel and other state and federal agencies.

17 ~~(i)~~(l) Maintain a list of interested parties for
18 noticing rulemaking workshops and hearings, disseminating
19 information on code adoption, revisions, amendments, and all
20 other such actions which are the responsibility of the
21 commission.

22 ~~(j)~~(m) Coordinate with the state and local
23 governments, industry, and other affected stakeholders in the
24 examination of legislative provisions and make recommendations
25 to fulfill the responsibility to develop a consistent, single
26 code.

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

31

1 (1)~~(e)~~ Develop recommendations for local governments
2 to use when pursuing partial or full privatization of building
3 department functions. The recommendations shall include, but
4 not be limited to, provisions relating to equivalency of
5 service, conflict of interest, requirements for competency,
6 liability, insurance, and long-term accountability.

7 ~~(2) Upon written application by any substantially~~
8 ~~affected person, the commission shall issue a declaratory~~
9 ~~statement pursuant to s. 120.565 relating to a state agency's~~
10 ~~interpretation and enforcement of the specific provisions of~~
11 ~~the Florida Building Code the agency is authorized to enforce.~~
12 ~~The provisions of this subsection shall not be construed to~~
13 ~~provide any powers, other than advisory, to the commission~~
14 ~~with respect to any decision of the State Fire Marshal made~~
15 ~~pursuant to the provisions of chapter 633.~~

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

23 (2)~~(4)~~ For educational and public information
24 purposes, the commission shall develop and publish an
25 informational and explanatory document which contains
26 descriptions of the roles and responsibilities of the licensed
27 design professional, residential designer, contractor, and
28 local building and fire code officials. The State Fire Marshal
29 shall be responsible for developing and specifying roles and
30 responsibilities for fire code officials. Such document may
31

1 also contain descriptions of roles and responsibilities of
2 other participants involved in the building codes system.

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

21 ~~(4)(6)~~ The commission may produce and distribute a
22 commentary document to accompany the Florida Building Code.
23 The commentary must be limited in effect to providing
24 technical assistance and must not have the effect of binding
25 interpretations of the code document itself.

26 (5) A member of the Florida Building Commission may
27 abstain from voting in any matter before the commission which
28 would inure to the commissioner's special private gain or
29 loss, which the commissioner knows would inure to the special
30 private gain or loss of any principal by whom he or she is
31 retained or to the parent organization or subsidiary of a

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

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

30 Section 9. Section 553.775, Florida Statutes, is
31 created to read:

1 553.775 Interpretations.--

2 (1) It is the intent of the Legislature that the
3 Florida Building Code be interpreted by building officials,
4 local enforcement agencies, and the commission in a manner
5 that protects the public safety, health, and welfare at the
6 most reasonable cost to the consumer by ensuring uniform
7 interpretations throughout the state and by providing
8 processes for resolving disputes regarding interpretations of
9 the Florida Building Code which are just and expeditious.

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

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

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

25 (b) When requested in writing by any substantially
26 affected person or state agency or by a local enforcement
27 agency, the commission shall issue a declaratory statement
28 pursuant to s. 120.565 relating to this part and ss. 515.25,
29 515.27, 515.29, and 515.37. Actions of the commission are
30 subject to judicial review under s. 120.68.

31

1 (c) The commission shall review decisions of local
2 building officials and local enforcement agencies regarding
3 interpretations of the Florida Building Code after the local
4 board of appeals has considered the decision, if such board
5 exists, and if such appeals process is concluded within 25
6 business days.

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

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

26 a. The name and address of the county or municipality
27 in which provisions of the Florida Building Code are being
28 interpreted.

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

31

1 c. The name, address, and telephone number of the
2 petitioner; the name, address, and telephone number of the
3 petitioner's representative, if any; and an explanation of how
4 the petitioner's substantial interests are being affected by
5 the local interpretation of the Florida Building Code.

6 d. A statement of the provisions of the Florida
7 Building Code which are being interpreted by the local
8 building official.

9 e. A statement of the interpretation given to
10 provisions of the Florida Building Code by the local building
11 official and the manner in which the interpretation was
12 rendered.

13 f. A statement of the interpretation that the
14 petitioner contends should be given to the provisions of the
15 Florida Building Code and a statement supporting the
16 petitioner's interpretation.

17 g. Space for the local building official to respond in
18 writing. The space shall, at a minimum, require the local
19 building official to respond by providing a statement
20 admitting or denying the statements contained in the petition
21 and a statement of the interpretation of the provisions of the
22 Florida Building Code which the local jurisdiction or the
23 local building official contends is correct, including the
24 basis for the interpretation.

25 3. The petitioner shall submit the petition to the
26 local building official, who shall place the date of receipt
27 on the petition. The local building official shall respond to
28 the petition in accordance with the form and shall return the
29 petition along with his or her response to the petitioner
30 within 5 days after receipt, exclusive of Saturdays, Sundays,
31 and legal holidays. The petitioner may file the petition with

1 the commission at any time after the local building official
2 provides a response. If no response is provided by the local
3 building official, the petitioner may file the petition with
4 the commission 10 days after submission of the petition to the
5 local building official and shall note that the local building
6 official did not respond.

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

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

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

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

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

21 9. In any review proceeding initiated in accordance
22 with this paragraph, including any proceeding initiated in
23 accordance with subparagraph 7., the fact that an owner or
24 builder has proceeded with construction may not be grounds for
25 determining an issue to be moot if the issue is one that is
26 likely to arise in the future.

27
28 This paragraph provides the exclusive remedy for addressing
29 requests to review local interpretations of the code and
30 appeals from review proceedings.

31

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

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

14 (f) The commission may designate a commission member
15 who has demonstrated expertise in interpreting building plans
16 to attend each meeting of the advisory council created in s.
17 553.512. The commission member may vary from meeting to
18 meeting, shall serve on the council in a nonvoting capacity,
19 and shall receive per diem and expenses as provided in s.
20 553.74(3).

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

1 Legislature that the process provide for the expeditious
2 resolution of the issues presented and publication of the
3 resulting interpretation on the Building Code Information
4 System. Such interpretations shall be advisory only and
5 nonbinding on the parties and the commission.

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

15 Section 10. Subsection (14) of section 553.79, Florida
16 Statutes, is amended to read:

17 553.79 Permits; applications; issuance; inspections.--

18 (14) Certifications by contractors authorized under
19 the provisions of s. 489.115(4)(b) shall be considered
20 equivalent to sealed plans and specifications by a person
21 licensed under chapter 471 or chapter 481 by local enforcement
22 agencies for plans review for permitting purposes relating to
23 compliance with the wind resistance provisions of the code or
24 alternate methodologies approved by the commission for one and
25 two family dwellings. Local enforcement agencies may rely upon
26 such certification by contractors that the plans and
27 specifications submitted conform to the requirements of the
28 code for wind resistance. Upon good cause shown, local
29 government code enforcement agencies may accept or reject
30 plans sealed by persons licensed under chapter 471, chapter
31 481, or chapter 489. A truss-placement plan is not required to

1 be signed and sealed by an engineer or architect unless
2 prepared by an engineer or architect or specifically required
3 by the Florida Building Code.

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

8 553.791 Alternative plans review and inspection.--

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

10 (f) "Permit application" means a properly completed
11 and submitted application for:

12 ~~1.~~ the requested building or construction permit,
13 including:-

14 ~~1.2.~~ The plans reviewed by the private provider.

15 ~~2.3.~~ The affidavit from the private provider required
16 pursuant to subsection (5).

17 ~~3.4.~~ Any applicable fees.

18 ~~4.5.~~ Any documents required by the local building
19 official to determine that the fee owner has secured all other
20 government approvals required by law.

21 (2) Notwithstanding any other provision of law or
22 local government ordinance or local policy, the fee owner of a
23 building or structure, or the fee owner's contractor upon
24 written authorization from the fee owner, may choose to use a
25 private provider to provide building code inspection services
26 with regard to such building or structure and may make payment
27 directly to the private provider for the provision of such
28 services. All such services shall be the subject of a written
29 contract between the private provider, or the private
30 provider's firm, and the fee owner. The fee owner may elect to
31 use a private provider to provide ~~either~~ plans review or

1 required building inspections, or both. However, if the fee
2 owner or the fee owner's contractor uses a private provider to
3 provide plans review, the local building official, in his or
4 her discretion and pursuant to duly adopted policies of the
5 local enforcement agency, may require the fee owner or the fee
6 owner's contractor~~who desires~~ to use a private provider ~~to~~
7 ~~use the private provider to also provide both plans review and~~
8 required building inspections ~~inspection services~~ .

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

18 (a) The services to be performed by the private
19 provider.

20 (b) The name, firm, address, telephone number, and
21 facsimile number of each private provider who is performing or
22 will perform such services, his or her professional license or
23 certification number, qualification statements or resumes,
24 and, if required by the local building official, a certificate
25 of insurance demonstrating that professional liability
26 insurance coverage is in place for the private provider's
27 firm, the private provider, and any duly authorized
28 representative in the amounts required by this section.

29 (c) An acknowledgment from the fee owner in
30 substantially the following form:
31

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

24
25 If the fee owner or the fee owner's contractor makes any
26 changes to the listed private providers or the services to be
27 provided by those private providers, the fee owner or the fee
28 owner's contractor shall, within 1 business day after any
29 change, update the notice to reflect such changes. In
30 addition, the fee owner or the fee owner's contractor shall
31 post at the project site, prior to the commencement of

1 construction and updated within 1 business day after any
2 change, on a form to be adopted by the commission, the name,
3 firm, address, telephone number, and facsimile number of each
4 private provider who is performing or will perform building
5 code inspection services, the type of service being performed,
6 and similar information for the primary contact of the private
7 provider on the project.

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

20 (7) A private provider performing required inspections
21 under this section shall inspect each phase of construction as
22 required by the applicable codes. The private provider shall
23 be permitted to send a duly authorized representative to the
24 building site to perform the required inspections, provided
25 all required reports and certifications are prepared by and
26 bear the signature of the private provider. The duly
27 authorized representative must be an employee of the private
28 provider entitled to receive unemployment compensation
29 benefits under chapter 443. The contractor's contractual or
30 legal obligations are not relieved by any action of the
31 private provider.

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

21 (11) No more than ~~Within~~ 2 business days after receipt
22 of a request for a certificate of occupancy or certificate of
23 completion and the applicant's presentation of a certificate
24 of compliance and approval of all other government approvals
25 required by law, the local building official shall issue the
26 certificate of occupancy or certificate of completion or
27 provide a notice to the applicant identifying the specific
28 deficiencies, as well as the specific code chapters and
29 sections. If the local building official does not provide
30 notice of the deficiencies within the prescribed 2-day period,
31 the request for a certificate of occupancy or certificate of

1 completion shall be deemed granted and the certificate of
2 occupancy or certificate of completion shall be issued by the
3 local building official on the next business day. To resolve
4 any identified deficiencies, the applicant may elect to
5 dispute the deficiencies pursuant to subsection (12) or to
6 submit a corrected request for a certificate of occupancy or
7 certificate of completion.

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

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

21 (b) If the local building official and private
22 provider are unable to resolve the dispute, the matter shall
23 be referred to the local enforcement agency's board of
24 appeals, if one exists, which shall consider the matter at its
25 next scheduled meeting or sooner. Any decisions by the local
26 enforcement agency's board of appeals, or local building
27 official if there is no board of appeals, may be appealed to
28 the commission as provided by this chapter ~~pursuant to s.~~
29 ~~553.77(1)(h)~~.

30 (c) Notwithstanding any provision of this section, any
31 decisions regarding the issuance of a building permit,

1 certificate of occupancy, or certificate of completion may be
2 reviewed by the local enforcement agency's board of appeals,
3 if one exists. Any decision by the local enforcement agency's
4 board of appeals, or local building official if there is no
5 board of appeals, may be appealed to the commission as
6 provided by this chapter ~~pursuant to s. 553.77(1)(h)~~, which
7 shall consider the matter at the commission's next scheduled
8 meeting.

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

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

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

25 (15) A private provider may perform building code
26 inspection services on a building project under this section
27 only if the private provider maintains insurance for
28 professional ~~and comprehensive general liability~~ covering with
29 ~~minimum policy limits of \$1 million per occurrence relating to~~
30 all services performed as a private provider. Such insurance
31 shall have minimum policy limits of \$1 million per occurrence

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

21 (17) Each local building code enforcement agency may
22 ~~shall develop and maintain a process to~~ audit the performance
23 of building code inspection services by private providers
24 operating within the local jurisdiction. Work on a building or
25 structure may proceed after inspection and approval by a
26 private provider if the provider has given notice of the
27 inspection pursuant to subsection (8) and, subsequent to such
28 inspection and approval, the work may not be delayed for
29 completion of an inspection audit by the local building code
30 enforcement agency.

31

1 Section 12. Paragraph (d) of subsection (1) and
2 subsection (6) of section 553.80, Florida Statutes, are
3 amended, and subsections (7) and (8) are added to that
4 section, to read:

5 553.80 Enforcement.--

6 (1) Except as provided in paragraphs (a)-(f), each
7 local government and each legally constituted enforcement
8 district with statutory authority shall regulate building
9 construction and, where authorized in the state agency's
10 enabling legislation, each state agency shall enforce the
11 Florida Building Code required by this part on all public or
12 private buildings, structures, and facilities, unless such
13 responsibility has been delegated to another unit of
14 government pursuant to s. 553.79(9).

15 (d) Building plans approved under ~~pursuant to~~ s.
16 553.77(3)(5) and state-approved manufactured buildings,
17 including buildings manufactured and assembled offsite and not
18 intended for habitation, such as lawn storage buildings and
19 storage sheds, are exempt from local code enforcing agency
20 plan reviews except for provisions of the code relating to
21 erection, assembly, or construction at the site. Erection,
22 assembly, and construction at the site are subject to local
23 permitting and inspections. Lawn storage buildings and storage
24 sheds bearing the insignia of approval of the department are
25 not subject to s. 553.842. Such buildings that do not exceed
26 400 square feet may be delivered and installed without need of
27 a contractor's or specialty license.

28
29 The governing bodies of local governments may provide a
30 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
31 and this section, for the enforcement of the provisions of

1 | this part. Such fees shall be used solely for carrying out the
2 | local government's responsibilities in enforcing the Florida
3 | Building Code. The authority of state enforcing agencies to
4 | set fees for enforcement shall be derived from authority
5 | existing on July 1, 1998. However, nothing contained in this
6 | subsection shall operate to limit such agencies from adjusting
7 | their fee schedule in conformance with existing authority.

8 | (6) Notwithstanding any other ~~provision of~~ law, state
9 | universities, community colleges, and public school districts
10 | shall be subject to enforcement of the Florida Building Code
11 | under ~~pursuant to~~ this part.

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

1 2. In order to enforce building code compliance
2 independent of a county or municipality, a state university,
3 community college, or public school district may create a
4 board of adjustment and appeal to which a substantially
5 affected party may appeal an interpretation of the Florida
6 Building Code which relates to a specific project. The
7 decisions of this board, or, in its absence, the decision of
8 the building code administrator, may be reviewed under s.
9 553.775.

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

13 1. Fees charged by counties and municipalities for
14 enforcement of the Florida Building Code on buildings,
15 structures, and facilities of state universities, state
16 colleges, and public school districts ~~may shall~~ not be more
17 than the actual labor and administrative costs incurred for
18 plans review and inspections to ensure compliance with the
19 code.

20 2. Counties and municipalities shall expedite building
21 construction permitting, building plans review, and
22 inspections of projects of state universities, state community
23 colleges, and public school districts ~~that which~~ are subject
24 to the Florida Building Code according to guidelines
25 established by the Florida Building Commission.

26 3. A party substantially affected by an interpretation
27 of the Florida Building Code by the local government's code
28 enforcement offices may appeal the interpretation to the local
29 government's board of adjustment and appeal or to the
30 commission under s. 553.775 if no local board exists. The
31

1 decision of a local board is reviewable in accordance with s.
2 553.775.

3 (c) The Florida Building Commission and code
4 enforcement jurisdictions shall consider balancing code
5 criteria and enforcement to unique functions, where they
6 occur, of research institutions by application of performance
7 criteria in lieu of prescriptive criteria.

8 (d) School boards, community college boards, and state
9 universities may use annual facility maintenance permits to
10 facilitate routine maintenance, emergency repairs, building
11 refurbishment, and minor renovations of systems or equipment.
12 The amount expended for maintenance projects may not exceed
13 \$200,000 per project. A facility maintenance permit is valid
14 for 1 year. A detailed log of alterations and inspections must
15 be maintained and annually submitted to the building official.
16 The building official retains the right to make inspections at
17 the facility site as he or she considers necessary. Code
18 compliance must be provided upon notification by the building
19 official. If a pattern of code violations is found, the
20 building official may withhold the issuance of future annual
21 facility maintenance permits.

22
23 ~~Nothing in~~ This part may not shall be construed to authorize
24 counties, municipalities, or code enforcement districts to
25 conduct any permitting, plans review, or inspections not
26 covered by the Florida Building Code. Any actions by counties
27 or municipalities not in compliance with this part may be
28 appealed to the Florida Building Commission. The commission,
29 upon a determination that actions not in compliance with this
30 part have delayed permitting or construction, may suspend the
31 authority of a county, municipality, or code enforcement

1 district to enforce the Florida Building Code on the
2 buildings, structures, or facilities of a state university,
3 state community college, or public school district and provide
4 for code enforcement at the expense of the state university,
5 state community college, or public school district.

6 (7) The governing bodies of local governments may
7 provide a schedule of reasonable fees, as authorized by s.
8 125.56(2) or s. 166.222 and this section, for enforcing this
9 part. These fees, and any fines or investment earnings related
10 to the fees, shall be used solely for carrying out the local
11 government's responsibilities in enforcing the Florida
12 Building Code. When providing a schedule of reasonable fees,
13 the total estimated annual revenue derived from fees, and the
14 fines and investment earnings related to the fees, may not
15 exceed the total estimated annual costs of allowable
16 activities. Any unexpended balances shall be carried forward
17 to future years for allowable activities or shall be refunded
18 at the discretion of the local government. The basis for a fee
19 structure for allowable activities shall relate to the level
20 of service provided by the local government. Fees charged
21 shall be consistently applied.

22 (a) As used in this subsection, the phrase "enforcing
23 the Florida Building Code" includes the direct costs and
24 reasonable indirect costs associated with review of building
25 plans, building inspections, reinspections, building permit
26 processing; building code enforcement; and fire inspections
27 associated with new construction. The phrase may also include
28 training costs associated with the enforcement of the Florida
29 Building Code and enforcement action pertaining to unlicensed
30 contractor activity to the extent not funded by other user
31 fees.

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

3 1. Planning and zoning or other general government
4 activities.

5 2. Inspections of public buildings for a reduced fee
6 or no fee.

7 3. Public information requests, community functions,
8 boards, and any program not directly related to enforcement of
9 the Florida Building Code.

10 4. Enforcement and implementation of any other local
11 ordinance, excluding validly adopted local amendments to the
12 Florida Building Code and excluding any local ordinance
13 directly related to enforcing the Florida Building Code as
14 defined in paragraph (a).

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

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

25 Section 13. Paragraph (c) is added to subsection (17)
26 of section 120.80, Florida Statutes, to read:

27 120.80 Exceptions and special requirements;
28 agencies.--

29 (17) FLORIDA BUILDING COMMISSION.--

30 (c) Notwithstanding ss. 120.565, 120.569, and 120.57,
31 the Florida Building Commission and hearing officer panels

1 appointed by the commission in accordance with s.
2 553.775(3)(c)1. may conduct proceedings to review decisions of
3 local building code officials in accordance with s.
4 553.775(3)(c).

5 Section 14. Section 553.841, Florida Statutes, is
6 amended to read:

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

9 553.841 Building code education and outreach
10 program.--

11 (1) The Legislature finds that the effectiveness of
12 the building codes of this state depends on the performance of
13 all participants, as demonstrated through knowledge of the
14 codes and commitment to compliance with code directives, and
15 that to strengthen compliance by industry and enforcement by
16 government, a building code education and outreach program is
17 needed.

18 (2) There is created the Building Code Education and
19 Outreach Council to coordinate, develop, and maintain
20 education and outreach to ensure administration and
21 enforcement of the Florida Building Code.

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

24 (a) Three representatives of the Florida Building
25 Commission, one of whom must be a member of a Florida-based
26 organization of persons with disabilities or a nationally
27 chartered organization of persons with disabilities having
28 chapters in this state, selected by the commission;

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

31

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

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

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

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

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

11 (h) One representative of the Board of Landscape
12 Architecture, selected by that board;

13 (i) One representative from the office of the State
14 Fire Marshal, selected by that office; and

15 (j) One representative with experience and expertise
16 in K-12 public school construction.

17
18 Each member of the board shall be appointed to a 2-year term
19 and may be reappointed at the discretion of the appointing
20 body. A chair shall be elected by majority vote of the council
21 and shall serve a term of 1 year.

22 (4) The Building Code Education and Outreach Council
23 shall meet in Tallahassee no more than semiannually. The
24 council may meet more often but not more than monthly, and
25 such additional meetings shall be by telephone conference
26 call. Travel costs, if any, shall be borne by the respective
27 appointing entity. The Department of Community Affairs shall
28 provide administrative support to the council; however, the
29 department may contract with an entity that has previous
30 experience with building code training, development, and

31

1 coordination to provide administrative support for the
2 council.

3 (5) The Building Code Education and Outreach Council
4 shall:

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

7 (b) Administer the provisions of this section.

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

10 (d) Review all proposed subjects for advanced courses
11 concerning the Florida Building Code and recommend to the
12 commission any related subjects that should be approved for
13 advanced courses.

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

16 (a) A core curriculum that is prerequisite to the
17 advanced module coursework.

18 (b) Advanced modules designed for use by each
19 profession.

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

26 (7) The core curriculum shall cover the information
27 required to have all categories of participants appropriately
28 informed as to their technical and administrative
29 responsibilities in the effective execution of the code
30 process by all individuals currently licensed under part XII
31 of chapter 468, chapter 471, chapter 481, or chapter 489,

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

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

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

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

28 (11) The commission shall adopt rules for establishing
29 procedures and criteria for the approval of advanced courses.
30 This section does not modify or eliminate the continuing
31 education course requirements or authority of any licensing

1 board under part XII of chapter 468, chapter 471, chapter 481,
2 or chapter 489.

3 Section 15. Section 553.8413, Florida Statutes, is
4 repealed.

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

8 553.842 Product evaluation and approval.--

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

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

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

8 (5)(6) Statewide ~~or local~~ approval of products,
9 methods, or systems of construction may be achieved by one of
10 the following methods. One of these methods must be used by
11 ~~local officials or~~ the commission to approve the following
12 categories of products: panel walls, exterior doors, roofing,
13 skylights, windows, shutters, and structural components as
14 established by the commission by rule.

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

- 24 1. A certification mark or listing of an approved
25 certification agency;
- 26 2. A test report from an approved testing laboratory;
- 27 3. A product evaluation report based upon testing or
28 comparative or rational analysis, or a combination thereof,
29 from an approved product evaluation entity; or
- 30 4. A product evaluation report based upon testing or
31 comparative or rational analysis, or a combination thereof,

1 developed and signed and sealed by a professional engineer or
2 architect, licensed in this state.

3
4 A product evaluation report or a certification mark or listing
5 of an approved certification agency which demonstrates that
6 the product or method or system of construction complies with
7 the Florida Building Code for the purpose intended shall be
8 equivalent to a test report and test procedure as referenced
9 in the Florida Building Code.

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

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

23 2. A product evaluation report based upon testing or
24 comparative or rational analysis, or a combination thereof,
25 developed and signed and sealed by a professional engineer or
26 architect, licensed in this state, who certifies that the
27 product or method or system of construction is, for the
28 purpose intended, at least equivalent to that required by the
29 Florida Building Code.

30 ~~(6)(7)~~ The commission shall ensure that product
31 manufacturers that obtain statewide product approval operate

1 quality assurance programs for all approved products. The
2 commission shall adopt by rule criteria for operation of the
3 quality assurance programs.

4 ~~(7)(8) For local approvals, validation shall be~~
5 ~~performed by the local building official. The commission shall~~
6 ~~adopt by rule criteria constituting complete validation by the~~
7 ~~local official, including, but not limited to, criteria~~
8 ~~governing verification of a quality assurance program. For~~
9 state approvals, validation shall be performed by validation
10 entities approved by the commission. The commission shall
11 adopt by rule criteria for approval of validation entities,
12 which shall be third-party entities independent of the
13 product's manufacturer and which shall certify to the
14 commission the product's compliance with the code.

15 ~~(8)(9)~~ The commission may adopt rules to approve the
16 following types of entities that produce information on which
17 product approvals are based. All of the following entities,
18 including engineers and architects, must comply with a
19 nationally recognized standard demonstrating independence or
20 no conflict of interest:

21 (a) Evaluation entities that meet the criteria for
22 approval adopted by the commission by rule. The commission
23 shall specifically approve the National Evaluation Service,
24 the International Conference of Building Officials Evaluation
25 Services, the International Code Council Evaluation Services,
26 the Building Officials and Code Administrators International
27 Evaluation Services, the Southern Building Code Congress
28 International Evaluation Services, and the Miami-Dade County
29 Building Code Compliance Office Product Control. Architects
30 and engineers licensed in this state are also approved to
31 conduct product evaluations as provided in subsection ~~(5)(6)~~.

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

11 Section 17. Subsection (9) of section 633.025, Florida
12 Statutes, is amended, and subsection (10) is added to that
13 section to read:

14 633.025 Minimum firesafety standards.--

15 (9) The provisions of the Life Safety Code shall not
16 apply to newly constructed one-family and two-family
17 dwellings. However, fire sprinkler protection may be
18 permitted by local government in lieu of other fire
19 protection-related development requirements for such
20 structures. While local governments may adopt fire sprinkler
21 requirements for one and two-family dwellings under this
22 subsection, it is the intent of the Legislature that the
23 economic consequences of the fire sprinkler mandate on home
24 owners be studied before the enactment of such a requirement.
25 After the effective date of this act, any local government
26 that desires to adopt a fire sprinkler requirement on one or
27 two-family dwellings must prepare an economic cost and benefit
28 report that analyzes the application of fire sprinklers to one
29 or two-family dwellings or any proposed residential
30 subdivision. The report must consider the tradeoffs and
31 specific cost-savings and benefits of fire sprinklers for

1 future owners of property. The report must include an
2 assessment of the cost savings from any reduced or eliminated
3 impact fees if applicable, the reduction in special fire
4 district tax, insurance fees, and other taxes or fees imposed,
5 and the waiver of certain infrastructure requirements
6 including the reduction of roadway widths, the reduction of
7 water line sizes, increased fire hydrant spacing, increased
8 dead-end road way length and a reduction in cul-de-sac sizes
9 relative to the costs from fire sprinkling. A failure to
10 prepare an economic report shall result in the invalidation of
11 the fire sprinkler requirement to any one or two-family
12 dwelling or any proposed subdivision. In addition, a local
13 jurisdiction or utility may not charge any additional fee,
14 above what is charged to a non-fire sprinklered dwelling, on
15 the basis that a one or two-family dwelling unit is protected
16 by a fire sprinkler system.

17 (10) Before imposing a fire sprinkler requirement on
18 any one or two-family dwelling, a local government must
19 provide the owner of any one or two-family dwelling a letter
20 documenting specific infrastructure or other tax or fee
21 allowances and waivers that are listed in but not limited to
22 those described in subsection (9) for the dwelling. The
23 documentation must show that the cost savings reasonably
24 approximate the cost of the purchase and installation of a
25 fire protection system.

26 Section 18. Section 633.026, Florida Statutes, is
27 created to read:

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

1 Division of State Fire Marshal may contract with and refer
2 interpretive issues to a nonprofit organization that has
3 experience in interpreting and enforcing the Florida Fire
4 Prevention Code. The Division of State Fire Marshal shall
5 immediately implement the process prior to the completion of
6 formal rulemaking. It is the intent of the Legislature that
7 the Division of State Fire Marshal create a process to refer
8 questions to a small group of individuals certified under s.
9 633.081(2), to which a party can pose questions regarding the
10 interpretation of code provisions. It is the intent of the
11 Legislature that the process provide for the expeditious
12 resolution of the issues presented and publication of the
13 resulting interpretation on the website of the Division of
14 State Fire Marshal. It is the intent of the Legislature that
15 this program be similar to the program established by the
16 Florida Building Commission in s. 553.77(7). Such
17 interpretations shall be advisory only and nonbinding on the
18 parties or the State Fire Marshal. In order to administer this
19 section, the department may adopt by rule and impose a fee for
20 nonbinding interpretations, with payment made directly to the
21 third party. The fee may not exceed \$150 for each request for
22 a review or interpretation.

23 Section 19. Local product approval.--

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

28 (a) A certification mark, listing, or label from a
29 commission-approved certification agency indicating that the
30 product complies with the code;

31

1 (b) A test report from a commission-approved testing
2 laboratory indicating that the product tested complies with
3 the code;

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

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

13 (e) A statewide product approval issued by the Florida
14 Building Commission.

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

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

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

31

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

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

7 (6) Upon review of the compliance documentation, and a
8 finding that the product complies with the code, the authority
9 having jurisdiction or a local building official shall deem
10 the product approved for use in accordance with its approval
11 and limitation of use.

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

19 Section 20. Mitigation Grant Program guideline.--

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

25 (2) Beginning with grant funds approved after July 1,
26 2005, the construction of new or retrofitted window or door
27 covering that is funded by a hazard-mitigation grant program
28 or shelter-retrofit program must conform to design drawings
29 that are signed, sealed, and inspected by a structural
30 engineer who is registered in this state. Before the
31 Department of Community Affairs forwards payment to a

1 recipient of the grant, an inspection report and attestation
2 or a copy of the sign and sealed plans shall be provided to
3 the department.

4 (3) If the construction is funded by a hazard
5 mitigation grant or shelter retrofit program, the Department
6 of Community Affairs shall advise the county, municipality, or
7 other entity applying for the grant that the cost or price of
8 the project is not the sole criterion for selecting a vendor.

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

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

15 Section 22. Subsections (5), (14), and (18) of section
16 633.021, Florida Statutes, are amended to read:

17 633.021 Definitions.--As used in this chapter:

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

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

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

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

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

19 (e) "Contractor V" means a contractor whose business
20 is limited to the execution of contracts requiring the ability
21 to ~~lay out~~, fabricate, install, inspect, alter, repair, and
22 service the underground piping for a fire protection system
23 using water as the extinguishing agent beginning at the point
24 of service as defined in this act ~~at which the piping is used~~
25 ~~exclusively for fire protection~~ and ending no more than 1 foot
26 above the finished floor.

27
28 The definitions in this subsection must not be construed to
29 include fire protection engineers or architects and do not
30 limit or prohibit a licensed fire protection engineer or
31 architect from designing any type of fire protection system. A

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

19 (14) "Layout" as used in this chapter means the layout
20 of risers, cross mains, branch lines, sprinkler heads, sizing
21 of pipe, hanger locations, and hydraulic calculations in
22 accordance with the design concepts established through the
23 provisions of the Responsibility Rules adopted by the Board of
24 Professional Engineers s. 553.79(6)(c).

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

1 ~~contractor who designed the plans for a system of 49 or fewer~~
2 ~~heads.~~

3 Section 23. Subsection (11) is added to section
4 633.0215, Florida Statutes, to read:

5 633.0215 Florida Fire Prevention Code.--

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

10 Section 24. Section 633.071, Florida Statutes, is
11 amended to read:

12 633.071 Standard service tag required on all fire
13 extinguishers and preengineered systems; serial number
14 required on all portable fire extinguishers; standard
15 inspection tags required on all fire protection systems.--

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

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

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

28 | (3) The State Fire Marshal shall adopt by rule
29 | specifications as to the size, shape, color, information, and
30 | data contained thereon of inspection tags to be attached to
31 |

1 all types of fire protection systems and information required
2 on an inspection report of such an inspection.

3 Section 25. Section 633.082, Florida Statutes, is
4 amended to read:

5 633.082 Inspection of fire control systems and fire
6 protection systems.--

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

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

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

29 Section 26. Section 633.521, Florida Statutes, is
30 amended to read:

31

1 633.521 Certificate application and issuance; permit
2 issuance; examination and investigation of applicant.--

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

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

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

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

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

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

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

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

22 (4) As a prerequisite to issuance of a certificate,
23 the State Fire Marshal shall require the applicant to submit
24 satisfactory evidence that she or he has obtained insurance
25 providing coverage for comprehensive general liability for
26 bodily injury and property damages, products liability,
27 completed operations, and contractual liability. The State
28 Fire Marshal may adopt rules providing for the amount of
29 insurance, but such amount shall not be less than \$500,000 for
30 a Contractor I, Contractor II, Contractor III, or Contractor V
31 and shall not be less than \$250,000 for a Contractor IV. An

1 insurer which provides such coverage shall notify within 30
2 days the State Fire Marshal of any material change in coverage
3 or any termination, cancellation, or nonrenewal of such
4 coverage. An insurer which fails to so notify the State Fire
5 Marshal's office shall be subject to the penalties provided
6 under s. 624.4211.

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

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

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

29 (8) An individual employed by a Contractor I or
30 Contractor II certificateholder, as established in this
31 section, who will be inspecting water-based fire protection

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

27
28 It is the intent of the Legislature that the inspections and
29 testing of automatic fire sprinkler systems for detached
30 one-family dwellings, detached two-family dwellings, and
31 mobile homes be accomplished by the owner, who is responsible

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

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

17 Section 27. Section 633.524, Florida Statutes, is
18 amended to read:

19 633.524 Certificate and permit fees; use and deposit
20 of collected funds.--

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

30 (2) All moneys collected by the State Fire Marshal
31 pursuant to this chapter are hereby appropriated for the use

1 of the State Fire Marshal in the administration of this
2 chapter and shall be deposited in the Insurance Regulatory
3 Trust Fund.

4 Section 28. Subsection (4) is added to section
5 633.537, Florida Statutes, to read:

6 633.537 Certificate; expiration; renewal; inactive
7 certificate; continuing education.--

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

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

23 633.539 Requirements for installation, inspection, and
24 maintenance of fire protection systems.--

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

1 employed by the certificateholder. This section does not
2 prohibit the authority having jurisdiction or insurance
3 company representatives from reviewing the system in
4 accordance with acceptable oversight standards.

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

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

31

1 Section 30. Section 633.547, Florida Statutes, is
2 amended to read:

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

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

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

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

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

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

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

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

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

1 inspected, serviced, tested, or repaired, or except pursuant
2 to court order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (7) The filing of a petition in bankruptcy, either
30 voluntary or involuntary, or the making of a composition of
31 creditors or the appointment of a receiver for the business of

1 the certificateholder may be considered by the State Fire
2 Marshal as just cause for suspension of a certificate.

3 Section 31. Subsection (4) is added to section
4 633.702, Florida Statutes, to read:

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

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

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

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

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

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

21 Section 32. Upon the creation of chapter 515, Florida
22 Statutes, the intent of the Legislature was that any swimming
23 pool exit alarm that complied with Underwriters Laboratories
24 Standard Number 2017 be a permissive alternative to comply
25 with the swimming pool safety provisions in chapter 515. The
26 Florida Building Commission shall amend the Florida Building
27 Code to accurately reflect this intent. Notwithstanding
28 section 553.73, Florida Statutes, the commission is required
29 only to follow the rule adoption procedures of chapter 120,
30 Florida Statutes, to comply herewith and must complete
31 rulemaking before November 1, 2005. Upon publication of the

1 applicable Notice of Rule Development in the Florida
2 Administrative Weekly, any alarm that complies with the
3 Underwriters Laboratories 2017 shall be allowed.

4 Section 33. Because of the water intrusion experienced
5 during the recent hurricanes, the Florida Building Commission
6 shall integrate standards pertaining to ventless attic spaces
7 as adopted by the International Code Council into the Florida
8 Building Code. Section 553.73, Florida Statutes,
9 notwithstanding, the commission is authorized to adopt
10 amendments to the Florida Building Code, 2004 edition, to
11 integrate the provisions subject only to the rule adoption
12 procedures contained in chapter 120, Florida Statutes. The
13 commission must adopt the provisions into the code no later
14 than November 1, 2005.

15 Section 34. (1) Within 10 days of an applicant
16 submitting an application to the local government, the local
17 government shall advise the applicant what information, if
18 any, is needed to deem the application properly completed in
19 compliance with the filing requirements published by the local
20 government. If the local government does not provide written
21 notice that the applicant has not submitted the properly
22 completed application, the application shall be automatically
23 deemed properly completed and accepted. Within 45 days after
24 receiving a completed application, a local government must
25 notify an applicant if additional information is required for
26 the local government to determine the sufficiency of the
27 application, and shall specify the additional information that
28 is required. The applicant must submit the additional
29 information to the local government or request that the local
30 government act without the additional information. While the
31 applicant responds to the request for additional information,

1 the 120-day period described in subsection (2) is tolled.

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

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

21 Section 35. Subsection (4) is added to section
22 1013.372, Florida Statutes, to read:

23 1013.372 Education facilities as emergency shelters.--

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

28 Section 36. Notwithstanding subsection (3) of section
29 109, chapter 2000-141, Laws of Florida, when the Florida
30 Building Commission updates the Florida Building Code, the
31 commission shall adopt, pursuant to section 553.73, Florida

1 Statutes, as wind protection requirements for areas of the
2 state not within the high velocity hurricane zone, the most
3 current edition of the wind protection requirements of the
4 American Society of Civil Engineers, Standard 7, as
5 implemented by the International Building Code. This section
6 is intended to explicitly supersede only the first sentence of
7 subsection (3) of section 109, chapter 2000-141, Laws of
8 Florida.

9 Section 37. Notwithstanding any other provision of
10 law, the Department of Environmental Protection shall retain
11 exclusive authority for review and final action on permit
12 applications for boat docking facilities as required under
13 chapters 373 and 403, Florida Statutes. The department is
14 prohibited from delegating permitting authority for these
15 facilities to the water management districts. This section
16 shall take effect January 1, 2006.

17 Section 38. Notwithstanding any other provision of
18 this act, the option for designing for internal pressure for
19 buildings within the windborne debris region shall be repealed
20 immediately upon adoption of standards and conditions within
21 the International Building Code or International Residential
22 Code prohibiting such design option. The Florida Building
23 Commission shall initiate rulemaking to incorporate such
24 standards and conditions prohibiting designing for internal
25 pressure for buildings into the Florida Building Code when the
26 base code is updated.

27 Section 39. The Legislature appropriates \$200,000 from
28 the Insurance Regulatory Trust Fund to the Department of
29 Financial Services to be used to develop a joint program
30 between the Florida Insurance Council and the Florida Home
31 Builders Association to educate contractors on the benefits

1 and options available for designing buildings for windborne
2 debris protection and to develop a standardized affidavit to
3 be used for verifying the insurance discounts for residential
4 construction techniques demonstrated to reduce the amount of
5 loss during a windstorm.

6 Section 40. The Florida Building Commission, in
7 conjunction with local building officials, shall conduct a
8 review of damage resulting from Hurricane Ivan and any other
9 data to evaluate, and to make recommendations to the
10 Legislature for any changes to, Florida's Building Code,
11 specifically as it applies to the region from the eastern
12 border of Franklin County to the Florida-Alabama line. The
13 commission shall issue a report summarizing its findings and
14 recommendations prior to the 2006 Regular Session.

15 Section 41. Notwithstanding any other provision of law
16 to the contrary, the effective date of the Florida Building
17 Code, 2004 Edition, shall be October 1, 2005.

18 Section 42. The Florida Building Commission shall
19 evaluate the definition of "exposure category C" as currently
20 defined in section 553.71(10), Florida Statutes, and make
21 recommendations for a new definition that more accurately
22 depicts Florida-specific conditions prior to the 2006 Regular
23 Session.

24 Section 43. Section 553.851, Florida Statutes, is
25 repealed.

26 Section 44. Any disaster impacted one-family,
27 two-family or three-family residence repaired or replaced by a
28 disaster recovery mitigation organization or any
29 not-for-profit organization using volunteer labor when not
30 holding themselves out to be contractors and assisting a
31

1 property owner in mitigating unsafe living conditions, the
2 organization must:

3 (a) Obtain all necessary building permits;

4 (b) Obtain all required building code inspections; and

5 (c) Provide for the supervision of all work by an
6 individual with construction experience.

7 Section 45. The Florida Building Commission shall
8 amend the Florida Building Code, 2004 edition, to allow use of
9 enclosed and unenclosed areas under mezzanines for the purpose
10 of calculating the permissible size of mezzanines in
11 sprinklered S2 occupancies of Type III construction. The
12 permissible use, as conditioned in this section, of enclosed
13 and unenclosed space under mezzanines for the purpose of
14 calculating mezzanine size shall be retroactive to the
15 effective date of the 2001 Florida Building Code.

16 Section 46. The Florida Building Commission shall
17 convene a workgroup composed of at least 10 stakeholders in
18 the state system of product approval, which may include a
19 maximum of three members of the commission to ensure diverse
20 input. The workgroup shall study the recommendation that the
21 state be served by a single validation entity for state
22 approval, which study shall include, but not be limited to,
23 the recommendation's feasibility, qualifications of the single
24 entity and its staff, costs charged for validation, time
25 standards for validation, means to challenge the validator's
26 determination, and duration of the contract with the
27 validator. The workgroup shall conduct its proceedings in an
28 open forum subject to comment from the public at each meeting.

29 Section 47. This act shall take effect July 1, 2005.
30
31

- 1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/CS/CS/SB 442
- 4 1) Allows a nursing home resident or his or her
5 representatives to request a change in the placement of
6 the bed in his or her room, provided it does not infringe
7 on the resident's roommate or interfere with the
8 resident's care or safety;
- 9 2) Provides that it is grounds for discipline for a building
10 code administrator, engineer, or registered architect to
11 perform certain building code-related services without
12 necessary insurance;
- 13 3) Requires a local government that adopts a fire sprinkler
14 requirement for one and two-family residences to
15 investigate the economic consequences of the requirement;
- 16 4) Revises requirements for local government approval of
17 products for local application to provide enhanced
18 reliance on the state-level product approval process;
- 19 5) Authorizes the State Fire Marshall to adopt, by rule,
20 standards for inspection tags for fire protection
21 systems;
- 22 6) Requires inspection of fire protection systems using
23 national standards;
- 24 7) Establishes continuing education requirements for permit
25 holders;
- 26 8) Requires that inspection of fire protection systems be
27 conducted by certificate holders or permit holders
28 employed by certificate holders, and provides for
29 discipline of permit holders;
- 30 9) Specifies that swimming pool exit alarms that comply with
31 Underwriters Laboratory Standard Number 2017 satisfy the
requirement of ch. 515, F.S.;
- 10) Incorporates by reference into the Florida Building Code
permitted standards for unvented attic assemblies in the
International Residential Code;
- 11) Requires that all costs associated with ensuring that new
educational facilities can serve as emergency shelters
are the responsibility of the counties where the
facilities are located;
- 12) Provides that, notwithstanding any other provision of
law, the Department of Environmental Protection must
retain exclusive authority over permit applications for
docking facilities under chapters 373 and 403, F.S.;
- 13) Provides that, notwithstanding any other provision of law
to the contrary, the effective date of the Florida
Building Code, 2004 Edition, shall be October 1, 2005;

- 1 14) Provides that any disaster recovery mitigation
2 organization or not-for-profit organization using
3 volunteer labor to repair or replace disaster-impacted
4 one-, two-, or three-family residences must obtain
5 necessary building permits, obtain all required building
6 code inspections, and provide for the supervision of all
7 work by an individual with construction experience;
- 8 15) Instructs the commission to amend the Florida Building
9 Code to allow use of enclosed and unenclosed areas under
10 mezzanines for the purpose of calculating the permissible
11 size of mezzanines in sprinklered S2 occupancies of Type
12 III construction;
- 13 16) Instructs the Florida Building Commission to convene a
14 workgroup to study the recommendation for a single
15 validation entity;
- 16 17) Authorizes the Department of Financial Services to
17 establish a fee to support the administration of an
18 informal process for issuing non-binding interpretations
19 of the Florida Fire Prevention Code; and
- 20 18) Deletes certain provisions relating to the inspection of
21 private fire hydrants.
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