

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; requiring the adoption of
17 rules; requiring a public pool to be serviced
18 by a certified pool service technician;
19 requiring the Florida Building Commission to
20 review certain provisions of the Florida
21 Building Code; providing for public comments;
22 providing for rulemaking authority; providing
23 effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraph (a) of subsection (2) and
28 subsections (3) and (4) of section 215.559, Florida Statutes,
29 are amended, present subsection (7) of that section is
30 redesignated as subsection (8) and amended, present
31 subsections (5) and (6) of that section are redesignated as

1 subsections (6) and (7), respectively, and a new subsection
2 (5) is added to that section, to read:

3 215.559 Hurricane Loss Mitigation Program.--

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

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

26 (4) Of moneys provided to the Department of Community
27 Affairs in paragraph (2)(a), 10 percent shall be allocated to
28 a Type I Center within the State University System dedicated
29 to hurricane research. The Type I Center shall develop a
30 preliminary work plan approved by the advisory council set
31 forth in subsection ~~(6)(5)~~ to eliminate the state and local

1 barriers to upgrading existing mobile homes and communities,
2 research and develop a program for the recycling of existing
3 older mobile homes, and support programs of research and
4 development relating to hurricane loss reduction devices and
5 techniques for site-built residences. The State University
6 System also shall consult with the Department of Community
7 Affairs and assist the department with the report required
8 under subsection~~(8)~~~~(7)~~.

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

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

16 Section 2. Paragraph (a) of subsection (2) of section
17 400.23, Florida Statutes, is amended to read:

18 400.23 Rules; evaluation and deficiencies; licensure
19 status.--

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

25 (a) The location of the facility and housing
26 conditions that will ensure the health, safety, and comfort of
27 residents, including an adequate call system. In making such
28 rules, the agency shall be guided by criteria recommended by
29 nationally recognized reputable professional groups and
30 associations with knowledge of such subject matters. The
31 agency shall update or revise such criteria as the need

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

1 Section 3. Paragraph (i) of subsection (1) of section
2 468.621, Florida Statutes, is amended, and paragraph (j) is
3 added to that subsection, to read:

4 468.621 Disciplinary proceedings.--

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

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

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

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

15 471.033 Disciplinary proceedings.--

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

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

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

23 481.225 Disciplinary proceedings against registered
24 architects.--

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

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

30 Section 6. Paragraph (a) of subsection (3) of section
31 489.537, Florida Statutes, is amended to read:

1 489.537 Application of this part.--

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

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

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

16 553.73 Florida Building Code.--

17 (4)

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

26 (6)(a) The commission, by rule adopted pursuant to ss.
27 120.536(1) and 120.54, shall update the Florida Building Code
28 every 3 years. When updating the Florida Building Code, the
29 commission shall select the most current version of the
30 International Building Code, the International Fuel Gas Code,
31 the International Mechanical Code, the International Plumbing

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

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

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

29 ~~consider changes made by the adopting entity of any selected~~
30 ~~model code for any model code incorporated into the Florida~~
31 ~~Building Code, and may subsequently adopt the new edition or~~

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

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

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

28 (7)(a) The commission may approve technical amendments
29 to the Florida Building Code once each year for statewide or
30 regional application upon a finding that the amendment:
31

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

3 ~~2.1.~~ Has a reasonable and substantial connection with
4 the health, safety, and welfare of the general public.

5 ~~3.2.~~ Strengthens or improves the Florida Building
6 Code, or in the case of innovation or new technology, will
7 provide equivalent or better products or methods or systems of
8 construction.

9 ~~4.3.~~ Does not discriminate against materials,
10 products, methods, or systems of construction of demonstrated
11 capabilities.

12 ~~5.4.~~ Does not degrade the effectiveness of the Florida
13 Building Code.

14

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

27 (c) The commission may not approve any proposed
28 amendment that does not accurately and completely address all
29 requirements for amendment which are set forth in this
30 section. The commission shall require all proposed amendments
31 and information submitted with proposed amendments to be

1 reviewed by commission staff prior to consideration by any
2 technical advisory committee. These reviews shall be for
3 sufficiency only and are not intended to be qualitative in
4 nature. Staff members shall reject any proposed amendment that
5 fails to include a fiscal impact statement. Proposed
6 amendments rejected by members of the staff may not be
7 considered by the commission or any technical advisory
8 committee.

9 Section 8. Section 553.77, Florida Statutes, is
10 amended to read:

11 553.77 Specific powers of the commission.--

12 (1) The commission shall:

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

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

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

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

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

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

31

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

5 ~~(e)(g)~~ Participate with the Florida Fire Code Advisory
6 Council created under s. 633.72, to provide assistance and
7 recommendations relating to firesafety code interpretations.
8 The administrative staff of the commission shall attend
9 meetings of the Florida Fire Code Advisory Council and
10 coordinate efforts to provide consistency between the Florida
11 Building Code and the Florida Fire Prevention Code and the
12 Life Safety Code.

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

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

22 ~~2. All appeals shall be heard in the county of the~~
23 ~~jurisdiction defending the appeal.~~

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

28 ~~(f)(i)~~ Determine the types of products which may be
29 approved by the commission ~~requiring approval for local or~~
30 statewide use and shall provide for the evaluation and
31 approval of such products, materials, devices, and method of

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

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

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

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

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

29 (j)~~(m)~~ Coordinate with the state and local
30 governments, industry, and other affected stakeholders in the
31 examination of legislative provisions and make recommendations

1 to fulfill the responsibility to develop a consistent, single
2 code.

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

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

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

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

29 (2)~~(4)~~ For educational and public information
30 purposes, the commission shall develop and publish an
31 informational and explanatory document which contains

1 descriptions of the roles and responsibilities of the licensed
2 design professional, residential designer, contractor, and
3 local building and fire code officials. The State Fire Marshal
4 shall be responsible for developing and specifying roles and
5 responsibilities for fire code officials. Such document may
6 also contain descriptions of roles and responsibilities of
7 other participants involved in the building codes system.

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

26 ~~(4)(6)~~ The commission may produce and distribute a
27 commentary document to accompany the Florida Building Code.
28 The commentary must be limited in effect to providing
29 technical assistance and must not have the effect of binding
30 interpretations of the code document itself.

31

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

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

1 ~~the expeditious resolution of the issues presented and~~
2 ~~publication of the resulting interpretation on the Building~~
3 ~~Code Information System. Such interpretations are to be~~
4 ~~advisory only and nonbinding on the parties or the commission.~~

5 Section 9. Section 553.775, Florida Statutes, is
6 created to read:

7 553.775 Interpretations.--

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

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

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

25 (a) Upon written application by any substantially
26 affected person or state agency or by a local enforcement
27 agency, the commission shall issue declaratory statements
28 pursuant to s. 120.565 relating to the enforcement or
29 administration by local governments of the Florida Building
30 Code.

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

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

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

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

- 1 a. The name and address of the county or municipality
2 in which provisions of the Florida Building Code are being
3 interpreted.
- 4 b. The name and address of the local building official
5 who has made the interpretation being appealed.
- 6 c. The name, address, and telephone number of the
7 petitioner; the name, address, and telephone number of the
8 petitioner's representative, if any; and an explanation of how
9 the petitioner's substantial interests are being affected by
10 the local interpretation of the Florida Building Code.
- 11 d. A statement of the provisions of the Florida
12 Building Code which are being interpreted by the local
13 building official.
- 14 e. A statement of the interpretation given to
15 provisions of the Florida Building Code by the local building
16 official and the manner in which the interpretation was
17 rendered.
- 18 f. A statement of the interpretation that the
19 petitioner contends should be given to the provisions of the
20 Florida Building Code and a statement supporting the
21 petitioner's interpretation.
- 22 g. Space for the local building official to respond in
23 writing. The space shall, at a minimum, require the local
24 building official to respond by providing a statement
25 admitting or denying the statements contained in the petition
26 and a statement of the interpretation of the provisions of the
27 Florida Building Code which the local jurisdiction or the
28 local building official contends is correct, including the
29 basis for the interpretation.
- 30 3. The petitioner shall submit the petition to the
31 local building official, who shall place the date of receipt

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

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

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

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

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

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

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

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

1
2 This paragraph provides the exclusive remedy for addressing
3 requests to review local interpretations of the code and
4 appeals from review proceedings.

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

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

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

25 (g) The commission shall by rule establish an informal
26 process of rendering nonbinding interpretations of the Florida
27 Building Code. The commission is specifically authorized to
28 refer interpretive issues to organizations that represent
29 those engaged in the construction industry. The commission
30 shall immediately implement the process before completing
31 formal rulemaking. It is the intent of the Legislature that

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

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

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

21 553.79 Permits; applications; issuance; inspections.--

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

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

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

12 553.791 Alternative plans review and inspection.--

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

14 (f) "Permit application" means a properly completed
 15 and submitted application for+

16 ~~1.~~ the requested building or construction permit,
 17 including:-

18 ~~1.2.~~ The plans reviewed by the private provider.

19 ~~2.3.~~ The affidavit from the private provider required
 20 pursuant to subsection (5).

21 ~~3.4.~~ Any applicable fees.

22 ~~4.5.~~ Any documents required by the local building
 23 official to determine that the fee owner has secured all other
 24 government approvals required by law.

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

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

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

22 (a) The services to be performed by the private
23 provider.

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

1 firm, the private provider, and any duly authorized
2 representative in the amounts required by this section.

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

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

29
30 If the fee owner or the fee owner's contractor makes any
31 changes to the listed private providers or the services to be

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

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

25 (7) A private provider performing required inspections
26 under this section shall inspect each phase of construction as
27 required by the applicable codes. The private provider shall
28 be permitted to send a duly authorized representative to the
29 building site to perform the required inspections, provided
30 all required reports and certifications are prepared by and
31 bear the signature of the private provider. The duly

1 authorized representative must be an employee of the private
2 provider entitled to receive unemployment compensation
3 benefits under chapter 443. The contractor's contractual or
4 legal obligations are not relieved by any action of the
5 private provider.

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

26 (11) No more than ~~Within~~ 2 business days after receipt
27 of a request for a certificate of occupancy or certificate of
28 completion and the applicant's presentation of a certificate
29 of compliance and approval of all other government approvals
30 required by law, the local building official shall issue the
31 certificate of occupancy or certificate of completion or

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

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

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

26 (b) If the local building official and private
27 provider are unable to resolve the dispute, the matter shall
28 be referred to the local enforcement agency's board of
29 appeals, if one exists, which shall consider the matter at its
30 next scheduled meeting or sooner. Any decisions by the local
31 enforcement agency's board of appeals, or local building

1 official if there is no board of appeals, may be appealed to
2 the commission as provided by this chapter ~~pursuant to s.~~
3 ~~553.77(1)(h)~~.

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

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

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

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

30 (15) A private provider may perform building code
31 inspection services on a building project under this section

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

26 (17) Each local building code enforcement agency may
27 ~~shall develop and maintain a process to~~ audit the performance
28 of building code inspection services by private providers
29 operating within the local jurisdiction. Work on a building or
30 structure may proceed after inspection and approval by a
31 private provider if the provider has given notice of the

1 inspection pursuant to subsection (8) and, subsequent to such
2 inspection and approval, the work may not be delayed for
3 completion of an inspection audit by the local building code
4 enforcement agency.

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

9 553.80 Enforcement.--

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

19 (d) Building plans approved under ~~pursuant to~~ s.
20 553.77(3)(5) and state-approved manufactured buildings,
21 including buildings manufactured and assembled offsite and not
22 intended for habitation, such as lawn storage buildings and
23 storage sheds, are exempt from local code enforcing agency
24 plan reviews except for provisions of the code relating to
25 erection, assembly, or construction at the site. Erection,
26 assembly, and construction at the site are subject to local
27 permitting and inspections. Lawn storage buildings and storage
28 sheds bearing the insignia of approval of the department are
29 not subject to s. 553.842. Such buildings that do not exceed
30 400 square feet may be delivered and installed without need of
31 a contractor's or specialty license.

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

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

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

1 owned by these ~~such~~ entities comply with the Florida Building
2 Code or to limit the authority and responsibility of the fire
3 official to conduct firesafety inspections under ~~pursuant to~~
4 chapter 633.

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

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

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

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

30 3. A party substantially affected by an interpretation
31 of the Florida Building Code by the local government's code

1 enforcement offices may appeal the interpretation to the local
2 government's board of adjustment and appeal or to the
3 commission under s. 553.775 if no local board exists. The
4 decision of a local board is reviewable in accordance with s.
5 553.775.

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

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

25
26 ~~Nothing in~~ This part may not shall be construed to authorize
27 counties, municipalities, or code enforcement districts to
28 conduct any permitting, plans review, or inspections not
29 covered by the Florida Building Code. Any actions by counties
30 or municipalities not in compliance with this part may be
31 appealed to the Florida Building Commission. The commission,

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

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

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

1 Building Code and enforcement action pertaining to unlicensed
2 contractor activity to the extent not funded by other user
3 fees.
4 (b) The following activities may not be funded with
5 fees adopted for enforcing the Florida Building Code:
6 1. Planning and zoning or other general government
7 activities.
8 2. Inspections of public buildings for a reduced fee
9 or no fee.
10 3. Public information requests, community functions,
11 boards, and any program not directly related to enforcement of
12 the Florida Building Code.
13 4. Enforcement and implementation of any other local
14 ordinance, excluding validly adopted local amendments to the
15 Florida Building Code and excluding any local ordinance
16 directly related to enforcing the Florida Building Code as
17 defined in paragraph (a).
18 (c) A local government shall use recognized
19 management, accounting, and oversight practices to ensure that
20 fees, fines, and investment earnings generated under this
21 subsection are maintained and allocated or used solely for the
22 purposes described in paragraph (a).
23 (8) The Department of Agriculture and Consumer
24 Services is not subject to local government permitting
25 requirements, plan review, or inspection fees for agricultural
26 structures, such as equipment storage sheds and polebarns that
27 are not used by the public.
28 Section 13. Paragraph (c) is added to subsection (17)
29 of section 120.80, Florida Statutes, to read:
30 120.80 Exceptions and special requirements;
31 agencies.--

1 (17) FLORIDA BUILDING COMMISSION.--

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

8 Section 14. Section 553.841, Florida Statutes, is
9 amended to read:

10 (Substantial rewording of section. See
11 s. 533.841, F.S., for present text.)
12 553.841 Building code education and outreach

13 program.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 experience with building code training, development, and
2 coordination to provide administrative support for the
3 council.

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

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

8 (b) Administer the provisions of this section.

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

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

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

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

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

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

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

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

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

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

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

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

1 education course requirements or authority of any licensing
2 board under part XII of chapter 468, chapter 471, chapter 481,
3 or chapter 489.

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

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

9 553.842 Product evaluation and approval.--

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

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

1 product so long as the product is being used consistent with
2 the conditions of its approval.

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

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

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

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

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

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

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

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

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

1 ~~(6)(7)~~ The commission shall ensure that product
2 manufacturers that obtain statewide product approval operate
3 quality assurance programs for all approved products. The
4 commission shall adopt by rule criteria for operation of the
5 quality assurance programs.

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

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

23 (a) Evaluation entities that meet the criteria for
24 approval adopted by the commission by rule. The commission
25 shall specifically approve the National Evaluation Service,
26 the International Conference of Building Officials Evaluation
27 Services, the International Code Council Evaluation Services,
28 the Building Officials and Code Administrators International
29 Evaluation Services, the Southern Building Code Congress
30 International Evaluation Services, and the Miami-Dade County
31 Building Code Compliance Office Product Control. Architects

1 and engineers licensed in this state are also approved to
2 conduct product evaluations as provided in subsection(5)(6).

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

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

16 633.025 Minimum firesafety standards.--

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

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

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

28 Section 18. Section 633.026, Florida Statutes, is
29 created to read:

30 633.026 Informal interpretations of the Florida Fire
31 Prevention Code.--The Division of State Fire Marshal shall by

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

25 Section 19. Local product approval.--

26 (1) For local product approval, products or systems of
27 construction shall demonstrate compliance with the structural
28 windload requirements of the Florida Building Code through one
29 of the following methods:
30
31

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

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

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

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

16 (e) A statewide product approval issued by the Florida
17 Building Commission.

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

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

28 (3) Local building officials may accept modifications
29 to approved products or their installations if sufficient
30 evidence is submitted to the local building official to
31 demonstrate compliance with the code or the intent of the

1 code, including such evidence as certifications from a Florida
2 registered architect or Florida professional engineer.

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

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

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

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

21 Section 20. Mitigation Grant Program guideline.--

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

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

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

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

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

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

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

19 633.021 Definitions.--As used in this chapter:

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

25 (b) "Contractor II" means a contractor whose business
26 is limited to the execution of contracts requiring the ability
27 to lay out, fabricate, install, inspect, alter, repair, and
28 service water sprinkler systems, water spray systems,
29 foam-water sprinkler systems, foam-water spray systems,
30 standpipes, combination standpipes and sprinkler risers, all
31 piping that is an integral part of the system beginning at the

1 point of service as defined in this section ~~where the piping~~
2 ~~is used exclusively for fire protection~~, sprinkler tank
3 heaters, air lines, thermal systems used in connection with
4 sprinklers, and tanks and pumps connected thereto, excluding
5 preengineered systems.

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

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

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

29
30 The definitions in this subsection must not be construed to
31 include fire protection engineers or architects and do not

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

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

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

1 ~~sealed the plans for a system of 50 or more heads or by the~~
2 ~~contractor who designed the plans for a system of 49 or fewer~~
3 ~~heads.~~

4 Section 23. Subsection (11) is added to section
5 633.0215, Florida Statutes, to read:

6 633.0215 Florida Fire Prevention Code.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Section 35. (1) Within 10 days of an applicant
25 submitting an application to the local government, the local
26 government shall advise the applicant what information, if
27 any, is needed to deem the application properly completed in
28 compliance with the filing requirements published by the local
29 government. If the local government does not provide written
30 notice that the applicant has not submitted the properly
31 completed application, the application shall be automatically

1 deemed properly completed and accepted. Within 45 days after
2 receiving a completed application, a local government must
3 notify an applicant if additional information is required for
4 the local government to determine the sufficiency of the
5 application, and shall specify the additional information that
6 is required. The applicant must submit the additional
7 information to the local government or request that the local
8 government act without the additional information. While the
9 applicant responds to the request for additional information,
10 the 120-day period described in subsection (2) is tolled.
11 Both parties may agree to a reasonable request for an
12 extension of time, particularly in the event of a force major
13 or other extraordinary circumstance. The local government must
14 approve, approve with conditions, or deny the application
15 within 120 days following receipt of a completed application.

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

30 Section 36. Notwithstanding subsection (3) of section
31 109, chapter 2000-141, Laws of Florida, when the Florida

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

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

21 Section 38. The Legislature appropriates \$200,000 from
22 the Insurance Regulatory Trust Fund to the Department of
23 Financial Services to be used to develop a joint program
24 between the Florida Insurance Council and the Florida Home
25 Builders Association to educate contractors on the benefits
26 and options available for designing buildings for windborne
27 debris protection and to develop a standardized affidavit to
28 be used for verifying the insurance discounts for residential
29 construction techniques demonstrated to reduce the amount of
30 loss during a windstorm.

31

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

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

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

26 Section 42. Section 553.851, Florida Statutes, is
27 repealed.

28 Section 43. Present subsection (19) of section
29 489.103, Florida Statutes, is amended and redesignated as
30 subsection (20), and new subsections (19) and (21) are added
31 to that section, to read:

1 489.103 Exemptions.--This part does not apply to:

2 (19) A disaster recovery mitigation organization or a
3 not-for-profit organization repairing or replacing a
4 one-family, two-family, or three-family residence that has
5 been impacted by a disaster when such organization:

6 (a) Is using volunteer labor to assist the owner of
7 such residence in mitigating unsafe living conditions at the
8 residence;

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

10 (c) Obtains all required building permits;

11 (d) Obtains all required building code inspections;

12 and

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

15 ~~(20)~~~~(19)~~ The sale, delivery, assembly, or tie-down of
16 prefabricated portable sheds that are not more than 250 square
17 feet in interior size and are not intended for use as a
18 residence or as living quarters. This exemption may not be
19 construed to interfere with the Florida Building Code or any
20 applicable local technical amendment to the Florida Building
21 Code, local licensure requirements, or other local ordinance
22 provisions.

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

28 Section 44. The Florida Building Commission shall
29 amend the Florida Building Code, 2004 edition, to allow use of
30 enclosed and unenclosed areas under mezzanines for the purpose
31 of calculating the permissible size of mezzanines in

1 sprinklered S2 occupancies of Type III construction. The
2 permissible use, as conditioned in this section, of enclosed
3 and unenclosed space under mezzanines for the purpose of
4 calculating mezzanine size shall be retroactive to the
5 effective date of the 2001 Florida Building Code.

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

19 Section 46. The Florida Building Commission shall
20 modify Table 1014.1 of the Florida Building Code, 2004
21 edition, to include R2 and R3 occupancies in the maximum
22 occupancy load of 50, and convert R occupancy to R1 and R4
23 occupancies in the maximum occupancy load of 10. The
24 commission shall also amend Section 1014.1.2 of the Florida
25 Building Code, 2004 edition, to add Exception 3, to read: "In
26 R1 and R2 occupancies, the distance between exits stipulated
27 by Section 1004.1.4 is not applicable to common nonlooped exit
28 access corridors in a building that has corridor doors from
29 the guest room or guest suite or dwelling unit which are
30 arranged so that the exits are located in opposite directions
31 from such doors.

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

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

12 (b) Two members from the Senate, appointed by the
13 President of the Senate.

14 (c) Two members from the House of Representatives,
15 appointed by the Speaker of the House of Representatives.

16 (d) The secretary of the Department of Community
17 Affairs or the secretary's designee.

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

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

22
23 The commission members representing the departments of
24 Community Affairs, Highway Safety and Motor Vehicles, and
25 Agriculture and Consumer Services shall serve as ex officio,
26 nonvoting members of the study commission.

27 (2) The study commission shall review the programs
28 regulating manufactured and mobile homes which are currently
29 located at the Department of Highway Safety and Motor Vehicles
30 and must include a review of the following programs and
31 activities:

1 (a) The federal construction and inspection programs.

2 (b) The installation program, including the regulation
3 and inspection functions.

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

5 (d) The licensing of manufacturers, retailers, and
6 installers of manufactured and mobile homes.

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

8 (f) Dispute resolution.

9

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

16 (3) The study commission shall be administratively
17 supported by the staff of the transportation committees of the
18 Senate and the House of Representatives.

19 (4)(a) The study commission must hold its initial
20 meeting no later than August 15, 2005, in Tallahassee. Staff
21 to the commission shall schedule and organize the initial
22 meeting. Subsequent meetings of the study commission must be
23 held in Tallahassee according to a schedule developed by the
24 chair.

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

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

31

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

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

7 Section 48. The Florida Building Commission shall
8 review Modifications 569 and 570 adopted by the commission on
9 October 14, 2003, and take public comment regarding those
10 provisions. The commission shall receive public comment
11 regarding the cost related to compliance with amendments, the
12 capability of industry to supply products necessary for
13 compliance and the benefit of the modifications to the health,
14 safety, and welfare of the citizens of this state.
15 Notwithstanding section 553.73, Florida Statutes, the
16 commission may repeal or modify the modifications in response
17 to the public comments subject only to the rule adoption
18 procedures of chapter 120, Florida Statutes. Modifications 569
19 and 570 may not take effect until the commission has completed
20 the review required or rulemaking initiated in response to
21 such review, whichever is later, and sections 2304.7(3) and
22 (5) of the International Building Code (2003), shall govern
23 construction in this state until that time.

24 Section 49. This act shall take effect July 1, 2005,
25 except for section 1 of this act, which shall take effect July
26 1, 2006.

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