

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; providing that  
12 the Office of Insurance Regulation make  
13 recommendations to the insurance industry based  
14 on a report regarding the Hurricane Loss  
15 Mitigation Program by the Department of  
16 Community Affairs; amending s. 400.23, F.S.;  
17 providing that residents of nursing homes may  
18 move their beds under certain circumstances;  
19 requiring the nursing homes to notify the  
20 Agency for Health Care Administration; amending  
21 s. 468.621, F.S.; providing additional grounds  
22 for which disciplinary actions may be taken  
23 against building code enforcement officials;  
24 amending ss. 471.033 and 481.225, F.S.;  
25 providing criminal penalties for performing  
26 building inspections under certain  
27 circumstances; amending s. 489.537, F.S.;  
28 providing that certain alarm system contractors  
29 and electrical contractors may not be required  
30 by a municipality or county to obtain  
31 additional certification or meet additional

1 licensure requirements; amending s. 553.73,  
2 F.S.; specifying certain codes from the  
3 International Code Congress and the  
4 International Code Council as foundation codes  
5 for the updated Florida Building Code;  
6 providing requirements for amendments to the  
7 foundation codes; providing for the  
8 incorporation of certain statements, decisions,  
9 and amendments into the Florida Building Code;  
10 providing a timeframe for rule updates to the  
11 Florida Building Code to become effective;  
12 adding a requirement for technical amendments  
13 to the Florida Building Code; providing  
14 requirements for the Florida Building  
15 Commission in reviewing code amendments;  
16 providing an exception; incorporating by  
17 reference certain standards for unvented  
18 conditioned attic assemblies; amending s.  
19 553.77, F.S.; revising duties of the Florida  
20 Building Commission; authorizing local building  
21 departments or other entities to approve  
22 changes to an approved building plan; providing  
23 that a member shall abstain from voting under  
24 certain circumstances; deleting requirements  
25 that the commission hear certain appeals and  
26 issue declaratory statements; creating s.  
27 553.775, F.S.; providing legislative intent  
28 with respect to the interpretation of the  
29 Florida Building Code; providing for the  
30 commission to resolve disputes regarding  
31 interpretations of the code; requiring the

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

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

1 providing for products to be approved for  
2 statewide use; deleting an obsolete date;  
3 deleting a provision requiring the commission  
4 to adopt certain criteria for local program  
5 verification and validation by rule; adding an  
6 evaluation entity to the list of entities  
7 specifically approved by the commission;  
8 deleting a requirement that the commission  
9 establish a schedule for adopting rules  
10 relating to product approvals under certain  
11 circumstances; authorizing the commission to  
12 adopt rules relating to material standards;  
13 amending s. 633.025, F.S.; providing that  
14 local governments may adopt fire sprinkler  
15 requirements under certain circumstances;  
16 creating s. 633.026, F.S.; requiring that the  
17 State Fire Marshal establish by rule a process  
18 for rendering nonbinding interpretations of the  
19 Florida Fire Prevention Code; authorizing the  
20 State Fire Marshal to enter into contracts and  
21 refer interpretations to a nonprofit  
22 organization; providing for the interpretations  
23 to be advisory; providing for establishing a  
24 fee by department rule; providing requirements  
25 for local product approval of products or  
26 systems of construction; specifying methods for  
27 demonstrating compliance with the structural  
28 windload requirements of the Florida Building  
29 Code; providing for certification to be issued  
30 by a professional engineer or registered  
31 architect; providing for audits under a quality

1 assurance program and other types of  
2 certification; providing that changes to the  
3 Florida Building Code do not void the approval  
4 of previously installed products; providing for  
5 guidelines for the mitigation grant program;  
6 amending s. 633.021, F.S.; redefining terms  
7 used in ch. 633, F.S.; amending s. 633.0215,  
8 F.S.; revising provisions relating to the  
9 construction of townhouse stairs; amending s.  
10 633.071, F.S.; requiring inspection tags to be  
11 attached to all fire protection systems;  
12 providing for the standardization of inspection  
13 tags and reports; amending s. 633.082, F.S.;  
14 requiring fire protection systems to be  
15 inspected in accordance with nationally  
16 accepted standards; amending s. 633.521, F.S.;  
17 establishing a permit classification for  
18 individuals who inspect fire protection  
19 systems; amending s. 633.524, F.S.;  
20 establishing fees for various classes of  
21 permits; amending s. 633.537, F.S.;  
22 establishing continuing education requirements;  
23 amending s. 633.539, F.S.; requiring fire  
24 protection systems to be inspected, serviced,  
25 or maintained by a permitholder; establishing  
26 the scope of work criteria; amending s.  
27 633.547, F.S.; providing for disciplinary  
28 action; amending s. 633.702, F.S.; providing a  
29 criminal penalty for intentionally or willfully  
30 installing, servicing, testing, repairing,  
31 improving, or inspecting a fire alarm system

1 unless the person who performs those acts has  
2 certain qualifications or is exempt under s.  
3 489.503, F.S.; providing for the Florida  
4 Building Commission to adopt amendments to the  
5 Florida Building Code relating to water  
6 intrusion and roof-covering attachment;  
7 amending ch. 2000-141, Laws of Florida;  
8 providing for removal of outdated  
9 wind-protection standards from the Florida  
10 Building Code; providing for an update of the  
11 code's wind-protection standards; providing an  
12 appropriation; providing for incorporation in  
13 the Florida Building Code of the repeal of a  
14 design option relating to internal pressure for  
15 buildings within the windborne debris region;  
16 requiring the Florida Building Commission to  
17 make recommendations to the Legislature;  
18 providing an effective date for the Florida  
19 Building Code; granting certain design  
20 professionals the choice of having certain  
21 projects governed under the 2004 edition of the  
22 code; repealing s. 553.851, F.S., relating to  
23 the protection of underground gas pipelines;  
24 amending s. 489.103, F.S.; exempting a disaster  
25 recovery organization or a not-for-profit  
26 organization assisting with post-disaster  
27 repair or replacement of certain residential  
28 structures from part I of ch. 489, F.S.,  
29 relating to regulation of contractors, under  
30 certain circumstances; providing that certain  
31 storage buildings whose sale, delivery,

1 assembly, or tie-down are exempt from such  
2 part; requiring the Florida Building Commission  
3 to amend certain provisions of the Florida  
4 Building Code relating to mezzanine size and  
5 use; requiring the Florida Building Commission  
6 to convene a workgroup to study the  
7 recommendation for a single validation entity;  
8 requiring the Florida Building Commission to  
9 amend certain provisions of the Florida  
10 Building Code relating to fire safety in  
11 certain occupancies or exit doors of certain  
12 occupancies; creating the Manufactured Housing  
13 Regulatory Study Commission; providing for  
14 membership; providing duties; requiring the  
15 commission to file a report with the Governor  
16 and the Legislature; amending s. 514.075, F.S.;  
17 deleting an exemption from service requirements  
18 for certain public pool operators; requiring  
19 the adoption of rules; requiring a public pool  
20 to be serviced by a certified pool service  
21 technician; removing specified provisions from  
22 the Florida Building Code; restoring specified  
23 provisions that had been removed from the base  
24 code; providing for continuation of the  
25 restored provisions until the base code is  
26 revised; providing effective dates.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. Paragraph (a) of subsection (2) and  
31 subsections (3) and (4) of section 215.559, Florida Statutes,



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

6           215.559 Hurricane Loss Mitigation Program.--

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

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

29           (4) Of moneys provided to the Department of Community  
30 Affairs in paragraph (2)(a), 10 percent shall be allocated to  
31 a Type I Center within the State University System dedicated

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

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

1 program under the Florida Building Commission as provided for  
2 in s. 553.841.

3 ~~(8)(7)~~ On January 1st of each year, the Department of  
4 Community Affairs shall provide a full report and accounting  
5 of activities under this section and an evaluation of such  
6 activities to the Speaker of the House of Representatives, the  
7 President of the Senate, and the Majority and Minority Leaders  
8 of the House of Representatives and the Senate. Upon  
9 completion of the report, the Department of Community Affairs  
10 shall deliver the report to the Office of Insurance  
11 Regulation. The Office of Insurance Regulation shall review  
12 the report and shall make such recommendations available to  
13 the insurance industry as the Office of Insurance Regulation  
14 deems appropriate. These recommendations may be used by  
15 insurers for potential discounts or rebates pursuant to s.  
16 627.0629. The Office of Insurance Regulation shall make the  
17 recommendations within 1 year after receiving the report.

18 Section 2. Paragraph (a) of subsection (2) of section  
19 400.23, Florida Statutes, is amended to read:

20 400.23 Rules; evaluation and deficiencies; licensure  
21 status.--

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

27 (a) The location of the facility and housing  
28 conditions that will ensure the health, safety, and comfort of  
29 residents, including an adequate call system. In making such  
30 rules, the agency shall be guided by criteria recommended by  
31 nationally recognized reputable professional groups and

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

1 Florida Building Commission in updating the construction  
2 standards of the code relative to nursing homes.

3 Section 3. Paragraph (i) of subsection (1) of section  
4 468.621, Florida Statutes, is amended, and paragraph (j) is  
5 added to that subsection, to read:

6 468.621 Disciplinary proceedings.--

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

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

12 (j) Performing building code inspection services under  
13 s. 553.791, without satisfying the insurance requirements of  
14 that section.

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

17 471.033 Disciplinary proceedings.--

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

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

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

25 481.225 Disciplinary proceedings against registered  
26 architects.--

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

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

1 Section 6. Paragraph (a) of subsection (3) of section  
2 489.537, Florida Statutes, is amended to read:

3 489.537 Application of this part.--

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

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

15 Section 7. Paragraph (c) of subsection (4), subsection  
16 (6), and paragraphs (a) and (c) of subsection (7) of section  
17 553.73, Florida Statutes, are amended to read:

18 553.73 Florida Building Code.--

19 (4)

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

28 (6)(a) The commission, by rule adopted pursuant to ss.  
29 120.536(1) and 120.54, shall update the Florida Building Code  
30 every 3 years. When updating the Florida Building Code, the  
31 commission shall select the most current version of the

1 International Building Code, the International Fuel Gas Code,  
2 the International Mechanical Code, the International Plumbing  
3 Code, and the International Residential Code, all of which are  
4 adopted by the International Code Council, and the National  
5 Electrical Code, which is adopted by the National Fire  
6 Protection Association, to form the foundation codes of the  
7 updated Florida Building Code, if the version has been adopted  
8 by the International Code Council and made available to the  
9 public at least 6 months prior to its selection by the  
10 commission.

11 (b) Codes regarding noise contour lines shall be  
12 reviewed annually, and the most current federal guidelines  
13 shall be adopted.

14 (c) The commission may modify any portion of the  
15 foundation codes only as needed to accommodate the specific  
16 needs of this state, maintaining Florida-specific amendments  
17 previously adopted by the commission and not addressed by the  
18 updated foundation code. Standards or criteria referenced by  
19 the codes shall be incorporated by reference. If a referenced  
20 standard or criterion requires amplification or modification  
21 to be appropriate for use in this state, only the  
22 amplification or modification shall be set forth in the  
23 Florida Building Code. The commission may approve technical  
24 amendments to the updated Florida Building Code after the  
25 amendments have been subject to the conditions set forth in  
26 paragraphs (3)(a)-(d). Amendments to the foundation codes  
27 which are adopted in accordance with this subsection shall be  
28 clearly marked in printed versions of the Florida Building  
29 Code so that the fact that the provisions are Florida-specific  
30 amendments to the foundation codes is readily apparent.  
31 ~~consider changes made by the adopting entity of any selected~~

1 ~~model code for any model code incorporated into the Florida~~  
2 ~~Building Code, and may subsequently adopt the new edition or~~  
3 ~~successor of the model code or any part of such code, no~~  
4 ~~sooner than 6 months after such model code has been adopted by~~  
5 ~~the adopting organization, which may then be modified for this~~  
6 ~~state as provided in this section, and~~

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

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

30  
31



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

4           1. Is needed in order to accommodate the specific  
5 needs of this state.

6           ~~2.1.~~ Has a reasonable and substantial connection with  
7 the health, safety, and welfare of the general public.

8           ~~3.2.~~ Strengthens or improves the Florida Building  
9 Code, or in the case of innovation or new technology, will  
10 provide equivalent or better products or methods or systems of  
11 construction.

12           ~~4.3.~~ Does not discriminate against materials,  
13 products, methods, or systems of construction of demonstrated  
14 capabilities.

15           ~~5.4.~~ Does not degrade the effectiveness of the Florida  
16 Building Code.

17

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

30           (c) The commission may not approve any proposed  
31 amendment that does not accurately and completely address all

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

12 Section 8. Section 553.77, Florida Statutes, is  
13 amended to read:

14 553.77 Specific powers of the commission.--

15 (1) The commission shall:

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

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

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

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

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

28 ~~(e) When requested in writing by any substantially~~  
29 ~~affected person, state agency, or a local enforcing agency,~~  
30 ~~shall issue declaratory statements pursuant to s. 120.565~~  
31 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~

1 ~~515.37. Actions of the commission are subject to judicial~~  
2 ~~review pursuant to s. 120.68.~~

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

7 (e)(g) Participate with the Florida Fire Code Advisory  
8 Council created under s. 633.72, to provide assistance and  
9 recommendations relating to firesafety code interpretations.

10 The administrative staff of the commission shall attend  
11 meetings of the Florida Fire Code Advisory Council and  
12 coordinate efforts to provide consistency between the Florida  
13 Building Code and the Florida Fire Prevention Code and the  
14 Life Safety Code.

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

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

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

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

30 (f)(i) Determine the types of products which may be  
31 approved by the commission ~~requiring approval for local or~~

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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



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

7 Section 9. Section 553.775, Florida Statutes, is  
8 created to read:

9 553.775 Interpretations.--

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

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

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

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

1 administration by local governments of the Florida Building  
2 Code.

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

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

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

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

1 Information System. The form shall, at a minimum, require the  
2 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 determining an issue to be moot if the issue is one that is  
2 likely to arise in the future.

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

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

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

20 (f) The commission may designate a commission member  
21 who has demonstrated expertise in interpreting building plans  
22 to attend each meeting of the advisory council created in s.  
23 553.512. The commission member may vary from meeting to  
24 meeting, shall serve on the council in a nonvoting capacity,  
25 and shall receive per diem and expenses as provided in s.  
26 553.74(3).

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

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

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

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

23 553.79 Permits; applications; issuance; inspections.--

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

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

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

14 553.791 Alternative plans review and inspection.--

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

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

18 ~~+~~ the requested building or construction permit,  
 19 including:-

20 ~~1.2.~~ The plans reviewed by the private provider.

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

23 ~~3.4.~~ Any applicable fees.

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

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



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

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

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

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

1 insurance coverage is in place for the private provider's  
2 firm, the private provider, and any duly authorized  
3 representative in the amounts required by this section.

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

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

30  
31

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

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

27 |           (7) A private provider performing required inspections  
28 | under this section shall inspect each phase of construction as  
29 | required by the applicable codes. The private provider shall  
30 | be permitted to send a duly authorized representative to the  
31 | building site to perform the required inspections, provided

1 all required reports and certifications are prepared by and  
2 bear the signature of the private provider. The duly  
3 authorized representative must be an employee of the private  
4 provider entitled to receive unemployment compensation  
5 benefits under chapter 443. The contractor's contractual or  
6 legal obligations are not relieved by any action of the  
7 private provider.

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

28 (11) No more than ~~Within~~ 2 business days after receipt  
29 of a request for a certificate of occupancy or certificate of  
30 completion and the applicant's presentation of a certificate  
31 of compliance and approval of all other government approvals

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

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

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

28 (b) If the local building official and private  
29 provider are unable to resolve the dispute, the matter shall  
30 be referred to the local enforcement agency's board of  
31 appeals, if one exists, which shall consider the matter at its

1 next scheduled meeting or sooner. Any decisions by the local  
2 enforcement agency's board of appeals, or local building  
3 official if there is no board of appeals, may be appealed to  
4 the commission as provided by this chapter ~~pursuant to s.~~  
5 ~~553.77(1)(h)~~.

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

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

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

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

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

28           (17) Each local building code enforcement agency may  
29 ~~shall develop and maintain a process to~~ audit the performance  
30 of building code inspection services by private providers  
31 operating within the local jurisdiction. Work on a building or

1 structure may proceed after inspection and approval by a  
2 private provider if the provider has given notice of the  
3 inspection pursuant to subsection (8) and, subsequent to such  
4 inspection and approval, the work may not be delayed for  
5 completion of an inspection audit by the local building code  
6 enforcement agency.

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

11 553.80 Enforcement.--

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

21 (d) Building plans approved under ~~pursuant to~~ s.  
22 553.77(3)(5) and state-approved manufactured buildings,  
23 including buildings manufactured and assembled offsite and not  
24 intended for habitation, such as lawn storage buildings and  
25 storage sheds, are exempt from local code enforcing agency  
26 plan reviews except for provisions of the code relating to  
27 erection, assembly, or construction at the site. Erection,  
28 assembly, and construction at the site are subject to local  
29 permitting and inspections. Lawn storage buildings and storage  
30 sheds bearing the insignia of approval of the department are  
31 not subject to s. 553.842. Such buildings that do not exceed



1 400 square feet may be delivered and installed without need of  
 2 a contractor's or specialty license.

3  
 4 The governing bodies of local governments may provide a  
 5 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
 6 and this section, for the enforcement of the provisions of  
 7 this part. Such fees shall be used solely for carrying out the  
 8 local government's responsibilities in enforcing the Florida  
 9 Building Code. The authority of state enforcing agencies to  
 10 set fees for enforcement shall be derived from authority  
 11 existing on July 1, 1998. However, nothing contained in this  
 12 subsection shall operate to limit such agencies from adjusting  
 13 their fee schedule in conformance with existing authority.

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

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

1 authority of the county, municipality, or code enforcement  
2 district to ensure that buildings, structures, and facilities  
3 owned by ~~these such~~ entities comply with the Florida Building  
4 Code or to limit the authority and responsibility of the fire  
5 official to conduct firesafety inspections under ~~pursuant to~~  
6 chapter 633.

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

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

19 1. Fees charged by counties and municipalities for  
20 enforcement of the Florida Building Code on buildings,  
21 structures, and facilities of state universities, state  
22 colleges, and public school districts ~~may shall~~ not be more  
23 than the actual labor and administrative costs incurred for  
24 plans review and inspections to ensure compliance with the  
25 code.

26 2. Counties and municipalities shall expedite building  
27 construction permitting, building plans review, and  
28 inspections of projects of state universities, state community  
29 colleges, and public school districts ~~that which~~ are subject  
30 to the Florida Building Code according to guidelines  
31 established by the Florida Building Commission.

1           3. A party substantially affected by an interpretation  
2 of the Florida Building Code by the local government's code  
3 enforcement offices may appeal the interpretation to the local  
4 government's board of adjustment and appeal or to the  
5 commission under s. 553.775 if no local board exists. The  
6 decision of a local board is reviewable in accordance with s.  
7 553.775.

8           (c) The Florida Building Commission and code  
9 enforcement jurisdictions shall consider balancing code  
10 criteria and enforcement to unique functions, where they  
11 occur, of research institutions by application of performance  
12 criteria in lieu of prescriptive criteria.

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

27  
28 ~~Nothing in~~ This part may not ~~shall~~ be construed to authorize  
29 counties, municipalities, or code enforcement districts to  
30 conduct any permitting, plans review, or inspections not  
31 covered by the Florida Building Code. Any actions by counties

1 or municipalities not in compliance with this part may be  
2 appealed to the Florida Building Commission. The commission,  
3 upon a determination that actions not in compliance with this  
4 part have delayed permitting or construction, may suspend the  
5 authority of a county, municipality, or code enforcement  
6 district to enforce the Florida Building Code on the  
7 buildings, structures, or facilities of a state university,  
8 state community college, or public school district and provide  
9 for code enforcement at the expense of the state university,  
10 state community college, or public school district.

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

27 (a) As used in this subsection, the phrase "enforcing  
28 the Florida Building Code" includes the direct costs and  
29 reasonable indirect costs associated with review of building  
30 plans, building inspections, reinspections, building permit  
31 processing; building code enforcement; and fire inspections

1 associated with new construction. The phrase may also include  
2 training costs associated with the enforcement of the Florida  
3 Building Code and enforcement action pertaining to unlicensed  
4 contractor activity to the extent not funded by other user  
5 fees.

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

8 1. Planning and zoning or other general government  
9 activities.

10 2. Inspections of public buildings for a reduced fee  
11 or no fee.

12 3. Public information requests, community functions,  
13 boards, and any program not directly related to enforcement of  
14 the Florida Building Code.

15 4. Enforcement and implementation of any other local  
16 ordinance, excluding validly adopted local amendments to the  
17 Florida Building Code and excluding any local ordinance  
18 directly related to enforcing the Florida Building Code as  
19 defined in paragraph (a).

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

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

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

1            120.80 Exceptions and special requirements;  
2 agencies.--

3            (17) FLORIDA BUILDING COMMISSION.--

4            (c) Notwithstanding ss. 120.565, 120.569, and 120.57,  
5 the Florida Building Commission and hearing officer panels  
6 appointed by the commission in accordance with s.  
7 553.775(3)(c)1. may conduct proceedings to review decisions of  
8 local building code officials in accordance with s.  
9 553.775(3)(c).

10           Section 14. Section 553.841, Florida Statutes, is  
11 amended to read:

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

14           553.841 Building code education and outreach  
15 program.--

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

23           (2) There is created the Building Code Education and  
24 Outreach Council to coordinate, develop, and maintain  
25 education and outreach to ensure administration and  
26 enforcement of the Florida Building Code.

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

29           (a) Three representatives of the Florida Building  
30 Commission, one of whom must be a member of a Florida-based  
31 organization of persons with disabilities or a nationally

1 chartered organization of persons with disabilities having  
2 chapters in this state, selected by the commission;

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

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

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

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

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

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

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

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

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

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

26 (4) The Building Code Education and Outreach Council  
27 shall meet in Tallahassee no more than semiannually. The  
28 council may meet more often but not more than monthly, and  
29 such additional meetings shall be by telephone conference  
30 call. Travel costs, if any, shall be borne by the respective  
31 appointing entity. The Department of Community Affairs shall

1 provide administrative support to the council; however, the  
2 department may contract with an entity that has previous  
3 experience with building code training, development, and  
4 coordination to provide administrative support for the  
5 council.

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

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

10 (b) Administer the provisions of this section.

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

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

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

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

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

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

29 (7) The core curriculum shall cover the information  
30 required to have all categories of participants appropriately  
31 informed as to their technical and administrative



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

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

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

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

31

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

7           Section 15. Section 553.8413, Florida Statutes, is  
8 repealed.

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

12           553.842 Product evaluation and approval.--

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

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

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

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

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

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

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

- 28 1. A certification mark or listing of an approved  
29 certification agency;
- 30 2. A test report from an approved testing laboratory;

31

1           3. A product evaluation report based upon testing or  
2 comparative or rational analysis, or a combination thereof,  
3 from an approved product evaluation entity; or

4           4. A product evaluation report based upon testing or  
5 comparative or rational analysis, or a combination thereof,  
6 developed and signed and sealed by a professional engineer or  
7 architect, licensed in this state.

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

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

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

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

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

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

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

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

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

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

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

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

19 633.025 Minimum firesafety standards.--

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

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

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

31

1           Section 18. Section 633.026, Florida Statutes, is  
2 created to read:

3           633.026 Informal interpretations of the Florida Fire  
4 Prevention Code.--The Division of State Fire Marshal shall by  
5 rule establish an informal process of rendering nonbinding  
6 interpretations of the Florida Fire Prevention Code. The  
7 Division of State Fire Marshal may contract with and refer  
8 interpretive issues to a nonprofit organization that has  
9 experience in interpreting and enforcing the Florida Fire  
10 Prevention Code. The Division of State Fire Marshal shall  
11 immediately implement the process prior to the completion of  
12 formal rulemaking. It is the intent of the Legislature that  
13 the Division of State Fire Marshal create a process to refer  
14 questions to a small group of individuals certified under s.  
15 633.081(2), to which a party can pose questions regarding the  
16 interpretation of code provisions. It is the intent of the  
17 Legislature that the process provide for the expeditious  
18 resolution of the issues presented and publication of the  
19 resulting interpretation on the website of the Division of  
20 State Fire Marshal. It is the intent of the Legislature that  
21 this program be similar to the program established by the  
22 Florida Building Commission in s. 553.77(7). Such  
23 interpretations shall be advisory only and nonbinding on the  
24 parties or the State Fire Marshal. In order to administer this  
25 section, the department may adopt by rule and impose a fee for  
26 nonbinding interpretations, with payment made directly to the  
27 third party. The fee may not exceed \$150 for each request for  
28 a review or interpretation.

29           Section 19. Local product approval.--

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 Section 20. Mitigation Grant Program guideline.--

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

29 (2) Beginning with grant funds approved after July 1,  
30 2005, the construction of new or retrofitted window or door  
31 covering that is funded by a hazard-mitigation grant program

1 or shelter-retrofit program must conform to design drawings  
2 that are signed, sealed, and inspected by a structural  
3 engineer who is registered in this state. Before the  
4 Department of Community Affairs forwards payment to a  
5 recipient of the grant, an inspection report and attestation  
6 or a copy of the sign and sealed plans shall be provided to  
7 the department.

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

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

16 Section 21. Notwithstanding any provision of the  
17 Florida Building Code to the contrary, backflow prevention  
18 assemblies must be inspected once every 3 years.

19 Section 22. Subsections (5), (14), and (18) of section  
20 633.021, Florida Statutes, are amended to read:

21 633.021 Definitions.--As used in this chapter:

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

27 (b) "Contractor II" means a contractor whose business  
28 is limited to the execution of contracts requiring the ability  
29 to lay out, fabricate, install, inspect, alter, repair, and  
30 service water sprinkler systems, water spray systems,  
31 foam-water sprinkler systems, foam-water spray systems,

1 standpipes, combination standpipes and sprinkler risers, all  
2 piping that is an integral part of the system beginning at the  
3 point of service as defined in this section ~~where the piping~~  
4 ~~is used exclusively for fire protection~~, sprinkler tank  
5 heaters, air lines, thermal systems used in connection with  
6 sprinklers, and tanks and pumps connected thereto, excluding  
7 preengineered systems.

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

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

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

31

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

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

29 (18) "Point-of-service" means the point at which the  
30 underground piping for a fire protection ~~sprinkler~~ system as  
31 defined in this section using water as the extinguishing agent

1 becomes used exclusively for the fire protection ~~sprinkler~~  
2 system. ~~The point of service is designated by the engineer who~~  
3 ~~sealed the plans for a system of 50 or more heads or by the~~  
4 ~~contractor who designed the plans for a system of 49 or fewer~~  
5 ~~heads.~~

6 Section 23. Subsection (11) is added to section  
7 633.0215, Florida Statutes, to read:

8 633.0215 Florida Fire Prevention Code.--

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

13 Section 24. Section 633.071, Florida Statutes, is  
14 amended to read:

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

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

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

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

31

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

6           Section 25. Section 633.082, Florida Statutes, is  
7 amended to read:

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

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

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

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



1           Section 26. Section 633.521, Florida Statutes, is  
2 amended to read:

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

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

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

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

1 administered, and scored in compliance with generally accepted  
2 professional testing standards.

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

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

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

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

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

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

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

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

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

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

31

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

30

31

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

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

21       Section 27. Section 633.524, Florida Statutes, is  
 22 amended to read:

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

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

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

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

8 Section 28. Subsection (4) is added to section  
9 633.537, Florida Statutes, to read:

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

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

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

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

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

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

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

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



1 that the system will function with the available water supply  
2 may retroactively install these backflow devices on existing  
3 fire protection systems.

4 Section 30. Section 633.547, Florida Statutes, is  
5 amended to read:

6 633.547 Disciplinary action; fire protection system  
7 contractors; grounds for denial, nonrenewal, suspension, or  
8 revocation of certificate or permit.--

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

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

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

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

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

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

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

30 (f) Rendering a fire protection system, standpipe  
31 system, or underground water supply main connecting to the

1 system inoperative except when the fire protection system,  
2 standpipe system, or underground water supply main is being  
3 inspected, serviced, tested, or repaired, or except pursuant  
4 to court order.

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

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

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

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

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

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

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

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

29 (4) During the suspension or revocation of the  
30 certificate, the former certificateholder shall not engage in  
31 or attempt to profess to engage in any transaction or business

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

12 |         (5) The State Fire Marshal may deny, suspend, or  
13 | revoke the certificate of:

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

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

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

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

31 |

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

6           Section 31. Subsection (4) is added to section  
7 633.702, Florida Statutes, to read:

8           633.702 Prohibited acts regarding alarm system  
9 contractors or certified unlimited electrical contractors;  
10 penalties.--

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

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

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

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

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

24           Section 32. Upon the creation of chapter 515, Florida  
25 Statutes, the intent of the Legislature was that any swimming  
26 pool exit alarm that complied with Underwriters Laboratories  
27 Standard Number 2017 be a permissive alternative to comply  
28 with the swimming pool safety provisions in chapter 515. The  
29 Florida Building Commission shall amend the Florida Building  
30 Code to accurately reflect this intent. Notwithstanding  
31 section 553.73, Florida Statutes, the commission is required

1 only to follow the rule adoption procedures of chapter 120,  
2 Florida Statutes, to comply herewith and must complete  
3 rulemaking before November 1, 2005. Upon publication of the  
4 applicable Notice of Rule Development in the Florida  
5 Administrative Weekly, any alarm that complies with the  
6 Underwriters Laboratories 2017 shall be allowed.

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

18       Section 34. The Florida Building Commission shall  
19 consider how to address the issue of water intrusion and  
20 root-covering-attachment weaknesses experienced in recent  
21 hurricanes. Section 553.73, Florida Statutes, notwithstanding,  
22 the commission may adopt amendments to the Florida Building  
23 Code, 2004 edition, to incorporate consensus-based provisions  
24 addressing water intrusion and roof-covering attachment,  
25 subject only to the rule-adoption procedures in chapter 120,  
26 Florida Statutes.

27       Section 35. (1) Within 10 days of an applicant  
28 submitting an application to the local government, the local  
29 government shall advise the applicant what information, if  
30 any, is needed to deem the application properly completed in  
31 compliance with the filing requirements published by the local

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

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

31

1 ordinance specify different timeframes for review of local  
2 building permit applications.

3       Section 36. Notwithstanding subsection (3) of section  
4 109, chapter 2000-141, Laws of Florida, when the Florida  
5 Building Commission updates the Florida Building Code, the  
6 commission shall adopt, pursuant to section 553.73, Florida  
7 Statutes, as wind protection requirements for areas of the  
8 state not within the high velocity hurricane zone, the most  
9 current edition of the wind protection requirements of the  
10 American Society of Civil Engineers, Standard 7, as  
11 implemented by the International Building Code. This section  
12 is intended to explicitly supersede only the first sentence of  
13 subsection (3) of section 109, chapter 2000-141, Laws of  
14 Florida.

15       Section 37. Notwithstanding any other provision of  
16 this act, the option for designing for internal pressure for  
17 buildings within the windborne debris region shall be repealed  
18 immediately upon adoption of standards and conditions within  
19 the International Building Code or International Residential  
20 Code prohibiting such design option. The Florida Building  
21 Commission shall initiate rulemaking to incorporate such  
22 standards and conditions prohibiting designing for internal  
23 pressure for buildings into the Florida Building Code when the  
24 base code is updated.

25       Section 38. The Legislature appropriates \$200,000 from  
26 the Insurance Regulatory Trust Fund to the Department of  
27 Financial Services to be used to develop a joint program  
28 between the Florida Insurance Council and the Florida Home  
29 Builders Association to educate contractors on the benefits  
30 and options available for designing buildings for windborne  
31 debris protection and to develop a standardized affidavit to

1 be used for verifying the insurance discounts for residential  
2 construction techniques demonstrated to reduce the amount of  
3 loss during a windstorm.

4 Section 39. The Florida Building Commission, in  
5 conjunction with local building officials, shall conduct a  
6 review of damage resulting from Hurricane Ivan and any other  
7 data to evaluate, and to make recommendations to the  
8 Legislature for any changes to, Florida's Building Code,  
9 specifically as it applies to the region from the eastern  
10 border of Franklin County to the Florida-Alabama line. The  
11 commission shall issue a report summarizing its findings and  
12 recommendations prior to the 2006 Regular Session.

13 Section 40. Notwithstanding any other provision of law  
14 to the contrary, the effective date of the Florida Building  
15 Code, 2004 Edition, shall be October 1, 2005. After July 1,  
16 2005, a design professional who has been preparing  
17 construction documents for a project in anticipation of the  
18 Florida Building Code, 2004 edition, as adopted pursuant to  
19 Rule 9B-3.047, Florida Administrative Code, and adoption  
20 proceedings before the commission may choose to have such  
21 project governed by the 2004 edition of the Florida Building  
22 Code.

23 Section 41. The Florida Building Commission shall  
24 evaluate the definition of "exposure category C" as currently  
25 defined in section 553.71(10), Florida Statutes, and make  
26 recommendations for a new definition that more accurately  
27 depicts Florida-specific conditions prior to the 2006 Regular  
28 Session.

29 Section 42. Section 553.851, Florida Statutes, is  
30 repealed.

31



1 Section 43. Present subsection (19) of section  
2 489.103, Florida Statutes, is amended and redesignated as  
3 subsection (20), and new subsections (19) and (21) are added  
4 to that section, to read:

5 489.103 Exemptions.--This part does not apply to:

6 (19) A disaster recovery mitigation organization or a  
7 not-for-profit organization repairing or replacing a  
8 one-family, two-family, or three-family residence that has  
9 been impacted by a disaster when such organization:

10 (a) Is using volunteer labor to assist the owner of  
11 such residence in mitigating unsafe living conditions at the  
12 residence;

13 (b) Is not holding itself out to be a contractor;

14 (c) Obtains all required building permits;

15 (d) Obtains all required building code inspections;

16 and

17 (e) Provides for the supervision of all work by an  
18 individual with construction experience.

19 ~~(20)(19)~~ The sale, delivery, assembly, or tie-down of  
20 prefabricated portable sheds that are not more than 250 square  
21 feet in interior size and are not intended for use as a  
22 residence or as living quarters. This exemption may not be  
23 construed to interfere with the Florida Building Code or any  
24 applicable local technical amendment to the Florida Building  
25 Code, local licensure requirements, or other local ordinance  
26 provisions.

27 (21) The sale, delivery, assembly, or tie-down of lawn  
28 storage buildings and storage buildings not exceeding 400  
29 square feet and bearing the insignia of approval from the  
30 Department of Community Affairs showing compliance with the  
31 Florida Building Code.

1           Section 44. The Florida Building Commission shall  
2 amend the Florida Building Code, 2004 edition, to allow use of  
3 enclosed and unenclosed areas under mezzanines for the purpose  
4 of calculating the permissible size of mezzanines in  
5 sprinklered S2 occupancies of Type III construction. The  
6 permissible use, as conditioned in this section, of enclosed  
7 and unenclosed space under mezzanines for the purpose of  
8 calculating mezzanine size shall be retroactive to the  
9 effective date of the 2001 Florida Building Code.

10           Section 45. The Florida Building Commission shall  
11 convene a workgroup composed of at least 10 stakeholders in  
12 the state system of product approval, which may include a  
13 maximum of three members of the commission to ensure diverse  
14 input. The workgroup shall study the recommendation that the  
15 state be served by a single validation entity for state  
16 approval, which study shall include, but not be limited to,  
17 the recommendation's feasibility, qualifications of the single  
18 entity and its staff, costs charged for validation, time  
19 standards for validation, means to challenge the validator's  
20 determination, and duration of the contract with the  
21 validator. The workgroup shall conduct its proceedings in an  
22 open forum subject to comment from the public at each meeting.

23           Section 46. The Florida Building Commission shall  
24 modify Table 1014.1 of the Florida Building Code, 2004  
25 edition, to include R2 and R3 occupancies in the maximum  
26 occupancy load of 50, and convert R occupancy to R1 and R4  
27 occupancies in the maximum occupancy load of 10. The  
28 commission shall also amend Section 1014.1.2 of the Florida  
29 Building Code, 2004 edition, to add Exception 3, to read: "In  
30 R1 and R2 occupancies, the distance between exits stipulated  
31 by Section 1004.1.4 is not applicable to common nonlooped exit

1 access corridors in a building that has corridor doors from  
2 the guest room or guest suite or dwelling unit which are  
3 arranged so that the exits are located in opposite directions  
4 from such doors.

5 Section 47. (1) There is created the Manufactured  
6 Housing Regulatory Study Commission. The study commission  
7 shall be composed of 11 members who shall be appointed as  
8 follows:

9 (a) Four members appointed by the Florida Manufactured  
10 Housing Association, one member representing publicly owned  
11 manufacturers of manufactured housing, one member representing  
12 privately owned manufacturers of manufactured housing, and two  
13 members who are retail sellers of manufactured housing, one of  
14 whom must also sell residential manufactured buildings  
15 approved by the Department of Community Affairs.

16 (b) Two members from the Senate, appointed by the  
17 President of the Senate.

18 (c) Two members from the House of Representatives,  
19 appointed by the Speaker of the House of Representatives.

20 (d) The secretary of the Department of Community  
21 Affairs or the secretary's designee.

22 (e) The executive director of the Department of  
23 Highway Safety and Motor Vehicles or the director's designee.

24 (f) The commissioner of the Department of Agriculture  
25 and Consumer Services or the commissioner's designee.

26  
27 The commission members representing the departments of  
28 Community Affairs, Highway Safety and Motor Vehicles, and  
29 Agriculture and Consumer Services shall serve as ex officio,  
30 nonvoting members of the study commission.

31

1           (2) The study commission shall review the programs  
2 regulating manufactured and mobile homes which are currently  
3 located at the Department of Highway Safety and Motor Vehicles  
4 and must include a review of the following programs and  
5 activities:

6           (a) The federal construction and inspection programs.

7           (b) The installation program, including the regulation  
8 and inspection functions.

9           (c) The Mobile Home and RV Protection Trust Fund.

10           (d) The licensing of manufacturers, retailers, and  
11 installers of manufactured and mobile homes.

12           (e) The titling of manufactured and mobile homes.

13           (f) Dispute resolution.

14  
15 During the course of the study, the study commission must  
16 review the sources funding the programs to determine if the  
17 manufactured and mobile home programs are or can be  
18 self-sustaining. The study commission shall also consider the  
19 impact that changes in regulation may have on the industry and  
20 its consumers.

21           (3) The study commission shall be administratively  
22 supported by the staff of the transportation committees of the  
23 Senate and the House of Representatives.

24           (4)(a) The study commission must hold its initial  
25 meeting no later than August 15, 2005, in Tallahassee. Staff  
26 to the commission shall schedule and organize the initial  
27 meeting. Subsequent meetings of the study commission must be  
28 held in Tallahassee according to a schedule developed by the  
29 chair.

30           (b) At the initial meeting, the study commission shall  
31 elect a chair from one of the elected official members.

1       (5) The study commission must submit a final report  
2 setting forth its findings and recommendations to the  
3 Governor, the President of the Senate, and the Speaker of the  
4 House of Representatives on or before January 1, 2006.

5       (6) Members of the study commission shall serve  
6 without compensation, but are entitled to be reimbursed for  
7 per diem and travel expenses under section 112.061, Florida  
8 Statutes.

9       (7) The study commission terminates after submitting  
10 its final report but not later than February 15, 2006.

11       Section 48. Section 514.075, Florida Statutes, is  
12 amended to read:

13       514.075 Public pool service technician;  
14 certification.--The department shall ~~may~~ require that a public  
15 pool, as defined in s. 514.011, be serviced by a person  
16 certified as a pool service technician. To be certified, an  
17 individual must demonstrate knowledge of public pools which  
18 includes, but is not limited to: pool cleaning; general pool  
19 maintenance; source of the water supply; bacteriological,  
20 chemical, and physical quality of water; and water  
21 purification, testing, treatment, and disinfection procedures.  
22 The department shall ~~may~~, by rule, establish the requirement  
23 for the certification course and course approval. The  
24 department shall deem certified any individual who is  
25 certified by a course of national recognition or any person  
26 licensed under s. 489.105(3)(j), (k), or (l). ~~This requirement~~  
27 ~~does not apply to a person, or the direct employee of a~~  
28 ~~person, permitted as a public pool operator under s. 514.031.~~

29       Section 49. Modification 569 to the Florida Building  
30 Code which was approved by the Florida Building Commission on  
31 October 14, 2003, is removed and the provisions from the

1 International Building Code 2003, Section 2304.7(3), are  
2 restored to the base code until the base code is revised.  
3 Modification 570 to the Florida Building Code which was  
4 approved by the Florida Building Commission on October 14,  
5 2003, is removed and the provisions from the International  
6 Building Code 2003, Section 2304.7(5), are restored to the  
7 base code until the base code is revised.

8           Section 50. This act shall take effect July 1, 2005,  
9 except for section 1 of this act, which shall take effect July  
10 1, 2006.

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