

By the Committees on Regulated Industries; Community Affairs;  
and Senator Constantine

580-2261-06

1                                   A bill to be entitled  
2           An act relating to building codes; authorizing  
3           the Florida Building Commission to update and  
4           modify the standard for wind design; expressly  
5           superseding a provision; amending s. 399.15,  
6           F.S.; revising the dates by which the elevators  
7           in certain buildings must be keyed to allow  
8           regional emergency elevator access; amending s.  
9           553.71, F.S.; deleting the definition of  
10          "exposure category C"; amending s. 553.73,  
11          F.S.; authorizing the Florida Building  
12          Commission to adopt certain limited amendments  
13          to the Florida Building Code pursuant to rule  
14          adoption procedures for certain purposes after  
15          triennial updates; authorizing authorities to  
16          enforce such amendments; specifying amendment  
17          criteria; amending s. 553.775, F.S.;  
18          prohibiting certain procedures from being  
19          invoked to interpret or review the Florida  
20          Accessibility Code for Building Construction  
21          and chapter 11 of the Florida Building Code;  
22          amending s. 553.791, F.S.; providing for the  
23          use of private providers of building code  
24          inspection services under certain  
25          circumstances; amending s. 633.0215, F.S.;  
26          authorizing the State Fire Marshal to adopt  
27          certain limited amendments of the Florida Fire  
28          Prevention Code pursuant to rule adoption  
29          procedures for certain purposes after triennial  
30          updates; authorizing authorities to enforce  
31          such amendments; specifying amendment criteria;

1 deleting a provision authorizing approval of  
2 certain technical amendments to the Florida  
3 Fire Prevention Code, notwithstanding the  
4 3-year update cycle; amending s. 633.021, F.S.;  
5 defining the term "fire hydrant" for the  
6 purpose of the Florida Fire Prevention Code;  
7 amending s. 633.082, F.S.; providing for the  
8 inspection of fire hydrants by the State Fire  
9 Marshal; requiring that each fire hydrant be  
10 opened fully at least once each year to clear  
11 foreign materials in the system; providing that  
12 a fire hydrant made nonfunctional by the  
13 closing of a water supply valve must  
14 immediately be tagged with a red tag that is  
15 boldly marked "nonfunctional"; repealing s.  
16 633.5391, F.S., relating to backflow prevention  
17 assembly inspection; providing an effective  
18 date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. The Florida Building Commission may update  
23 or modify the wind-design standard applicable to construction  
24 in this state as adopted within the Florida Building Code in  
25 accordance with the requirements of s. 553.73, Florida  
26 Statutes. The Florida Building Commission is specifically  
27 authorized to identify within the Florida Building Code those  
28 areas of the state from the eastern border of Franklin County  
29 west to the Florida-Alabama line which are subject to the  
30 windborne-debris requirements of the code. The Florida  
31 Building Commission's initial designation of wind lines for

1 this region shall address the results of the study required by  
2 section 39 of chapter 2005-147, Laws of Florida. The initial  
3 designation of those areas after July 1, 2006, is subject to  
4 only the rule-adoption procedures of chapter 120, Florida  
5 Statutes, notwithstanding the code-development procedures of  
6 chapter 553, Florida Statutes. The rules adopted pursuant to  
7 this section shall not take effect for 6 months following the  
8 adoption of the rules or May 31, 2007, whichever occurs  
9 sooner. The provisions of subsection (3) of section 109 of  
10 chapter 2000-141, Laws of Florida, are expressly superseded.

11 Section 2. Subsections (1) and (2) of section 399.15,  
12 Florida Statutes, are amended to read:

13 399.15 Regional emergency elevator access.--

14 (1) In order to provide emergency access to elevators:

15 (a) For each building in this state which is six or  
16 more stories in height, including, but not limited to, hotels  
17 and condominiums, on which a building permit is issued  
18 ~~construction is begun~~ after September 30, 2006 ~~June 30, 2004~~,  
19 all of the keys for elevators that allow public access,  
20 including, but not limited to, service and freight elevators,  
21 must be keyed so as to allow all elevators within each of the  
22 seven state emergency response regions to operate in fire  
23 emergency situations with one master elevator key.

24 (b) Any building in this state which is six or more  
25 stories in height and has undergone "substantial improvement"  
26 as defined in s. 161.54(12) must also comply with paragraph  
27 (a).

28 (2) Each existing building in this state which is six  
29 or more stories in height must comply with subsection (1)  
30 before October 1, 2009 ~~July 1, 2007~~.

31

1 Section 3. Subsections (10) and (11) of section  
2 553.71, Florida Statutes, are amended to read:

3 553.71 Definitions.--As used in this part, the term:

4 ~~(10) "Exposure category C" means, except in the high~~  
5 ~~velocity hurricane zone, that area which lies within 1,500~~  
6 ~~feet of the coastal construction control line, or within 1,500~~  
7 ~~feet of the mean high tide line, whichever is less. On barrier~~  
8 ~~islands, exposure category C shall be applicable in the~~  
9 ~~coastal building zone set forth in s. 161.55(5).~~

10 (10)~~(11)~~ "Prototype building" means a building  
11 constructed in accordance with architectural or engineering  
12 plans intended for replication on various sites and which will  
13 be updated to comply with the Florida Building Code and  
14 applicable laws relating to firesafety, health and sanitation,  
15 casualty safety, and requirements for persons with  
16 disabilities which are in effect at the time a construction  
17 contract is to be awarded.

18 Section 4. Subsection (6) of section 553.73, Florida  
19 Statutes, is amended to read:

20 553.73 Florida Building Code.--

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

1 | by the applicable model code entity ~~International Code Council~~  
2 | and made available to the public at least 6 months prior to  
3 | its selection by the commission.

4 |       (b) Codes regarding noise contour lines shall be  
5 | reviewed annually, and the most current federal guidelines  
6 | shall be adopted.

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

24 |       (d) The commission shall further consider the  
25 | commission's own interpretations, declaratory statements,  
26 | appellate decisions, and approved statewide and local  
27 | technical amendments and shall incorporate such  
28 | interpretations, statements, decisions, and amendments into  
29 | the updated Florida Building Code only to the extent that they  
30 | are needed to modify the foundation codes to accommodate the  
31 | specific needs of the state. A change made by an institute or

1 standards organization to any standard or criterion that is  
2 adopted by reference in the Florida Building Code does not  
3 become effective statewide until it has been adopted by the  
4 commission. Furthermore, the edition of the Florida Building  
5 Code which is in effect on the date of application for any  
6 permit authorized by the code governs the permitted work for  
7 the life of the permit and any extension granted to the  
8 permit.

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

16 (f) Upon the conclusion of a triennial update to the  
17 Florida Building Code, notwithstanding the provisions of this  
18 subsection or subsection (3), the commission may address  
19 issues identified in this paragraph by amending the code  
20 pursuant only to the rule adoption procedures contained in  
21 chapter 120. Following the approval of any amendments to the  
22 Florida Building Code by the commission and publication of the  
23 amendments on the commission's website, authorities having  
24 jurisdiction to enforce the Florida Building Code may enforce  
25 the amendments. The commission may approve amendments that are  
26 needed to address:

27 1. Conflicts within the updated code;

28 2. Conflicts between the updated code and the Florida  
29 Fire Prevention Code adopted pursuant to chapter 633;

30 3. The omission of previously adopted Florida-specific  
31 amendments to the updated code if such omission is not

1 supported by a specific recommendation of a technical advisory  
2 committee or particular action by the commission; or  
3 4. Unintended results from the integration of  
4 previously adopted Florida-specific amendments with the model  
5 code.

6 Section 5. Subsection (5) is added to section 553.775,  
7 Florida Statutes, to read:

8 553.775 Interpretations.--

9 (5) Notwithstanding the other provisions of this  
10 section, the Florida Accessibility Code for Building  
11 Construction and chapter 11 of the Florida Building Code may  
12 not be interpreted by, and are not subject to review under,  
13 any of the procedures specified in this section. This  
14 subsection has no effect upon the commission's authority to  
15 waive the Florida Accessibility Code for Building Construction  
16 as provided by s. 553.512.

17 Section 6. Paragraphs (f) and (h) of subsection (1) of  
18 section 553.791, Florida Statutes, are amended, subsections  
19 (5), (7)-(10), (12), (13), (15), (16), and (18) of that  
20 section are renumbered as subsections (6), (8)-(11), (13),  
21 (14), (16), (17), and (19), respectively, a new subsection (5)  
22 is added to that section, and present subsections (6), (11),  
23 (14), and (17) of that section are amended, to read:

24 553.791 Alternative plans review and inspection.--

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

26 (f) "Permit application" means a properly completed  
27 and submitted application for the requested building or  
28 construction permit, including:

29 1. The plans reviewed by the private provider.

30 2. The affidavit from the private provider required  
31 pursuant to subsection ~~(6)~~(5).

1           3. Any applicable fees.

2           4. Any documents required by the local building  
3 official to determine that the fee owner has secured all other  
4 government approvals required by law.

5           (h) "Request for certificate of occupancy or  
6 certificate of completion" means a properly completed and  
7 executed application for:

8           1. A certificate of occupancy or certificate of  
9 completion.

10          2. A certificate of compliance from the private  
11 provider required pursuant to subsection~~(11)~~~~(10)~~.

12          3. Any applicable fees.

13          4. Any documents required by the local building  
14 official to determine that the fee owner has secured all other  
15 government approvals required by law.

16          (5) After construction has commenced and if the local  
17 building official is unable to provide inspection services in  
18 a timely manner, the fee owner or the fee owner's contractor  
19 may elect to use a private provider to provide inspection  
20 services by notifying the local building official of the  
21 owner's or contractor's intention to do so no less than 7  
22 business days prior to the next scheduled inspection using the  
23 notice provided for in paragraphs (4)(a)-(c).

24          ~~(7)~~~~(6)~~(a) No more than 30 business days after receipt  
25 of a permit application and the affidavit from the private  
26 provider required pursuant to subsection~~(6)~~~~(5)~~, the local  
27 building official shall issue the requested permit or provide  
28 a written notice to the permit applicant identifying the  
29 specific plan features that do not comply with the applicable  
30 codes, as well as the specific code chapters and sections. If  
31 the local building official does not provide a written notice



1 of the plan deficiencies within the prescribed 30-day period,  
2 the permit application shall be deemed approved as a matter of  
3 law, and the permit shall be issued by the local building  
4 official on the next business day.

5 (b) If the local building official provides a written  
6 notice of plan deficiencies to the permit applicant within the  
7 prescribed 30-day period, the 30-day period shall be tolled  
8 pending resolution of the matter. To resolve the plan  
9 deficiencies, the permit applicant may elect to dispute the  
10 deficiencies pursuant to subsection (13) ~~(12)~~ or to submit  
11 revisions to correct the deficiencies.

12 (c) If the permit applicant submits revisions, the  
13 local building official has the remainder of the tolled 30-day  
14 period plus 5 business days to issue the requested permit or  
15 to provide a second written notice to the permit applicant  
16 stating which of the previously identified plan features  
17 remain in noncompliance with the applicable codes, with  
18 specific reference to the relevant code chapters and sections.  
19 If the local building official does not provide the second  
20 written notice within the prescribed time period, the permit  
21 shall be issued by the local building official on the next  
22 business day.

23 (d) If the local building official provides a second  
24 written notice of plan deficiencies to the permit applicant  
25 within the prescribed time period, the permit applicant may  
26 elect to dispute the deficiencies pursuant to subsection (13)  
27 ~~(12)~~ or to submit additional revisions to correct the  
28 deficiencies. For all revisions submitted after the first  
29 revision, the local building official has an additional 5  
30 business days to issue the requested permit or to provide a  
31 written notice to the permit applicant stating which of the

1 | previously identified plan features remain in noncompliance  
2 | with the applicable codes, with specific reference to the  
3 | relevant code chapters and sections.

4 |       ~~(12)~~~~(11)~~ No more than 2 business days after receipt of  
5 | a request for a certificate of occupancy or certificate of  
6 | completion and the applicant's presentation of a certificate  
7 | of compliance and approval of all other government approvals  
8 | required by law, the local building official shall issue the  
9 | certificate of occupancy or certificate of completion or  
10 | provide a notice to the applicant identifying the specific  
11 | deficiencies, as well as the specific code chapters and  
12 | sections. If the local building official does not provide  
13 | notice of the deficiencies within the prescribed 2-day period,  
14 | the request for a certificate of occupancy or certificate of  
15 | completion shall be deemed granted and the certificate of  
16 | occupancy or certificate of completion shall be issued by the  
17 | local building official on the next business day. To resolve  
18 | any identified deficiencies, the applicant may elect to  
19 | dispute the deficiencies pursuant to subsection~~(13)~~~~(12)~~ or  
20 | to submit a corrected request for a certificate of occupancy  
21 | or certificate of completion.

22 |       ~~(15)~~~~(14)~~(a) No local enforcement agency, local  
23 | building official, or local government may adopt or enforce  
24 | any laws, rules, procedures, policies, qualifications, or  
25 | standards more stringent than those prescribed by this  
26 | section.

27 |       (b) A local enforcement agency, local building  
28 | official, or local government may establish, for private  
29 | providers and duly authorized representatives working within  
30 | that jurisdiction, a system of registration to verify  
31 |

1 compliance with the licensure requirements of paragraph (1)(g)  
2 and the insurance requirements of subsection ~~(16)~~ ~~(15)~~.

3 (c) Nothing in this section limits the authority of  
4 the local building official to issue a stop-work order for a  
5 building project or any portion of such order, as provided by  
6 law, if the official determines that a condition on the  
7 building site constitutes an immediate threat to public safety  
8 and welfare.

9 ~~(18)~~ ~~(17)~~ Each local building code enforcement agency  
10 may audit the performance of building code inspection services  
11 by private providers operating within the local jurisdiction.  
12 Work on a building or structure may proceed after inspection  
13 and approval by a private provider if the provider has given  
14 notice of the inspection pursuant to subsection ~~(9)~~ ~~(8)~~ and,  
15 subsequent to such inspection and approval, the work may not  
16 be delayed for completion of an inspection audit by the local  
17 building code enforcement agency.

18 Section 7. Subsection (5) of section 633.0215, Florida  
19 Statutes, is amended to read:

20 633.0215 Florida Fire Prevention Code.--

21 (5) Upon the conclusion of a triennial update to the  
22 Florida Fire Prevention Code and notwithstanding any other  
23 provisions of law, the State Fire Marshal may address the  
24 issues identified in this subsection by amending the Florida  
25 Fire Prevention Code, subject only to the rule adoption  
26 procedures of chapter 120. Following the approval of any  
27 amendments to the Florida Fire Prevention Code by the State  
28 Fire Marshal and publication on the State Fire Marshal's  
29 website, authorities having jurisdiction to enforce the  
30 Florida Fire Prevention Code may enforce the amendments to the  
31

1 code. The State Fire Marshal may approve only amendments that  
2 are needed to address:

3 (a) Conflicts within the updated Florida Fire  
4 Prevention Code;

5 (b) Conflicts between the updated Florida Fire  
6 Prevention Code and the Florida Building Code adopted pursuant  
7 to chapter 553;

8 (c) The omission of Florida-specific amendments that  
9 were previously adopted in the Florida Fire Prevention Code;

10 or

11 (d) Unintended results from the integration of  
12 Florida-specific amendments that were previously adopted with  
13 the model code. The State Fire Marshal may approve technical  
14 amendments notwithstanding the 3 year update cycle of the  
15 Florida Fire Prevention Code upon finding that a threat to  
16 life exists that would warrant such action, subject to chapter  
17 120.

18 Section 8. Present subsections (8) through (27) of  
19 section 633.021, Florida Statutes, are redesignated as  
20 subsections (9) through (28), respectively, and a new  
21 subsection (8) is added to that section, to read:

22 633.021 Definitions.--As used in this chapter:

23 (8) A "fire hydrant" is a connection to a water main,  
24 elevated water tank, or other source of water for the purpose  
25 of supplying water to a fire hose or other fire protection  
26 apparatus for fire-suppression operations.

27 Section 9. Section 633.082, Florida Statutes, is  
28 amended to read:

29 633.082 Inspection of fire control systems, fire  
30 hydrants, and fire protection systems.--

31

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

5           (2) Fire hydrants and fire protection systems  
6 installed in public and private properties, except one-family  
7 or two-family dwellings, in this state shall be inspected  
8 following procedures established in the nationally recognized  
9 inspection, testing, and maintenance standards NFPA-24 and  
10 ~~standard~~ NFPA-25 as set forth in the edition adopted by the  
11 State Fire Marshal. Quarterly, annual, 3-year, and 5-year  
12 inspections consistent with the contractual provisions with  
13 the owner shall be conducted by the certificateholder or  
14 permittees employed by the certificateholder pursuant to s.  
15 633.521.

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

25           (4) At least once each year, each fire hydrant shall  
26 be opened fully and the water allowed to flow until all  
27 foreign materials have cleared the hydrant. The flow shall be  
28 maintained for not less than 1 minute.

29           (5) If a fire hydrant is made nonfunctional by the  
30 closing of a water supply valve, the valve must immediately be  
31 tagged with a red tag that is boldly marked "nonfunctional"

1 and the local fire authority notified that the hydrant is  
2 nonfunctional.

3 Section 10. Section 633.5391, Florida Statutes, is  
4 repealed.

5 Section 11. This act shall take effect July 1, 2006.

6  
7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8 COMMITTEE SUBSTITUTE FOR  
9 CS for Senate Bill 1774

10 The committee substitute clarifies that the rules adopted by  
11 the Florida Building Commission will not take effect until six  
12 months after their adoption or March 31, 2007, whichever is  
13 sooner. It eliminates redundant language regarding the repeal  
14 of the provisions of subsection (3) of s. 109 of ch. 2000-141,  
15 L.O.F.

16 The CS amends s. 399.15, F.S., to extend the effective dates  
17 for the elevator master key requirement for fire emergency  
18 situations.

19 The CS amends s. 553.791, F.S., to provide that the building  
20 owner or his or her contractor may elect to use a private  
21 provider for building inspection services after construction  
22 has begun and if the local building official is unable to  
23 provide inspection services in a timely manner.

24 The CS amends s. 633.0215, F.S., to revise the existing Fire  
25 Prevention Code development process to enable the State Fire  
26 Marshal to address certain issues through streamlined  
27 amendatory procedures.

28 The CS amends s. 633.0281, F.S., to define the term "fire  
29 hydrant." It also amends s. 633.082, F.S., to establish  
30 requirements for the inspection of fire hydrants.

31 The CS appeals s. 633.5391, F.S., relating to inspection of  
backflow prevention assemblies inspection.