

1
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
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31