

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to building safety; amending s. 215.559,
7 F.S.; requiring that a specified percentage of the funds
8 appropriated under the Hurricane Loss Mitigation Program
9 be used for education concerning the Florida Building Code
10 and for the operation of the disaster contractors network;
11 requiring the Department of Community Affairs to contract
12 with a nonprofit tax-exempt entity for training,
13 development, and coordination; amending s. 468.621, F.S.;
14 providing additional grounds for which disciplinary
15 actions may be taken against building code enforcement
16 officials; amending s. 489.537, F.S.; providing that
17 certain alarm system contractors and electrical
18 contractors may not be required by a municipality or
19 county to obtain additional certification or meet
20 additional licensure requirements; amending s. 553.37,
21 F.S.; providing for the approval, delivery, and
22 installation of lawn storage buildings and storage sheds;
23 amending s. 553.73, F.S.; providing requirements for exit

HB 621

2005
CS

24 | alarms; specifying certain codes from the International
25 | Code Congress and the International Code Council as
26 | foundation codes for the updated Florida Building Code;
27 | providing requirements for amendments to the foundation
28 | codes; providing for the incorporation of certain
29 | statements, decisions, and amendments into the Florida
30 | Building Code; providing a timeframe for rule updates to
31 | the Florida Building Code to become effective; adding a
32 | requirement for technical amendments to the Florida
33 | Building Code; providing requirements for the Florida
34 | Building Commission in reviewing code amendments;
35 | providing an exception; incorporating by reference certain
36 | standards for unvented conditioned attic assemblies;
37 | amending s. 553.77, F.S.; revising duties of the Florida
38 | Building Commission; authorizing local building
39 | departments or other entities to approve changes to an
40 | approved building plan; prohibiting a commission member
41 | from voting or taking action on matters of a personal or
42 | financial interest to the member; deleting requirements
43 | that the commission hear certain appeals and issue
44 | declaratory statements; creating s. 553.775, F.S.;
45 | providing legislative intent with respect to the
46 | interpretation of the Florida Building Code; providing for
47 | the commission to resolve disputes regarding
48 | interpretations of the code; requiring the commission to
49 | review decisions of local building officials and local
50 | enforcement agencies; providing for publication of an
51 | interpretation on the Building Code Information System and

Page 2 of 77

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0621-01-c1

HB 621

2005
CS

52 | in the Florida Administrative Weekly; authorizing the
 53 | commission to adopt a fee; amending s. 553.79, F.S.;
 54 | exempting truss-placement plans from certain requirements;
 55 | amending s. 553.791, F.S.; clarifying a definition;
 56 | expanding authorization to use private providers to
 57 | provide building code inspection services; including fee
 58 | owner contractors within such authorization; revising
 59 | notice requirements for using private providers; revising
 60 | procedures for issuing permits; providing requirements for
 61 | representatives of private providers; providing for waiver
 62 | of certain inspection records requirements under certain
 63 | circumstances; requiring that issuance of stop-work orders
 64 | be pursuant to law; providing for establishment of a
 65 | registration system for private providers and authorized
 66 | representatives of private providers for licensure
 67 | compliance purposes; preserving authority to issue
 68 | emergency stop-work orders; revising insurance
 69 | requirements for private providers; specifying conditions
 70 | for proceeding with building work; amending s. 553.80,
 71 | F.S.; authorizing local governments to impose certain fees
 72 | for code enforcement; providing requirements and
 73 | limitations; conforming a cross-reference; requiring the
 74 | commission to expedite adoption and implementation of the
 75 | existing state building code as part of the Florida
 76 | Building Code pursuant to limited procedures; exempting
 77 | certain buildings of the Department of Agriculture and
 78 | Consumer Services from local permitting requirements,
 79 | review, or fees; amending s. 120.80, F.S.; authorizing the

HB 621

2005
CS

80 Florida Building Commission to conduct proceedings to
 81 review decisions of local officials; amending s. 553.841,
 82 F.S.; revising provisions governing the Building Code
 83 Training Program; creating the Building Code Education and
 84 Outreach Council to coordinate, develop, and ensure
 85 enforcement of the Florida Building Code; providing for
 86 membership, terms of office, and meetings; providing
 87 duties of the council; providing for administrative
 88 support for the council; requiring the council to develop
 89 a core curriculum and equivalency test for specified
 90 licensees; providing for the use of funds by the council;
 91 repealing s. 553.8413, F.S., relating to the Education
 92 Technical Advisory Committee; amending s. 553.842, F.S.;
 93 providing for products to be approved for statewide use;
 94 deleting an obsolete date; deleting a provision requiring
 95 the commission to adopt certain criteria for local program
 96 verification and validation by rule; providing for
 97 validation of certain products by inspection of the
 98 certification mark or listing; adding an evaluation entity
 99 to the list of entities specifically approved by the
 100 commission; deleting a requirement that the commission
 101 establish a schedule for adopting rules relating to
 102 product approvals under certain circumstances; creating s.
 103 633.026, F.S.; requiring that the State Fire Marshal
 104 establish by rule a process for rendering nonbinding
 105 interpretations of the Florida Fire Prevention Code;
 106 authorizing the State Fire Marshal to enter into contracts
 107 and refer interpretations to a nonprofit organization;

108 providing for the interpretations to be advisory;
 109 providing for funding the program from the Insurance
 110 Regulatory Trust Fund; providing requirements for local
 111 product approval of products or systems of construction;
 112 specifying methods for demonstrating compliance with the
 113 structural windload requirements of the Florida Building
 114 Code; providing for certification to be issued by a
 115 professional engineer or registered architect; providing
 116 for audits under a quality assurance program and other
 117 types of certification; providing that changes to the
 118 Florida Building Code do not void the approval of
 119 previously installed products; amending s. 633.021, F.S.;
 120 redefining terms used in ch. 633, F.S.; amending s.
 121 633.0215, F.S.; revising provisions relating to the
 122 construction of townhouse stairs; amending s. 633.071,
 123 F.S.; requiring inspection tags to be attached to all fire
 124 protection systems; providing for the standardization of
 125 inspection tags and reports; amending s. 633.082, F.S.;
 126 requiring fire protection systems to be inspected in
 127 accordance with nationally accepted standards; amending s.
 128 633.521, F.S.; establishing a permit classification for
 129 individuals who inspect fire protection systems; amending
 130 s. 633.524, F.S.; establishing fees for various classes of
 131 permits; amending s. 633.537, F.S.; establishing
 132 continuing education requirements; amending s. 633.539,
 133 F.S.; requiring fire protection systems to be inspected,
 134 serviced, or maintained by a permitholder; establishing
 135 the scope of work criteria; amending s. 633.547, F.S.;

HB 621

2005
CS

136 providing for disciplinary action; providing for
 137 applications to local governments for building permits;
 138 providing requirements, procedures, and limitations;
 139 providing that a local government must act upon certain
 140 permit applications within a specified time or the permits
 141 are automatically deemed approved; repealing s. 553.851,
 142 F.S., relating to the protection of underground gas
 143 pipelines; amending s. 109, ch. 2000-141, Laws of Florida;
 144 providing for removal of the code's wind-protection
 145 standards from the Florida Building Code; providing for an
 146 update of the code's wind-protection standards; providing
 147 for incorporation into the Florida Building Code of the
 148 repeal of a design option relating to internal pressure
 149 for buildings within the windborne debris region;
 150 requiring the commission to review damage from Hurricane
 151 Ivan and make recommendations to the Legislature for
 152 changes to the Florida Building Code, especially relating
 153 to certain areas; requiring a report; directing the
 154 commission to evaluate the definition of the term
 155 "exposure category C" and recommend a revision to
 156 accurately reflect certain conditions specific to the
 157 state; providing an appropriation for a joint program to
 158 educate contractors for certain purposes; providing an
 159 effective date.

160

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

162

HB 621

2005
CS

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

168 215.559 Hurricane Loss Mitigation Program.--

169 (3) Forty percent of the total appropriation in paragraph
170 (2)(a) shall be used to inspect and improve tie-downs for mobile
171 homes. Within 30 days after the effective date of that
172 appropriation, the department shall contract with a public
173 higher educational institution in this state which has previous
174 experience in administering the programs set forth in this
175 subsection to serve as the administrative entity and fiscal
176 agent pursuant to s. 216.346 for the purpose of administering
177 the programs set forth in this subsection in accordance with
178 established policy and procedures. The administrative entity
179 working with the advisory council set up under subsection (6)
180 ~~(5)~~ shall develop a list of mobile home parks and counties that
181 may be eligible to participate in the tie-down program.

182 (4) Of moneys provided to the Department of Community
183 Affairs in paragraph (2)(a), 10 percent shall be allocated to a
184 Type I Center within the State University System dedicated to
185 hurricane research. The Type I Center shall develop a
186 preliminary work plan approved by the advisory council set forth
187 in subsection (6) ~~(5)~~ to eliminate the state and local barriers
188 to upgrading existing mobile homes and communities, research and
189 develop a program for the recycling of existing older mobile
190 homes, and support programs of research and development relating

HB 621

2005
CS

191 to hurricane loss reduction devices and techniques for site-
 192 built residences. The State University System also shall consult
 193 with the Department of Community Affairs and assist the
 194 department with the report required under subsection (8) ~~(7)~~.

195 (5) Fifteen percent of the total appropriation in
 196 paragraph (2)(a) shall be used for education awareness
 197 concerning the Florida Building Code and the operation of the
 198 disaster contractors network. Not more than 30 days after the
 199 effective date of each subsequent appropriation, the Department
 200 of Community Affairs shall contract with a nonprofit tax-exempt
 201 entity having prior contracting experience with building code
 202 training, development, and coordination and whose membership is
 203 representative of all of the statewide construction and design
 204 licensee associations. The entity shall allocate 20 percent of
 205 these resources to the disaster contractors network for the
 206 education of the construction industry and hurricane response if
 207 needed to coordinate the industry in the event of a natural
 208 disaster. The entity shall allocate 20 percent of these
 209 resources to the largest residential construction trade show in
 210 the state for the education of the residential construction
 211 industry on building code and mitigation issues. The remaining
 212 resources shall be used by the entity for outreach building code
 213 activities after consultation with the building code program
 214 under the Florida Building Commission as provided for in s.
 215 553.841.

216 Section 2. Paragraph (i) of subsection (1) of section
 217 468.621, Florida Statutes, is amended, and paragraph (j) is
 218 added to that subsection, to read:

HB 621

2005
CS

219 468.621 Disciplinary proceedings.--

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

222 (i) Failing to lawfully execute the duties and
223 responsibilities specified in this part and ss. 553.73, 553.781,
224 ~~and 553.79,~~ and 553.791.

225 (j) Violating or failing to comply with a valid rule or
226 lawful order of the Florida Building Commission adopted pursuant
227 to part IV of chapter 553.

228 Section 3. Paragraph (a) of subsection (3) of section
229 489.537, Florida Statutes, is amended to read:

230 489.537 Application of this part.--

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

233 (a) To regulate the quality and character of work
234 performed by contractors through a system of permits, fees, and
235 inspections which is designed to secure compliance with, and aid
236 in the implementation of, state and local building laws or to
237 enforce other local laws for the protection of the public health
238 and safety. However, a certified alarm system contractor or
239 certified electrical contractor is not subject to any additional
240 certification or licensure requirements that are not required by
241 this part.

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

244 553.37 Rules; inspections; and insignia.--

245 (3) All manufactured buildings issued and bearing insignia
246 of approval pursuant to subsection (2) shall be deemed to comply

HB 621

2005
CS

247 | with the Florida Building Code and are exempt from local
 248 | amendments enacted by any local government. Lawn storage
 249 | buildings and storage sheds not exceeding 250 square feet and
 250 | bearing the insignia of approval of the department are not
 251 | subject to s. 553.842 and may be delivered and installed without
 252 | need of a contractor's license or specialty license.

253 | Section 5. Subsection (2), paragraph (c) of subsection
 254 | (4), subsection (6), and paragraphs (a) and (c) of subsection
 255 | (7) of section 553.73, Florida Statutes, are amended, and
 256 | subsections (12), (13), and (14) are added to that section, to
 257 | read:

258 | 553.73 Florida Building Code.--

259 | (2) The Florida Building Code shall contain provisions or
 260 | requirements for public and private buildings, structures, and
 261 | facilities relative to structural, mechanical, electrical,
 262 | plumbing, energy, and gas systems, existing buildings,
 263 | historical buildings, manufactured buildings, elevators, coastal
 264 | construction, lodging facilities, food sales and food service
 265 | facilities, health care facilities, including assisted living
 266 | facilities, adult day care facilities, and facilities for the
 267 | control of radiation hazards, public or private educational
 268 | facilities, swimming pools, and correctional facilities and
 269 | enforcement of and compliance with such provisions or
 270 | requirements. Further, the Florida Building Code must provide
 271 | for uniform implementation of ss. 515.25, 515.27, and 515.29 by
 272 | including standards and criteria for residential swimming pool
 273 | barriers, pool covers, latching devices, door and window exit
 274 | alarms, and other equipment required therein, which are

HB 621

2005
CS

275 | consistent with the intent of s. 515.23. With respect to the
 276 | exit alarm provision from all doors and windows providing direct
 277 | access from the home to the pool, as specified in ss. 515.25(4)
 278 | and 515.27(1), such an alarm must be of the battery-powered,
 279 | hard-wired, or plug-in type. Technical provisions to be
 280 | contained within the Florida Building Code are restricted to
 281 | requirements related to the types of materials used and
 282 | construction methods and standards employed in order to meet
 283 | criteria specified in the Florida Building Code. Provisions
 284 | relating to the personnel, supervision or training of personnel,
 285 | or any other professional qualification requirements relating to
 286 | contractors or their workforce may not be included within the
 287 | Florida Building Code, and subsections (4), (5), (6), and (7)
 288 | are not to be construed to allow the inclusion of such
 289 | provisions within the Florida Building Code by amendment. This
 290 | restriction applies to both initial development and amendment of
 291 | the Florida Building Code.

292 | (4)

293 | (c) Any amendment adopted by a local enforcing agency
 294 | pursuant to this subsection shall not apply to state or school
 295 | district owned buildings, manufactured buildings or factory-
 296 | built school buildings approved by the commission, or prototype
 297 | buildings approved pursuant to s. 553.77 (3) ~~(5)~~. The respective
 298 | responsible entities shall consider the physical performance
 299 | parameters substantiating such amendments when designing,
 300 | specifying, and constructing such exempt buildings.

301 | (6) (a) The commission, by rule adopted pursuant to ss.
 302 | 120.536(1) and 120.54, shall update the Florida Building Code

HB 621

2005
CS

303 every 3 years. When updating the Florida Building Code, the
 304 commission shall select the most current version of the
 305 International Building Code, the International Fuel Gas Code,
 306 the International Mechanical Code, the International Plumbing
 307 Code, and the International Residential Code, all of which are
 308 adopted by the International Code Council, and the National
 309 Electrical Code adopted by the National Fire Prevention
 310 Association, to form the foundation codes of the updated Florida
 311 Building Code, if the version has been adopted by the
 312 International Code Council and the National Fire Prevention
 313 Association and made available to the public at least 6 months
 314 prior to its selection by the commission.

315 (b) Codes regarding noise contour lines shall be reviewed
 316 annually, and the most current federal guidelines shall be
 317 adopted.

318 (c) The commission may modify any portion of the
 319 foundation codes only as needed to accommodate the specific
 320 needs of this state. Standards or criteria referenced by such
 321 codes shall be incorporated by reference. If a referenced
 322 standard or criterion requires amplification or modification to
 323 be appropriate for use in this state, only the amplification or
 324 modification shall be set forth in the Florida Building Code.
 325 The commission may approve technical amendments to the updated
 326 Florida Building Code after the amendments have been subject to
 327 the conditions set forth in paragraphs (3)(a)-(d). Amendments to
 328 the foundation codes which are adopted in accordance with this
 329 subsection shall be clearly marked in printed versions of the
 330 Florida Building Code so that the fact that the provisions are

HB 621

2005
CS

331 Florida-specific amendments to the foundation codes is readily
 332 apparent. ~~consider changes made by the adopting entity of any~~
 333 ~~selected model code for any model code incorporated into the~~
 334 ~~Florida Building Code, and may subsequently adopt the new~~
 335 ~~edition or successor of the model code or any part of such code,~~
 336 ~~no sooner than 6 months after such model code has been adopted~~
 337 ~~by the adopting organization, which may then be modified for~~
 338 ~~this state as provided in this section, and~~

339 (d) The commission shall further consider the commission's
 340 own interpretations, declaratory statements, appellate
 341 decisions, and approved statewide and local technical amendments
 342 and shall incorporate such interpretations, statements,
 343 decisions, and amendments into the updated Florida Building Code
 344 only to the extent that they are needed to modify the foundation
 345 codes to accommodate the specific needs of the state. A change
 346 made by an institute or standards organization to any standard
 347 or criterion that is adopted by reference in the Florida
 348 Building Code does not become effective statewide until it has
 349 been adopted by the commission. Furthermore, the edition of the
 350 Florida Building Code which is in effect on the date of
 351 application for any permit authorized by the code governs the
 352 permitted work for the life of the permit and any extension
 353 granted to the permit.

354 (e) A rule updating the Florida Building Code in
 355 accordance with this subsection shall take effect no sooner than
 356 6 months after publication of the updated code. Any amendment to
 357 the Florida Building Code which is adopted upon a finding by the

HB 621

2005
CS

358 | commission that the amendment is necessary to protect the public
359 | from immediate threat of harm takes effect immediately.

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

363 | 1. Is needed in order to accommodate the specific needs of
364 | this state.

365 | ~~2.1-~~ Has a reasonable and substantial connection with the
366 | health, safety, and welfare of the general public.

367 | ~~3.2-~~ Strengthens or improves the Florida Building Code, or
368 | in the case of innovation or new technology, will provide
369 | equivalent or better products or methods or systems of
370 | construction.

371 | ~~4.3-~~ Does not discriminate against materials, products,
372 | methods, or systems of construction of demonstrated
373 | capabilities.

374 | ~~5.4-~~ Does not degrade the effectiveness of the Florida
375 | Building Code.

376 |
377 | Furthermore, the Florida Building Commission may approve
378 | technical amendments to the code once each year to incorporate
379 | into the Florida Building Code its own interpretations of the
380 | code which are embodied in its opinions, final orders, ~~and~~
381 | declaratory statements, and interpretations of hearing officer
382 | panels under s. 553.775(3)(c), but shall do so only to the
383 | extent that incorporation of interpretations is needed to modify
384 | the foundation codes to accommodate the specific needs of this
385 | state. Amendments approved under this paragraph shall be adopted

HB 621

2005
CS

386 | by rule pursuant to ss. 120.536(1) and 120.54, after the
387 | amendments have been subjected to the provisions of subsection
388 | (3).

389 | (c) The commission may not approve any proposed amendment
390 | that does not accurately and completely address all requirements
391 | for amendment which are set forth in this section. The
392 | commission shall require all proposed amendments and information
393 | submitted with proposed amendments to be reviewed by commission
394 | staff prior to consideration by any technical advisory
395 | committee. These reviews shall be for sufficiency only and are
396 | not intended to be qualitative in nature. Staff members shall
397 | reject any proposed amendment that fails to include a fiscal
398 | impact statement. Proposed amendments rejected by members of the
399 | staff may not be considered by the commission or any technical
400 | advisory committee.

401 | (12) Notwithstanding any other provision of this section,
402 | the permitted standards and conditions for unvented conditioned
403 | attic assemblies in the International Residential Code are
404 | incorporated by reference as an authorized alternative in the
405 | Florida Building Code. The commission shall incorporate such
406 | permitted standards and conditions in the Florida Building Code
407 | by rule as provided in this section. However, the effectiveness
408 | of such permitted standards and conditions shall not be delayed
409 | in adopting pending rules. This subsection is repealed upon the
410 | adoption of such permitted standards and conditions by rule as
411 | an authorized alternative in the Florida Building Code.

412 | (13) For type "S" buildings, as defined in the Florida
413 | Building Code, all space under mezzanines, both enclosed and not

HB 621

2005
CS

414 enclosed, shall be included in the determination of the size of
 415 the room or space in which the mezzanine is located. A mezzanine
 416 may not exceed one-third of the room or space in which it is
 417 located. The fee owner or the fee owner's architect may elect,
 418 but may not be required by rule or action, to have mezzanines
 419 that are less than one-third of the room or space in which they
 420 are located. The requirements of this subsection apply
 421 retroactively to January 1, 2001.

422 (14) Travel distance from all floor areas, including the
 423 most remote point of the mezzanine shall comply with Table 1004
 424 of the Florida Building Code, chapter 10, s. 1005, Table 1004. A
 425 single unenclosed stair is permitted for mezzanines if the
 426 criteria of the Florida Building Code, chapter 10, s. 1005.7.1
 427 and Table 1005.7 travel distance is not exceed from the most
 428 remote point of the mezzanine to a point where there is a choice
 429 of more than one means of egress and the limits of Table 1004
 430 are met. The requirements of this subsection shall take effect
 431 upon this act becoming law.

432 Section 6. Section 553.77, Florida Statutes, is amended to
 433 read:

434 553.77 Specific powers of the commission.--

435 (1) The commission shall:

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

438 (b) Make a continual study of the operation of the Florida
 439 Building Code and other laws relating to the design,
 440 construction, erection, alteration, modification, repair, or
 441 demolition of public or private buildings, structures, and

HB 621

2005
CS

442 facilities, including manufactured buildings, and code
443 enforcement, to ascertain their effect upon the cost of building
444 construction and determine the effectiveness of their
445 provisions. Upon updating the Florida Building Code every 3
446 years, the commission shall review existing provisions of law
447 and make recommendations to the Legislature for the next regular
448 session of the Legislature regarding provisions of law that
449 should be revised or repealed to ensure consistency with the
450 Florida Building Code at the point the update goes into effect.
451 State agencies and local jurisdictions shall provide such
452 information as requested by the commission for evaluation of and
453 recommendations for improving the effectiveness of the system of
454 building code laws for reporting to the Legislature annually.
455 Failure to comply with this or other requirements of this act
456 must be reported to the Legislature for further action. Any
457 proposed legislation providing for the revision or repeal of
458 existing laws and rules relating to technical requirements
459 applicable to building structures or facilities should expressly
460 state that such legislation is not intended to imply any repeal
461 or sunset of existing general or special laws governing any
462 special district that are not specifically identified in the
463 legislation.

464 (c) Upon written application by any substantially affected
465 person or a local enforcement agency, issue declaratory
466 statements pursuant to s. 120.565 relating to new technologies,
467 techniques, and materials which have been tested where necessary
468 and found to meet the objectives of the Florida Building Code.
469 This paragraph does not apply to the types of products,

Page 17 of 77

HB 621

2005
CS

470 materials, devices, or methods of construction required to be
471 approved under paragraph (f) ~~(i)~~.

472 ~~(d) Upon written application by any substantially affected~~
473 ~~person, state agency, or a local enforcement agency, issue~~
474 ~~declaratory statements pursuant to s. 120.565 relating to the~~
475 ~~enforcement or administration by local governments of the~~
476 ~~Florida Building Code. Paragraph (h) provides the exclusive~~
477 ~~remedy for addressing local interpretations of the code.~~

478 ~~(e) When requested in writing by any substantially~~
479 ~~affected person, state agency, or a local enforcing agency,~~
480 ~~shall issue declaratory statements pursuant to s. 120.565~~
481 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~
482 ~~515.37. Actions of the commission are subject to judicial review~~
483 ~~pursuant to s. 120.68.~~

484 (d)~~(f)~~ Make recommendations to, and provide assistance
485 upon the request of, the Florida Commission on Human Relations
486 regarding rules relating to accessibility for persons with
487 disabilities.

488 (e)~~(g)~~ Participate with the Florida Fire Code Advisory
489 Council created under s. 633.72, to provide assistance and
490 recommendations relating to firesafety code interpretations. The
491 administrative staff of the commission shall attend meetings of
492 the Florida Fire Code Advisory Council and coordinate efforts to
493 provide consistency between the Florida Building Code and the
494 Florida Fire Prevention Code and the Life Safety Code.

495 ~~(h) Hear appeals of the decisions of local boards of~~
496 ~~appeal regarding interpretation decisions of local building~~
497 ~~officials, or if no local board exists, hear appeals of~~

HB 621

2005
CS

498 ~~decisions of the building officials regarding interpretations of~~
499 ~~the code. For such appeals:~~

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

504 ~~2. All appeals shall be heard in the county of the~~
505 ~~jurisdiction defending the appeal.~~

506 ~~3. Hearings shall be conducted pursuant to chapter 120 and~~
507 ~~the uniform rules of procedure, and decisions of the commission~~
508 ~~are subject to judicial review pursuant to s. 120.68.~~

509 ~~(f)(i)~~ Determine the types of products which may be
510 approved by the commission requiring approval for local or
511 statewide use and shall provide for the evaluation and approval
512 of such products, materials, devices, and method of construction
513 for statewide use. The commission may prescribe by rule a
514 schedule of reasonable fees to provide for evaluation and
515 approval of products, materials, devices, and methods of
516 construction. Evaluation and approval shall be by action of the
517 commission or delegated pursuant to s. 553.842. This paragraph
518 does not apply to products approved by the State Fire Marshal.

519 ~~(g)(j)~~ Appoint experts, consultants, technical advisers,
520 and advisory committees for assistance and recommendations
521 relating to the major areas addressed in the Florida Building
522 Code.

523 ~~(h)(k)~~ Establish and maintain a mutual aid program,
524 organized through the department, to provide an efficient supply
525 of various levels of code enforcement personnel, design

HB 621

2005
CS

526 | professionals, commercial property owners, and construction
 527 | industry individuals, to assist in the rebuilding effort in an
 528 | area which has been hit with disaster. The program shall include
 529 | provisions for:

530 | 1. Minimum postdisaster structural, electrical, and
 531 | plumbing inspections and procedures.

532 | 2. Emergency permitting and inspection procedures.

533 | 3. Establishing contact with emergency management
 534 | personnel and other state and federal agencies.

535 | (i)~~(l)~~ Maintain a list of interested parties for noticing
 536 | rulemaking workshops and hearings, disseminating information on
 537 | code adoption, revisions, amendments, and all other such actions
 538 | which are the responsibility of the commission.

539 | (j)~~(m)~~ Coordinate with the state and local governments,
 540 | industry, and other affected stakeholders in the examination of
 541 | legislative provisions and make recommendations to fulfill the
 542 | responsibility to develop a consistent, single code.

543 | (k)~~(n)~~ Provide technical assistance to local building
 544 | departments in order to implement policies, procedures, and
 545 | practices which would produce the most cost-effective property
 546 | insurance ratings.

547 | (l)~~(o)~~ Develop recommendations for local governments to
 548 | use when pursuing partial or full privatization of building
 549 | department functions. The recommendations shall include, but not
 550 | be limited to, provisions relating to equivalency of service,
 551 | conflict of interest, requirements for competency, liability,
 552 | insurance, and long-term accountability.

HB 621

2005
CS

553 ~~(2) Upon written application by any substantially affected~~
 554 ~~person, the commission shall issue a declaratory statement~~
 555 ~~pursuant to s. 120.565 relating to a state agency's~~
 556 ~~interpretation and enforcement of the specific provisions of the~~
 557 ~~Florida Building Code the agency is authorized to enforce. The~~
 558 ~~provisions of this subsection shall not be construed to provide~~
 559 ~~any powers, other than advisory, to the commission with respect~~
 560 ~~to any decision of the State Fire Marshal made pursuant to the~~
 561 ~~provisions of chapter 633.~~

562 ~~(3) The commission may designate a commission member with~~
 563 ~~demonstrated expertise in interpreting building plans to attend~~
 564 ~~each meeting of the advisory council created in s. 553.512. The~~
 565 ~~commission member may vary from meeting to meeting, shall serve~~
 566 ~~on the council in a nonvoting capacity, and shall receive per~~
 567 ~~diem and expenses as provided in s. 553.74(3).~~

568 (2)~~(4)~~ For educational and public information purposes,
 569 the commission shall develop and publish an informational and
 570 explanatory document which contains descriptions of the roles
 571 and responsibilities of the licensed design professional,
 572 residential designer, contractor, and local building and fire
 573 code officials. The State Fire Marshal shall be responsible for
 574 developing and specifying roles and responsibilities for fire
 575 code officials. Such document may also contain descriptions of
 576 roles and responsibilities of other participants involved in the
 577 building codes system.

578 (3)~~(5)~~ The commission may provide by rule for plans review
 579 and approval of prototype buildings owned by public and private
 580 entities to be replicated throughout the state. The rule must

HB 621

2005
CS

581 allow for review and approval of plans and changes to approved
582 plans for prototype buildings to be performed by a public or
583 private entity with oversight by the commission. The department
584 may charge reasonable fees to cover the administrative costs of
585 the program. Such approved plans or prototype buildings shall be
586 exempt from further review required by s. 553.79(2), except
587 changes to the prototype design, site plans, and other site-
588 related items. Changes to an approved plan may be approved by
589 the local building department or by the public or private entity
590 that approved the plan. As provided in s. 553.73, prototype
591 buildings are exempt from any locally adopted amendment to any
592 part of the Florida Building Code. Construction or erection of
593 such prototype buildings is subject to local permitting and
594 inspections pursuant to this part.

595 (4)+(6) The commission may produce and distribute a
596 commentary document to accompany the Florida Building Code. The
597 commentary must be limited in effect to providing technical
598 assistance and must not have the effect of binding
599 interpretations of the code document itself.

600 (5) A commissioner may abstain from voting in any matter
601 before the commission which would inure to the commissioner's
602 special private gain or loss, which the commissioner knows would
603 inure to the special private gain or loss of any principal by
604 whom he or she is retained or to the parent organization or
605 subsidiary of a corporate principal by which he or she is
606 retained, or which he or she knows would inure to the special
607 private gain or loss of a relative or business associate of the
608 commissioner. A commissioner shall abstain from voting on

HB 621

2005
CS

609 matters before the commission pursuant to s. 120.569 or s.
 610 120.60 in the foregoing circumstances. The commissioner shall,
 611 prior to the vote being taken, publicly state to the assembly
 612 the nature of the commissioner's interest in the matter from
 613 which he or she is abstaining from voting and, within 15 days
 614 after the vote occurs, disclose the nature of his or her
 615 interest as a public record in a memorandum filed with the
 616 person responsible for recording the minutes of the meeting, who
 617 shall incorporate the memorandum in the minutes.

618 ~~(7) The commission shall by rule establish an informal~~
 619 ~~process of rendering nonbinding interpretations of the Florida~~
 620 ~~Building Code. The commission is specifically authorized to~~
 621 ~~refer interpretive issues to organizations that represent those~~
 622 ~~engaged in the construction industry. The commission is directed~~
 623 ~~to immediately implement the process prior to the completion of~~
 624 ~~formal rulemaking. It is the intent of the Legislature that the~~
 625 ~~commission create a process to refer questions to a small,~~
 626 ~~rotating group of individuals licensed under part XII of chapter~~
 627 ~~468, to which a party can pose questions regarding the~~
 628 ~~interpretation of code provisions. It is the intent of the~~
 629 ~~Legislature that the process provide for the expeditious~~
 630 ~~resolution of the issues presented and publication of the~~
 631 ~~resulting interpretation on the Building Code Information~~
 632 ~~System. Such interpretations are to be advisory only and~~
 633 ~~nonbinding on the parties or the commission.~~

634 Section 7. Section 553.775, Florida Statutes, is created
 635 to read:

636 553.775 Interpretations.--

HB 621

2005
CS

637 (1) It is the intent of the Legislature that the Florida
 638 Building Code be interpreted by building officials, local
 639 enforcement agencies, and the commission in a manner that
 640 protects the public safety, health, and welfare at the most
 641 reasonable cost to the consumer by ensuring uniform
 642 interpretations throughout the state and by providing processes
 643 for resolving disputes regarding interpretations of the Florida
 644 Building Code which are just and expeditious.

645 (2) Local enforcement agencies, local building officials,
 646 state agencies, and the commission shall interpret provisions of
 647 the Florida Building Code in a manner that is consistent with
 648 declaratory statements and interpretations entered by the
 649 commission, except that conflicts between the Florida Fire
 650 Prevention Code and the Florida Building Code shall be resolved
 651 in accordance with s. 553.73(9)(c) and (d).

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

654 (a) Upon written application by any substantially affected
 655 person or state agency or by a local enforcement agency, the
 656 commission shall issue declaratory statements pursuant to s.
 657 120.565 relating to the enforcement or administration by local
 658 governments of the Florida Building Code.

659 (b) When requested in writing by any substantially
 660 affected person or state agency or by a local enforcement
 661 agency, the commission shall issue a declaratory statement
 662 pursuant to s. 120.565 relating to this part and ss. 515.25,
 663 515.27, 515.29, and 515.37. Actions of the commission are
 664 subject to judicial review under s. 120.68.

HB 621

2005
CS

665 (c) The commission shall review decisions of local
666 building officials and local enforcement agencies regarding
667 interpretations of the Florida Building Code after the local
668 board of appeals has considered the decision, if such board
669 exists, and if such appeals process is concluded within 10
670 business days.

671 1. The commission shall coordinate with the Building
672 Officials Association of Florida, Inc., to designate panels
673 composed of five members to hear requests to review decisions of
674 local building officials. The members must be licensed as
675 building code administrators under part XII of chapter 468 and
676 must have experience interpreting and enforcing provisions of
677 the Florida Building Code.

678 2. Requests to review a decision of a local building
679 official interpreting provisions of the Florida Building Code
680 may be initiated by any substantially affected person, including
681 an owner or builder subject to a decision of a local building
682 official or an association of owners or builders having members
683 who are subject to a decision of a local building official. In
684 order to initiate review, the substantially affected person must
685 file a petition with the commission. The commission shall adopt
686 a form for the petition, which shall be published on the
687 Building Code Information System. The form shall, at a minimum,
688 require the following:

689 a. The name and address of the county or municipality in
690 which provisions of the Florida Building Code are being
691 interpreted.

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

694 c. The name, address, and telephone number of the
 695 petitioner; the name, address, and telephone number of the
 696 petitioner's representative, if any; and an explanation of how
 697 the petitioner's substantial interests are being affected by the
 698 local interpretation of the Florida Building Code.

699 d. A statement of the provisions of the Florida Building
 700 Code which are being interpreted by the local building official.

701 e. A statement of the interpretation given to provisions
 702 of the Florida Building Code by the local building official and
 703 the manner in which the interpretation was rendered.

704 f. A statement of the interpretation that the petitioner
 705 contends should be given to the provisions of the Florida
 706 Building Code and a statement supporting the petitioner's
 707 interpretation.

708 g. Space for the local building official to respond in
 709 writing. The space shall, at a minimum, require the local
 710 building official to respond by providing a statement admitting
 711 or denying the statements contained in the petition and a
 712 statement of the interpretation of the provisions of the Florida
 713 Building Code which the local jurisdiction or the local building
 714 official contends is correct, including the basis for the
 715 interpretation.

716 3. The petitioner shall submit the petition to the local
 717 building official, who shall place the date of receipt on the
 718 petition. The local building official shall respond to the
 719 petition in accordance with the form and shall return the

HB 621

2005
CS

720 petition along with his or her response to the petitioner within
721 5 days after receipt, exclusive of Saturdays, Sundays, and legal
722 holidays. The petitioner may file the petition with the
723 commission at any time after the local building official
724 provides a response. If no response is provided by the local
725 building official, the petitioner may file the petition with the
726 commission 10 days after submission of the petition to the local
727 building official and shall note that the local building
728 official did not respond.

729 4. Upon receipt of a petition that meets the requirements
730 of subparagraph 2., the commission shall immediately provide
731 copies of the petition to a panel, and the commission shall
732 publish the petition, including any response submitted by the
733 local building official, on the Building Code Information System
734 in a manner that allows interested persons to address the issues
735 by posting comments.

736 5. The panel shall conduct proceedings as necessary to
737 resolve the issues; shall give due regard to the petitions, the
738 response, and to comments posed on the Building Code Information
739 System; and shall issue an interpretation regarding the
740 provisions of the Florida Building Code within 21 days after the
741 filing of the petition. The panel shall render a determination
742 based upon the Florida Building Code or, if the code is
743 ambiguous, the intent of the code. The panel's interpretation
744 shall be provided to the commission, which shall publish the
745 interpretation on the Building Code Information System and in
746 the Florida Administrative Weekly. The interpretation shall be
747 considered an interpretation entered by the commission, and

HB 621

2005
CS

748 shall be binding upon the parties and upon all jurisdictions
749 subject to the Florida Building Code, unless it is superseded by
750 a declaratory statement issued by the Florida Building
751 Commission or by a final order entered after an appeal
752 proceeding conducted in accordance with subparagraph 7.

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

758 7. Any substantially affected person may appeal an
759 interpretation rendered by a hearing officer panel by filing a
760 petition with the commission. Such appeals shall be initiated in
761 accordance with chapter 120 and the uniform rules of procedure
762 and must be filed within 30 days after publication of the
763 interpretation on the Building Code Information System or in the
764 Florida Administrative Weekly. Hearings shall be conducted
765 pursuant to chapter 120 and the uniform rules of procedure.
766 Decisions of the commission are subject to judicial review
767 pursuant to s. 120.68. The final order of the commission is
768 binding upon the parties and upon all jurisdictions subject to
769 the Florida Building Code.

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

773 9. In any review proceeding initiated in accordance with
774 this paragraph, including any proceeding initiated in accordance
775 with subparagraph 7., the fact that an owner or builder has

HB 621

2005
CS

776 proceeded with construction may not be grounds for determining
 777 an issue to be moot if the issue is one that is likely to arise
 778 in the future.

779
 780 This paragraph provides the exclusive remedy for addressing
 781 requests to review local interpretations of the code and appeals
 782 from review proceedings.

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

788 (e) Upon written application by any substantially affected
 789 person, the commission shall issue a declaratory statement
 790 pursuant to s. 120.565 relating to an agency's interpretation
 791 and enforcement of the specific provisions of the Florida
 792 Building Code which the agency is authorized to enforce. This
 793 subsection does not provide any powers, other than advisory, to
 794 the commission with respect to any decision of the State Fire
 795 Marshal made pursuant to chapter 633.

796 (f) The commission may designate a commission member who
 797 has demonstrated expertise in interpreting building plans to
 798 attend each meeting of the advisory council created in s.
 799 553.512. The commission member may vary from meeting to meeting,
 800 shall serve on the council in a nonvoting capacity, and shall
 801 receive per diem and expenses as provided in s. 553.74(3).

802 (g) The commission shall by rule establish an informal
 803 process of rendering nonbinding interpretations of the Florida

HB 621

2005
CS

804 Building Code. The commission is specifically authorized to
 805 refer interpretive issues to organizations that represent those
 806 engaged in the construction industry. The commission shall
 807 immediately implement the process before completing formal
 808 rulemaking. It is the intent of the Legislature that the
 809 commission create a process to refer questions to a small,
 810 rotating group of individuals licensed under part XII of chapter
 811 468, to which a party may pose questions regarding the
 812 interpretation of code provisions. It is the intent of the
 813 Legislature that the process provide for the expeditious
 814 resolution of the issues presented and publication of the
 815 resulting interpretation on the Building Code Information
 816 System. Such interpretations shall be advisory only and
 817 nonbinding on the parties and the commission.

818 (4) In order to administer this section, the commission
 819 may adopt by rule and impose a fee for binding interpretations
 820 to recoup the cost of the proceedings that may not exceed \$250
 821 for each request for a review or interpretation. For proceedings
 822 conducted by or in coordination with a third party, the rule may
 823 provide payment to be made directly to the third party who shall
 824 remit to the department that portion of the fee necessary to
 825 cover the department's costs.

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

828 553.79 Permits; applications; issuance; inspections.--

829 (14) Certifications by contractors authorized under the
 830 provisions of s. 489.115(4)(b) shall be considered equivalent to
 831 sealed plans and specifications by a person licensed under

HB 621

2005
CS

832 chapter 471 or chapter 481 by local enforcement agencies for
 833 plans review for permitting purposes relating to compliance with
 834 the wind resistance provisions of the code or alternate
 835 methodologies approved by the commission for one and two family
 836 dwellings. Local enforcement agencies may rely upon such
 837 certification by contractors that the plans and specifications
 838 submitted conform to the requirements of the code for wind
 839 resistance. Upon good cause shown, local government code
 840 enforcement agencies may accept or reject plans sealed by
 841 persons licensed under chapter 471, chapter 481, or chapter 489.
 842 A truss-placement plan is not required to be signed and sealed
 843 by an engineer or architect unless prepared by an engineer or
 844 architect or specifically required by the Florida Building Code.

845 Section 9. Paragraph (f) of subsection (1), subsections
 846 (2) and (4), paragraph (a) of subsection (6), and subsections
 847 (7), (9), (11), (12), (14), (15), and (17) of section 553.791,
 848 Florida Statutes, are amended to read:

849 553.791 Alternative plans review and inspection.--

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

851 (f) "Permit application" means a properly completed and
 852 submitted application for:

853 ~~1.~~ the requested building or construction permit,
 854 including:

855 ~~1.2.~~ The plans reviewed by the private provider.

856 ~~2.3.~~ The affidavit from the private provider required
 857 pursuant to subsection (5).

858 ~~3.4.~~ Any applicable fees.

HB 621

2005
CS

859 ~~4.5.~~ Any documents required by the local building official
860 to determine that the fee owner has secured all other government
861 approvals required by law.

862 (2) Notwithstanding any other provision of law or local
863 government ordinance or local policy, the fee owner of a
864 building or structure, or the fee owner's contractor upon
865 written authorization from the fee owner, may choose to use a
866 private provider to provide building code inspection services
867 with regard to such building or structure and may make payment
868 directly to the private provider for the provision of such
869 services. All such services shall be the subject of a written
870 contract between the private provider, or the private provider's
871 firm, and the fee owner. The fee owner may elect to use a
872 private provider to provide ~~either~~ plans review or required
873 building inspections, or both. ~~The local building official, in~~
874 ~~his or her discretion and pursuant to duly adopted policies of~~
875 ~~the local enforcement agency, may require the fee owner who~~
876 ~~desires to use a private provider to use the private provider to~~
877 ~~provide both plans review and required building inspection~~
878 ~~services.~~

879 (4) A fee owner or the fee owner's contractor using a
880 private provider to provide building code inspection services
881 shall notify the local building official at the time of permit
882 application, or no less than 7 business days prior to the first
883 scheduled inspection by the local building official or building
884 code enforcement agency for a private provider performing
885 required inspections of construction under this section, on a

HB 621

2005
CS

886 | form to be adopted by the commission. This notice shall include
887 | the following information:

888 | (a) The services to be performed by the private provider.

889 | (b) The name, firm, address, telephone number, and
890 | facsimile number of each private provider who is performing or
891 | will perform such services, his or her professional license or
892 | certification number, qualification statements or resumes, and,
893 | if required by the local building official, a certificate of
894 | insurance demonstrating that professional liability insurance
895 | coverage is in place for the private provider's firm, the
896 | private provider, and any duly authorized representative in the
897 | amounts required by this section.

898 | (c) An acknowledgment from the fee owner in substantially
899 | the following form:

900 |
901 | I have elected to use one or more private providers to provide
902 | building code plans review and/or inspection services on the
903 | building or structure that is the subject of the enclosed permit
904 | application, as authorized by s. 553.791, Florida Statutes. I
905 | understand that the local building official may not review the
906 | plans submitted or perform the required building inspections to
907 | determine compliance with the applicable codes, except to the
908 | extent specified in said law. Instead, plans review and/or
909 | required building inspections will be performed by licensed or
910 | certified personnel identified in the application. The law
911 | requires minimum insurance requirements for such personnel, but
912 | I understand that I may require more insurance to protect my
913 | interests. By executing this form, I acknowledge that I have

HB 621

2005
CS

914 made inquiry regarding the competence of the licensed or
 915 certified personnel and the level of their insurance and am
 916 satisfied that my interests are adequately protected. I agree to
 917 indemnify, defend, and hold harmless the local government, the
 918 local building official, and their building code enforcement
 919 personnel from any and all claims arising from my use of these
 920 licensed or certified personnel to perform building code
 921 inspection services with respect to the building that is the
 922 subject of the enclosed permit application.

923
 924 If the fee owner or the fee owner's contractor makes any changes
 925 to the listed private providers or the services to be provided
 926 by those private providers, the fee owner or the fee owner's
 927 contractor shall, within 1 business day after any change, update
 928 the notice to reflect such changes. In addition, the fee owner
 929 or the fee owner's contractor shall post at the project site,
 930 prior to the commencement of construction and updated within 1
 931 business day after any change, on a form to be adopted by the
 932 commission, the name, firm, address, telephone number, and
 933 facsimile number of each private provider who is performing or
 934 will perform building code inspection services, the type of
 935 service being performed, and similar information for the primary
 936 contact of the private provider on the project.

937 (6)(a) No more than ~~Within~~ 30 business days after receipt
 938 of a permit application and the affidavit from the private
 939 provider required pursuant to subsection (5), the local building
 940 official shall issue the requested permit or provide a written
 941 notice to the permit applicant identifying the specific plan

HB 621

2005
CS

942 features that do not comply with the applicable codes, as well
943 as the specific code chapters and sections. If the local
944 building official does not provide a written notice of the plan
945 deficiencies within the prescribed 30-day period, the permit
946 application shall be deemed approved as a matter of law, and the
947 permit shall be issued by the local building official on the
948 next business day.

949 (7) A private provider performing required inspections
950 under this section shall inspect each phase of construction as
951 required by the applicable codes. The private provider shall be
952 permitted to send a duly authorized representative to the
953 building site to perform the required inspections, provided all
954 required reports and certifications are prepared by and bear the
955 signature of the private provider. The duly authorized
956 representative must be an employee of the private provider
957 entitled to receive unemployment compensation benefits under
958 chapter 443. The contractor's contractual or legal obligations
959 are not relieved by any action of the private provider.

960 (9) Upon completing the required inspections at each
961 applicable phase of construction, the private provider shall
962 record such inspections on a form acceptable to the local
963 building official. These inspection records shall reflect those
964 inspections required by the applicable codes of each phase of
965 construction for which permitting by a local enforcement agency
966 is required. The private provider, before leaving the project
967 site, shall post each completed inspection record, indicating
968 pass or fail, at the site and provide the record to the local
969 building official within 2 business days. The local building

HB 621

2005
CS

970 | official may waive the requirement to provide a record of each
 971 | inspection within 2 business days if the record is posted at the
 972 | project site and all such inspection records are submitted with
 973 | the certificate of compliance. Records of all required and
 974 | completed inspections shall be maintained at the building site
 975 | at all times and made available for review by the local building
 976 | official. The private provider shall report to the local
 977 | enforcement agency any condition that poses an immediate threat
 978 | to public safety and welfare.

979 | (11) No more than ~~Within~~ 2 business days after receipt of
 980 | a request for a certificate of occupancy or certificate of
 981 | completion and the applicant's presentation of a certificate of
 982 | compliance and approval of all other government approvals
 983 | required by law, the local building official shall issue the
 984 | certificate of occupancy or certificate of completion or provide
 985 | a notice to the applicant identifying the specific deficiencies,
 986 | as well as the specific code chapters and sections. If the local
 987 | building official does not provide notice of the deficiencies
 988 | within the prescribed 2-day period, the request for a
 989 | certificate of occupancy or certificate of completion shall be
 990 | deemed granted and the certificate of occupancy or certificate
 991 | of completion shall be issued by the local building official on
 992 | the next business day. To resolve any identified deficiencies,
 993 | the applicant may elect to dispute the deficiencies pursuant to
 994 | subsection (12) or to submit a corrected request for a
 995 | certificate of occupancy or certificate of completion.

996 | (12) If the local building official determines that the
 997 | building construction or plans do not comply with the applicable

HB 621

2005
CS

998 codes, the official may deny the permit or request for a
 999 certificate of occupancy or certificate of completion, as
 1000 appropriate, or may issue a stop-work order for the project or
 1001 any portion thereof as provided by law, if the official
 1002 determines that such noncompliance poses a threat to public
 1003 safety and welfare, subject to the following:

1004 (a) The local building official shall be available to meet
 1005 with the private provider within 2 business days to resolve any
 1006 dispute after issuing a stop-work order or providing notice to
 1007 the applicant denying a permit or request for a certificate of
 1008 occupancy or certificate of completion.

1009 (b) If the local building official and private provider
 1010 are unable to resolve the dispute, the matter shall be referred
 1011 to the local enforcement agency's board of appeals, if one
 1012 exists, which shall consider the matter at its next scheduled
 1013 meeting or sooner. Any decisions by the local enforcement
 1014 agency's board of appeals, or local building official if there
 1015 is no board of appeals, may be appealed to the commission as
 1016 provided by this chapter ~~pursuant to s. 553.77(1)(h)~~.

1017 (c) Notwithstanding any provision of this section, any
 1018 decisions regarding the issuance of a building permit,
 1019 certificate of occupancy, or certificate of completion may be
 1020 reviewed by the local enforcement agency's board of appeals, if
 1021 one exists. Any decision by the local enforcement agency's board
 1022 of appeals, or local building official if there is no board of
 1023 appeals, may be appealed to the commission as provided by this
 1024 chapter ~~pursuant to s. 553.77(1)(h)~~, and the commission which

HB 621

2005
CS

1025 shall consider the matter at its ~~the commission's~~ next scheduled
1026 meeting.

1027 (14) (a) No local enforcement agency, local building
1028 official, or local government may adopt or enforce any laws,
1029 rules, procedures, policies, qualifications, or standards more
1030 stringent than those prescribed by this section.

1031 (b) A local enforcement agency, local building official,
1032 or local government may establish, for private providers and
1033 duly authorized representatives working within that
1034 jurisdiction, a system of registration to verify compliance with
1035 the licensure requirements of paragraph (1)(g) and the insurance
1036 requirements of subsection (15).

1037 (c) This section does not limit the authority of the local
1038 building official to issue a stop-work order for a building
1039 project or any portion of such project, as provided by law, if
1040 the official determines that a condition on the building site
1041 constitutes an immediate threat to public safety and welfare.

1042 (15) A private provider may perform building code
1043 inspection services on a building project under this section
1044 only if the private provider maintains insurance for
1045 professional ~~and comprehensive general~~ liability covering with
1046 ~~minimum policy limits of \$1 million per occurrence relating to~~
1047 all services performed as a private provider. Such insurance
1048 shall have minimum policy limits of \$1 million per occurrence
1049 and \$2 million in the aggregate for any project having a
1050 construction cost of \$5 million or less, \$2 million per
1051 occurrence and \$4 million in the aggregate for any project
1052 having a construction cost of over \$5 million but less than \$50

HB 621

2005
CS

1053 million, and \$5 million per occurrence and \$5 million in the
 1054 aggregate for any project having a construction cost of \$50
 1055 million or more. For these purposes, the term "construction
 1056 cost" means the total cost of building construction as stated in
 1057 the building permit application. If the private provider chooses
 1058 to secure claims-made coverage to fulfill this requirement, the
 1059 private provider must also maintain, ~~including tail~~ coverage for
 1060 a minimum of 5 years subsequent to the performance of building
 1061 code inspection services. The insurance required under this
 1062 subsection may be written only by an insurer that is authorized
 1063 to do business in this state and has a minimum A.M. Best's
 1064 rating of "A." Before providing building code inspection
 1065 services within a local building official's jurisdiction, a
 1066 private provider must provide to the local building official a
 1067 certificate of insurance evidencing that the coverages required
 1068 under this subsection are in force.

1069 (17) Each local building code enforcement agency may ~~shall~~
 1070 ~~develop and maintain a process to~~ audit the performance of
 1071 building code inspection services by private providers operating
 1072 within the local jurisdiction. Work on a building or structure
 1073 may proceed after inspection and approval by a private provider
 1074 if the provider has given notice of the inspection pursuant to
 1075 subsection (8). Subsequent to such inspection and approval, the
 1076 work may not be delayed for completion of an inspection audit by
 1077 the local building code enforcement agency.

1078 Section 10. Paragraph (d) of subsection (1) of section
 1079 553.80, Florida Statutes, is amended, and subsections (7) and
 1080 (8) are added to that section, to read:

HB 621

2005
CS

1081 553.80 Enforcement.--

1082 (1) Except as provided in paragraphs (a)-(f), each local

1083 government and each legally constituted enforcement district

1084 with statutory authority shall regulate building construction

1085 and, where authorized in the state agency's enabling

1086 legislation, each state agency shall enforce the Florida

1087 Building Code required by this part on all public or private

1088 buildings, structures, and facilities, unless such

1089 responsibility has been delegated to another unit of government

1090 pursuant to s. 553.79(9).

1091 (d) Building plans approved pursuant to s. 553.77(3)~~(5)~~

1092 and state-approved manufactured buildings, including buildings

1093 manufactured and assembled offsite and not intended for

1094 habitation, such as lawn storage buildings and storage sheds,

1095 are exempt from local code enforcing agency plan reviews except

1096 for provisions of the code relating to erection, assembly, or

1097 construction at the site. Erection, assembly, and construction

1098 at the site are subject to local permitting and inspections.

1099

1100 The governing bodies of local governments may provide a schedule

1101 of fees, as authorized by s. 125.56(2) or s. 166.222 and this

1102 section, for the enforcement of the provisions of this part.

1103 Such fees shall be used solely for carrying out the local

1104 government's responsibilities in enforcing the Florida Building

1105 Code. The authority of state enforcing agencies to set fees for

1106 enforcement shall be derived from authority existing on July 1,

1107 1998. However, nothing contained in this subsection shall

HB 621

2005
CS

1108 | operate to limit such agencies from adjusting their fee schedule
1109 | in conformance with existing authority.

1110 | (7) The governing bodies of local governments may provide
1111 | a schedule of reasonable fees, as authorized by s. 125.56(2) or
1112 | s. 166.222 and this section, for enforcing this part. These
1113 | fees, and any fines or investment earnings related to the fees,
1114 | shall be used solely for carrying out the local government's
1115 | responsibilities in enforcing the Florida Building Code. When
1116 | providing a schedule of reasonable fees, the total estimated
1117 | annual revenue derived from fees, and the fines and investment
1118 | earnings related to the fees, may not exceed the total estimated
1119 | annual costs of allowable activities. Any unexpended balances
1120 | shall be carried forward to future years for allowable
1121 | activities or shall be refunded at the discretion of the local
1122 | government. The basis for a fee structure for allowable
1123 | activities shall relate to the level of service provided by the
1124 | local government. Fees charged shall be consistently applied.

1125 | (a) As used in this subsection, the phrase "enforcing the
1126 | Florida Building Code" includes the direct costs and reasonable
1127 | indirect costs associated with review of building plans,
1128 | building inspections, reinspections, building permit processing;
1129 | building code enforcement; and fire inspections associated with
1130 | new construction. The phrase may also include training costs
1131 | associated with the enforcement of the Florida Building Code and
1132 | enforcement action pertaining to unlicensed contractor activity
1133 | to the extent not funded by other user fees.

1134 | (b) The following activities may not be funded with fees
1135 | adopted for enforcing the Florida Building Code:

HB 621

2005
CS

1136 1. Planning and zoning or other general government
1137 activities.

1138 2. Inspections of public buildings for a reduced fee or no
1139 fee.

1140 3. Public information requests, community functions,
1141 boards, and any program not directly related to enforcement of
1142 the Florida Building Code.

1143 4. Enforcement and implementation of any other local
1144 ordinance, excluding validly adopted local amendments to the
1145 Florida Building Code and excluding any local ordinance directly
1146 related to enforcing the Florida Building Code as defined in
1147 paragraph (a).

1148 (c) A local government shall use recognized management,
1149 accounting, and oversight practices to ensure that fees, fines,
1150 and investment earnings generated under this subsection are
1151 maintained and allocated or used solely for the purposes
1152 described in paragraph (a).

1153 (8) The Department of Agriculture and Consumer Services is
1154 not subject to local government permitting requirements, plan
1155 review, or inspection fees for agricultural structures, such as
1156 equipment storage sheds and pole barns that are not used by the
1157 public.

1158 Section 11. Paragraph (c) is added to subsection (17) of
1159 section 120.80, Florida Statutes, to read:

1160 120.80 Exceptions and special requirements; agencies.--

1161 (17) FLORIDA BUILDING COMMISSION.--

1162 (c) Notwithstanding ss. 120.565, 120.569, and 120.57, the
1163 Florida Building Commission and hearing officer panels appointed

HB 621

2005
CS

1164 by the commission in accordance with s. 553.775(3)(c)1. may
 1165 conduct proceedings to review decisions of local building code
 1166 officials in accordance with s. 553.775(3)(c).

1167 Section 12. Section 553.841, Florida Statutes, is amended
 1168 to read:

1169 (Substantial rewording of section. See
 1170 s. 533.841, F.S., for present text.)

1171 553.841 Building code education and outreach program.--

1172 (1) The Legislature finds that the effectiveness of the
 1173 building codes of this state depends on the performance of all
 1174 participants, as demonstrated through knowledge of the codes and
 1175 commitment to compliance with code directives, and that to
 1176 strengthen compliance by industry and enforcement by government,
 1177 a building code education and outreach program is needed.

1178 (2) There is created the Building Code Education and
 1179 Outreach Council to coordinate, develop, and maintain education
 1180 and outreach to ensure administration and enforcement of the
 1181 Florida Building Code.

1182 (3) The Building Code Education and Outreach Council shall
 1183 be composed of the following members:

1184 (a) Three representatives of the Florida Building
 1185 Commission, one of whom shall have accessibility expertise,
 1186 selected by the commission;

1187 (b) One representative of the Florida Building Code
 1188 Administrators and Inspectors Board, selected by that board;

1189 (c) One representative of the Construction Industry
 1190 Licensing Board, selected by that board;

HB 621

2005
CS

1191 (d) One representative of the Electrical Contractors
1192 Licensing Board, selected by that board;

1193 (e) One representative of the Florida Board of
1194 Professional Engineers, selected by that board;

1195 (f) One architect representative of the Board of
1196 Architecture and Interior Design, selected by that board;

1197 (g) One interior designer representative of the Board of
1198 Architecture and Interior Design, selected by that board;

1199 (h) One representative of the Board of Landscape
1200 Architecture, selected by that board; and

1201 (i) One representative from the office of the State Fire
1202 Marshal, selected by that office.

1203
1204 Each member of the board shall be appointed to a 2-year term and
1205 may be reappointed at the discretion of the appointing body. A
1206 chair shall be elected by majority vote of the council and shall
1207 serve a term of 1 year.

1208 (4) The Building Code Education and Outreach Council shall
1209 meet in Tallahassee no more than semiannually. The council may
1210 meet more often but not more than monthly, and such additional
1211 meetings shall be by telephone conference call. Travel costs, if
1212 any, shall be borne by the respective appointing entity. The
1213 Department of Community Affairs shall provide administrative
1214 support and may contract with an entity that has previous
1215 experience with building code training, development, and
1216 coordination to provide administrative support for the council.

1217 (5) The Building Code Education and Outreach Council
1218 shall:

HB 621

2005
CS

1219 (a) Consider and determine any policies or procedures
 1220 needed to administer ss. 489.109(3) and 489.509(3).
 1221 (b) Administer the provisions of this section.
 1222 (c) Determine the areas of priority for which funds should
 1223 be expended for education and outreach.
 1224 (d) Review all proposed subjects for advanced courses
 1225 concerning the Florida Building Code and recommend to the
 1226 commission any related subjects that should be approved for
 1227 advanced courses.
 1228 (6) The Building Code Education and Outreach Council shall
 1229 maintain, update, and develop or cause to be developed:
 1230 (a) A core curriculum that is prerequisite to the advanced
 1231 module coursework.
 1232 (b) Advanced modules designed for use by each profession.
 1233 (c) The core curriculum developed under this subsection
 1234 must be approved by the commission and submitted to the
 1235 Department of Business and Professional Regulation for approval.
 1236 Advanced modules developed under this paragraph must be approved
 1237 by the commission and submitted to the respective boards for
 1238 approval.
 1239 (7) The core curriculum shall cover the information
 1240 required to have all categories of participants appropriately
 1241 informed as to their technical and administrative
 1242 responsibilities in the effective execution of the code process
 1243 by all individuals currently licensed under part XII of chapter
 1244 468, chapter 471, chapter 481, or chapter 489, except as
 1245 otherwise provided in s. 471.017. The core curriculum shall be
 1246 prerequisite to the advanced module coursework for all licensees

HB 621

2005
CS

1247 and shall be completed by individuals licensed in all categories
1248 under part XII of chapter 468, chapter 471, chapter 481, or
1249 chapter 489 within the first 2-year period after initial
1250 licensure. Core course hours taken by licensees to complete this
1251 requirement shall count toward fulfillment of required
1252 continuing education units under part XII of chapter 468,
1253 chapter 471, chapter 481, or chapter 489.

1254 (8) Each biennium, upon receipt of funds by the Department
1255 of Community Affairs from the Construction Industry Licensing
1256 Board and the Electrical Contractors' Licensing Board provided
1257 under ss. 489.109(3) and 489.509(3), the council shall determine
1258 the amount of funds available for education and outreach
1259 projects from the proceeds of contractor licensing fees and
1260 identify, solicit, and accept funds from other sources for
1261 education and outreach projects.

1262 (9) If funds collected for education and outreach projects
1263 in any year do not require the use of all available funds, the
1264 unused funds shall be carried forward and allocated for use
1265 during the following fiscal year.

1266 (10) The commission shall consider and approve or reject
1267 the recommendations made by the council for subjects for
1268 education and outreach concerning the Florida Building Code. Any
1269 rejection must be made with specificity and must be communicated
1270 to the council.

1271 (11) The commission shall adopt rules for establishing
1272 procedures and criteria for the approval of advanced courses.
1273 This section does not modify or eliminate the continuing
1274 education course requirements or authority of any licensing

HB 621

2005
CS

1275 | board under part XII of chapter 468, chapter 471, chapter 481,
 1276 | or chapter 489.

1277 | Section 13. Section 553.8413, Florida Statutes, is
 1278 | repealed.

1279 | Section 14. Subsections (6) through (16) of section
 1280 | 553.842, Florida Statutes, are renumbered as subsections (5)
 1281 | through (15), respectively, and present subsections (3) through
 1282 | (8), paragraph (a) of subsection (9), and subsection (16) of
 1283 | section 553.842, Florida Statutes, are amended to read:

1284 | 553.842 Product evaluation and approval.--

1285 | (3) Products or methods or systems of construction that
 1286 | require approval under s. 553.77, that have standardized testing
 1287 | or comparative or rational analysis methods established by the
 1288 | code, and that are certified by an approved product evaluation
 1289 | entity, testing laboratory, or certification agency as complying
 1290 | with the standards specified by the code shall be approved for
 1291 | ~~local or~~ statewide use. Products required to be approved for
 1292 | statewide use shall be approved by one of the methods
 1293 | established in subsection (5) ~~(6)~~ without further evaluation.

1294 | (4) ~~By October 1, 2003,~~ Products or methods or systems of
 1295 | construction requiring approval under s. 553.77 must be approved
 1296 | by one of the methods established in subsection (5) ~~or~~
 1297 | ~~subsection (6)~~ before their use in construction in this state.
 1298 | Products may be approved ~~either~~ by the commission for statewide
 1299 | ~~use, or by a local building department for use in that~~
 1300 | ~~department's jurisdiction only.~~ Notwithstanding a local
 1301 | government's authority to amend the Florida Building Code as
 1302 | provided in this act, statewide approval shall preclude local

HB 621

2005
CS

1303 | jurisdictions from requiring further testing, evaluation, or
 1304 | submission of other evidence as a condition of using the product
 1305 | so long as the product is being used consistent with the
 1306 | conditions of its approval.

1307 | ~~(5) Local approval of products or methods or systems of~~
 1308 | ~~construction may be achieved by the local building official~~
 1309 | ~~through building plans review and inspection to determine that~~
 1310 | ~~the product, method, or system of construction complies with the~~
 1311 | ~~prescriptive standards established in the code. Alternatively,~~
 1312 | ~~local approval may be achieved by one of the methods established~~
 1313 | ~~in subsection (6).~~

1314 | (5)~~(6)~~ Statewide ~~or local~~ approval of products, methods,
 1315 | or systems of construction may be achieved by one of the
 1316 | following methods. One of these methods must be used by ~~local~~
 1317 | ~~officials~~ or the commission to approve the following categories
 1318 | of products: panel walls, exterior doors, roofing, skylights,
 1319 | windows, shutters, and structural components as established by
 1320 | the commission by rule.

1321 | (a) Products for which the code establishes standardized
 1322 | testing or comparative or rational analysis methods shall be
 1323 | approved by submittal and validation of one of the following
 1324 | reports or listings indicating that the product or method or
 1325 | system of construction was evaluated to be in compliance with
 1326 | the Florida Building Code and that the product or method or
 1327 | system of construction is, for the purpose intended, at least
 1328 | equivalent to that required by the Florida Building Code:

1329 | 1. A certification mark or listing of an approved
 1330 | certification agency;

HB 621

2005
CS

- 1331 2. A test report from an approved testing laboratory;
- 1332 3. A product evaluation report based upon testing or
- 1333 comparative or rational analysis, or a combination thereof, from
- 1334 an approved product evaluation entity; or
- 1335 4. A product evaluation report based upon testing or
- 1336 comparative or rational analysis, or a combination thereof,
- 1337 developed and signed and sealed by a professional engineer or
- 1338 architect, licensed in this state.
- 1339
- 1340 A product evaluation report or a certification mark or listing
- 1341 of an approved certification agency which demonstrates that the
- 1342 product or method or system of construction complies with the
- 1343 Florida Building Code for the purpose intended shall be
- 1344 equivalent to a test report and test procedure as referenced in
- 1345 the Florida Building Code.
- 1346 (b) Products, methods, or systems of construction for
- 1347 which there are no specific standardized testing or comparative
- 1348 or rational analysis methods established in the code may be
- 1349 approved by submittal and validation of one of the following:
- 1350 1. A product evaluation report based upon testing or
- 1351 comparative or rational analysis, or a combination thereof, from
- 1352 an approved product evaluation entity indicating that the
- 1353 product or method or system of construction was evaluated to be
- 1354 in compliance with the intent of the Florida Building Code and
- 1355 that the product or method or system of construction is, for the
- 1356 purpose intended, at least equivalent to that required by the
- 1357 Florida Building Code; or

HB 621

2005
CS

1358 2. A product evaluation report based upon testing or
1359 comparative or rational analysis, or a combination thereof,
1360 developed and signed and sealed by a professional engineer or
1361 architect, licensed in this state, who certifies that the
1362 product or method or system of construction is, for the purpose
1363 intended, at least equivalent to that required by the Florida
1364 Building Code.

1365 ~~(6)(7)~~ The commission shall ensure that product
1366 manufacturers that obtain statewide product approval operate
1367 quality assurance programs for all approved products. The
1368 commission shall adopt by rule criteria for operation of the
1369 quality assurance programs.

1370 ~~(7)(8)~~ ~~For local approvals, validation shall be performed~~
1371 ~~by the local building official. The commission shall adopt by~~
1372 ~~rule criteria constituting complete validation by the local~~
1373 ~~official, including, but not limited to, criteria governing~~
1374 ~~verification of a quality assurance program.~~ For state
1375 approvals, validation shall be performed by validation entities
1376 approved by the commission. The commission shall adopt by rule
1377 criteria for approval of validation entities, which shall be
1378 third-party entities independent of the product's manufacturer
1379 and which shall certify to the commission the product's
1380 compliance with the code. Products bearing a certification mark
1381 or listing from an approved certification agency shall be
1382 validated by inspection of the certification mark or listing.

1383 ~~(8)(9)~~ The commission may adopt rules to approve the
1384 following types of entities that produce information on which
1385 product approvals are based. All of the following entities,

HB 621

2005
CS

1386 including engineers and architects, must comply with a
 1387 nationally recognized standard demonstrating independence or no
 1388 conflict of interest:

1389 (a) Evaluation entities that meet the criteria for
 1390 approval adopted by the commission by rule. The commission shall
 1391 specifically approve the National Evaluation Service, the
 1392 International Conference of Building Officials Evaluation
 1393 Services, the International Code Council Evaluation Services,
 1394 the Building Officials and Code Administrators International
 1395 Evaluation Services, the Southern Building Code Congress
 1396 International Evaluation Services, and the Miami-Dade County
 1397 Building Code Compliance Office Product Control. Architects and
 1398 engineers licensed in this state are also approved to conduct
 1399 product evaluations as provided in subsection (5) ~~(6)~~.

1400 ~~(15)(16)~~ The commission may adopt by rule a list of
 1401 prescriptive, material standards and alternative means by which
 1402 products subject to such standards may demonstrate compliance
 1403 with the code shall establish a schedule for adoption of the
 1404 rules required in this section to ensure that the product
 1405 manufacturing industry has sufficient time to revise products to
 1406 meet the requirements for approval and submit them for testing
 1407 or evaluation before the system takes effect on October 1, 2003,
 1408 and to ensure that the availability of statewide approval is not
 1409 delayed.

1410 Section 15. Section 633.026, Florida Statutes, is created
 1411 to read:

1412 633.026 Informal interpretations of the Florida Fire
 1413 Prevention Code.--The Division of State Fire Marshal shall by

HB 621

2005
CS

1414 rule establish an informal process of rendering nonbinding
 1415 interpretations of the Florida Fire Prevention Code. The
 1416 Division of State Fire Marshal may contract with and refer
 1417 interpretive issues to a nonprofit organization that has
 1418 experience in interpreting and enforcing provisions of the
 1419 Florida Fire Prevention Code. The Division of State Fire Marshal
 1420 shall immediately implement the process prior to the completion
 1421 of formal rulemaking. It is the intent of the Legislature that
 1422 the Division of State Fire Marshal create a process to refer
 1423 questions to a small group of individuals certified under s.
 1424 633.081(2), to which a party can pose questions regarding the
 1425 interpretation of code provisions. It is the intent of the
 1426 Legislature that the process provide for the expeditious
 1427 resolution of the issues presented and publication of the
 1428 resulting interpretation on the website of the Division of State
 1429 Fire Marshal. It is the intent of the Legislature that this
 1430 program be similar to the program established by the Florida
 1431 Building Commission in s. 553.77(7). Such interpretations shall
 1432 be advisory only and nonbinding on the parties or the State Fire
 1433 Marshal. This program shall be funded from the Insurance
 1434 Regulatory Trust Fund.

1435 Section 16. Local product approval.--

1436 (1) For local product approval, products or systems of
 1437 construction shall demonstrate compliance with the structural
 1438 windload requirements of the Florida Building Code through one
 1439 of the following methods:

HB 621

2005
CS

- 1440 (a) A certification mark, listing, or label from a
1441 commission-approved certification agency indicating that the
1442 product complies with the code;
- 1443 (b) A test report from a commission-approved testing
1444 laboratory indicating that the product tested complies with the
1445 code;
- 1446 (c) A product-evaluation report based upon testing,
1447 comparative or rational analysis, or a combination thereof, from
1448 a commission-approved product evaluation entity which indicates
1449 that the product evaluated complies with the code;
- 1450 (d) A product-evaluation report or certification based
1451 upon testing or comparative or rational analysis, or a
1452 combination thereof, developed and signed and sealed by a
1453 Florida professional engineer or Florida registered architect,
1454 which indicates that the product complies with the code; or
- 1455 (e) A statewide product approval issued by the Florida
1456 Building Commission.
- 1457 (f) Designation of compliance with a prescriptive,
1458 material standard as adopted by the commission by rule pursuant
1459 to s. 553.842(16), Florida Statutes.
- 1460 (2) For product-evaluation reports that indicate
1461 compliance with the code based upon a test report from an
1462 approved testing laboratory and rational or comparative analysis
1463 by a Florida registered architect or Florida professional
1464 engineer, the testing laboratory or the evaluating architect or
1465 engineer must certify independence from the product
1466 manufacturer.

HB 621

2005
CS

1467 (3) Local building officials may accept modifications to
 1468 approved products or their installations if sufficient evidence
 1469 is submitted to the local building official to demonstrate
 1470 compliance with the code or the intent of the code, including
 1471 such evidence as certifications from a Florida registered
 1472 architect or Florida professional engineer.

1473 (4) Products demonstrating compliance shall be
 1474 manufactured under a quality assurance program audited by an
 1475 approved quality assurance entity.

1476 (5) Products bearing a certification mark, label, or
 1477 listing by an approved certification agency require no further
 1478 documentation to establish compliance with the code.

1479 (6) Upon review of the compliance documentation, the
 1480 authority having jurisdiction or a local building official shall
 1481 deem the product approved for use in accordance with its
 1482 approval and limitation of use.

1483 (7) Approval shall be valid until such time as the product
 1484 changes and decreases in performance; the standards of the code
 1485 change, requiring increased performance; or the approval is
 1486 otherwise suspended or revoked. Changes to the code do not void
 1487 the approval of products previously installed in existing
 1488 buildings if such products met building code requirements at the
 1489 time the product was installed.

1490 Section 17. Window or door coverings in essential
 1491 facilities; impact-resistance standards.--

1492 (1) Beginning July 1, 2005, the construction of a new or
 1493 retrofitted window or door covering in a facility that is an
 1494 essential facility as defined in ASTM Level E 1996-04, paragraph

HB 621

2005
CS

1495 6.2.1.1. which construction is funded by a grant of state or
 1496 federal funds must meet the requirements of ASTM Level E 1996-04
 1497 for impact protection.

1498 (2) Installation of such construction must conform to
 1499 design drawings that are signed, sealed, and inspected by a
 1500 structural engineer who is registered in this state.

1501 (3) If such construction is funded under the Hazardous
 1502 Mitigation Grant Program (HMGP), the Department of Community
 1503 Affairs shall advise the county, municipality, or other entity
 1504 applying for the HMGP funds that cost or price for the project
 1505 shall not be the sole criteria for selecting a vendor.

1506 (4) As used in this section, the term "essential
 1507 facilities" means buildings and other structures designated as
 1508 essential facilities, including, but not limited to, hospitals
 1509 and other health care facilities that have surgery or emergency-
 1510 treatment facilities; fire, rescue, and police stations and
 1511 emergency-vehicle garages; designated emergency shelters;
 1512 communications centers and other facilities required for
 1513 emergency response; power generating stations and other public-
 1514 utility facilities required in an emergency; and buildings and
 1515 other structures that have critical national defense functions.

1516 Section 18. Subsections (5), (14), and (18) of section
 1517 633.021, Florida Statutes, are amended to read:

1518 633.021 Definitions.--As used in this chapter:

1519 (5)(a) "Contractor I" means a contractor whose business
 1520 includes the execution of contracts requiring the ability to lay
 1521 out, fabricate, install, inspect, alter, repair, and service all

HB 621

2005
CS

1522 types of fire protection systems, excluding preengineered
1523 systems.

1524 (b) "Contractor II" means a contractor whose business is
1525 limited to the execution of contracts requiring the ability to
1526 lay out, fabricate, install, inspect, alter, repair, and service
1527 water sprinkler systems, water spray systems, foam-water
1528 sprinkler systems, foam-water spray systems, standpipes,
1529 combination standpipes and sprinkler risers, all piping that is
1530 an integral part of the system beginning at the point of service
1531 as defined in this section ~~where the piping is used exclusively~~
1532 ~~for fire protection~~, sprinkler tank heaters, air lines, thermal
1533 systems used in connection with sprinklers, and tanks and pumps
1534 connected thereto, excluding preengineered systems.

1535 (c) "Contractor III" means a contractor whose business is
1536 limited to the execution of contracts requiring the ability to
1537 ~~lay out~~, fabricate, install, inspect, alter, repair, and service
1538 CO₂ systems, foam extinguishing systems, dry chemical systems,
1539 and Halon and other chemical systems, excluding preengineered
1540 systems.

1541 (d) "Contractor IV" means a contractor whose business is
1542 limited to the execution of contracts requiring the ability to
1543 lay out, fabricate, install, inspect, alter, repair, and service
1544 automatic fire sprinkler systems for detached one-family
1545 dwellings, detached two-family dwellings, and mobile homes,
1546 excluding preengineered systems and excluding single-family
1547 homes in cluster units, such as apartments, condominiums, and
1548 assisted living facilities or any building that is connected to
1549 other dwellings.

HB 621

2005
CS

1550 (e) "Contractor V" means a contractor whose business is
 1551 limited to the execution of contracts requiring the ability to
 1552 ~~lay out~~, fabricate, install, inspect, alter, repair, and service
 1553 the underground piping for a fire protection system using water
 1554 as the extinguishing agent beginning at the point of service as
 1555 defined in this act ~~at which the piping is used exclusively for~~
 1556 ~~fire protection~~ and ending no more than 1 foot above the
 1557 finished floor.

1558
 1559 The definitions in this subsection must not be construed to
 1560 include fire protection engineers or architects and do not limit
 1561 or prohibit a licensed fire protection engineer or architect
 1562 from designing any type of fire protection system. A distinction
 1563 is made between system design concepts prepared by the design
 1564 professional and system layout as defined in this section and
 1565 typically prepared by the contractor. However, persons certified
 1566 as a Contractor I, Contractor II, or Contractor IV under this
 1567 chapter may design fire protection systems of 49 or fewer
 1568 sprinklers heads, and may design the alteration of an existing
 1569 fire sprinkler system if the alteration consists of the
 1570 relocation, addition, or deletion of not more than 49 sprinklers
 1571 heads, notwithstanding the size of the existing fire sprinkler
 1572 system. A Contractor I, Contractor II, or Contractor IV may
 1573 design a fire protection system the scope of which complies with
 1574 NFPA 13D, Standard for the Installation of Sprinkler Systems in
 1575 One- and Two-Family Dwellings and Manufactured Homes, as adopted
 1576 by the State Fire Marshal, notwithstanding the number of fire
 1577 sprinklers. ~~Contractor-developed~~ ~~Such~~ plans may not be required

HB 621

2005
CS

1578 | by any local permitting authority to be sealed by a registered
1579 | professional engineer.

1580 | (14) "Layout" as used in this chapter means the layout of
1581 | risers, cross mains, branch lines, sprinkler heads, sizing of
1582 | pipe, hanger locations, and hydraulic calculations in accordance
1583 | with the design concepts established through the provisions of
1584 | the Responsibility Rules adopted by the Board of Professional
1585 | Engineers or such other standards as the State Fire Marshal
1586 | adopts which provide comparable design concepts s. 553.79(6)(c).

1587 | (18) "Point-of-service" means the point at which the
1588 | underground piping for a fire protection ~~sprinkler~~ system as
1589 | defined in this section using water as the extinguishing agent
1590 | becomes used exclusively for the fire protection ~~sprinkler~~
1591 | system. ~~The point-of-service is designated by the engineer who~~
1592 | ~~sealed the plans for a system of 50 or more heads or by the~~
1593 | ~~contractor who designed the plans for a system of 49 or fewer~~
1594 | ~~heads.~~

1595 | Section 19. Subsection (11) is added to section 633.0215,
1596 | Florida Statutes, to read:

1597 | 633.0215 Florida Fire Prevention Code.--

1598 | (11) The design of interior stairways within dwelling
1599 | units, including stair tread width and riser height, landings,
1600 | handrails, and guards, must be consistent with chapter 10 of the
1601 | Florida Building Code.

1602 | Section 20. Section 633.071, Florida Statutes, is amended
1603 | to read:

1604 | 633.071 Standard service tag required on all fire
1605 | extinguishers and preengineered systems; serial number required

HB 621

2005
CS

1606 | on all portable fire extinguishers; standard inspection tags
 1607 | required on all fire protection systems.--

1608 | (1) The State Fire Marshal shall adopt by rule
 1609 | specifications as to the size, shape, color, and information and
 1610 | data contained thereon of service tags to be attached to all
 1611 | fire extinguishers and preengineered systems required by statute
 1612 | or by rule, whether they be portable, stationary, or on wheels
 1613 | when they are placed in service, installed, serviced, repaired,
 1614 | tested, recharged, or inspected. Fire extinguishers may be
 1615 | tagged only after meeting all standards as set forth by this
 1616 | chapter, the standards of the National Fire Protection
 1617 | Association, and manufacturer's specifications. Preengineered
 1618 | systems may be tagged only after a system has been inspected,
 1619 | serviced, installed, repaired, tested, recharged, and
 1620 | hydrotested in compliance with this chapter, the standards of
 1621 | the National Fire Protection Association, and the manufacturer's
 1622 | specifications, and after a report, as specified by rule, has
 1623 | been completed in detail, indicating any and all deficiencies or
 1624 | deviations from the manufacturer's specifications and the
 1625 | standards of the National Fire Protection Association. A copy of
 1626 | the inspection report shall be provided to the owner at the time
 1627 | of inspection, and, if a system is found to be in violation of
 1628 | this chapter, the manufacturer's specifications, or the
 1629 | standards of the National Fire Protection Association, a copy
 1630 | shall be forwarded to the state or local authority having
 1631 | jurisdiction within 30 days from the date of service. It shall
 1632 | be unlawful to place in service, service, test, repair, inspect,
 1633 | install, hydrotest, or recharge any fire extinguisher or

HB 621

2005
CS

1634 preengineered system without attaching one of these tags
 1635 completed in detail, including the actual month work was
 1636 performed, or to use a tag not meeting the specifications set
 1637 forth by the State Fire Marshal.

1638 (2) All portable fire extinguishers required by statute or
 1639 by rule shall be listed by Underwriters Laboratories, Inc., or
 1640 approved by Factory Mutual Laboratories, Inc., or listed by a
 1641 nationally recognized testing laboratory in accordance with
 1642 procedures adopted pursuant to s. 633.083(2), and carry an
 1643 Underwriters Laboratories, Inc., or manufacturer's serial
 1644 number. These listings, approvals, and serial numbers may be
 1645 stamped on the manufacturer's identification and instructions
 1646 plate or on a separate Underwriters Laboratories, Inc., or
 1647 Factory Mutual Laboratories, Inc., plate soldered or attached to
 1648 the extinguisher shell in some permanent manner.

1649 (3) The State Fire Marshal shall adopt by rule
 1650 specifications as to the size, shape, color, information, and
 1651 data contained thereon of inspection tags to be attached to all
 1652 types of fire protection systems and information required on an
 1653 inspection report of such an inspection.

1654 Section 21. Section 633.082, Florida Statutes, is amended
 1655 to read:

1656 633.082 Inspection of fire control systems and fire
 1657 protection systems.--

1658 (1) The State Fire Marshal shall have the right to inspect
 1659 any fire control system during and after construction to
 1660 determine that such system meets the standards set forth in the
 1661 laws and rules of the state.

HB 621

2005
CS

1662 (2) Fire protection systems installed in public and
 1663 private properties, except one-family or two-family dwellings,
 1664 in this state shall be inspected following procedures
 1665 established in the nationally recognized inspection, testing,
 1666 and maintenance standard NFPA-25 as set forth in the edition
 1667 adopted by the State Fire Marshal. Quarterly, annual, 3-year,
 1668 and 5-year inspections consistent with the contractual
 1669 provisions with the owner shall be conducted by the
 1670 certificateholder or permittees employed by the
 1671 certificateholder pursuant to s. 633.521.

1672 (3) The inspecting contractor shall provide to the
 1673 building owner and the local authority having jurisdiction a
 1674 copy of the inspection report established under s. 633.071(3).
 1675 The maintenance of fire protection systems as well as corrective
 1676 actions on deficient systems is the responsibility of the owner
 1677 of the system or hydrant. This section does not prohibit
 1678 governmental entities from inspecting and enforcing firesafety
 1679 codes.

1680 Section 22. Section 633.521, Florida Statutes, is amended
 1681 to read:

1682 633.521 Certificate application and issuance; permit
 1683 issuance; examination and investigation of applicant.--

1684 (1) To obtain a certificate, an applicant shall submit to
 1685 the State Fire Marshal an application in writing, on a form
 1686 provided by the State Fire Marshal containing the information
 1687 prescribed, which shall be accompanied by the fee fixed herein,
 1688 containing a statement that the applicant desires the issuance
 1689 of a certificate and stating the class of certificate requested.

HB 621

2005
CS

1690 (2)(a) Examinations shall be administered by the State
 1691 Fire Marshal and held at times and places within the state as
 1692 the State Fire Marshal determines, but there shall be at least
 1693 two examinations a year. Each applicant shall take and pass an
 1694 objective, written examination of her or his fitness for a
 1695 certificate in the class for which the application is requested.
 1696 There shall be a type of examination for each of the classes of
 1697 certificates defined in s. 633.021(5). The examination shall
 1698 test the applicant's ability to lay out, fabricate, install,
 1699 alter, repair, and inspect fire protection systems and their
 1700 appurtenances and shall test the applicant's fitness in business
 1701 and financial management. The test shall be based on applicable
 1702 standards of the National Fire Protection Association and on
 1703 relevant Florida and federal laws pertaining to the construction
 1704 industry, safety standards, administrative procedures, and
 1705 pertinent technical data.

1706 (b) A passing grade on the examination is 70 percent, and
 1707 such examinations may be developed by an independent
 1708 professional testing agency. The tests shall be prepared,
 1709 administered, and scored in compliance with generally accepted
 1710 professional testing standards.

1711 (c) The division shall solicit suggestions from affected
 1712 persons regarding the content of examinations.

1713 (d) A reexamination may not be scheduled sooner than 30
 1714 days after any administration of an examination to an applicant.

1715 (e) An applicant may not be examined more than four times
 1716 during 1 year for certification as a contractor pursuant to this
 1717 section unless the person is or has been certified and is taking

HB 621

2005
CS

1718 | the examination to change classifications. If an applicant does
 1719 | not pass one or more parts of the examination, she or he may
 1720 | take any part of the examination three more times during the 1-
 1721 | year period beginning upon the date she or he originally filed
 1722 | an application to take the examination. If the applicant does
 1723 | not pass the examination within that 1-year period, she or he
 1724 | must file a new application and pay the application and
 1725 | examination fees in order to take the examination or a part of
 1726 | the examination again. However, the applicant may not file a new
 1727 | application sooner than 6 months after the date of her or his
 1728 | last examination.

1729 | (3) As a prerequisite to taking the examination for
 1730 | certification as a Contractor I, Contractor II, or Contractor
 1731 | III, the applicant must be at least 18 years of age, be of good
 1732 | moral character, and shall possess 4 years' proven experience in
 1733 | the employment of a fire protection system Contractor I,
 1734 | Contractor II, or Contractor III or a combination of equivalent
 1735 | education and experience. As a prerequisite to taking the
 1736 | examination for certification as a Contractor IV, the applicant
 1737 | shall be at least 18 years old, be of good moral character, and
 1738 | have at least 2 years' proven experience in the employment of a
 1739 | fire protection system Contractor I, Contractor II, Contractor
 1740 | III, or Contractor IV or combination of equivalent education and
 1741 | experience which combination need not include experience in the
 1742 | employment of a fire protection system contractor. As a
 1743 | prerequisite to taking the examination for certification as a
 1744 | Contractor V, the applicant shall be at least 18 years old, be
 1745 | of good moral character, and have been licensed as a certified

HB 621

2005
CS

1746 | underground utility and excavation contractor or plumbing
 1747 | contractor pursuant to chapter 489, have verification by an
 1748 | individual who is licensed as a certified utility contractor
 1749 | pursuant to chapter 489 that the applicant has 4 years' proven
 1750 | experience in the employ of a certified underground utility and
 1751 | excavation contractor or plumbing contractor, or have a
 1752 | combination of education and experience equivalent to 4 years'
 1753 | proven experience in the employ of a certified underground
 1754 | utility and excavation contractor or plumbing contractor. Within
 1755 | 30 days after ~~from~~ the date of the examination, the State Fire
 1756 | Marshal shall inform the applicant in writing whether she or he
 1757 | has qualified or not and, if the applicant has qualified, that
 1758 | she or he is ready to issue a certificate of competency, subject
 1759 | to compliance with the requirements of subsection (4).

1760 | (4) As a prerequisite to issuance of a certificate, the
 1761 | State Fire Marshal shall require the applicant to submit
 1762 | satisfactory evidence that she or he has obtained insurance
 1763 | providing coverage for comprehensive general liability for
 1764 | bodily injury and property damages, products liability,
 1765 | completed operations, and contractual liability. The State Fire
 1766 | Marshal may adopt rules providing for the amount of insurance,
 1767 | but such amount shall not be less than \$500,000 for a Contractor
 1768 | I, Contractor II, Contractor III, or Contractor V and shall not
 1769 | be less than \$250,000 for a Contractor IV. An insurer which
 1770 | provides such coverage shall notify within 30 days the State
 1771 | Fire Marshal of any material change in coverage or any
 1772 | termination, cancellation, or nonrenewal of such coverage. An

HB 621

2005
CS

1773 insurer which fails to so notify the State Fire Marshal's office
1774 shall be subject to the penalties provided under s. 624.4211.

1775 (5) Upon satisfaction of the requirements of subsections
1776 (1), (2), (3), and (4), the certificate shall be issued
1777 forthwith. However, no certificate shall remain in effect if,
1778 after issuance, the certificateholder fails to maintain the
1779 insurance coverage required by this section.

1780 (6) If an applicant for an original certificate, after
1781 having been notified to do so, does not appear for examination
1782 or does not pass the examination within 1 year from the date of
1783 filing her or his application, the fee paid by the applicant
1784 shall be forfeited. New applications for a certificate shall be
1785 accompanied by another application fee fixed by this chapter.

1786 (7) The State Fire Marshal may, at any time subsequent to
1787 the issuance of the certificate or its renewal, require, upon
1788 demand and in no event more than 30 days after notice of the
1789 demand, the certificateholder to provide proof of insurance
1790 coverage on a form provided by the State Fire Marshal containing
1791 confirmation of insurance coverage as required by this chapter.
1792 Failure to provide proof of insurance coverage as required, for
1793 any length of time, shall result in the immediate suspension of
1794 the certificate until proof of insurance is provided to the
1795 State Fire Marshal.

1796 (8) An individual employed by a Contractor I or Contractor
1797 II certificateholder, as established in this section, who will
1798 be inspecting water-based fire protection systems as required
1799 under s. 633.082, must be issued a permit by the State Fire
1800 Marshal to conduct such work. The permit is valid solely for use

HB 621

2005
CS

1801 by the holder thereof in his or her employment by the
 1802 certificateholder named in the permit. A permittee must have a
 1803 valid and subsisting permit upon his or her person at all times
 1804 while engaging in inspecting fire protection systems, and a
 1805 permitholder must be able to produce such a permit upon demand.
 1806 In addition, a permittee shall, at all times while performing
 1807 inspections, carry an identification card containing his or her
 1808 photograph and other identifying information as prescribed by
 1809 the State Fire Marshal, and the permittee must produce the
 1810 identification card and information upon demand. The permit and
 1811 the identification may be one and the same. A permittee is
 1812 limited as to the specific type of work performed, depending
 1813 upon the class of certificate held by the certificateholder
 1814 under whom the permittee is working. The permit class shall be
 1815 known as a Water-Based Fire Protection Inspector whose permit
 1816 allows the holder to inspect water sprinkler systems, water
 1817 spray systems, foam-water sprinkler systems, foam-water spray
 1818 systems, standpipes, combination standpipes and sprinkler
 1819 systems, all piping that is an integral part of the system
 1820 beginning at the point where the piping is used exclusively for
 1821 fire protection, sprinkler tank heaters, air lines, thermal
 1822 systems used in connection with sprinklers, and tanks and pumps
 1823 connected thereto, excluding preengineered systems. It is the
 1824 intent of the Legislature that the inspections and testing of
 1825 automatic fire sprinkler systems for detached one-family
 1826 dwelling, detached two-family dwellings, and mobile homes be
 1827 accomplished by the owner, who is responsible for requesting
 1828 service from a contractor when necessary. It is further intended

HB 621

2005
CS

1829 that the NFPA-25 inspection of exposed underground piping
 1830 supplying a fire protection system be conducted by a Contractor
 1831 I or Contractor II.

1832 (9) Effective July 1, 2008, the State Fire Marshal shall
 1833 require the National Institute of Certification in Engineering
 1834 Technologies (NICET), Sub-field of Inspection and Testing of
 1835 Fire Protection Systems Level II or equivalent training and
 1836 education as determined by the division as proof that the
 1837 permitholders are knowledgeable about nationally accepted
 1838 standards for the inspection of fire protection systems. It is
 1839 the intent of this act, from July 1, 2005, until July 1, 2008,
 1840 to accept continuing education of all certificateholders'
 1841 employees who perform inspection functions which specifically
 1842 prepares the permitholder to qualify for NICET II certification.

1843 Section 23. Section 633.524, Florida Statutes, is amended
 1844 to read:

1845 633.524 Certificate and permit fees; use and deposit of
 1846 collected funds.--

1847 (1) The initial application fee for each class of
 1848 certificate shall be \$300. The biennial renewal fee for each
 1849 class of certificate shall be \$150 ~~\$250~~. The initial application
 1850 fee for the permit classification shall be \$100. The biennial
 1851 renewal fee for the permit classification shall be \$50. The fee
 1852 for certificates issued as duplicates or to reflect a change of
 1853 address is \$15 ~~shall be \$5~~ each. The fee for each examination or
 1854 reexamination for each class of certificate ~~scheduled~~ shall be
 1855 \$100.

HB 621

2005
CS

1856 (2) All moneys collected by the State Fire Marshal
 1857 pursuant to this chapter are hereby appropriated for the use of
 1858 the State Fire Marshal in the administration of this chapter and
 1859 shall be deposited in the Insurance Regulatory Trust Fund.

1860 Section 24. Subsection (4) is added to section 633.537,
 1861 Florida Statutes, to read:

1862 633.537 Certificate; expiration; renewal; inactive
 1863 certificate; continuing education.--

1864 (4) The renewal period for the permit class is the same as
 1865 that of the employing certificateholder. The continuing
 1866 education requirements for permitholders shall be 8 contact
 1867 hours by June 30, 2006. An additional 16 contact hours of
 1868 continuing education is required by June 30, 2008, and during
 1869 each biennial renewal period thereafter. The continuing
 1870 education curriculum from July 1, 2005, until July 1, 2008,
 1871 shall be the preparatory curriculum for NICET II certification;
 1872 after July 1, 2008, the technical curriculum is at the
 1873 discretion of the State Fire Marshal. It is the responsibility
 1874 of the permitholder to maintain NICET II certification as a
 1875 condition of permit renewal after July 1, 2008.

1876 Section 25. Subsection (2) of section 633.539, Florida
 1877 Statutes, is amended, and subsections (3) and (4) are added to
 1878 said section, to read:

1879 633.539 Requirements for installation, inspection, and
 1880 maintenance of fire protection systems.--

1881 (2) Equipment shall be inspected, serviced, and maintained
 1882 in accordance with the manufacturer's maintenance procedures and
 1883 with applicable National Fire Protection Association standards.

HB 621

2005
CS

1884 The inspection of fire protection systems shall be conducted by
 1885 a certificateholder or holder of a permit issued by the State
 1886 Fire Marshal. The permitholder may perform inspections on fire
 1887 protection systems only while employed by the certificateholder.
 1888 This section does not prohibit the authority having jurisdiction
 1889 or insurance company representatives from reviewing the system
 1890 in accordance with acceptable oversight standards.

1891 (3) For contracts written after June 30, 2005, the
 1892 contractor who installs the underground from the point of
 1893 service is responsible for completing the installation to the
 1894 aboveground connection flange, which by definition in this
 1895 chapter is no more than 1 foot above the finished floor, before
 1896 completing the Contractor's Material and Test Certificate for
 1897 Underground Piping document. Aboveground contractors may not
 1898 complete the Contractor's Material and Test Certificate for
 1899 Underground Piping document for underground piping or portions
 1900 thereof which have been installed by others.

1901 (4) The Contractor V may install the cross-connection
 1902 backflow prevention device as defined in this chapter on new
 1903 installations and only when the specific backflow prevention
 1904 device is included in the system hydraulic calculations. The
 1905 retrofitting of a backflow device on an existing fire protection
 1906 system will cause a reduction in available water pressure and
 1907 probable system malfunction. The development of aboveground fire
 1908 protection system hydraulic calculations is a task of the
 1909 Contractor I and II, as defined in this chapter. Accordingly, a
 1910 Contractor V is expressly prohibited from retrofitting cross-
 1911 connection backflow prevention devices on an existing fire

HB 621

2005
CS

1912 | protection system, and only a Contractor I or Contractor II who
 1913 | is tasked to recalculate the system and take corrective actions
 1914 | to ensure that the system will function with the available water
 1915 | supply may retroactively install these backflow devices on
 1916 | existing fire protection systems.

1917 | Section 26. Section 633.547, Florida Statutes, is amended
 1918 | to read:

1919 | 633.547 Disciplinary action; fire protection system
 1920 | contractors; grounds for denial, nonrenewal, suspension, or
 1921 | revocation of certificate or permit.--

1922 | (1) The State Fire Marshal shall investigate the alleged
 1923 | illegal action of any fire protection system contractor or
 1924 | permittee certified under this chapter and hold hearings
 1925 | pursuant to chapter 120.

1926 | (2) The following acts constitute cause for disciplinary
 1927 | action:

1928 | (a) Violation of any provision of this chapter or of any
 1929 | rule adopted pursuant thereto.

1930 | (b) Violation of the applicable building codes or laws of
 1931 | this state or any municipality or county thereof.

1932 | (c) Diversion of funds or property received for
 1933 | prosecution or completion of a specified construction project or
 1934 | operation when, as a result of the diversion, the contractor is,
 1935 | or will be, unable to fulfill the terms of her or his obligation
 1936 | or contract.

1937 | (d) Disciplinary action by any municipality or county,
 1938 | which action shall be reviewed by the State Fire Marshal before
 1939 | taking any disciplinary action.

HB 621

2005
CS

1940 (e) Failure to supervise the installation of the fire
1941 protection system covered by the building permit signed by the
1942 contractor.

1943 (f) Rendering a fire protection system, standpipe system,
1944 or underground water supply main connecting to the system
1945 inoperative except when the fire protection system, standpipe
1946 system, or underground water supply main is being inspected,
1947 serviced, tested, or repaired, or except pursuant to court
1948 order.

1949 (g) Improperly servicing, repairing, testing, or
1950 inspecting a fire protection, standpipe system, or underground
1951 water supply main connecting to the system.

1952 (h) Failing to provide proof of insurance to the State
1953 Fire Marshal or failing to maintain in force the insurance
1954 coverage required by s. 633.521.

1955 (i) Failing to obtain, retain, or maintain one or more of
1956 the qualifications for a certificate as specified in this
1957 chapter.

1958 (j) Making a material misstatement, misrepresentation, or
1959 committing a fraud in obtaining or attempting to obtain a
1960 certificate.

1961 (k) Failing to notify the State Fire Marshal, in writing,
1962 within 30 days after a change of residence address, principal
1963 business address, or name.

1964 (3) The State Fire Marshal is authorized to take the
1965 following disciplinary action:

1966 (a) She or he may suspend the certificateholder for a
1967 period not to exceed 2 years from all operations as a contractor

HB 621

2005
CS

1968 | during the period fixed by the State Fire Marshal, but she or he
 1969 | may permit the certificateholder to complete any contracts then
 1970 | incomplete.

1971 | (b) She or he may revoke a certificate for a period not to
 1972 | exceed 5 years.

1973 | (4) During the suspension or revocation of the
 1974 | certificate, the former certificateholder shall not engage in or
 1975 | attempt to profess to engage in any transaction or business for
 1976 | which a certificate is required under this chapter or directly
 1977 | or indirectly own, control, or be employed in any manner by any
 1978 | firm or corporation for which a certificate under this chapter
 1979 | is required. The department shall not, so long as the revocation
 1980 | or suspension remains in effect, grant any new certificate for
 1981 | the establishment of any new firm, business, or corporation of
 1982 | any person that has or will have the same or similar management,
 1983 | ownership, control, or employees or that will use a same or
 1984 | similar name as a previously revoked or suspended firm,
 1985 | business, or corporation.

1986 | (5) The State Fire Marshal may deny, suspend, or revoke
 1987 | the certificate of:

1988 | (a) Any person, firm, or corporation the certificate of
 1989 | which under this chapter has been suspended or revoked.

1990 | (b) Any firm or corporation if an officer, director,
 1991 | stockholder, owner, or person interested directly or indirectly
 1992 | has had his or her certificate under this chapter suspended or
 1993 | revoked.

1994 | (c) Any person who is or has been an officer, director,
 1995 | stockholder, or owner of a firm or corporation, or who was

HB 621

2005
CS

1996 interested directly or indirectly in a corporation, the
1997 certificate of which has been suspended or revoked under this
1998 chapter.

1999 (6) The lapse or suspension of a certificate by operation
2000 of law or by order of the State Fire Marshal or a court or its
2001 voluntary surrender by a certificateholder does not deprive the
2002 State Fire Marshal of jurisdiction to investigate or act in
2003 disciplinary proceedings against the certificateholder.

2004 (7) The filing of a petition in bankruptcy, either
2005 voluntary or involuntary, or the making of a composition of
2006 creditors or the appointment of a receiver for the business of
2007 the certificateholder may be considered by the State Fire
2008 Marshal as just cause for suspension of a certificate.

2009 Section 27. Applications to local governments for building
2010 permits.--

2011 (1)(a) Within 10 days after an applicant submits an
2012 application to a local government for a building permit, the
2013 local government shall advise the applicant what information, if
2014 any, is needed in order for the application to be properly
2015 completed in compliance with the permit application requirements
2016 published by the local government. If the local government does
2017 not provide written notice that the applicant has failed to
2018 submit the properly completed application, the applicant shall
2019 automatically be deemed to have properly completed the
2020 application and the application shall be accepted and available
2021 for processing.

2022 (b) If additional information is required for the local
2023 government to determine the sufficiency of the application, the

HB 621

2005
CS

2024 local government shall notify the applicant within 45 days after
 2025 receipt of the completed application and shall specify any
 2026 additional information that is required. The applicant must
 2027 submit the additional information to the local government or
 2028 request that the local government act without the additional
 2029 information. While the applicant responds to the request for
 2030 additional information, the 120-day period prescribed in
 2031 paragraph (c) is tolled. Both parties may agree to a reasonable
 2032 request for an extension of time, particularly in the event of a
 2033 force majeure or other extraordinary circumstances.

2034 (c) Within 120 days following the receipt of the completed
 2035 application for a building permit, the local government must
 2036 approve, approve with conditions, or deny the application.

2037 (2)(a) The procedures provided in subsection (1) apply to
 2038 applications for a permit for an accessory structure, an alarm
 2039 permit, a permit for a nonresidential building of less than
 2040 25,000 square feet, an electrical permit, an irrigation permit,
 2041 a landscaping permit, a mechanical permit, a plumbing permit, a
 2042 permit for a residential unit other than a single-family unit, a
 2043 permit for a multifamily residential unit that does not exceed
 2044 50 units, a roofing permit, a permit for a sign, a permit for
 2045 site-plan approval or a subdivision plat that does not require a
 2046 public hearing or public notice, and a permit for lot grading or
 2047 site alteration that is associated with an application for any
 2048 permit specified in this paragraph.

2049 (b) Subsection (1) does not apply to a permit for any
 2050 wireless communication facility and does not supersede any other
 2051 provision of law, rule, or local ordinance which specifies a

HB 621

2005
CS

2052 different timeframe for review of an application for a local
 2053 building permit.

2054 Section 28. Section 553.851, Florida Statutes, is
 2055 repealed.

2056 Section 29. Subsection (3) of section 109 of chapter 2000-
 2057 141, Laws of Florida, is amended to read:

2058 Section 109. The Legislature has reviewed the Florida
 2059 Building Code that was adopted by action of the Florida Building
 2060 Commission on February 15, 2000, and that was noticed for rule
 2061 adoption by reference in Rule 9B-3.047, F.A.C., on February 18,
 2062 2000, in the Florida Administrative Weekly on page 731. The
 2063 Florida Building Commission is directed to continue the process
 2064 to adopt the code, pursuant to section 120.54(3), Florida
 2065 Statutes, and to incorporate the following provisions or
 2066 standards for the State of Florida:

2067 (3) For areas of the state not within the high velocity
 2068 hurricane zone, the commission shall adopt, pursuant to s.
 2069 553.73, Florida Statutes, the most current edition of the wind
 2070 protection requirements of the American Society of Civil
 2071 Engineers, Standard 7, ~~1998 edition~~ as implemented by the
 2072 International Building Code, ~~2000 edition, and as modified by~~
 2073 ~~the commission in its February 15, 2000, adoption of the Florida~~
 2074 ~~Building Code for rule adoption by reference in Rule 9B-3.047,~~
 2075 ~~Florida Administrative Code.~~ However, from the eastern border of
 2076 Franklin County to the Florida-Alabama line, only land within 1
 2077 mile of the coast shall be subject to the windborne-debris
 2078 requirements adopted by the commission. The exact location of
 2079 wind speed lines shall be established by local ordinance, using

HB 621

2005
CS

2080 recognized physical landmarks such as major roads, canals,
 2081 rivers, and lake shores, wherever possible. Buildings
 2082 constructed in the windborne debris region must be either
 2083 designed for internal pressures that may result inside a
 2084 building when a window or door is broken or a hole is created in
 2085 its walls or roof by large debris, or be designed with protected
 2086 openings. Except in the high velocity hurricane zone, local
 2087 governments may not prohibit the option of designing buildings
 2088 to resist internal pressures.

2089
 2090 The Legislature declares that changes made to the proposed Rule
 2091 9B-3.047, Florida Administrative Code, to implement the
 2092 requirements of this act prior to October 1, 2000, are not
 2093 subject to rule challenges under section 120.56, Florida
 2094 Statutes. However, the entire rule, adopted pursuant to s.
 2095 120.54(3), Florida Statutes, as amended after October 1, 2000,
 2096 is subject to rule challenges under s. 120.56, Florida Statutes.

2097 Section 30. Notwithstanding any other provision of this
 2098 act, the option for designing for internal pressure for
 2099 buildings within the windborne debris region shall be repealed
 2100 immediately upon adoption of standards and conditions within the
 2101 International Building Code or International Residential Code
 2102 prohibiting such design option. The Florida Building Commission
 2103 shall initiate rulemaking to incorporate such standards and
 2104 conditions prohibiting designing for internal pressure for
 2105 buildings into the Florida Building Code when the base code is
 2106 updated.

HB 621

2005
CS

2107 Section 31. The Florida Building Commission, in
 2108 conjunction with local building officials, shall conduct a
 2109 review of damage resulting from Hurricane Ivan and any other
 2110 data to evaluate, and to make recommendations to the Legislature
 2111 for any changes to, the Florida Building Code, specifically as
 2112 it applies to the region from the eastern border of Franklin
 2113 County to the Florida-Alabama line. The commission shall issue a
 2114 report summarizing its findings and recommendations prior to the
 2115 2006 Regular Session of the Legislature.

2116 Section 32. The Florida Building Commission shall evaluate
 2117 the definition of the term "exposure category C" as currently
 2118 defined in s. 553.71(10), Florida Statutes, and make
 2119 recommendations for a new definition that more accurately
 2120 depicts Florida-specific conditions prior to the 2006 Regular
 2121 Session of the Legislature.

2122 Section 33. For fiscal year 2005-2006 only, the sum of
 2123 \$200,000 is appropriated from the Insurance Regulatory Trust
 2124 Fund to the Department of Financial Services to be used to
 2125 develop a joint program between the Florida Insurance Council
 2126 and the Florida Home Builders Association to educate contractors
 2127 on the benefits and options available for designing buildings
 2128 for windborne debris protection and to develop a standardized
 2129 affidavit to be used for verifying the insurance discounts for
 2130 residential construction techniques demonstrated to reduce the
 2131 amount of loss during a windstorm.

2132 Section 34. This act shall take effect July 1, 2005.