

CHAMBER ACTION

1 The State Infrastructure Council recommends the following:

2  
3 **Council/Committee Substitute**

4 A bill to be entitled  
5 An act relating to building safety; amending s. 215.559,  
6 F.S.; requiring that a specified percentage of the funds  
7 appropriated under the Hurricane Loss Mitigation Program  
8 be used for education concerning the Florida Building Code  
9 and for the operation of the disaster contractors network;  
10 requiring the Department of Community Affairs to contract  
11 with a nonprofit tax-exempt entity for training,  
12 development, and coordination; amending s. 400.23, F.S.;  
13 providing for relocating beds in certain nursing homes  
14 under certain circumstances; providing requirements and  
15 limitations; amending s. 403.814, F.S.; providing for  
16 exclusive authority by the department for review and final  
17 action on certain permit applications; amending s.  
18 468.621, F.S.; providing additional grounds for which  
19 disciplinary actions may be taken against building code  
20 enforcement officials; amending s. 471.033, F.S.;  
21 providing an additional ground for which disciplinary  
22 actions may be taken against engineers; amending s.  
23 481.225, F.S.; providing an additional ground for which

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24 | disciplinary actions may be taken against architects;  
25 | amending s. 489.537, F.S.; providing that certain alarm  
26 | system contractors and electrical contractors may not be  
27 | required by a municipality or county to obtain additional  
28 | certification or meet additional licensure requirements;  
29 | amending s. 553.37, F.S.; providing for the approval,  
30 | delivery, and installation of lawn storage buildings and  
31 | storage sheds; amending s. 553.73, F.S.; specifying  
32 | certain codes from the International Code Congress and the  
33 | International Code Council as foundation codes for the  
34 | updated Florida Building Code; providing requirements for  
35 | amendments to the foundation codes; providing for the  
36 | incorporation of certain statements, decisions, and  
37 | amendments into the Florida Building Code; providing a  
38 | timeframe for rule updates to the Florida Building Code to  
39 | become effective; requiring the Florida Building  
40 | Commission to amend the Florida Building Code to allow use  
41 | of certain areas under mezzanines for certain purposes;  
42 | amending s. 553.77, F.S.; revising duties of the Florida  
43 | Building Commission; authorizing local building  
44 | departments or other entities to approve changes to an  
45 | approved building plan; prohibiting a commission member  
46 | from voting or taking action on matters of a personal or  
47 | financial interest to the member; deleting requirements  
48 | that the commission hear certain appeals and issue  
49 | declaratory statements; creating s. 553.775, F.S.;  
50 | providing legislative intent with respect to the  
51 | interpretation of the Florida Building Code; providing for

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52 | the commission to resolve disputes regarding  
53 | interpretations of the code; requiring the commission to  
54 | review decisions of local building officials and local  
55 | enforcement agencies; providing for publication of an  
56 | interpretation on the Building Code Information System and  
57 | in the Florida Administrative Weekly; authorizing the  
58 | commission to adopt a fee; amending s. 553.79, F.S.;  
59 | exempting truss-placement plans from certain requirements;  
60 | amending s. 553.791, F.S.; clarifying a definition;  
61 | expanding authorization to use private providers to  
62 | provide building code inspection services; including fee  
63 | owner contractors within such authorization; revising  
64 | notice requirements for using private providers; revising  
65 | procedures for issuing permits; providing requirements for  
66 | representatives of private providers; providing for waiver  
67 | of certain inspection records requirements under certain  
68 | circumstances; requiring issuance of stop-work orders to  
69 | be pursuant to law; providing for establishment of a  
70 | registration system for private providers and authorized  
71 | representatives of private providers for licensure  
72 | compliance purposes; preserving authority to issue  
73 | emergency stop-work orders; revising insurance  
74 | requirements for private providers; providing a  
75 | definition; authorizing performance audits by local  
76 | building code enforcement agencies of private providers;  
77 | specifying conditions for proceeding with building work;  
78 | amending s. 553.80, F.S.; providing that certain buildings  
79 | are exempt from the building code; providing that

80 | universities and colleges may create a board of  
 81 | adjustment; authorizing local governments to impose  
 82 | certain fees for code enforcement; providing requirements  
 83 | and limitations; conforming a cross reference; requiring  
 84 | the commission to expedite adoption and implementation of  
 85 | the existing state building code as part of the Florida  
 86 | Building Code pursuant to limited procedures; exempting  
 87 | certain buildings of the Department of Agriculture and  
 88 | Consumer Services from local permitting requirements,  
 89 | review, or fees; amending s. 120.80, F.S.; authorizing the  
 90 | Florida Building Commission to conduct proceedings to  
 91 | review decisions of local officials; amending s. 553.841,  
 92 | F.S.; revising provisions governing the Building Code  
 93 | Training Program; creating the Building Code Education and  
 94 | Outreach Council to coordinate, develop, and ensure  
 95 | enforcement of the Florida Building Code; providing for  
 96 | membership, terms of office, and meetings; providing  
 97 | duties of the council; providing for administrative  
 98 | support for the council; requiring the council to develop  
 99 | a core curriculum and equivalency test for specified  
 100 | licensees; providing for the use of funds by the council;  
 101 | repealing s. 553.8413, F.S., relating to the Education  
 102 | Technical Advisory Committee; amending s. 553.842, F.S.;  
 103 | providing for products to be approved for statewide use;  
 104 | deleting an obsolete date; deleting a provision requiring  
 105 | the commission to adopt certain criteria for local program  
 106 | verification and validation by rule; adding an evaluation  
 107 | entity to the list of entities specifically approved by

108 | the commission; deleting a requirement that the commission  
109 | establish a schedule for adopting rules relating to  
110 | product approvals under certain circumstances; providing  
111 | requirements for local product approval of products or  
112 | systems of construction; specifying methods for  
113 | demonstrating compliance with the structural windload  
114 | requirements of the Florida Building Code; providing for  
115 | certification to be issued by a professional engineer or  
116 | registered architect; providing for audits under a quality  
117 | assurance program and other types of certification;  
118 | providing that changes to the Florida Building Code do not  
119 | void the approval of previously installed products;  
120 | providing for guidelines for the mitigation grant program;  
121 | requiring periodic inspection of backflow assemblies;  
122 | amending s. 633.021, F.S.; redefining terms used in ch.  
123 | 633, F.S., relating to fire prevention and control;  
124 | amending s. 633.0215, F.S.; revising provisions relating  
125 | to the construction of townhouse stairs; amending s.  
126 | 633.025, F.S.; providing legislative intent relating to  
127 | fire sprinklers; requiring local governments to prepare  
128 | certain economic cost-benefit reports for certain  
129 | purposes; providing report requirements; requiring local  
130 | governments to provide owners of certain buildings certain  
131 | information before imposing fire sprinkler requirements;  
132 | creating s. 633.026, F.S.; requiring that the State Fire  
133 | Marshal establish by rule a process for rendering  
134 | nonbinding interpretations of the Florida Fire Prevention  
135 | Code; authorizing the State Fire Marshal to enter into

136 contracts and refer interpretations to a nonprofit  
137 organization; providing for the interpretations to be  
138 advisory; authorizing the department to impose a fee for  
139 certain interpretations; providing for payment of the fee;  
140 providing a fee limitation; amending s. 633.071, F.S.;  
141 requiring inspection tags to be attached to all fire  
142 protection systems; providing for the standardization of  
143 inspection tags and reports; amending s. 633.082, F.S.;  
144 requiring fire protection systems to be inspected in  
145 accordance with nationally accepted standards; amending s.  
146 633.521, F.S.; establishing a permit classification for  
147 individuals who inspect fire protection systems; amending  
148 s. 633.524, F.S.; establishing fees for various classes of  
149 permits; amending s. 633.537, F.S.; establishing  
150 continuing education requirements; amending s. 633.539,  
151 F.S.; requiring fire protection systems to be inspected,  
152 serviced, or maintained by a permitholder; establishing  
153 the scope of work criteria; amending s. 633.547, F.S.;  
154 providing for disciplinary action; amending s. 633.702,  
155 F.S.; providing a criminal penalty for intentionally or  
156 willfully installing, servicing, testing, repairing,  
157 improving, or inspecting a fire alarm system unless  
158 authorized by part II of ch. 489, F.S.; providing  
159 exemptions; amending s. 1013.372, F.S.; specifying county  
160 responsibility for costs associated with educational  
161 facilities serving as public emergency shelters; requiring  
162 the Florida Building Commission to amend the Florida  
163 Building Code to reflect legislative intent relating to

164 swimming pool exit alarms; providing rule adoption  
 165 requirements; authorizing use of certain alarms; requiring  
 166 the Florida Building Commission to integrate certain  
 167 ventless attic space standards into the Florida Building  
 168 Code; specifying certain rule adoption requirements;  
 169 providing for applications to local governments for  
 170 building permits; providing requirements, procedures, and  
 171 limitations; providing that a local government must act  
 172 upon certain permit applications within a specified time  
 173 or the permits are automatically deemed approved;  
 174 repealing s. 553.851, F.S., relating to the protection of  
 175 underground gas pipelines; amending s. 109, ch. 2000-141,  
 176 Laws of Florida; providing for removal of the code's wind-  
 177 protection standards from the Florida Building Code;  
 178 requiring the commission to adopt certain wind protection  
 179 requirements for areas of the state not within the high  
 180 velocity hurricane zone upon update of the Florida  
 181 Building Code; providing construction; requiring the  
 182 commission to review damage from Hurricane Ivan and make  
 183 recommendations to the Legislature for changes to the  
 184 Florida Building Code, especially relating to certain  
 185 areas; requiring a report; directing the commission to  
 186 evaluate the definition of the term "exposure category C"  
 187 and recommend a revision to accurately reflect certain  
 188 conditions specific to the state; specifying requirements  
 189 for certain organizations in repairing or replacing  
 190 certain structures; specifying an effective date for the  
 191 Florida Building Code; requiring the Florida Building

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192 Commission to convene a working group for certain  
 193 purposes; requiring a study; providing study requirements;  
 194 providing an appropriation for a joint program to educate  
 195 contractors for certain purposes; providing an effective  
 196 date.

197

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

199

200 Section 1. Paragraph (a) of subsection (2) and subsections  
 201 (3) and (4) of section 215.559, Florida Statutes, are amended,  
 202 present subsections (5), (6), and (7) of said section are  
 203 renumbered as subsections (6), (7), and (8), respectively, and a  
 204 new subsection (5) is added to said section, to read:

205 215.559 Hurricane Loss Mitigation Program.--

206 (2)(a) Seven million dollars in funds provided in  
 207 subsection (1) shall be used for programs to improve the wind  
 208 resistance of residences and mobile homes, including loans,  
 209 subsidies, grants, demonstration projects, and direct  
 210 assistance; educating persons concerning the Florida Building  
 211 Code cooperative programs with local governments and the Federal  
 212 Government; and other efforts to prevent or reduce losses or  
 213 reduce the cost of rebuilding after a disaster.

214 (3) Forty percent of the total appropriation in paragraph  
 215 (2)(a) shall be used to inspect and improve tie-downs for mobile  
 216 homes. Within 30 days after the effective date of that  
 217 appropriation, the department shall contract with a public  
 218 higher educational institution in this state which has previous  
 219 experience in administering the programs set forth in this



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220 subsection to serve as the administrative entity and fiscal  
 221 agent pursuant to s. 216.346 for the purpose of administering  
 222 the programs set forth in this subsection in accordance with  
 223 established policy and procedures. The administrative entity  
 224 working with the advisory council set up under subsection (6)  
 225 ~~(5)~~ shall develop a list of mobile home parks and counties that  
 226 may be eligible to participate in the tie-down program.

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

240 (5) An amount equal to 15 percent of the total  
 241 appropriation in paragraph (2)(a) shall be used for education  
 242 awareness concerning the Florida Building Code and the operation  
 243 of the disaster contractors network. Not more than 30 days after  
 244 the effective date of each subsequent appropriation, the  
 245 Department of Community Affairs shall contract with a nonprofit  
 246 tax-exempt entity having prior contracting experience with  
 247 building code training, development, and coordination and whose

248 | membership is representative of all of the statewide  
 249 | construction and design licensee associations. The entity shall  
 250 | allocate 20 percent of these resources to the disaster  
 251 | contractors network for the education of the construction  
 252 | industry and hurricane response if needed to coordinate the  
 253 | industry in the event of a natural disaster. The entity shall  
 254 | allocate 20 percent of these resources to the largest  
 255 | residential construction trade show in the state for the  
 256 | education of the residential construction industry on building  
 257 | code and mitigation issues. The remaining resources shall be  
 258 | used by the entity for outreach building code activities after  
 259 | consultation with the building code program under the Florida  
 260 | Building Commission as provided for in s. 553.841.

261 | Section 2. Paragraph (a) of subsection (2) of section  
 262 | 400.23, Florida Statutes, is amended to read:

263 | 400.23 Rules; evaluation and deficiencies; licensure  
 264 | status.--

265 | (2) Pursuant to the intention of the Legislature, the  
 266 | agency, in consultation with the Department of Health and the  
 267 | Department of Elderly Affairs, shall adopt and enforce rules to  
 268 | implement this part, which shall include reasonable and fair  
 269 | criteria in relation to:

270 | (a) The location of the facility and housing conditions  
 271 | that will ensure the health, safety, and comfort of residents,  
 272 | including an adequate call system. In making such rules, the  
 273 | agency shall be guided by criteria recommended by nationally  
 274 | recognized reputable professional groups and associations with  
 275 | knowledge of such subject matters. The agency shall update or

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276 | revise such criteria as the need arises. The agency may require  
277 | alterations to a building if it determines that an existing  
278 | condition constitutes a distinct hazard to life, health, or  
279 | safety. In performing any inspections of facilities authorized  
280 | by this part, the agency may enforce the special-occupancy  
281 | provisions of the Florida Building Code and the Florida Fire  
282 | Prevention Code which apply to nursing homes. Residents or their  
283 | representatives shall be able to request a change in the  
284 | placement of the bed in their rooms, provided that at admission  
285 | they are presented with a room that meets the requirements of  
286 | the Florida Building Code. The location of a bed may be changed  
287 | if the requested placement does not infringe upon the resident's  
288 | roommate or interfere with the resident's care or safety as  
289 | determined by the care planning team in accordance with facility  
290 | policies and procedures. In addition, the bed placement may not  
291 | be used as a restraint. Each facility shall maintain a log of  
292 | residents' rooms with beds that are not in strict compliance  
293 | with the code for surveyors and nurse monitors to use during  
294 | inspections and visits. Any resident or resident representative  
295 | who requests that a bed be moved shall sign a statement  
296 | indicating that he or she understands the room will not be in  
297 | compliance with the Florida Building Code, but they would prefer  
298 | to exercise their right to self-determination. The statement  
299 | must be retained as part of the resident's care plan. Any  
300 | facility that offers this option shall submit a letter signed by  
301 | the nursing home administrator of record to the agency notifying  
302 | it of this practice with a copy of the facility's policies and  
303 | procedures. The agency is directed to provide assistance to the

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304 Florida Building Commission in updating the construction  
305 standards of the code relative to nursing homes.

306 Section 3. Subsection (4) of section 403.814, Florida  
307 Statutes, is amended to read:

308 403.814 General permits; delegation.--

309 (4) The department is authorized to delegate any of its  
310 general permit authority to the district offices of the  
311 department or to water management districts. However, effective  
312 January 1, 2006, the department shall retain exclusive authority  
313 for review and final action on permit applications for docking  
314 facilities required under part IV of chapter 373.

315 Section 4. Paragraph (i) of subsection (1) of section  
316 468.621, Florida Statutes, is amended, and paragraph (j) is  
317 added to said subsection, to read:

318 468.621 Disciplinary proceedings.--

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

321 (i) Failing to lawfully execute the duties and  
322 responsibilities specified in this part and ss. 553.73, 553.781,  
323 ~~and~~ 553.79, and 553.791.

324 (j) Performing building code inspection services pursuant  
325 to s. 553.791 without satisfying the insurance requirements of  
326 such section.

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

329 471.033 Disciplinary proceedings.--

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

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332           (1) Performing building code inspection services pursuant  
 333 to s. 553.791 without satisfying the insurance requirements of  
 334 such section.

335           Section 6. Paragraph (1) is added to subsection (1) of  
 336 section 481.225, Florida Statutes, to read:

337           481.225 Disciplinary proceedings against registered  
 338 architects.--

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

341           (1) Performing building code inspection services pursuant  
 342 to s. 553.791 without satisfying the insurance requirements of  
 343 such section.

344           Section 7. Paragraph (a) of subsection (3) of section  
 345 489.537, Florida Statutes, is amended to read:

346           489.537 Application of this part.--

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

349           (a) To regulate the quality and character of work  
 350 performed by contractors through a system of permits, fees, and  
 351 inspections which is designed to secure compliance with, and aid  
 352 in the implementation of, state and local building laws or to  
 353 enforce other local laws for the protection of the public health  
 354 and safety. However, a certified alarm system contractor or  
 355 certified electrical contractor is not subject to any additional  
 356 certification or licensure requirements that are not required by  
 357 this part.

358           Section 8. Subsection (3) of section 553.37, Florida  
 359 Statutes, is amended to read:

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360 553.37 Rules; inspections; and insignia.--

361 (3) All manufactured buildings issued and bearing insignia  
 362 of approval pursuant to subsection (2) shall be deemed to comply  
 363 with the Florida Building Code and are exempt from local  
 364 amendments enacted by any local government. Lawn storage  
 365 buildings and storage sheds not exceeding 400 square feet and  
 366 bearing the insignia of approval of the department are not  
 367 subject to s. 553.842 and may be delivered and installed without  
 368 need of a contractor's license or specialty license.

369 Section 9. Paragraph (c) of subsection (4), subsection  
 370 (6), and paragraphs (a) and (c) of subsection (7) of section  
 371 553.73, Florida Statutes, are amended to read:

372 553.73 Florida Building Code.--

373 (4)

374 (c) Any amendment adopted by a local enforcing agency  
 375 pursuant to this subsection shall not apply to state or school  
 376 district owned buildings, manufactured buildings or factory-  
 377 built school buildings approved by the commission, or prototype  
 378 buildings approved pursuant to s. 553.77(3)~~(5)~~. The respective  
 379 responsible entities shall consider the physical performance  
 380 parameters substantiating such amendments when designing,  
 381 specifying, and constructing such exempt buildings.

382 (6)(a) The commission, by rule adopted pursuant to ss.  
 383 120.536(1) and 120.54, shall update the Florida Building Code  
 384 every 3 years. When updating the Florida Building Code, the  
 385 commission shall select the most current version of the  
 386 International Building Code, the International Fuel Gas Code,  
 387 the International Mechanical Code, the International Plumbing

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388 Code, and the International Residential Code, all of which are  
 389 adopted by the International Code Council, and the National  
 390 Electrical Code adopted by the National Fire Protection  
 391 Association, to form the foundation codes of the updated Florida  
 392 Building Code, if the version has been adopted by the  
 393 International Code Council and the National Fire Prevention  
 394 Association and made available to the public at least 6 months  
 395 prior to its selection by the commission.

396 (b) Codes regarding noise contour lines shall be reviewed  
 397 annually, and the most current federal guidelines shall be  
 398 adopted.

399 (c) The commission may modify any portion of the  
 400 foundation codes only as needed to accommodate the specific  
 401 needs of this state. Standards or criteria referenced by such  
 402 codes shall be incorporated by reference. If a referenced  
 403 standard or criterion requires amplification or modification to  
 404 be appropriate for use in this state, only the amplification or  
 405 modification shall be set forth in the Florida Building Code.  
 406 The commission may approve technical amendments to the updated  
 407 Florida Building Code after the amendments have been subject to  
 408 the conditions set forth in paragraphs (3)(a)-(d). Amendments to  
 409 the foundation codes which are adopted in accordance with this  
 410 subsection shall be clearly marked in printed versions of the  
 411 Florida Building Code so that the fact that the provisions are  
 412 Florida-specific amendments to the foundation codes is readily  
 413 apparent. ~~consider changes made by the adopting entity of any~~  
 414 ~~selected model code for any model code incorporated into the~~  
 415 ~~Florida Building Code, and may subsequently adopt the new~~

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

420 (d) The commission shall further consider the commission's  
421 own interpretations, declaratory statements, appellate  
422 decisions, and approved statewide and local technical amendments  
423 and shall incorporate such interpretations, statements,  
424 decisions, and amendments into the updated Florida Building Code  
425 only to the extent that they are needed to modify the foundation  
426 codes to accommodate the specific needs of the state. A change  
427 made by an institute or standards organization to any standard  
428 or criterion that is adopted by reference in the Florida  
429 Building Code does not become effective statewide until it has  
430 been adopted by the commission. Furthermore, the edition of the  
431 Florida Building Code which is in effect on the date of  
432 application for any permit authorized by the code governs the  
433 permitted work for the life of the permit and any extension  
434 granted to the permit.

435 (e) A rule updating the Florida Building Code in  
436 accordance with this subsection shall take effect no sooner than  
437 6 months after publication of the updated code. Any amendment to  
438 the Florida Building Code which is adopted upon a finding by the  
439 commission that the amendment is necessary to protect the public  
440 from immediate threat of harm takes effect immediately.

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

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

446 ~~2.1.~~ Has a reasonable and substantial connection with the  
447 health, safety, and welfare of the general public.

448 ~~3.2.~~ Strengthens or improves the Florida Building Code, or  
449 in the case of innovation or new technology, will provide  
450 equivalent or better products or methods or systems of  
451 construction.

452 ~~4.3.~~ Does not discriminate against materials, products,  
453 methods, or systems of construction of demonstrated  
454 capabilities.

455 ~~5.4.~~ Does not degrade the effectiveness of the Florida  
456 Building Code.

457  
458 Furthermore, the Florida Building Commission may approve  
459 technical amendments to the code once each year to incorporate  
460 into the Florida Building Code its own interpretations of the  
461 code which are embodied in its opinions, final orders, ~~and~~  
462 declaratory statements, and interpretations of hearing officer  
463 panels under s. 553.775(3)(c), but shall do so only to the  
464 extent that incorporation of interpretations is needed to modify  
465 the foundation codes to accommodate the specific needs of this  
466 state. Amendments approved under this paragraph shall be adopted  
467 by rule pursuant to ss. 120.536(1) and 120.54, after the  
468 amendments have been subjected to the provisions of subsection  
469 (3).

470 (c) The commission may not approve any proposed amendment  
471 that does not accurately and completely address all requirements

472 | for amendment which are set forth in this section. The  
 473 | commission shall require all proposed amendments and information  
 474 | submitted with proposed amendments to be reviewed by commission  
 475 | staff prior to consideration by any technical advisory  
 476 | committee. These reviews shall be for sufficiency only and are  
 477 | not intended to be qualitative in nature. Staff members shall  
 478 | reject any proposed amendment that fails to include a fiscal  
 479 | impact statement. Proposed amendments rejected by members of the  
 480 | staff may not be considered by the commission or any technical  
 481 | advisory committee.

482 |       Section 10. The Florida Building Commission shall amend  
 483 | the Florida Building Code, 2004 edition, to allow use of  
 484 | enclosed and unenclosed areas under mezzanines for the purpose  
 485 | of calculating the permissible size of mezzanines in S2  
 486 | occupancies of Type III construction with sprinklers. The  
 487 | permissible use, as conditioned in this section, of enclosed and  
 488 | unenclosed space under mezzanines for the purpose of calculating  
 489 | mezzanine size shall apply retroactively to the effective date  
 490 | of the 2001 Florida Building Code.

491 |       Section 11. Section 553.77, Florida Statutes, is amended  
 492 | to read:

493 |       553.77 Specific powers of the commission.--

494 |       (1) The commission shall:

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

497 |       (b) Make a continual study of the operation of the Florida  
 498 | Building Code and other laws relating to the design,  
 499 | construction, erection, alteration, modification, repair, or

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500 demolition of public or private buildings, structures, and  
501 facilities, including manufactured buildings, and code  
502 enforcement, to ascertain their effect upon the cost of building  
503 construction and determine the effectiveness of their  
504 provisions. Upon updating the Florida Building Code every 3  
505 years, the commission shall review existing provisions of law  
506 and make recommendations to the Legislature for the next regular  
507 session of the Legislature regarding provisions of law that  
508 should be revised or repealed to ensure consistency with the  
509 Florida Building Code at the point the update goes into effect.  
510 State agencies and local jurisdictions shall provide such  
511 information as requested by the commission for evaluation of and  
512 recommendations for improving the effectiveness of the system of  
513 building code laws for reporting to the Legislature annually.  
514 Failure to comply with this or other requirements of this act  
515 must be reported to the Legislature for further action. Any  
516 proposed legislation providing for the revision or repeal of  
517 existing laws and rules relating to technical requirements  
518 applicable to building structures or facilities should expressly  
519 state that such legislation is not intended to imply any repeal  
520 or sunset of existing general or special laws governing any  
521 special district that are not specifically identified in the  
522 legislation.

523 (c) Upon written application by any substantially affected  
524 person or a local enforcement agency, issue declaratory  
525 statements pursuant to s. 120.565 relating to new technologies,  
526 techniques, and materials which have been tested where necessary  
527 and found to meet the objectives of the Florida Building Code.

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528 This paragraph does not apply to the types of products,  
529 materials, devices, or methods of construction required to be  
530 approved under paragraph (f) ~~(i)~~.

531 ~~(d) Upon written application by any substantially affected~~  
532 ~~person, state agency, or a local enforcement agency, issue~~  
533 ~~declaratory statements pursuant to s. 120.565 relating to the~~  
534 ~~enforcement or administration by local governments of the~~  
535 ~~Florida Building Code. Paragraph (h) provides the exclusive~~  
536 ~~remedy for addressing local interpretations of the code.~~

537 ~~(e) When requested in writing by any substantially~~  
538 ~~affected person, state agency, or a local enforcing agency,~~  
539 ~~shall issue declaratory statements pursuant to s. 120.565~~  
540 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~  
541 ~~515.37. Actions of the commission are subject to judicial review~~  
542 ~~pursuant to s. 120.68.~~

543 (d)(f) Make recommendations to, and provide assistance  
544 upon the request of, the Florida Commission on Human Relations  
545 regarding rules relating to accessibility for persons with  
546 disabilities.

547 (e)(g) Participate with the Florida Fire Code Advisory  
548 Council created under s. 633.72, to provide assistance and  
549 recommendations relating to firesafety code interpretations. The  
550 administrative staff of the commission shall attend meetings of  
551 the Florida Fire Code Advisory Council and coordinate efforts to  
552 provide consistency between the Florida Building Code and the  
553 Florida Fire Prevention Code and the Life Safety Code.

554 ~~(h) Hear appeals of the decisions of local boards of~~  
555 ~~appeal regarding interpretation decisions of local building~~

556 ~~officials, or if no local board exists, hear appeals of~~  
 557 ~~decisions of the building officials regarding interpretations of~~  
 558 ~~the code. For such appeals:~~

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

563 ~~2. All appeals shall be heard in the county of the~~  
 564 ~~jurisdiction defending the appeal.~~

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

568 ~~(f)(i)~~ Determine the types of products which may be  
 569 approved by the commission requiring approval for local or  
 570 statewide use and shall provide for the evaluation and approval  
 571 of such products, materials, devices, and method of construction  
 572 for statewide use. The commission may prescribe by rule a  
 573 schedule of reasonable fees to provide for evaluation and  
 574 approval of products, materials, devices, and methods of  
 575 construction. Evaluation and approval shall be by action of the  
 576 commission or delegated pursuant to s. 553.842. This paragraph  
 577 does not apply to products approved by the State Fire Marshal.

578 ~~(g)(j)~~ Appoint experts, consultants, technical advisers,  
 579 and advisory committees for assistance and recommendations  
 580 relating to the major areas addressed in the Florida Building  
 581 Code.

582 ~~(h)(k)~~ Establish and maintain a mutual aid program,  
 583 organized through the department, to provide an efficient supply

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584 of various levels of code enforcement personnel, design  
585 professionals, commercial property owners, and construction  
586 industry individuals, to assist in the rebuilding effort in an  
587 area which has been hit with disaster. The program shall include  
588 provisions for:

589 1. Minimum postdisaster structural, electrical, and  
590 plumbing inspections and procedures.

591 2. Emergency permitting and inspection procedures.

592 3. Establishing contact with emergency management  
593 personnel and other state and federal agencies.

594 (i)~~(l)~~ Maintain a list of interested parties for noticing  
595 rulemaking workshops and hearings, disseminating information on  
596 code adoption, revisions, amendments, and all other such actions  
597 which are the responsibility of the commission.

598 (j)~~(m)~~ Coordinate with the state and local governments,  
599 industry, and other affected stakeholders in the examination of  
600 legislative provisions and make recommendations to fulfill the  
601 responsibility to develop a consistent, single code.

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

606 (l)~~(o)~~ Develop recommendations for local governments to  
607 use when pursuing partial or full privatization of building  
608 department functions. The recommendations shall include, but not  
609 be limited to, provisions relating to equivalency of service,  
610 conflict of interest, requirements for competency, liability,  
611 insurance, and long-term accountability.

612 ~~(2) Upon written application by any substantially affected~~  
 613 ~~person, the commission shall issue a declaratory statement~~  
 614 ~~pursuant to s. 120.565 relating to a state agency's~~  
 615 ~~interpretation and enforcement of the specific provisions of the~~  
 616 ~~Florida Building Code the agency is authorized to enforce. The~~  
 617 ~~provisions of this subsection shall not be construed to provide~~  
 618 ~~any powers, other than advisory, to the commission with respect~~  
 619 ~~to any decision of the State Fire Marshal made pursuant to the~~  
 620 ~~provisions of chapter 633.~~

621 ~~(3) The commission may designate a commission member with~~  
 622 ~~demonstrated expertise in interpreting building plans to attend~~  
 623 ~~each meeting of the advisory council created in s. 553.512. The~~  
 624 ~~commission member may vary from meeting to meeting, shall serve~~  
 625 ~~on the council in a nonvoting capacity, and shall receive per~~  
 626 ~~diem and expenses as provided in s. 553.74(3).~~

627 (2)(4) For educational and public information purposes,  
 628 the commission shall develop and publish an informational and  
 629 explanatory document which contains descriptions of the roles  
 630 and responsibilities of the licensed design professional,  
 631 residential designer, contractor, and local building and fire  
 632 code officials. The State Fire Marshal shall be responsible for  
 633 developing and specifying roles and responsibilities for fire  
 634 code officials. Such document may also contain descriptions of  
 635 roles and responsibilities of other participants involved in the  
 636 building codes system.

637 (3)(5) The commission may provide by rule for plans review  
 638 and approval of prototype buildings owned by public and private  
 639 entities to be replicated throughout the state. The rule must

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640 allow for review and approval of plans and changes to approved  
 641 plans for prototype buildings to be performed by a public or  
 642 private entity with oversight by the commission. The department  
 643 may charge reasonable fees to cover the administrative costs of  
 644 the program. Such approved plans or prototype buildings shall be  
 645 exempt from further review required by s. 553.79(2), except  
 646 changes to the prototype design, site plans, and other site-  
 647 related items. Changes to an approved plan may be approved by  
 648 the local building department or by the public or private entity  
 649 that approved the plan. As provided in s. 553.73, prototype  
 650 buildings are exempt from any locally adopted amendment to any  
 651 part of the Florida Building Code. Construction or erection of  
 652 such prototype buildings is subject to local permitting and  
 653 inspections pursuant to this part.

654 (4)(6) The commission may produce and distribute a  
 655 commentary document to accompany the Florida Building Code. The  
 656 commentary must be limited in effect to providing technical  
 657 assistance and must not have the effect of binding  
 658 interpretations of the code document itself.

659 (5) A commissioner may abstain from voting in any matter  
 660 before the commission which would inure to the commissioner's  
 661 special private gain or loss, which the commissioner knows would  
 662 inure to the special private gain or loss of any principal by  
 663 whom he or she is retained or to the parent organization or  
 664 subsidiary of a corporate principal by which he or she is  
 665 retained, or which he or she knows would inure to the special  
 666 private gain or loss of a relative or business associate of the  
 667 commissioner. A commissioner may abstain from voting on matters



668 before the commission which would inure to the commissioner's  
 669 private gain or loss, which the commissioner knows would inure  
 670 to the special private gain or loss of any principal by whom the  
 671 commissioner is retained or to the parent organization or  
 672 subsidiary of a corporate principal by which the commissioner is  
 673 retained, or which the commissioner knows would inure to the  
 674 special private gain or loss of a relative or business associate  
 675 of the commissioner. A commissioner shall abstain from voting  
 676 under the foregoing circumstances if the matter is before the  
 677 commission pursuant to s. 120.569 or s. 120.60. The commissioner  
 678 shall, prior to the vote being taken, publicly state to the  
 679 assembly the nature of the commissioner's interest in the matter  
 680 from which he or she is abstaining from voting and, within 15  
 681 days after the vote occurs, disclose the nature of his or her  
 682 interest as a public record in a memorandum filed with the  
 683 person responsible for recording the minutes of the meeting, who  
 684 shall incorporate the memorandum in the minutes.

685 ~~(7) The commission shall by rule establish an informal~~  
 686 ~~process of rendering nonbinding interpretations of the Florida~~  
 687 ~~Building Code. The commission is specifically authorized to~~  
 688 ~~refer interpretive issues to organizations that represent those~~  
 689 ~~engaged in the construction industry. The commission is directed~~  
 690 ~~to immediately implement the process prior to the completion of~~  
 691 ~~formal rulemaking. It is the intent of the Legislature that the~~  
 692 ~~commission create a process to refer questions to a small,~~  
 693 ~~rotating group of individuals licensed under part XII of chapter~~  
 694 ~~468, to which a party can pose questions regarding the~~  
 695 ~~interpretation of code provisions. It is the intent of the~~

696 ~~Legislature that the process provide for the expeditious~~  
 697 ~~resolution of the issues presented and publication of the~~  
 698 ~~resulting interpretation on the Building Code Information~~  
 699 ~~System. Such interpretations are to be advisory only and~~  
 700 ~~nonbinding on the parties or the commission.~~

701 Section 12. Section 553.775, Florida Statutes, is created  
 702 to read:

703 553.775 Interpretations.--

704 (1) It is the intent of the Legislature that the Florida  
 705 Building Code be interpreted by building officials, local  
 706 enforcement agencies, and the commission in a manner that  
 707 protects the public safety, health, and welfare at the most  
 708 reasonable cost to the consumer by ensuring uniform  
 709 interpretations throughout the state and by providing processes  
 710 for resolving disputes regarding interpretations of the Florida  
 711 Building Code which are just and expeditious.

712 (2) Local enforcement agencies, local building officials,  
 713 state agencies, and the commission shall interpret provisions of  
 714 the Florida Building Code in a manner that is consistent with  
 715 declaratory statements and interpretations entered by the  
 716 commission, except that conflicts between the Florida Fire  
 717 Prevention Code and the Florida Building Code shall be resolved  
 718 in accordance with s. 553.73(9)(c) and (d).

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

721 (a) Upon written application by any substantially affected  
 722 person or state agency or by a local enforcement agency, the  
 723 commission shall issue declaratory statements pursuant to s.

724 120.565 relating to the enforcement or administration by local  
 725 governments of the Florida Building Code.

726 (b) When requested in writing by any substantially  
 727 affected person or state agency or by a local enforcement  
 728 agency, the commission shall issue a declaratory statement  
 729 pursuant to s. 120.565 relating to this part and ss. 515.25,  
 730 515.27, 515.29, and 515.37. Actions of the commission are  
 731 subject to judicial review under s. 120.68.

732 (c) The commission shall review decisions of local  
 733 building officials and local enforcement agencies regarding  
 734 interpretations of the Florida Building Code after the local  
 735 board of appeals has considered the decision, if such board  
 736 exists, and if such appeals process is concluded within 25  
 737 business days.

738 1. The commission shall coordinate with the Building  
 739 Officials Association of Florida, Inc., to designate panels  
 740 composed of five members to hear requests to review decisions of  
 741 local building officials. The members must be licensed as  
 742 building code administrators under part XII of chapter 468 and  
 743 must have experience interpreting and enforcing provisions of  
 744 the Florida Building Code.

745 2. Requests to review a decision of a local building  
 746 official interpreting provisions of the Florida Building Code  
 747 may be initiated by any substantially affected person, including  
 748 an owner or builder subject to a decision of a local building  
 749 official or an association of owners or builders having members  
 750 who are subject to a decision of a local building official. In  
 751 order to initiate review, the substantially affected person must

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752 file a petition with the commission. The commission shall adopt  
753 a form for the petition, which shall be published on the  
754 Building Code Information System. The form shall, at a minimum,  
755 require the following:

756 a. The name and address of the county or municipality in  
757 which provisions of the Florida Building Code are being  
758 interpreted.

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

761 c. The name, address, and telephone number of the  
762 petitioner; the name, address, and telephone number of the  
763 petitioner's representative, if any; and an explanation of how  
764 the petitioner's substantial interests are being affected by the  
765 local interpretation of the Florida Building Code.

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

768 e. A statement of the interpretation given to provisions  
769 of the Florida Building Code by the local building official and  
770 the manner in which the interpretation was rendered.

771 f. A statement of the interpretation that the petitioner  
772 contends should be given to the provisions of the Florida  
773 Building Code and a statement supporting the petitioner's  
774 interpretation.

775 g. Space for the local building official to respond in  
776 writing. The space shall, at a minimum, require the local  
777 building official to respond by providing a statement admitting  
778 or denying the statements contained in the petition and a  
779 statement of the interpretation of the provisions of the Florida

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780 Building Code which the local jurisdiction or the local building  
781 official contends is correct, including the basis for the  
782 interpretation.

783 3. The petitioner shall submit the petition to the local  
784 building official, who shall place the date of receipt on the  
785 petition. The local building official shall respond to the  
786 petition in accordance with the form and shall return the  
787 petition along with his or her response to the petitioner within  
788 5 days after receipt, exclusive of Saturdays, Sundays, and legal  
789 holidays. The petitioner may file the petition with the  
790 commission at any time after the local building official  
791 provides a response. If no response is provided by the local  
792 building official, the petitioner may file the petition with the  
793 commission 10 days after submission of the petition to the local  
794 building official and shall note that the local building  
795 official did not respond.

796 4. Upon receipt of a petition that meets the requirements  
797 of subparagraph 2., the commission shall immediately provide  
798 copies of the petition to a panel, and the commission shall  
799 publish the petition, including any response submitted by the  
800 local building official, on the Building Code Information System  
801 in a manner that allows interested persons to address the issues  
802 by posting comments.

803 5. The panel shall conduct proceedings as necessary to  
804 resolve the issues; shall give due regard to the petitions, the  
805 response, and to comments posed on the Building Code Information  
806 System; and shall issue an interpretation regarding the  
807 provisions of the Florida Building Code within 21 days after the

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808 filing of the petition. The panel shall render a determination  
809 based upon the Florida Building Code or, if the code is  
810 ambiguous, the intent of the code. The panel's interpretation  
811 shall be provided to the commission, which shall publish the  
812 interpretation on the Building Code Information System and in  
813 the Florida Administrative Weekly. The interpretation shall be  
814 considered an interpretation entered by the commission, and  
815 shall be binding upon the parties and upon all jurisdictions  
816 subject to the Florida Building Code, unless it is superseded by  
817 a declaratory statement issued by the Florida Building  
818 Commission or by a final order entered after an appeal  
819 proceeding conducted in accordance with subparagraph 7.

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

825 7. Any substantially affected person may appeal an  
826 interpretation rendered by a hearing officer panel by filing a  
827 petition with the commission. Such appeals shall be initiated in  
828 accordance with chapter 120 and the uniform rules of procedure  
829 and must be filed within 30 days after publication of the  
830 interpretation on the Building Code Information System or in the  
831 Florida Administrative Weekly. Hearings shall be conducted  
832 pursuant to chapter 120 and the uniform rules of procedure.  
833 Decisions of the commission are subject to judicial review  
834 pursuant to s. 120.68. The final order of the commission is

835 binding upon the parties and upon all jurisdictions subject to  
836 the Florida Building Code.

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

840 9. In any review proceeding initiated in accordance with  
841 this paragraph, including any proceeding initiated in accordance  
842 with subparagraph 7., the fact that an owner or builder has  
843 proceeded with construction may not be grounds for determining  
844 an issue to be moot if the issue is one that is likely to arise  
845 in the future.

846  
847 This paragraph provides the exclusive remedy for addressing  
848 requests to review local interpretations of the code and appeals  
849 from review proceedings.

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

855 (e) Upon written application by any substantially affected  
856 person, the commission shall issue a declaratory statement  
857 pursuant to s. 120.565 relating to an agency's interpretation  
858 and enforcement of the specific provisions of the Florida  
859 Building Code which the agency is authorized to enforce. This  
860 subsection does not provide any powers, other than advisory, to  
861 the commission with respect to any decision of the State Fire  
862 Marshal made pursuant to chapter 633.

863       (f) The commission may designate a commission member who  
 864 has demonstrated expertise in interpreting building plans to  
 865 attend each meeting of the advisory council created in s.  
 866 553.512. The commission member may vary from meeting to meeting,  
 867 shall serve on the council in a nonvoting capacity, and shall  
 868 receive per diem and expenses as provided in s. 553.74(3).

869       (g) The commission shall by rule establish an informal  
 870 process of rendering nonbinding interpretations of the Florida  
 871 Building Code. The commission is specifically authorized to  
 872 refer interpretive issues to organizations that represent those  
 873 engaged in the construction industry. The commission shall  
 874 immediately implement the process before completing formal  
 875 rulemaking. It is the intent of the Legislature that the  
 876 commission create a process to refer questions to a small,  
 877 rotating group of individuals licensed under part XII of chapter  
 878 468, to which a party may pose questions regarding the  
 879 interpretation of code provisions. It is the intent of the  
 880 Legislature that the process provide for the expeditious  
 881 resolution of the issues presented and publication of the  
 882 resulting interpretation on the Building Code Information  
 883 System. Such interpretations shall be advisory only and  
 884 nonbinding on the parties and the commission.

885       (4) In order to administer this section, the commission  
 886 may adopt by rule and impose a fee for binding interpretations  
 887 to recoup the cost of the proceedings which may not exceed \$250  
 888 for each request for a review or interpretation. For proceedings  
 889 conducted by or in coordination with a third party, the rule may  
 890 provide that payment be made directly to the third party, who



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891 shall remit to the department that portion of the fee necessary  
892 to cover the costs of the department.

893 Section 13. Subsection (14) of section 553.79, Florida  
894 Statutes, is amended to read:

895 553.79 Permits; applications; issuance; inspections.--

896 (14) Certifications by contractors authorized under the  
897 provisions of s. 489.115(4)(b) shall be considered equivalent to  
898 sealed plans and specifications by a person licensed under  
899 chapter 471 or chapter 481 by local enforcement agencies for  
900 plans review for permitting purposes relating to compliance with  
901 the wind resistance provisions of the code or alternate  
902 methodologies approved by the commission for one-family and two-  
903 family ~~one and two family~~ dwellings. Local enforcement agencies  
904 may rely upon such certification by contractors that the plans  
905 and specifications submitted conform to the requirements of the  
906 code for wind resistance. Upon good cause shown, local  
907 government code enforcement agencies may accept or reject plans  
908 sealed by persons licensed under chapter 471, chapter 481, or  
909 chapter 489. A truss-placement plan is not required to be signed  
910 and sealed by an engineer or architect unless prepared by an  
911 engineer or architect or specifically required by the Florida  
912 Building Code.

913 Section 14. Paragraph (f) of subsection (1), subsections  
914 (2) and (4), paragraph (a) of subsection (6), and subsections  
915 (7), (9), (11), (12), (14), (15), and (17) of section 553.791,  
916 Florida Statutes, are amended to read:

917 553.791 Alternative plans review and inspection.--

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

919 (f) "Permit application" means a properly completed and  
920 submitted application for:

921 ~~1.~~ the requested building or construction permit,  
922 including:

923 1.2. The plans reviewed by the private provider.

924 2.3. The affidavit from the private provider required  
925 pursuant to subsection (5).

926 3.4. Any applicable fees.

927 4.5. Any documents required by the local building official  
928 to determine that the fee owner has secured all other government  
929 approvals required by law.

930 (2) Notwithstanding any other provision of law or local  
931 government ordinance or local policy, the fee owner of a  
932 building or structure, or the fee owner's contractor upon  
933 written authorization from the fee owner, may choose to use a  
934 private provider to provide building code inspection services  
935 with regard to such building or structure and may make payment  
936 directly to the private provider for the provision of such  
937 services. All such services shall be the subject of a written  
938 contract between the private provider, or the private provider's  
939 firm, and the fee owner. The fee owner may elect to use a  
940 private provider to provide ~~either~~ plans review or required  
941 building inspections, or both. However, if the fee owner or the  
942 fee owner's contractor uses a private provider to provide plans  
943 review, the local building official, in his or her discretion  
944 and pursuant to duly adopted policies of the local enforcement  
945 agency, may require the fee owner or the fee owner's contractor  
946 ~~who desires~~ to use a private provider ~~to use the private~~

947 ~~provider~~ to also provide ~~both plans review and~~ required building  
 948 inspections ~~inspection services~~.

949 (4) A fee owner or the fee owner's contractor using a  
 950 private provider to provide building code inspection services  
 951 shall notify the local building official at the time of permit  
 952 application, or no less than 7 business days prior to the first  
 953 scheduled inspection by the local building official or building  
 954 code enforcement agency for a private provider performing  
 955 required inspections of construction under this section, on a  
 956 form to be adopted by the commission. This notice shall include  
 957 the following information:

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

959 (b) The name, firm, address, telephone number, and  
 960 facsimile number of each private provider who is performing or  
 961 will perform such services, his or her professional license or  
 962 certification number, qualification statements or resumes, and,  
 963 if required by the local building official, a certificate of  
 964 insurance demonstrating that professional liability insurance  
 965 coverage is in place for the private provider's firm, the  
 966 private provider, and any duly authorized representative in the  
 967 amounts required by this section.

968 (c) An acknowledgment from the fee owner in substantially  
 969 the following form:

970  
 971 I have elected to use one or more private providers to provide  
 972 building code plans review and/or inspection services on the  
 973 building or structure that is the subject of the enclosed permit  
 974 application, as authorized by s. 553.791, Florida Statutes. I

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975 understand that the local building official may not review the  
 976 plans submitted or perform the required building inspections to  
 977 determine compliance with the applicable codes, except to the  
 978 extent specified in said law. Instead, plans review and/or  
 979 required building inspections will be performed by licensed or  
 980 certified personnel identified in the application. The law  
 981 requires minimum insurance requirements for such personnel, but  
 982 I understand that I may require more insurance to protect my  
 983 interests. By executing this form, I acknowledge that I have  
 984 made inquiry regarding the competence of the licensed or  
 985 certified personnel and the level of their insurance and am  
 986 satisfied that my interests are adequately protected. I agree to  
 987 indemnify, defend, and hold harmless the local government, the  
 988 local building official, and their building code enforcement  
 989 personnel from any and all claims arising from my use of these  
 990 licensed or certified personnel to perform building code  
 991 inspection services with respect to the building or structure  
 992 that is the subject of the enclosed permit application.

993  
 994 If the fee owner or the fee owner's contractor makes any changes  
 995 to the listed private providers or the services to be provided  
 996 by those private providers, the fee owner or the fee owner's  
 997 contractor shall, within 1 business day after any change, update  
 998 the notice to reflect such changes. In addition, the fee owner  
 999 or the fee owner's contractor shall post at the project site,  
 1000 prior to the commencement of construction and updated within 1  
 1001 business day after any change, on a form to be adopted by the  
 1002 commission, the name, firm, address, telephone number, and

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1003 facsimile number of each private provider who is performing or  
 1004 will perform building code inspection services, the type of  
 1005 service being performed, and similar information for the primary  
 1006 contact of the private provider on the project.

1007 (6)(a) No more than ~~Within~~ 30 business days after receipt  
 1008 of a permit application and the affidavit from the private  
 1009 provider required pursuant to subsection (5), the local building  
 1010 official shall issue the requested permit or provide a written  
 1011 notice to the permit applicant identifying the specific plan  
 1012 features that do not comply with the applicable codes, as well  
 1013 as the specific code chapters and sections. If the local  
 1014 building official does not provide a written notice of the plan  
 1015 deficiencies within the prescribed 30-day period, the permit  
 1016 application shall be deemed approved as a matter of law, and the  
 1017 permit shall be issued by the local building official on the  
 1018 next business day.

1019 (7) A private provider performing required inspections  
 1020 under this section shall inspect each phase of construction as  
 1021 required by the applicable codes. The private provider shall be  
 1022 permitted to send a duly authorized representative to the  
 1023 building site to perform the required inspections, provided all  
 1024 required reports and certifications are prepared by and bear the  
 1025 signature of the private provider. The duly authorized  
 1026 representative must be an employee of the private provider  
 1027 entitled to receive unemployment compensation benefits under  
 1028 chapter 443. The contractor's contractual or legal obligations  
 1029 are not relieved by any action of the private provider.

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1030           (9) Upon completing the required inspections at each  
 1031 applicable phase of construction, the private provider shall  
 1032 record such inspections on a form acceptable to the local  
 1033 building official. These inspection records shall reflect those  
 1034 inspections required by the applicable codes of each phase of  
 1035 construction for which permitting by a local enforcement agency  
 1036 is required. The private provider, before leaving the project  
 1037 site, shall post each completed inspection record, indicating  
 1038 pass or fail, at the site and provide the record to the local  
 1039 building official within 2 business days. The local building  
 1040 official may waive the requirement to provide a record of each  
 1041 inspection within 2 business days if the record is posted at the  
 1042 project site and all such inspection records are submitted with  
 1043 the certificate of compliance. Records of all required and  
 1044 completed inspections shall be maintained at the building site  
 1045 at all times and made available for review by the local building  
 1046 official. The private provider shall report to the local  
 1047 enforcement agency any condition that poses an immediate threat  
 1048 to public safety and welfare.

1049           (11) No more than ~~Within~~ 2 business days after receipt of  
 1050 a request for a certificate of occupancy or certificate of  
 1051 completion and the applicant's presentation of a certificate of  
 1052 compliance and approval of all other government approvals  
 1053 required by law, the local building official shall issue the  
 1054 certificate of occupancy or certificate of completion or provide  
 1055 a notice to the applicant identifying the specific deficiencies,  
 1056 as well as the specific code chapters and sections. If the local  
 1057 building official does not provide notice of the deficiencies

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1058 | within the prescribed 2-day period, the request for a  
 1059 | certificate of occupancy or certificate of completion shall be  
 1060 | deemed granted and the certificate of occupancy or certificate  
 1061 | of completion shall be issued by the local building official on  
 1062 | the next business day. To resolve any identified deficiencies,  
 1063 | the applicant may elect to dispute the deficiencies pursuant to  
 1064 | subsection (12) or to submit a corrected request for a  
 1065 | certificate of occupancy or certificate of completion.

1066 |         (12) If the local building official determines that the  
 1067 | building construction or plans do not comply with the applicable  
 1068 | codes, the official may deny the permit or request for a  
 1069 | certificate of occupancy or certificate of completion, as  
 1070 | appropriate, or may issue a stop-work order for the project or  
 1071 | any portion thereof as provided by law, if the official  
 1072 | determines that such noncompliance poses a threat to public  
 1073 | safety and welfare, subject to the following:

1074 |         (a) The local building official shall be available to meet  
 1075 | with the private provider within 2 business days to resolve any  
 1076 | dispute after issuing a stop-work order or providing notice to  
 1077 | the applicant denying a permit or request for a certificate of  
 1078 | occupancy or certificate of completion.

1079 |         (b) If the local building official and private provider  
 1080 | are unable to resolve the dispute, the matter shall be referred  
 1081 | to the local enforcement agency's board of appeals, if one  
 1082 | exists, which shall consider the matter at its next scheduled  
 1083 | meeting or sooner. Any decisions by the local enforcement  
 1084 | agency's board of appeals, or local building official if there

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1085 | is no board of appeals, may be appealed to the commission as  
1086 | provided by this chapter ~~pursuant to s. 553.77(1)(h)~~.

1087 |       (c) Notwithstanding any provision of this section, any  
1088 | decisions regarding the issuance of a building permit,  
1089 | certificate of occupancy, or certificate of completion may be  
1090 | reviewed by the local enforcement agency's board of appeals, if  
1091 | one exists. Any decision by the local enforcement agency's board  
1092 | of appeals, or local building official if there is no board of  
1093 | appeals, may be appealed to the commission as provided by this  
1094 | chapter ~~pursuant to s. 553.77(1)(h)~~, which shall consider the  
1095 | matter at the commission's next scheduled meeting.

1096 |       (14)(a) No local enforcement agency, local building  
1097 | official, or local government may adopt or enforce any laws,  
1098 | rules, procedures, policies, qualifications, or standards more  
1099 | stringent than those prescribed by this section.

1100 |       (b) A local enforcement agency, local building official,  
1101 | or local government may establish, for private providers and  
1102 | duly authorized representatives working within that  
1103 | jurisdiction, a system of registration to verify compliance with  
1104 | the licensure requirements of paragraph (1)(g) and the insurance  
1105 | requirements of subsection (15).

1106 |       (c) Nothing in this section limits the authority of the  
1107 | local building official to issue a stop-work order for a  
1108 | building project or any portion of such order, as provided by  
1109 | law, if the official determines that a condition on the building  
1110 | site constitutes an immediate threat to public safety and  
1111 | welfare.



1112           (15) A private provider may perform building code  
 1113 inspection services on a building project under this section  
 1114 only if the private provider maintains insurance for  
 1115 professional ~~and comprehensive general~~ liability covering with  
 1116 ~~minimum policy limits of \$1 million per occurrence relating to~~  
 1117 all services performed as a private provider. Such insurance  
 1118 shall have minimum policy limits of \$1 million per occurrence  
 1119 and \$2 million in the aggregate for any project with a  
 1120 construction cost of \$5 million or less and \$2 million per  
 1121 occurrence and \$4 million in the aggregate for any project with  
 1122 a construction cost of over \$5 million. Nothing in this section  
 1123 limits the ability of a fee owner to require additional  
 1124 insurance or higher policy limits. For these purposes, the term  
 1125 "construction cost" means the total cost of building  
 1126 construction as stated in the building permit application. If  
 1127 the private provider chooses to secure claims-made coverage to  
 1128 fulfill this requirement, the private provider must also  
 1129 maintain, including tail coverage for a minimum of 5 years  
 1130 subsequent to the performance of building code inspection  
 1131 services. The insurance required under this subsection shall be  
 1132 written only by insurers authorized to do business in this state  
 1133 with a minimum A.M. Best's rating of A. Before providing  
 1134 building code inspection services within a local building  
 1135 official's jurisdiction, a private provider must provide to the  
 1136 local building official a certificate of insurance evidencing  
 1137 that the coverages required under this subsection are in force.

1138           (17) Each local building code enforcement agency ~~may shall~~  
 1139 ~~develop and maintain a process to audit the performance of~~

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1140 building code inspection services by private providers operating  
 1141 within the local jurisdiction. Work on a building or structure  
 1142 may proceed after inspection and approval by a private provider  
 1143 if the provider has given notice of the inspection pursuant to  
 1144 subsection (8) and, subsequent to such inspection and approval,  
 1145 the work may not be delayed for completion of an inspection  
 1146 audit by the local building code enforcement agency.

1147 Section 15. Paragraph (d) of subsection (1) and subsection  
 1148 (6) of section 553.80, Florida Statutes, are amended, and  
 1149 subsections (7) and (8) are added to said section, to read:

1150 553.80 Enforcement.--

1151 (1) Except as provided in paragraphs (a)-(f), each local  
 1152 government and each legally constituted enforcement district  
 1153 with statutory authority shall regulate building construction  
 1154 and, where authorized in the state agency's enabling  
 1155 legislation, each state agency shall enforce the Florida  
 1156 Building Code required by this part on all public or private  
 1157 buildings, structures, and facilities, unless such  
 1158 responsibility has been delegated to another unit of government  
 1159 pursuant to s. 553.79(9).

1160 (d) Building plans approved under ~~pursuant to~~ s.  
 1161 553.77(3)(5) and state-approved manufactured buildings,  
 1162 including buildings manufactured and assembled offsite and not  
 1163 intended for habitation, such as lawn storage buildings and  
 1164 storage sheds, are exempt from local code enforcing agency plan  
 1165 reviews except for provisions of the code relating to erection,  
 1166 assembly, or construction at the site. Erection, assembly, and  
 1167 construction at the site are subject to local permitting and

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1168 | inspections. Lawn storage buildings and storage sheds not  
 1169 | exceeding 400 square feet and bearing the insignia of approval  
 1170 | of the department are not subject to s. 553.842. Such buildings  
 1171 | that do not exceed 400 square feet may be delivered and  
 1172 | installed without need of a contractor's or specialty license.  
 1173 |

1174 | The governing bodies of local governments may provide a schedule  
 1175 | of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
 1176 | section, for the enforcement of the provisions of this part.  
 1177 | Such fees shall be used solely for carrying out the local  
 1178 | government's responsibilities in enforcing the Florida Building  
 1179 | Code. The authority of state enforcing agencies to set fees for  
 1180 | enforcement shall be derived from authority existing on July 1,  
 1181 | 1998. However, nothing contained in this subsection shall  
 1182 | operate to limit such agencies from adjusting their fee schedule  
 1183 | in conformance with existing authority.

1184 | (6) Notwithstanding any other ~~provision of~~ law, state  
 1185 | universities, community colleges, and public school districts  
 1186 | shall be subject to enforcement of the Florida Building Code  
 1187 | under ~~pursuant to~~ this part.

1188 | (a)1. State universities, state community colleges, or  
 1189 | public school districts shall conduct plan review and  
 1190 | construction inspections to enforce building code compliance for  
 1191 | their building projects that are subject to the Florida Building  
 1192 | Code. These ~~Such~~ entities must ~~shall~~ use personnel or contract  
 1193 | providers appropriately certified under part XII of chapter 468  
 1194 | to perform the plan reviews and inspections required by the  
 1195 | code. Under these ~~such~~ arrangements, the ~~such~~ entities are ~~shall~~

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1196 | not ~~be~~ subject to local government permitting requirements,  
 1197 | plans review, and inspection fees. State universities, state  
 1198 | community colleges, and public school districts are ~~shall be~~  
 1199 | liable and responsible for all of their buildings, structures,  
 1200 | and facilities. ~~Nothing in~~ This paragraph does not ~~shall be~~  
 1201 | ~~construed to~~ limit the authority of the county, municipality, or  
 1202 | code enforcement district to ensure that buildings, structures,  
 1203 | and facilities owned by these ~~such~~ entities comply with the  
 1204 | Florida Building Code or to limit the authority and  
 1205 | responsibility of the fire official to conduct firesafety  
 1206 | inspections under ~~pursuant to~~ chapter 633.

1207 |       2. In order to enforce building code compliance  
 1208 | independent of a county or municipality, a state university,  
 1209 | community college, or public school district may create a board  
 1210 | of adjustment and appeal to which a substantially affected party  
 1211 | may appeal an interpretation of the Florida Building Code which  
 1212 | relates to a specific project. The decisions of this board, or,  
 1213 | in its absence, the decision of the building code administrator,  
 1214 | may be reviewed under s. 553.775.

1215 |       (b) If a state university, state community college, or  
 1216 | public school district elects to use a local government's code  
 1217 | enforcement offices:

1218 |       1. Fees charged by counties and municipalities for  
 1219 | enforcement of the Florida Building Code on buildings,  
 1220 | structures, and facilities of state universities, state  
 1221 | colleges, and public school districts may ~~shall~~ not be more than  
 1222 | the actual labor and administrative costs incurred for plans  
 1223 | review and inspections to ensure compliance with the code.

1224           2. Counties and municipalities shall expedite building  
 1225 construction permitting, building plans review, and inspections  
 1226 of projects of state universities, state community colleges, and  
 1227 public school districts that ~~which~~ are subject to the Florida  
 1228 Building Code according to guidelines established by the Florida  
 1229 Building Commission.

1230           3. A party substantially affected by an interpretation of  
 1231 the Florida Building Code by the local government's code  
 1232 enforcement offices may appeal the interpretation to the local  
 1233 government's board of adjustment and appeal or to the commission  
 1234 under s. 553.775 if no local board exists. The decision of a  
 1235 local board is reviewable in accordance with s. 553.775.

1236           (c) The Florida Building Commission and code enforcement  
 1237 jurisdictions shall consider balancing code criteria and  
 1238 enforcement to unique functions, where they occur, of research  
 1239 institutions by application of performance criteria in lieu of  
 1240 prescriptive criteria.

1241           (d) School boards, community college boards, and state  
 1242 universities may use annual facility maintenance permits to  
 1243 facilitate routine maintenance, emergency repairs, building  
 1244 refurbishment, and minor renovations of systems or equipment.  
 1245 The amount expended for maintenance projects may not exceed  
 1246 \$200,000 per project. A facility maintenance permit is valid for  
 1247 1 year. A detailed log of alterations and inspections must be  
 1248 maintained and annually submitted to the building official. The  
 1249 building official retains the right to make inspections at the  
 1250 facility site as he or she considers necessary. Code compliance  
 1251 must be provided upon notification by the building official. If

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1252 a pattern of code violations is found, the building official may  
1253 withhold the issuance of future annual facility maintenance  
1254 permits.

1255  
1256 ~~Nothing in~~ This part may not ~~shall~~ be construed to authorize  
1257 counties, municipalities, or code enforcement districts to  
1258 conduct any permitting, plans review, or inspections not covered  
1259 by the Florida Building Code. Any actions by counties or  
1260 municipalities not in compliance with this part may be appealed  
1261 to the Florida Building Commission. The commission, upon a  
1262 determination that actions not in compliance with this part have  
1263 delayed permitting or construction, may suspend the authority of  
1264 a county, municipality, or code enforcement district to enforce  
1265 the Florida Building Code on the buildings, structures, or  
1266 facilities of a state university, state community college, or  
1267 public school district and provide for code enforcement at the  
1268 expense of the state university, state community college, or  
1269 public school district.

1270 (7) The governing bodies of local governments may provide  
1271 a schedule of reasonable fees, as authorized by s. 125.56(2) or  
1272 s. 166.222 and this section, for enforcing this part. These  
1273 fees, and any fines or investment earnings related to the fees,  
1274 shall be used solely for carrying out the local government's  
1275 responsibilities in enforcing the Florida Building Code. When  
1276 providing a schedule of reasonable fees, the total estimated  
1277 annual revenue derived from fees, and the fines and investment  
1278 earnings related to the fees, may not exceed the total estimated  
1279 annual costs of allowable activities. Any unexpended balances

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1280 shall be carried forward to future years for allowable  
1281 activities or shall be refunded at the discretion of the local  
1282 government. The basis for a fee structure for allowable  
1283 activities shall relate to the level of service provided by the  
1284 local government. Fees charged shall be consistently applied.

1285 (a) As used in this subsection, the phrase "enforcing the  
1286 Florida Building Code" includes the direct costs and reasonable  
1287 indirect costs associated with review of building plans,  
1288 building inspections, reinspections, building permit processing;  
1289 building code enforcement; and fire inspections associated with  
1290 new construction. The phrase may also include training costs  
1291 associated with the enforcement of the Florida Building Code and  
1292 enforcement action pertaining to unlicensed contractor activity  
1293 to the extent not funded by other user fees.

1294 (b) The following activities may not be funded with fees  
1295 adopted for enforcing the Florida Building Code:

1296 1. Planning and zoning or other general government  
1297 activities.

1298 2. Inspections of public buildings for a reduced fee or no  
1299 fee.

1300 3. Public information requests, community functions,  
1301 boards, and any program not directly related to enforcement of  
1302 the Florida Building Code.

1303 4. Enforcement and implementation of any other local  
1304 ordinance, excluding validly adopted local amendments to the  
1305 Florida Building Code and excluding any local ordinance directly  
1306 related to enforcing the Florida Building Code as defined in  
1307 paragraph (a).

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1308       (c) A local government shall use recognized management,  
 1309 accounting, and oversight practices to ensure that fees, fines,  
 1310 and investment earnings generated under this subsection are  
 1311 maintained and allocated or used solely for the purposes  
 1312 described in paragraph (a).

1313       (8) The Department of Agriculture and Consumer Services is  
 1314 not subject to local government permitting requirements, plan  
 1315 review, or inspection fees for agricultural structures, such as  
 1316 equipment storage sheds and pole barns that are not used by the  
 1317 public.

1318       Section 16. Paragraph (c) is added to subsection (17) of  
 1319 section 120.80, Florida Statutes, to read:

1320       120.80 Exceptions and special requirements; agencies.--

1321       (17) FLORIDA BUILDING COMMISSION.--

1322       (c) Notwithstanding ss. 120.565, 120.569, and 120.57, the  
 1323 Florida Building Commission and hearing officer panels appointed  
 1324 by the commission in accordance with s. 553.775(3)(c)1. may  
 1325 conduct proceedings to review decisions of local building code  
 1326 officials in accordance with s. 553.775(3)(c).

1327       Section 17. Section 553.841, Florida Statutes, is amended  
 1328 to read:

1329       (Substantial rewording of section. See  
 1330 s. 533.841, F.S., for present text.)

1331       553.841 Building code education and outreach program.--

1332       (1) The Legislature finds that the effectiveness of the  
 1333 building codes of this state depends on the performance of all  
 1334 participants, as demonstrated through knowledge of the codes and  
 1335 commitment to compliance with code directives, and that to



1336 strengthen compliance by industry and enforcement by government,  
 1337 a building code education and outreach program is needed.

1338 (2) There is created the Building Code Education and  
 1339 Outreach Council to coordinate, develop, and maintain education  
 1340 and outreach to ensure administration and enforcement of the  
 1341 Florida Building Code.

1342 (3) The Building Code Education and Outreach Council shall  
 1343 be composed of the following members:

1344 (a) Three representatives of the Florida Building  
 1345 Commission, one of whom must be a member of a Florida-based  
 1346 organization of persons with disabilities or a nationally  
 1347 chartered organization of persons with disabilities having  
 1348 chapters in this state, selected by the commission;

1349 (b) One representative of the Florida Building Code  
 1350 Administrators and Inspectors Board, selected by that board;

1351 (c) One representative of the Construction Industry  
 1352 Licensing Board, selected by that board;

1353 (d) One representative of the Electrical Contractors'  
 1354 Licensing Board, selected by that board;

1355 (e) One representative of the Florida Board of  
 1356 Professional Engineers, selected by that board;

1357 (f) One architect representative of the Board of  
 1358 Architecture and Interior Design, selected by that board;

1359 (g) One interior designer representative of the Board of  
 1360 Architecture and Interior Design, selected by that board;

1361 (h) One representative of the Board of Landscape  
 1362 Architecture, selected by that board; and

1363        (i) One representative from the office of the State Fire  
 1364 Marshal, selected by that office.

1365  
 1366 Each member of the board shall be appointed to a 2-year term and  
 1367 may be reappointed at the discretion of the appointing body. A  
 1368 chair shall be elected by majority vote of the council and shall  
 1369 serve a term of 1 year.

1370        (4) The Building Code Education and Outreach Council shall  
 1371 meet in Tallahassee no more than semiannually. The council may  
 1372 meet more often but not more than monthly, and such additional  
 1373 meetings shall be by telephone conference call. Travel costs, if  
 1374 any, shall be borne by the respective appointing entity. The  
 1375 Department of Community Affairs shall provide administrative  
 1376 support to the council; however, the department may contract  
 1377 with an entity that has previous experience with building code  
 1378 training, development, and coordination to provide  
 1379 administrative support for the council.

1380        (5) The Building Code Education and Outreach Council  
 1381 shall:

1382        (a) Consider and determine any policies or procedures  
 1383 needed to administer ss. 489.109(3) and 489.509(3).

1384        (b) Administer the provisions of this section.

1385        (c) Determine the areas of priority for which funds should  
 1386 be expended for education and outreach.

1387        (d) Review all proposed subjects for advanced courses  
 1388 concerning the Florida Building Code and recommend to the  
 1389 commission any related subjects that should be approved for  
 1390 advanced courses.

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1391           (6) The Building Code Education and Outreach Council shall  
 1392 maintain, update, develop, or cause to be developed:

1393           (a) A core curriculum that is prerequisite to the advanced  
 1394 module coursework.

1395           (b) Advanced modules designed for use by each profession.

1396           (c) The core curriculum developed under this subsection  
 1397 must be approved by the commission and submitted to the  
 1398 Department of Business and Professional Regulation for approval.  
 1399 Advanced modules developed under this paragraph must be approved  
 1400 by the commission and submitted to the respective boards for  
 1401 approval.

1402           (7) The core curriculum shall cover the information  
 1403 required to have all categories of participants appropriately  
 1404 informed as to their technical and administrative  
 1405 responsibilities in the effective execution of the code process  
 1406 by all individuals currently licensed under part XII of chapter  
 1407 468, chapter 471, chapter 481, or chapter 489, except as  
 1408 otherwise provided in s. 471.017. The core curriculum shall be  
 1409 prerequisite to the advanced module coursework for all licensees  
 1410 and shall be completed by individuals licensed in all categories  
 1411 under part XII of chapter 468, chapter 471, chapter 481, or  
 1412 chapter 489 within the first 2-year period after initial  
 1413 licensure. Core course hours taken by licensees to complete this  
 1414 requirement shall count toward fulfillment of required  
 1415 continuing education units under part XII of chapter 468,  
 1416 chapter 471, chapter 481, or chapter 489.

1417           (8) Each biennium, upon receipt of funds by the Department  
 1418 of Community Affairs from the Construction Industry Licensing

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1419 Board and the Electrical Contractors' Licensing Board provided  
1420 under ss. 489.109(3) and 489.509(3), the council shall determine  
1421 the amount of funds available for education and outreach  
1422 projects from the proceeds of contractor licensing fees and  
1423 identify, solicit, and accept funds from other sources for  
1424 education and outreach projects.

1425 (9) If funds collected for education and outreach projects  
1426 in any year do not require the use of all available funds, the  
1427 unused funds shall be carried forward and allocated for use  
1428 during the following fiscal year.

1429 (10) The commission shall consider and approve or reject  
1430 the recommendations made by the council for subjects for  
1431 education and outreach concerning the Florida Building Code. Any  
1432 rejection must be made with specificity and must be communicated  
1433 to the council.

1434 (11) The commission shall adopt rules for establishing  
1435 procedures and criteria for the approval of advanced courses.  
1436 This section does not modify or eliminate the continuing  
1437 education course requirements or authority of any licensing  
1438 board under part XII of chapter 468, chapter 471, chapter 481,  
1439 or chapter 489.

1440 Section 18. Section 553.8413, Florida Statutes, is  
1441 repealed.

1442 Section 19. Subsections (6) through (16) of section  
1443 553.842, Florida Statutes, are renumbered as subsections (5)  
1444 through (15), respectively, and present subsections (3) through  
1445 (8), paragraph (a) of subsection (9), and subsection (16) of  
1446 said section are amended to read:

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1447           553.842 Product evaluation and approval.--  
 1448           (3) Products or methods or systems of construction that  
 1449 require approval under s. 553.77, that have standardized testing  
 1450 or comparative or rational analysis methods established by the  
 1451 code, and that are certified by an approved product evaluation  
 1452 entity, testing laboratory, or certification agency as complying  
 1453 with the standards specified by the code shall be approved for  
 1454 ~~local or~~ statewide use. Products required to be approved for  
 1455 statewide use shall be approved by one of the methods  
 1456 established in subsection (5) ~~(6)~~ without further evaluation.  
 1457           (4) ~~By October 1, 2003,~~ Products or methods or systems of  
 1458 construction requiring approval under s. 553.77 must be approved  
 1459 by one of the methods established in subsection (5) ~~or~~  
 1460 ~~subsection (6)~~ before their use in construction in this state.  
 1461 Products may be approved ~~either~~ by the commission for statewide  
 1462 use, ~~or by a local building department for use in that~~  
 1463 ~~department's jurisdiction only.~~ Notwithstanding a local  
 1464 government's authority to amend the Florida Building Code as  
 1465 provided in this act, statewide approval shall preclude local  
 1466 jurisdictions from requiring further testing, evaluation, or  
 1467 submission of other evidence as a condition of using the product  
 1468 so long as the product is being used consistent with the  
 1469 conditions of its approval.  
 1470           ~~(5) Local approval of products or methods or systems of~~  
 1471 ~~construction may be achieved by the local building official~~  
 1472 ~~through building plans review and inspection to determine that~~  
 1473 ~~the product, method, or system of construction complies with the~~  
 1474 ~~prescriptive standards established in the code. Alternatively,~~

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1475 ~~local approval may be achieved by one of the methods established~~  
 1476 ~~in subsection (6).~~

1477 (5)~~(6)~~ Statewide ~~or local~~ approval of products, methods,  
 1478 or systems of construction may be achieved by one of the  
 1479 following methods. One of these methods must be used by ~~local~~  
 1480 ~~officials~~ or the commission to approve the following categories  
 1481 of products: panel walls, exterior doors, roofing, skylights,  
 1482 windows, shutters, and structural components as established by  
 1483 the commission by rule.

1484 (a) Products for which the code establishes standardized  
 1485 testing or comparative or rational analysis methods shall be  
 1486 approved by submittal and validation of one of the following  
 1487 reports or listings indicating that the product or method or  
 1488 system of construction was evaluated to be in compliance with  
 1489 the Florida Building Code and that the product or method or  
 1490 system of construction is, for the purpose intended, at least  
 1491 equivalent to that required by the Florida Building Code:

- 1492 1. A certification mark or listing of an approved  
 1493 certification agency;
- 1494 2. A test report from an approved testing laboratory;
- 1495 3. A product evaluation report based upon testing or  
 1496 comparative or rational analysis, or a combination thereof, from  
 1497 an approved product evaluation entity; or
- 1498 4. A product evaluation report based upon testing or  
 1499 comparative or rational analysis, or a combination thereof,  
 1500 developed and signed and sealed by a professional engineer or  
 1501 architect, licensed in this state.

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1503 | A product evaluation report or a certification mark or listing  
 1504 | of an approved certification agency which demonstrates that the  
 1505 | product or method or system of construction complies with the  
 1506 | Florida Building Code for the purpose intended shall be  
 1507 | equivalent to a test report and test procedure as referenced in  
 1508 | the Florida Building Code.

1509 | (b) Products, methods, or systems of construction for  
 1510 | which there are no specific standardized testing or comparative  
 1511 | or rational analysis methods established in the code may be  
 1512 | approved by submittal and validation of one of the following:

1513 | 1. A product evaluation report based upon testing or  
 1514 | comparative or rational analysis, or a combination thereof, from  
 1515 | an approved product evaluation entity indicating that the  
 1516 | product or method or system of construction was evaluated to be  
 1517 | in compliance with the intent of the Florida Building Code and  
 1518 | that the product or method or system of construction is, for the  
 1519 | purpose intended, at least equivalent to that required by the  
 1520 | Florida Building Code; or

1521 | 2. A product evaluation report based upon testing or  
 1522 | comparative or rational analysis, or a combination thereof,  
 1523 | developed and signed and sealed by a professional engineer or  
 1524 | architect, licensed in this state, who certifies that the  
 1525 | product or method or system of construction is, for the purpose  
 1526 | intended, at least equivalent to that required by the Florida  
 1527 | Building Code.

1528 | (6)~~(7)~~ The commission shall ensure that product  
 1529 | manufacturers that obtain statewide product approval operate  
 1530 | quality assurance programs for all approved products. The

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1531 commission shall adopt by rule criteria for operation of the  
1532 quality assurance programs.

1533 ~~(7)(8) For local approvals, validation shall be performed~~  
1534 ~~by the local building official. The commission shall adopt by~~  
1535 ~~rule criteria constituting complete validation by the local~~  
1536 ~~official, including, but not limited to, criteria governing~~  
1537 ~~verification of a quality assurance program. For state~~  
1538 approvals, validation shall be performed by validation entities  
1539 approved by the commission. The commission shall adopt by rule  
1540 criteria for approval of validation entities, which shall be  
1541 third-party entities independent of the product's manufacturer  
1542 and which shall certify to the commission the product's  
1543 compliance with the code.

1544 ~~(8)(9)~~ The commission may adopt rules to approve the  
1545 following types of entities that produce information on which  
1546 product approvals are based. All of the following entities,  
1547 including engineers and architects, must comply with a  
1548 nationally recognized standard demonstrating independence or no  
1549 conflict of interest:

1550 (a) Evaluation entities that meet the criteria for  
1551 approval adopted by the commission by rule. The commission shall  
1552 specifically approve the National Evaluation Service, the  
1553 International Conference of Building Officials Evaluation  
1554 Services, the International Code Council Evaluation Services,  
1555 the Building Officials and Code Administrators International  
1556 Evaluation Services, the Southern Building Code Congress  
1557 International Evaluation Services, and the Miami-Dade County  
1558 Building Code Compliance Office Product Control. Architects and



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1559 engineers licensed in this state are also approved to conduct  
1560 product evaluations as provided in subsection (5) ~~(6)~~.

1561 ~~(15)(16) The commission may adopt a rule listing the~~  
1562 ~~prescriptive, material standards and alternative means by which~~  
1563 ~~products subject to those standards may demonstrate compliance~~  
1564 ~~with the code. The commission shall establish a schedule for~~  
1565 ~~adoption of the rules required in this section to ensure that~~  
1566 ~~the product manufacturing industry has sufficient time to revise~~  
1567 ~~products to meet the requirements for approval and submit them~~  
1568 ~~for testing or evaluation before the system takes effect on~~  
1569 ~~October 1, 2003, and to ensure that the availability of~~  
1570 ~~statewide approval is not delayed.~~

1571 Section 20. Local product approval.--

1572 (1) For local product approval, products or systems of  
1573 construction shall demonstrate compliance with the structural  
1574 windload requirements of the Florida Building Code through one  
1575 of the following methods:

1576 (a) A certification mark, listing, or label from a  
1577 commission-approved certification agency indicating that the  
1578 product complies with the code;

1579 (b) A test report from a commission-approved testing  
1580 laboratory indicating that the product tested complies with the  
1581 code;

1582 (c) A product-evaluation report based upon testing,  
1583 comparative or rational analysis, or a combination thereof, from  
1584 a commission-approved product evaluation entity which indicates  
1585 that the product evaluated complies with the code;

1586        (d) A product-evaluation report or certification based  
 1587 upon testing or comparative or rational analysis, or a  
 1588 combination thereof, developed and signed and sealed by a  
 1589 Florida professional engineer or Florida registered architect,  
 1590 which indicates that the product complies with the code;

1591        (e) A statewide product approval issued by the Florida  
 1592 Building Commission; or

1593        (f) Designation of compliance with a prescriptive,  
 1594 material standard as adopted by the commission by rule pursuant  
 1595 to s. 553.842(16), Florida Statutes.

1596        (2) For product-evaluation reports that indicate  
 1597 compliance with the code based upon a test report from an  
 1598 approved testing laboratory and rational or comparative analysis  
 1599 by a Florida registered architect or Florida professional  
 1600 engineer, the testing laboratory or the evaluating architect or  
 1601 engineer must certify independence from the product  
 1602 manufacturer.

1603        (3) Local building officials may accept modifications to  
 1604 approved products or their installations if sufficient evidence  
 1605 is submitted to the local building official to demonstrate  
 1606 compliance with the code or the intent of the code, including  
 1607 such evidence as certifications from a Florida registered  
 1608 architect or Florida professional engineer.

1609        (4) Products demonstrating compliance shall be  
 1610 manufactured under a quality assurance program audited by an  
 1611 approved quality assurance entity.

1612       (5) Products bearing a certification mark, label, or  
 1613 listing by an approved certification agency require no further  
 1614 documentation to establish compliance with the code.

1615       (6) Upon review of the compliance documentation which  
 1616 indicates compliance with the code, the authority having  
 1617 jurisdiction or a local building official shall deem the product  
 1618 approved for use in accordance with its approval and limitation  
 1619 of use.

1620       (7) Approval shall be valid until such time as the product  
 1621 changes and decreases in performance; the standards of the code  
 1622 change, requiring increased performance; or the approval is  
 1623 otherwise suspended or revoked. Changes to the code do not void  
 1624 the approval of products previously installed in existing  
 1625 buildings if such products met building code requirements at the  
 1626 time the product was installed.

1627       Section 21. Mitigation grant program guidelines.--

1628       (1) The Legislature finds that facilities owned by the  
 1629 government and those designated to protect the public should be  
 1630 the first to adopt the best practices, active risk management,  
 1631 and improved security planning. These facilities should be  
 1632 protected to a higher level.

1633       (2) Beginning with grant funds approved after July 1,  
 1634 2005, the construction of new or retrofitted window or door  
 1635 covering that is funded by a hazard mitigation grant program or  
 1636 shelter retrofit program must conform to design drawings that  
 1637 are signed, sealed, and inspected by a structural engineer who  
 1638 is registered in this state. Before the Department of Community  
 1639 Affairs forwards payment to a recipient of the grant, an

1640 inspection report and attestation or a copy of the sign and  
 1641 sealed plans shall be provided to the department.

1642 (3) If the construction is funded by a hazard mitigation  
 1643 grant or shelter retrofit program, the Department of Community  
 1644 Affairs shall advise the county, municipality, or other entity  
 1645 applying for the grant that the cost or price of the project is  
 1646 not the sole criterion for selecting a vendor.

1647 (4) A project funded under mitigation or retrofit grants  
 1648 are subject to inspection by the local building officials in the  
 1649 county in which the project is performed.

1650 Section 22. Notwithstanding any provision of the Florida  
 1651 Building Code to the contrary, backflow prevention assemblies  
 1652 must be inspected once every 5 years.

1653 Section 23. Subsections (5), (14), and (18) of section  
 1654 633.021, Florida Statutes, are amended to read:

1655 633.021 Definitions.--As used in this chapter:

1656 (5)(a) "Contractor I" means a contractor whose business  
 1657 includes the execution of contracts requiring the ability to lay  
 1658 out, fabricate, install, inspect, alter, repair, and service all  
 1659 types of fire protection systems, excluding preengineered  
 1660 systems.

1661 (b) "Contractor II" means a contractor whose business is  
 1662 limited to the execution of contracts requiring the ability to  
 1663 lay out, fabricate, install, inspect, alter, repair, and service  
 1664 water sprinkler systems, water spray systems, foam-water  
 1665 sprinkler systems, foam-water spray systems, standpipes,  
 1666 combination standpipes and sprinkler risers, all piping that is  
 1667 an integral part of the system beginning at the point of service

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1668 | as defined in this section ~~where the piping is used exclusively~~  
 1669 | ~~for fire protection~~, sprinkler tank heaters, air lines, thermal  
 1670 | systems used in connection with sprinklers, and tanks and pumps  
 1671 | connected thereto, excluding preengineered systems.

1672 | (c) "Contractor III" means a contractor whose business is  
 1673 | limited to the execution of contracts requiring the ability to  
 1674 | ~~lay out~~, fabricate, install, inspect, alter, repair, and service  
 1675 | CO<sub>2</sub> systems, foam extinguishing systems, dry chemical systems,  
 1676 | and Halon and other chemical systems, excluding preengineered  
 1677 | systems.

1678 | (d) "Contractor IV" means a contractor whose business is  
 1679 | limited to the execution of contracts requiring the ability to  
 1680 | lay out, fabricate, install, inspect, alter, repair, and service  
 1681 | automatic fire sprinkler systems for detached one-family  
 1682 | dwellings, detached two-family dwellings, and mobile homes,  
 1683 | excluding preengineered systems and excluding single-family  
 1684 | homes in cluster units, such as apartments, condominiums, and  
 1685 | assisted living facilities or any building that is connected to  
 1686 | other dwellings.

1687 | (e) "Contractor V" means a contractor whose business is  
 1688 | limited to the execution of contracts requiring the ability to  
 1689 | ~~lay out~~, fabricate, install, inspect, alter, repair, and service  
 1690 | the underground piping for a fire protection system using water  
 1691 | as the extinguishing agent beginning at the point of service as  
 1692 | defined in this section ~~at which the piping is used exclusively~~  
 1693 | ~~for fire protection~~ and ending no more than 1 foot above the  
 1694 | finished floor.

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1696 The definitions in this subsection must not be construed to  
 1697 include fire protection engineers or architects and do not limit  
 1698 or prohibit a licensed fire protection engineer or architect  
 1699 from designing any type of fire protection system. A distinction  
 1700 is made between system design concepts prepared by the design  
 1701 professional and system layout as defined in this section and  
 1702 typically prepared by the contractor. However, persons certified  
 1703 as a Contractor I, Contractor II, or Contractor IV under this  
 1704 chapter may design fire protection systems of 49 or fewer  
 1705 sprinklers heads, and may design the alteration of an existing  
 1706 fire sprinkler system if the alteration consists of the  
 1707 relocation, addition, or deletion of not more than 49 sprinklers  
 1708 ~~heads~~, notwithstanding the size of the existing fire sprinkler  
 1709 system. A Contractor I, Contractor II, or Contractor IV may  
 1710 design a fire protection system the scope of which complies with  
 1711 NFPA 13D, Standard for the Installation of Sprinkler Systems in  
 1712 One- and Two-Family Dwellings and Manufactured Homes, as adopted  
 1713 by the State Fire Marshal, notwithstanding the number of fire  
 1714 sprinklers. Contractor-developed ~~Such~~ plans may not be required  
 1715 by any local permitting authority to be sealed by a registered  
 1716 professional engineer.

1717 (14) "Layout" as used in this chapter means the layout of  
 1718 risers, cross mains, branch lines, sprinkler heads, sizing of  
 1719 pipe, hanger locations, and hydraulic calculations in accordance  
 1720 with the design concepts established through the provisions of  
 1721 the Responsibility Rules adopted by the Board of Professional  
 1722 Engineers ~~s. 553.79(6)(e).~~

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1723           (18) "Point of service ~~Point of service~~" means the point  
1724 at which the underground piping for a fire protection ~~sprinkler~~  
1725 system as defined in this section using water as the  
1726 extinguishing agent becomes used exclusively for the fire  
1727 protection ~~sprinkler~~ system. ~~The point of service is designated~~  
1728 ~~by the engineer who sealed the plans for a system of 50 or more~~  
1729 ~~heads or by the contractor who designed the plans for a system~~  
1730 ~~of 49 or fewer heads.~~

1731           Section 24. Subsection (11) is added to section 633.0215,  
1732 Florida Statutes, to read:

1733           633.0215 Florida Fire Prevention Code.--

1734           (11) The design of interior stairways within dwelling  
1735 units, including stair tread width and riser height, landings,  
1736 handrails, and guards, must be consistent with chapter 10 of the  
1737 Florida Building Code.

1738           Section 25. Subsection (9) of section 633.025, Florida  
1739 Statutes, is amended, and subsection (10) is added to said  
1740 section, to read:

1741           633.025 Minimum firesafety standards.--

1742           (9) The provisions of the Life Safety Code shall not apply  
1743 to newly constructed one-family and two-family dwellings.  
1744 However, fire sprinkler protection may be permitted by local  
1745 government in lieu of other fire protection-related development  
1746 requirements for such structures. While local governments may  
1747 adopt fire sprinkler requirements for one-family and two-family  
1748 dwellings pursuant to this subsection, it is the intent of the  
1749 Legislature that the economic consequences of the fire sprinkler  
1750 mandate on homeowners be investigated prior to the enactment of

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1751 such requirement. After the effective date of this act, each  
 1752 local government that desires to adopt a fire sprinkler  
 1753 requirement on one-family or two-family dwellings shall prepare  
 1754 an economic cost-benefit report which analyzes the application  
 1755 of fire sprinklers to one-family or two-family dwellings or any  
 1756 proposed residential subdivision. The report shall consider the  
 1757 tradeoffs and specific cost savings and benefits of fire  
 1758 sprinklers for future property owners. The report shall include  
 1759 an assessment of the cost savings from any reduced or eliminated  
 1760 impact fees, if applicable; the reduction in special fire  
 1761 district tax, insurance fees, and other taxes or fees imposed;  
 1762 and the waiver of certain infrastructure requirements, including  
 1763 the reduction of roadway widths, the reduction of water line  
 1764 sizes, increased fire hydrant spacing, increased dead-end  
 1765 roadway length, and a reduction in cul-de-sac sizes relative to  
 1766 the costs from fire sprinkling. The failure to prepare an  
 1767 economic report shall result in the invalidation of such fire  
 1768 sprinkler requirement to any one-family or two-family dwelling  
 1769 or any proposed subdivision. In addition, no local jurisdiction  
 1770 or utility shall charge any additional fee, above what is  
 1771 charged to a dwelling without a fire sprinkler, on the basis  
 1772 that a one-family or two-family dwelling unit is protected by a  
 1773 fire sprinkler system.

1774 (10) Prior to imposing a fire sprinkler requirement on any  
 1775 one-family or two-family dwelling, local governments shall  
 1776 provide the owner of any one-family or two-family dwelling a  
 1777 letter documenting specific infrastructure or other tax or fee  
 1778 allowances and waivers as listed in, but not limited to,



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1779 subsection (9) for the dwelling, and the letter shall show that  
 1780 the cost savings reasonably approximate the cost of the purchase  
 1781 and installation of a fire protection system.

1782 Section 26. Section 633.026, Florida Statutes, is created  
 1783 to read:

1784 633.026 Informal interpretations of the Florida Fire  
 1785 Prevention Code.--The Division of State Fire Marshal shall by  
 1786 rule establish an informal process of rendering nonbinding  
 1787 interpretations of the Florida Fire Prevention Code. The  
 1788 Division of State Fire Marshal may contract with and refer  
 1789 interpretive issues to a nonprofit organization that has  
 1790 experience in interpreting and enforcing provisions of the  
 1791 Florida Fire Prevention Code. The Division of State Fire Marshal  
 1792 shall immediately implement the process prior to the completion  
 1793 of formal rulemaking. It is the intent of the Legislature that  
 1794 the Division of State Fire Marshal create a process to refer  
 1795 questions to a small group of individuals certified under s.  
 1796 633.081(2), to which a party can pose questions regarding the  
 1797 interpretation of code provisions. It is the intent of the  
 1798 Legislature that the process provide for the expeditious  
 1799 resolution of the issues presented and publication of the  
 1800 resulting interpretation on the website of the Division of State  
 1801 Fire Marshal. It is the intent of the Legislature that this  
 1802 program be similar to the program established by the Florida  
 1803 Building Commission in s. 553.77(7). Such interpretations shall  
 1804 be advisory only and nonbinding on the parties or the State Fire  
 1805 Marshal. In order to administer this section, the department may  
 1806 adopt by rule and impose a fee for nonbinding interpretations

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1807 | with payment made directly to the third party. The fee shall not  
 1808 | exceed \$150 for each request for a review or interpretation.

1809 | Section 27. Section 633.071, Florida Statutes, is amended  
 1810 | to read:

1811 | 633.071 Standard service tag required on all fire  
 1812 | extinguishers and preengineered systems; serial number required  
 1813 | on all portable fire extinguishers; standard inspection tags  
 1814 | required on all fire protection systems.--

1815 | (1) The State Fire Marshal shall adopt by rule  
 1816 | specifications as to the size, shape, color, and information and  
 1817 | data contained thereon of service tags to be attached to all  
 1818 | fire extinguishers and preengineered systems required by statute  
 1819 | or by rule, whether they be portable, stationary, or on wheels  
 1820 | when they are placed in service, installed, serviced, repaired,  
 1821 | tested, recharged, or inspected. Fire extinguishers may be  
 1822 | tagged only after meeting all standards as set forth by this  
 1823 | chapter, the standards of the National Fire Protection  
 1824 | Association, and manufacturer's specifications. Preengineered  
 1825 | systems may be tagged only after a system has been inspected,  
 1826 | serviced, installed, repaired, tested, recharged, and  
 1827 | hydrotested in compliance with this chapter, the standards of  
 1828 | the National Fire Protection Association, and the manufacturer's  
 1829 | specifications, and after a report, as specified by rule, has  
 1830 | been completed in detail, indicating any and all deficiencies or  
 1831 | deviations from the manufacturer's specifications and the  
 1832 | standards of the National Fire Protection Association. A copy of  
 1833 | the inspection report shall be provided to the owner at the time  
 1834 | of inspection, and, if a system is found to be in violation of

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1835 | this chapter, the manufacturer's specifications, or the  
 1836 | standards of the National Fire Protection Association, a copy  
 1837 | shall be forwarded to the state or local authority having  
 1838 | jurisdiction within 30 days from the date of service. It shall  
 1839 | be unlawful to place in service, service, test, repair, inspect,  
 1840 | install, hydrotest, or recharge any fire extinguisher or  
 1841 | preengineered system without attaching one of these tags  
 1842 | completed in detail, including the actual month work was  
 1843 | performed, or to use a tag not meeting the specifications set  
 1844 | forth by the State Fire Marshal.

1845 |         (2) All portable fire extinguishers required by statute or  
 1846 | by rule shall be listed by Underwriters Laboratories, Inc., or  
 1847 | approved by Factory Mutual Laboratories, Inc., or listed by a  
 1848 | nationally recognized testing laboratory in accordance with  
 1849 | procedures adopted pursuant to s. 633.083(2), and carry an  
 1850 | Underwriters Laboratories, Inc., or manufacturer's serial  
 1851 | number. These listings, approvals, and serial numbers may be  
 1852 | stamped on the manufacturer's identification and instructions  
 1853 | plate or on a separate Underwriters Laboratories, Inc., or  
 1854 | Factory Mutual Laboratories, Inc., plate soldered or attached to  
 1855 | the extinguisher shell in some permanent manner.

1856 |         (3) The State Fire Marshal shall adopt by rule  
 1857 | specifications as to the size, shape, color, information, and  
 1858 | data contained thereon of inspection tags to be attached to all  
 1859 | types of fire protection systems and information required on an  
 1860 | inspection report of such an inspection.

1861 |         Section 28. Section 633.082, Florida Statutes, is amended  
 1862 | to read:

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1863 |           633.082 Inspection of fire control systems and fire  
1864 | protection systems.--

1865 |           (1) The State Fire Marshal shall have the right to inspect  
1866 | any fire control system during and after construction to  
1867 | determine that such system meets the standards set forth in the  
1868 | laws and rules of the state.

1869 |           (2) Fire protection systems installed in public and  
1870 | private properties, except one-family or two-family dwellings,  
1871 | in this state shall be inspected following procedures  
1872 | established in the nationally recognized inspection, testing,  
1873 | and maintenance standard NFPA-25 as set forth in the edition  
1874 | adopted by the State Fire Marshal. Quarterly, annual, 3-year,  
1875 | and 5-year inspections consistent with the contractual  
1876 | provisions with the owner shall be conducted by the  
1877 | certificateholder or permittees employed by the  
1878 | certificateholder pursuant to s. 633.521.

1879 |           (3) The inspecting contractor shall provide to the  
1880 | building owner and the local authority having jurisdiction a  
1881 | copy of the inspection report established under s. 633.071(3).  
1882 | The maintenance of fire protection systems as well as corrective  
1883 | actions on deficient systems is the responsibility of the owner  
1884 | of the system or hydrant. This section does not prohibit  
1885 | governmental entities from inspecting and enforcing firesafety  
1886 | codes.

1887 |           Section 29. Section 633.521, Florida Statutes, is amended  
1888 | to read:

1889 |           633.521 Certificate application and issuance; permit  
1890 | issuance; examination and investigation of applicant.--

1891 (1) To obtain a certificate, an applicant shall submit to  
 1892 the State Fire Marshal an application in writing, on a form  
 1893 provided by the State Fire Marshal containing the information  
 1894 prescribed, which shall be accompanied by the fee fixed herein,  
 1895 containing a statement that the applicant desires the issuance  
 1896 of a certificate and stating the class of certificate requested.

1897 (2)(a) Examinations shall be administered by the State  
 1898 Fire Marshal and held at times and places within the state as  
 1899 the State Fire Marshal determines, but there shall be at least  
 1900 two examinations a year. Each applicant shall take and pass an  
 1901 objective, written examination of her or his fitness for a  
 1902 certificate in the class for which the application is requested.  
 1903 There shall be a type of examination for each of the classes of  
 1904 certificates defined in s. 633.021(5). The examination shall  
 1905 test the applicant's ability to lay out, fabricate, install,  
 1906 alter, repair, and inspect fire protection systems and their  
 1907 appurtenances and shall test the applicant's fitness in business  
 1908 and financial management. The test shall be based on applicable  
 1909 standards of the National Fire Protection Association and on  
 1910 relevant Florida and federal laws pertaining to the construction  
 1911 industry, safety standards, administrative procedures, and  
 1912 pertinent technical data.

1913 (b) A passing grade on the examination is 70 percent, and  
 1914 such examinations may be developed by an independent  
 1915 professional testing agency. The tests shall be prepared,  
 1916 administered, and scored in compliance with generally accepted  
 1917 professional testing standards.

1918 (c) The division shall solicit suggestions from affected  
1919 persons regarding the content of examinations.

1920 (d) A reexamination may not be scheduled sooner than 30  
1921 days after any administration of an examination to an applicant.

1922 (e) An applicant may not be examined more than four times  
1923 during 1 year for certification as a contractor pursuant to this  
1924 section unless the person is or has been certified and is taking  
1925 the examination to change classifications. If an applicant does  
1926 not pass one or more parts of the examination, she or he may  
1927 take any part of the examination three more times during the 1-  
1928 year period beginning upon the date she or he originally filed  
1929 an application to take the examination. If the applicant does  
1930 not pass the examination within that 1-year period, she or he  
1931 must file a new application and pay the application and  
1932 examination fees in order to take the examination or a part of  
1933 the examination again. However, the applicant may not file a new  
1934 application sooner than 6 months after the date of her or his  
1935 last examination.

1936 (3) As a prerequisite to taking the examination for  
1937 certification as a Contractor I, Contractor II, or Contractor  
1938 III, the applicant must be at least 18 years of age, be of good  
1939 moral character, and shall possess 4 years' proven experience in  
1940 the employment of a fire protection system Contractor I,  
1941 Contractor II, or Contractor III or a combination of equivalent  
1942 education and experience. As a prerequisite to taking the  
1943 examination for certification as a Contractor IV, the applicant  
1944 shall be at least 18 years old, be of good moral character, and  
1945 have at least 2 years' proven experience in the employment of a

1946 fire protection system Contractor I, Contractor II, Contractor  
 1947 III, or Contractor IV or combination of equivalent education and  
 1948 experience which combination need not include experience in the  
 1949 employment of a fire protection system contractor. As a  
 1950 prerequisite to taking the examination for certification as a  
 1951 Contractor V, the applicant shall be at least 18 years old, be  
 1952 of good moral character, and have been licensed as a certified  
 1953 underground utility and excavation contractor or plumbing  
 1954 contractor pursuant to chapter 489, have verification by an  
 1955 individual who is licensed as a certified underground utility  
 1956 and excavation contractor or plumbing contractor pursuant to  
 1957 chapter 489 that the applicant has 4 years' proven experience in  
 1958 the employ of a certified underground utility and excavation  
 1959 contractor or plumbing contractor, or have a combination of  
 1960 education and experience equivalent to 4 years' proven  
 1961 experience in the employ of a certified underground utility and  
 1962 excavation contractor or plumbing contractor. Within 30 days  
 1963 after ~~from~~ the date of the examination, the State Fire Marshal  
 1964 shall inform the applicant in writing whether she or he has  
 1965 qualified or not and, if the applicant has qualified, that she  
 1966 or he is ready to issue a certificate of competency, subject to  
 1967 compliance with the requirements of subsection (4).

1968 (4) As a prerequisite to issuance of a certificate, the  
 1969 State Fire Marshal shall require the applicant to submit  
 1970 satisfactory evidence that she or he has obtained insurance  
 1971 providing coverage for comprehensive general liability for  
 1972 bodily injury and property damages, products liability,  
 1973 completed operations, and contractual liability. The State Fire

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1974 | Marshal may adopt rules providing for the amount of insurance,  
 1975 | but such amount shall not be less than \$500,000 for a Contractor  
 1976 | I, Contractor II, Contractor III, or Contractor V and shall not  
 1977 | be less than \$250,000 for a Contractor IV. An insurer which  
 1978 | provides such coverage shall notify within 30 days the State  
 1979 | Fire Marshal of any material change in coverage or any  
 1980 | termination, cancellation, or nonrenewal of such coverage. An  
 1981 | insurer which fails to so notify the State Fire Marshal's office  
 1982 | shall be subject to the penalties provided under s. 624.4211.

1983 |       (5) Upon satisfaction of the requirements of subsections  
 1984 | (1), (2), (3), and (4), the certificate shall be issued  
 1985 | forthwith. However, no certificate shall remain in effect if,  
 1986 | after issuance, the certificateholder fails to maintain the  
 1987 | insurance coverage required by this section.

1988 |       (6) If an applicant for an original certificate, after  
 1989 | having been notified to do so, does not appear for examination  
 1990 | or does not pass the examination within 1 year from the date of  
 1991 | filing her or his application, the fee paid by the applicant  
 1992 | shall be forfeited. New applications for a certificate shall be  
 1993 | accompanied by another application fee fixed by this chapter.

1994 |       (7) The State Fire Marshal may, at any time subsequent to  
 1995 | the issuance of the certificate or its renewal, require, upon  
 1996 | demand and in no event more than 30 days after notice of the  
 1997 | demand, the certificateholder to provide proof of insurance  
 1998 | coverage on a form provided by the State Fire Marshal containing  
 1999 | confirmation of insurance coverage as required by this chapter.  
 2000 | Failure to provide proof of insurance coverage as required, for  
 2001 | any length of time, shall result in the immediate suspension of



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2002 the certificate until proof of insurance is provided to the  
2003 State Fire Marshal.

2004 (8) An individual employed by a Contractor I or Contractor  
2005 II certificateholder, as established in this section, who will  
2006 be inspecting water-based fire protection systems as required  
2007 under s. 633.082, must be issued a permit by the State Fire  
2008 Marshal to conduct such work. The permit is valid solely for use  
2009 by the holder thereof in his or her employment by the  
2010 certificateholder named in the permit. A permittee must have a  
2011 valid and subsisting permit upon his or her person at all times  
2012 while engaging in inspecting fire protection systems, and a  
2013 permitholder must be able to produce such a permit upon demand.  
2014 In addition, a permittee shall, at all times while performing  
2015 inspections, carry an identification card containing his or her  
2016 photograph and other identifying information as prescribed by  
2017 the State Fire Marshal, and the permittee must produce the  
2018 identification card and information upon demand. The permit and  
2019 the identification may be one and the same. A permittee is  
2020 limited as to the specific type of work performed, depending  
2021 upon the class of certificate held by the certificateholder  
2022 under whom the permittee is working. The permit class shall be  
2023 known as a Water-Based Fire Protection Inspector whose permit  
2024 allows the holder to inspect water sprinkler systems, water  
2025 spray systems, foam-water sprinkler systems, foam-water spray  
2026 systems, standpipes, combination standpipes and sprinkler  
2027 systems, all piping that is an integral part of the system  
2028 beginning at the point where the piping is used exclusively for  
2029 fire protection, sprinkler tank heaters, air lines, thermal

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2030 systems used in connection with sprinklers, and tanks and pumps  
 2031 connected thereto, excluding preengineered systems. It is the  
 2032 intent of the Legislature that the inspections and testing of  
 2033 automatic fire sprinkler systems for detached one-family  
 2034 dwelling, detached two-family dwellings, and mobile homes be  
 2035 accomplished by the owner, who is responsible for requesting  
 2036 service from a contractor when necessary. It is further intended  
 2037 that the NFPA-25 inspection of exposed underground piping  
 2038 supplying a fire protection system be conducted by a Contractor  
 2039 I or Contractor II.

2040 (9) Effective July 1, 2008, the State Fire Marshal shall  
 2041 require the National Institute of Certification in Engineering  
 2042 Technologies (NICET), Sub-field of Inspection and Testing of  
 2043 Fire Protection Systems Level II or equivalent training and  
 2044 education as determined by the division as proof that the  
 2045 permitholders are knowledgeable about nationally accepted  
 2046 standards for the inspection of fire protection systems. It is  
 2047 the intent of this act, from July 1, 2005, until July 1, 2008,  
 2048 to accept continuing education of all certificateholders'  
 2049 employees who perform inspection functions which specifically  
 2050 prepares the permitholder to qualify for NICET II certification.

2051 Section 30. Section 633.524, Florida Statutes, is amended  
 2052 to read:

2053 633.524 Certificate and permit fees; use and deposit of  
 2054 collected funds.--

2055 (1) The initial application fee for each class of  
 2056 certificate shall be \$300. The biennial renewal fee for each  
 2057 class of certificate shall be \$150 ~~\$250~~. The initial application

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2058 fee for the permit classification shall be \$100. The biennial  
 2059 renewal fee for the permit classification shall be \$50. The fee  
 2060 for certificates issued as duplicates or to reflect a change of  
 2061 address is \$15 ~~shall be \$5 each~~. The fee for each examination or  
 2062 reexamination for each class of certificate ~~scheduled~~ shall be  
 2063 \$100.

2064 (2) All moneys collected by the State Fire Marshal  
 2065 pursuant to this chapter are hereby appropriated for the use of  
 2066 the State Fire Marshal in the administration of this chapter and  
 2067 shall be deposited in the Insurance Regulatory Trust Fund.

2068 Section 31. Subsection (4) is added to section 633.537,  
 2069 Florida Statutes, to read:

2070 633.537 Certificate; expiration; renewal; inactive  
 2071 certificate; continuing education.--

2072 (4) The renewal period for the permit class is the same as  
 2073 that of the employing certificateholder. The continuing  
 2074 education requirements for permit holders shall be 8 contact  
 2075 hours by June 30, 2006. An additional 16 contact hours of  
 2076 continuing education is required by June 30, 2008, and during  
 2077 each biennial renewal period thereafter. The continuing  
 2078 education curriculum from July 1, 2005, until July 1, 2008,  
 2079 shall be the preparatory curriculum for NICET II certification;  
 2080 after July 1, 2008, the technical curriculum is at the  
 2081 discretion of the State Fire Marshal. It is the responsibility  
 2082 of the permit holder to maintain NICET II certification as a  
 2083 condition of permit renewal after July 1, 2008.

2084 Section 32. Subsection (2) of section 633.539, Florida  
 2085 Statutes, is amended, and subsections (3) and (4) are added to  
 2086 said section, to read:

2087 633.539 Requirements for installation, inspection, and  
 2088 maintenance of fire protection systems.--

2089 (2) Equipment shall be inspected, serviced, and maintained  
 2090 in accordance with the manufacturer's maintenance procedures and  
 2091 with applicable National Fire Protection Association standards.  
 2092 The inspection of fire protection systems shall be conducted by  
 2093 a certificateholder or holder of a permit issued by the State  
 2094 Fire Marshal. The permit holder may perform inspections on fire  
 2095 protection systems only while employed by the certificateholder.  
 2096 This section does not prohibit the authority having jurisdiction  
 2097 or insurance company representatives from reviewing the system  
 2098 in accordance with acceptable oversight standards.

2099 (3) For contracts written after June 30, 2005, the  
 2100 contractor who installs the underground from the point of  
 2101 service is responsible for completing the installation to the  
 2102 aboveground connection flange, which by definition in this  
 2103 chapter is no more than 1 foot above the finished floor, before  
 2104 completing the Contractor's Material and Test Certificate for  
 2105 Underground Piping document. Aboveground contractors may not  
 2106 complete the Contractor's Material and Test Certificate for  
 2107 Underground Piping document for underground piping or portions  
 2108 thereof which have been installed by others.

2109 (4) The Contractor V may install the cross-connection  
 2110 backflow prevention device as defined in this chapter on new  
 2111 installations. The retrofitting of a backflow device on an

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2112 existing fire protection system will cause a reduction in  
 2113 available water pressure and probable system malfunction. The  
 2114 development of aboveground fire protection system hydraulic  
 2115 calculations is a task of the Contractor I and II, as defined in  
 2116 this chapter. Accordingly, a Contractor V is expressly  
 2117 prohibited from retrofitting cross-connection backflow  
 2118 prevention devices on an existing fire protection system, and  
 2119 only a Contractor I or Contractor II who is tasked to  
 2120 recalculate the system and take corrective actions to ensure  
 2121 that the system will function with the available water supply  
 2122 may retroactively install these backflow devices on existing  
 2123 fire protection systems.

2124 Section 33. Section 633.547, Florida Statutes, is amended  
 2125 to read:

2126 633.547 Disciplinary action; fire protection system  
 2127 contractors; grounds for denial, nonrenewal, suspension, or  
 2128 revocation of certificate or permit.--

2129 (1) The State Fire Marshal shall investigate the alleged  
 2130 illegal action of any fire protection system contractor or  
 2131 permittee certified under this chapter and hold hearings  
 2132 pursuant to chapter 120.

2133 (2) The following acts constitute cause for disciplinary  
 2134 action:

2135 (a) Violation of any provision of this chapter or of any  
 2136 rule adopted pursuant thereto.

2137 (b) Violation of the applicable building codes or laws of  
 2138 this state or any municipality or county thereof.

2139 (c) Diversion of funds or property received for  
 2140 prosecution or completion of a specified construction project or  
 2141 operation when, as a result of the diversion, the contractor is,  
 2142 or will be, unable to fulfill the terms of her or his obligation  
 2143 or contract.

2144 (d) Disciplinary action by any municipality or county,  
 2145 which action shall be reviewed by the State Fire Marshal before  
 2146 taking any disciplinary action.

2147 (e) Failure to supervise the installation of the fire  
 2148 protection system covered by the building permit signed by the  
 2149 contractor.

2150 (f) Rendering a fire protection system, standpipe system,  
 2151 or underground water supply main connecting to the system  
 2152 inoperative except when the fire protection system, standpipe  
 2153 system, or underground water supply main is being inspected,  
 2154 serviced, tested, or repaired, or except pursuant to court  
 2155 order.

2156 (g) Improperly servicing, repairing, testing, or  
 2157 inspecting a fire protection, standpipe system, or underground  
 2158 water supply main connecting to the system.

2159 (h) Failing to provide proof of insurance to the State  
 2160 Fire Marshal or failing to maintain in force the insurance  
 2161 coverage required by s. 633.521.

2162 (i) Failing to obtain, retain, or maintain one or more of  
 2163 the qualifications for a certificate as specified in this  
 2164 chapter.

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2165 (j) Making a material misstatement, misrepresentation, or  
2166 committing a fraud in obtaining or attempting to obtain a  
2167 certificate.

2168 (k) Failing to notify the State Fire Marshal, in writing,  
2169 within 30 days after a change of residence address, principal  
2170 business address, or name.

2171 (3) The State Fire Marshal is authorized to take the  
2172 following disciplinary action:

2173 (a) She or he may suspend the certificateholder for a  
2174 period not to exceed 2 years from all operations as a contractor  
2175 during the period fixed by the State Fire Marshal, but she or he  
2176 may permit the certificateholder to complete any contracts then  
2177 incomplete.

2178 (b) She or he may revoke a certificate for a period not to  
2179 exceed 5 years.

2180 (4) During the suspension or revocation of the  
2181 certificate, the former certificateholder shall not engage in or  
2182 attempt to profess to engage in any transaction or business for  
2183 which a certificate is required under this chapter or directly  
2184 or indirectly own, control, or be employed in any manner by any  
2185 firm or corporation for which a certificate under this chapter  
2186 is required. The department shall not, so long as the revocation  
2187 or suspension remains in effect, grant any new certificate for  
2188 the establishment of any new firm, business, or corporation of  
2189 any person that has or will have the same or similar management,  
2190 ownership, control, or employees or that will use a same or  
2191 similar name as a previously revoked or suspended firm,  
2192 business, or corporation.

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2193 (5) The State Fire Marshal may deny, suspend, or revoke  
2194 the certificate of:

2195 (a) Any person, firm, or corporation the certificate of  
2196 which under this chapter has been suspended or revoked.

2197 (b) Any firm or corporation if an officer, director,  
2198 stockholder, owner, or person interested directly or indirectly  
2199 has had his or her certificate under this chapter suspended or  
2200 revoked.

2201 (c) Any person who is or has been an officer, director,  
2202 stockholder, or owner of a firm or corporation, or who was  
2203 interested directly or indirectly in a corporation, the  
2204 certificate of which has been suspended or revoked under this  
2205 chapter.

2206 (6) The lapse or suspension of a certificate by operation  
2207 of law or by order of the State Fire Marshal or a court or its  
2208 voluntary surrender by a certificateholder does not deprive the  
2209 State Fire Marshal of jurisdiction to investigate or act in  
2210 disciplinary proceedings against the certificateholder.

2211 (7) The filing of a petition in bankruptcy, either  
2212 voluntary or involuntary, or the making of a composition of  
2213 creditors or the appointment of a receiver for the business of  
2214 the certificateholder may be considered by the State Fire  
2215 Marshal as just cause for suspension of a certificate.

2216 Section 34. Subsection (4) is added to section 633.702,  
2217 Florida Statutes, to read:

2218 633.702 Prohibited acts regarding alarm system contractors  
2219 or certified unlimited electrical contractors; penalties.--



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2220 (4) It is a misdemeanor of the first degree, punishable as  
 2221 provided in s. 775.082 or s. 775.083, for any person to  
 2222 intentionally or willfully install, service, test, repair,  
 2223 improve, or inspect a fire alarm system unless:

2224 (a) The person is the holder of a valid and current active  
 2225 license as a certified unlimited electrical contractor, as  
 2226 defined in part II of chapter 489;

2227 (b) The person is the holder of a valid and current active  
 2228 license as a licensed fire alarm contractor, as defined in part  
 2229 II of chapter 489;

2230 (c) The person is authorized to act as a fire alarm system  
 2231 agent pursuant to s. 489.5185; or

2232 (d) The person is exempt pursuant to s. 489.503.

2233 Section 35. Subsection (4) is added to section 1013.372,  
 2234 Florida Statutes, to read:

2235 1013.372 Education facilities as emergency shelters.--

2236 (4) All costs associated with ensuring that appropriate  
 2237 new educational facilities can serve as public shelters for  
 2238 emergency management purposes shall be the responsibility of the  
 2239 county in which the facility is located.

2240 Section 36. Upon creation of chapter 515, Florida  
 2241 Statutes, the Legislature intended that any swimming pool exit  
 2242 alarm that complied with Underwriters Laboratories Standard  
 2243 Number 2017 be permissible as an alternative to comply with the  
 2244 swimming pool safety provisions in that chapter. The Florida  
 2245 Building Commission shall amend the Florida Building Code to  
 2246 accurately reflect this intent. Notwithstanding s. 553.73,  
 2247 Florida Statutes, the commission is required only to follow the

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2248 rule adoption procedures of chapter 120, Florida Statutes, to  
 2249 comply with this section and shall complete rulemaking prior to  
 2250 November 1, 2005. Upon publication of the applicable notice of  
 2251 rule development in the Florida Administrative Weekly, any alarm  
 2252 that complies with Underwriters Laboratories Standard Number  
 2253 2017 shall be allowed.

2254 Section 37. the Florida Building Commission shall  
 2255 integrate standards pertaining to ventless attic spaces as  
 2256 adopted by the International Code Council into the Florida  
 2257 Building Code. Notwithstanding s. 553.73, Florida Statutes, the  
 2258 commission may adopt amendments to the Florida Building Code,  
 2259 2004 edition, to integrate the provisions subject only to the  
 2260 rule adoption procedures contained in chapter 120, Florida  
 2261 Statutes. The commission shall adopt the provisions into the  
 2262 code not later than November 1, 2005.

2263 Section 38. (1) A local government must advise an  
 2264 applicant what information, if any, is needed to deem the  
 2265 application properly completed in compliance with the filing  
 2266 requirements published by the local government. The local  
 2267 government must notify the applicant not later than 10 days  
 2268 after the applicant submits the application to the local  
 2269 government. If the local government does not receive a written  
 2270 notice that the applicant has not submitted the properly  
 2271 completed application, the application is automatically deemed  
 2272 properly completed and accepted. Within 45 days after receiving  
 2273 a completed application, a local government must notify an  
 2274 applicant if additional information is required for the local  
 2275 government to determine the sufficiency of the application, and

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2276 shall specify the additional information that is required. The  
 2277 applicant must submit the additional information to the local  
 2278 government or request that the local government act without the  
 2279 additional information. While the applicant responds to the  
 2280 request for additional information, the 120-day period described  
 2281 in subsection (2) is tolled. Both parties may agree to a  
 2282 reasonable request for an extension of time, particularly in the  
 2283 event of a force majeure or other extraordinary circumstance.  
 2284 The local government must approve, approve with conditions, or  
 2285 deny the application within 120 days following receipt of a  
 2286 completed application.

2287 (2) The procedures set forth in subsection (1) apply to  
 2288 the following building permit applications: accessory structure;  
 2289 alarm permit; nonresidential buildings less than 25,000 square  
 2290 feet; electric; irrigation permit; landscaping; mechanical;  
 2291 plumbing; residential units other than a single-family unit;  
 2292 multifamily residential not exceeding 50 units; roofing; signs;  
 2293 site-plan approvals and subdivision plats not requiring public  
 2294 hearings or public notice; and lot grading and site alteration  
 2295 associated with the permit application set forth in this  
 2296 subsection. The procedures set forth in subsection (1) do not  
 2297 apply to permits for any wireless communications facilities or  
 2298 when a law, agency rule, or local ordinance specify different  
 2299 timeframes for review of local building permit applications.

2300 Section 39. Section 553.851, Florida Statutes, is  
 2301 repealed.

2302 Section 40. Subsection (3) of section 109 of chapter 2000-  
 2303 141, Laws of Florida, is amended to read:

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2304 Section 109. The Legislature has reviewed the Florida  
 2305 Building Code that was adopted by action of the Florida Building  
 2306 Commission on February 15, 2000, and that was noticed for rule  
 2307 adoption by reference in Rule 9B-3.047, F.A.C., on February 18,  
 2308 2000, in the Florida Administrative Weekly on page 731. The  
 2309 Florida Building Commission is directed to continue the process  
 2310 to adopt the code, pursuant to section 120.54(3), Florida  
 2311 Statutes, and to incorporate the following provisions or  
 2312 standards for the State of Florida:

2313 (3) For areas of the state not within the high velocity  
 2314 hurricane zone, the commission shall adopt, pursuant to s.  
 2315 553.73, Florida Statutes, the most current edition of the wind  
 2316 protection requirements of the American Society of Civil  
 2317 Engineers, Standard 7, ~~1998 edition~~ as implemented by the  
 2318 International Building Code, ~~2000 edition, and as modified by~~  
 2319 ~~the commission in its February 15, 2000, adoption of the Florida~~  
 2320 ~~Building Code for rule adoption by reference in Rule 9B-3.047,~~  
 2321 ~~Florida Administrative Code.~~ However, from the eastern border of  
 2322 Franklin County to the Florida-Alabama line, only land within 1  
 2323 mile of the coast shall be subject to the windborne-debris  
 2324 requirements adopted by the commission. The exact location of  
 2325 wind speed lines shall be established by local ordinance, using  
 2326 recognized physical landmarks such as major roads, canals,  
 2327 rivers, and lake shores, wherever possible. Buildings  
 2328 constructed in the windborne debris region must be either  
 2329 designed for internal pressures that may result inside a  
 2330 building when a window or door is broken or a hole is created in  
 2331 its walls or roof by large debris, or be designed with protected

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2332 openings. Except in the high velocity hurricane zone, local  
2333 governments may not prohibit the option of designing buildings  
2334 to resist internal pressures.

2335  
2336 The Legislature declares that changes made to the proposed Rule  
2337 9B-3.047, Florida Administrative Code, to implement the  
2338 requirements of this act prior to October 1, 2000, are not  
2339 subject to rule challenges under section 120.56, Florida  
2340 Statutes. However, the entire rule, adopted pursuant to s.  
2341 120.54(3), Florida Statutes, as amended after October 1, 2000,  
2342 is subject to rule challenges under s. 120.56, Florida Statutes.

2343 Section 41. Notwithstanding subsection (3) of section 109,  
2344 chapter 2000-141, Laws of Florida, for areas of the state not  
2345 within the high velocity hurricane zone, the commission shall  
2346 adopt, pursuant to s. 553.73, Florida Statutes, the most current  
2347 edition of the wind protection requirements of the American  
2348 Society of Civil Engineers, Standard 7, as implemented by the  
2349 International Building Code, upon updating the Florida Building  
2350 Code. This section is intended to explicitly supersede only the  
2351 first sentence of subsection (3) of section 109, chapter 2000-  
2352 141, Laws of Florida.

2353 Section 42. The Florida Building Commission, in  
2354 conjunction with local building officials, shall conduct a  
2355 review of damage resulting from Hurricane Ivan and any other  
2356 data to evaluate, and to make recommendations to the Legislature  
2357 for any changes to, the Florida Building Code, specifically as  
2358 it applies to the region from the eastern border of Franklin  
2359 County to the Florida-Alabama line. The commission shall issue a

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2360 report summarizing its findings and recommendations prior to the  
2361 2006 Regular Session.

2362 Section 43. The Florida Building Commission shall evaluate  
2363 the definition of "exposure category C" as currently defined in  
2364 section 553.71(10), Florida Statutes, and make recommendations  
2365 for a new definition that more accurately depicts Florida-  
2366 specific conditions prior to the 2006 Regular Session.

2367 Section 44. In repairing or replacing any disaster-  
2368 impacted one-family, two-family, or three-family residence by a  
2369 disaster recovery or mitigation organization or a not-for-profit  
2370 organization using volunteer labor when not holding themselves  
2371 out to be contractors and assisting a property owner in  
2372 mitigating unsafe living conditions, the organization must:

- 2373 (1) Obtain all necessary building permits.
- 2374 (2) Obtain all required building code inspections.
- 2375 (3) Provide for supervision of all work by an individual  
2376 with construction experience.

2377 Section 45. Notwithstanding any other provision of law,  
2378 the effective date of the Florida Building Code, 2004 Edition,  
2379 shall be October 1, 2005.

2380 Section 46. The Florida Building Commission shall convene  
2381 a workgroup comprised of at least 10 stakeholders in the state  
2382 system of product approval, which may not include more than  
2383 three members of the commission to ensure diverse input. The  
2384 workgroup shall study the recommendation that the state be  
2385 served by a single validation entity for state product approval.  
2386 The study shall include, but not be limited to, the feasibility  
2387 of a single validation entity, criteria for the entity that

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2388 | would perform validation, qualifications of the single  
 2389 | validation entity and its staff, costs charged for validation,  
 2390 | time standards for validation, means to challenge the  
 2391 | validator's determination, and duration of the contract with the  
 2392 | validator. The workgroup shall conduct its proceedings in an  
 2393 | open forum subject to comment from the public at each meeting.

2394 |       Section 47. The sum of \$200,000 is appropriated from the  
 2395 | Insurance Regulatory Trust Fund to the Department of Financial  
 2396 | Services to be used to develop a joint program between the  
 2397 | Florida Insurance Council and the Florida Home Builders  
 2398 | Association to educate contractors on the benefits and options  
 2399 | available for designing buildings for windborne debris  
 2400 | protection and to develop a standardized affidavit to be used  
 2401 | for verifying the insurance discounts for residential  
 2402 | construction techniques demonstrated to reduce the amount of  
 2403 | loss during a windstorm.

2404 |       Section 48. This act shall take effect July 1, 2005.