

Bill No. SB 2836

Barcode 093448

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Villalobos) recommended  
the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. The Florida Building Commission shall review the requirements in the National Electrical Code (2005) which relate to bonding and grounding systems for swimming pools. The commission may adopt a rule authorizing the use of a method for bonding and grounding systems which is an alternative to what is permitted by the National Electrical Code. The commission is further authorized to integrate that alternative method into the 2007 edition of the Florida Building Code, notwithstanding the requirements of s. 553.73, Florida Statutes. Until the commission adopts a rule for an alternate method for bonding and grounding systems for swimming pools, the use of an underground bonding conductor made of a single #8 AWG bare solid copper wire buried to a minimum depth of 4 inches to 6 inches below subgrade, and 18

Bill No. SB 2836

Barcode 093448

1 inches to 24 inches from inside the wall of a swimming pool or  
2 spa, is deemed a permissible alternative or equivalent to  
3 compliance with s. 680.26(c) of the National Electrical Code  
4 (2005), NFPA No. 70, adopted by reference within the Florida  
5 Building Code.

6       Section 2. (1) The Legislature finds that the results  
7 of recent hurricanes striking this state have demonstrated the  
8 effectiveness of the Florida Building Code for reducing  
9 property damage for buildings constructed in accordance with  
10 the requirements of the code. The Legislature also finds that  
11 the storms have called attention to the vulnerability of some  
12 buildings constructed before the code was implemented. The  
13 Legislature also finds that the destructive effects of  
14 hurricanes represent a continuing threat to the health,  
15 safety, and welfare of the residents of this state and affect  
16 the insurance rates in the state. The Legislature additionally  
17 finds that mitigating property damage constitutes a valid and  
18 recognized objective of the Florida Building Code. The  
19 Legislature further finds that retrofitting buildings built  
20 before the code was implemented with proven construction  
21 methods and materials set forth in the code is cost-effective  
22 and a benefit to the state as a whole.

23       (2) The Florida Building Commission shall:

24       (a) Consider the extent to which a proposed code  
25 provision will mitigate property damage to buildings and their  
26 contents when evaluating whether the proposed code provision  
27 should be adopted. If the proposed code provision applies only  
28 to the mitigation of property damage and cannot be  
29 demonstrated to significantly affect life-safety issues for  
30 persons, the proposed code provision must be evaluated by its  
31 measurable benefits when compared to the costs the proposed

Bill No. SB 2836

Barcode 093448

1 code provision would impose if adopted as a rule.

2 (b) Develop and adopt within the Florida Building Code  
3 the appropriate mitigation techniques to use to retrofit  
4 buildings constructed before the code was implemented. The  
5 commission must consider, but is not limited to:

6 1. Prescriptive techniques for installing gable-end  
7 bracing;

8 2. Secondary water barriers for roofs and standards  
9 relating to secondary water barriers. The criteria may  
10 include, but are not limited to, roof shape, slope, and  
11 composition of all elements of the roof system, and the  
12 cost-effectiveness of the secondary water barrier;

13 3. Prescriptive means and criteria to improve  
14 roof-to-wall connections; and

15 4. Clarifying that roof-fastener deficiencies must be  
16 corrected when exposed during reroofing.

17  
18 If the commission finds that the cost to retrofit an existing  
19 building to meet the requirements of the code exceeds the cost  
20 of applying the code to new construction, the commission must  
21 authorize the use of alternate, less expensive means to  
22 retrofit existing buildings.

23 Section 3. Subsection (7) of section 553.73, Florida  
24 Statutes, as amended by section 7 of chapter 2007-1, Laws of  
25 Florida, is amended to read:

26 553.73 Florida Building Code.--

27 ~~(7) Upon the conclusion of a triennial update to the~~  
28 ~~Florida Building Code,~~ Notwithstanding the provisions of  
29 subsection (3) or subsection (6), the commission may address  
30 issues identified in this subsection by amending the code  
31 pursuant only to the rule adoption procedures contained in

Bill No. SB 2836

Barcode 093448

1 chapter 120. Provisions of the Florida Building Code,  
 2 including those contained in referenced standards and  
 3 criteria, relating to wind resistance or the prevention of  
 4 water intrusion may not be amended pursuant to this subsection  
 5 to diminish those construction requirements; however, the  
 6 commission may, subject to conditions in this subsection,  
 7 amend the provisions to enhance those construction  
 8 requirements. Following the approval of any amendments to the  
 9 Florida Building Code by the commission and publication of the  
 10 amendments on the commission's website, authorities having  
 11 jurisdiction to enforce the Florida Building Code may enforce  
 12 the amendments. The commission may approve amendments that are  
 13 needed to address:

- 14 (a) Conflicts within the updated code;
- 15 (b) Conflicts between the updated code and the Florida  
 16 Fire Prevention Code adopted pursuant to chapter 633;
- 17 (c) The omission of previously adopted  
 18 Florida-specific amendments to the updated code if such  
 19 omission is not supported by a specific recommendation of a  
 20 technical advisory committee or particular action by the  
 21 commission; ~~or~~
- 22 (d) Unintended results from the integration of  
 23 previously adopted Florida-specific amendments with the model  
 24 code; ~~or-~~
- 25 (e) Changes to federal or state law.

26 Section 4. Present paragraphs (d) through (g) of  
 27 subsection (3) of section 553.775, Florida Statutes, are  
 28 redesignated as paragraphs (e) through (h), respectively, and  
 29 a new paragraph (d) is added to that subsection, to read:

30 553.775 Interpretations.--

- 31 (3) The following procedures may be invoked regarding

Bill No. SB 2836

Barcode 093448

1 interpretations of the Florida Building Code:

2 (d) Upon written application by any substantially  
3 affected person, contractor, or designer, or a group  
4 representing a substantially affected person, contractor, or  
5 designer, the commission shall issue or cause to be issued a  
6 formal interpretation of the Florida Building Code as  
7 prescribed by paragraph (c).

8 Section 5. Subsections (1), (2), (4), (8), (9), (10),  
9 (11), (13), (15), and (18) of section 553.791, Florida  
10 Statutes, are amended to read:

11 553.791 Alternative plans review and inspection.--

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

13 (a) "Applicable codes" means the Florida Building Code  
14 and any local technical amendments to the Florida Building  
15 Code but does not include the applicable minimum fire  
16 prevention and firesafety codes adopted pursuant to chapter  
17 633.

18 (b) "Audit" means the process to confirm that the  
19 building code inspection services have been performed by the  
20 private provider, including ensuring that the required  
21 affidavit for the plan review has been properly completed and  
22 affixed to the permit documents and that the minimum mandatory  
23 inspections required under the building code have been  
24 performed and properly recorded. The term does not mean that  
25 the local building official is required to replicate the plan  
26 review or inspection being performed by the private provider.

27 (c)(b) "Building" means any construction, erection,  
28 alteration, demolition, or improvement of, or addition to, any  
29 structure for which permitting by a local enforcement agency  
30 is required.

31 (d)(c) "Building code inspection services" means those

Bill No. SB 2836

Barcode 093448

1 services described in s. 468.603(6) and (7) involving the  
 2 review of building plans to determine compliance with  
 3 applicable codes and those inspections required by law of each  
 4 phase of construction for which permitting by a local  
 5 enforcement agency is required to determine compliance with  
 6 applicable codes.

7 ~~(e)(d)~~ "Duly authorized representative" means an agent  
 8 by the private provider identified in the permit application  
 9 who reviews plans or performs inspections as provided by this  
 10 section and who is licensed as an engineer under chapter 471  
 11 or as an architect under chapter 481 or who holds a standard  
 12 certificate under part XII of chapter 468.

13 (f) "Immediate threat to public safety and welfare"  
 14 means a building code violation that, if allowed to persist,  
 15 constitutes an immediate hazard that could result in death,  
 16 serious bodily injury, or significant property damage.

17 ~~(g)(e)~~ "Local building official" means the individual  
 18 within the governing jurisdiction responsible for direct  
 19 regulatory administration or supervision of plans review,  
 20 enforcement, and inspection of any construction, erection,  
 21 alteration, demolition, or substantial improvement of, or  
 22 addition to, any structure for which permitting is required to  
 23 indicate compliance with applicable codes and includes any  
 24 duly authorized designee of such person.

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

- 28 1. The plans reviewed by the private provider.
- 29 2. The affidavit from the private provider required
- 30 under ~~pursuant to~~ subsection (6).
- 31 3. Any applicable fees.

Bill No. SB 2836

Barcode 093448

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

4           ~~(i)(g)~~ "Private provider" means a person licensed as  
5 an engineer under chapter 471 or as an architect under chapter  
6 481. For purposes of performing inspections under this section  
7 for additions and alterations that are limited to 1,000 square  
8 feet or less to residential buildings, the term "private  
9 provider" also includes a person who holds a standard  
10 certificate under part XII of chapter 468.

11           ~~(j)(h)~~ "Request for certificate of occupancy or  
12 certificate of completion" means a properly completed and  
13 executed application for:

14           1. A certificate of occupancy or certificate of  
15 completion.

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

18           3. Any applicable fees.

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

22           ~~(k)~~ "Stop-work order" means the issuance of any  
23 written statement, written directive, or written order to stop  
24 work on a project.

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

Bill No. SB 2836

Barcode 093448

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

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

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

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



Bill No. SB 2836

Barcode 093448

1 representative in the amounts required by this section.

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

4

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

Bill No. SB 2836

Barcode 093448

1 building code inspection services with respect  
 2 to the building or structure that is the  
 3 subject of the enclosed permit application.

4  
 5 If the fee owner or the fee owner's contractor makes any  
 6 changes to the listed private providers or the services to be  
 7 provided by those private providers, the fee owner or the fee  
 8 owner's contractor shall, within 1 business day after any  
 9 change, update the notice to reflect such changes. A change of  
 10 a duly authorized representative named in the permit  
 11 application does not require a revision of the permit, and the  
 12 building code enforcement agency may not charge a fee for  
 13 making the change. In addition, the fee owner or the fee  
 14 owner's contractor shall post at the project site, prior to  
 15 the commencement of construction and updated within 1 business  
 16 day after any change, on a form to be adopted by the  
 17 commission, the name, firm, address, telephone number, and  
 18 facsimile number of each private provider who is performing or  
 19 will perform building code inspection services, the type of  
 20 service being performed, and similar information for the  
 21 primary contact of the private provider on the project.

22  
 23 (8) A private provider performing required inspections  
 24 under this section shall inspect each phase of construction as  
 25 required by the applicable codes. The private provider shall  
 26 be permitted to send a duly authorized representative to the  
 27 building site to perform the required inspections, provided  
 28 all required reports ~~and certifications~~ are prepared by and  
 29 bear the signature of the private provider or the private  
 30 provider's duly authorized representative. The duly authorized  
 31 representative must be an employee of the private provider

Bill No. SB 2836

Barcode 093448

1 entitled to receive unemployment compensation benefits under  
2 chapter 443. The contractor's contractual or legal obligations  
3 are not relieved by any action by the private provider.

4 (9) A private provider performing required inspections  
5 under this section shall provide notice to the local building  
6 official of the date and approximate time of any such  
7 inspection no later than the prior business day by 2 p.m.  
8 local time or by any later time permitted by the local  
9 building official in that jurisdiction. The local building  
10 official may visit the building site as often as necessary to  
11 verify that the private provider is performing all required  
12 inspections. A deficiency notice must be posted at the job  
13 site by the private provider, the duly authorized  
14 representative of the private provider, or the building  
15 department whenever a nonconforming item is found to exist  
16 relating to the building code or permitted documents.  
17 Corrections must be made by the appropriate party and the  
18 nonconforming item must be reinspected by the private provider  
19 or the duly authorized representative before being concealed.  
20 Reinspection or reaudit fees shall not be charged by the local  
21 jurisdiction as a result of the local jurisdiction's audit  
22 inspection occurring before the performance of the private  
23 provider inspection or for any other administrative matter not  
24 involving the detection of a building code violation or permit  
25 plan nonconformance issue.

26 (10) Upon completing the required inspections at each  
27 applicable phase of construction, the private provider shall  
28 record such inspections on a form acceptable to the local  
29 building official. The form must be signed by the provider or  
30 the provider's duly authorized representative. These  
31 inspection records shall reflect those inspections required by

Bill No. SB 2836

Barcode 093448

1 the applicable codes of each phase of construction for which  
 2 permitting by a local enforcement agency is required. The  
 3 private provider, before leaving the project site, shall post  
 4 each completed inspection record, indicating pass or fail, at  
 5 the site and provide the record to the local building official  
 6 within 2 business days. The local building official may waive  
 7 the requirement to provide a record of each inspection within  
 8 2 business days if the record is posted at the project site  
 9 and all such inspection records are submitted with the  
 10 certificate of compliance. Records of all required and  
 11 completed inspections shall be maintained at the building site  
 12 at all times and made available for review by the local  
 13 building official. The private provider shall report to the  
 14 local enforcement agency any condition that poses an immediate  
 15 threat to public safety and welfare.

16 (11) Upon completion of all required inspections, the  
 17 private provider shall prepare a certificate of compliance, on  
 18 a form acceptable to the local building official, summarizing  
 19 the inspections performed and including a written  
 20 representation, under oath, that the stated inspections have  
 21 been performed and that, to the best of the private provider's  
 22 knowledge and belief, the building construction inspected  
 23 complies with the approved plans and applicable codes. The  
 24 statement required of the private provider shall be  
 25 substantially in the following form and shall be signed and  
 26 sealed by a private provider as established in subsection (1):

27  
 28 To the best of my knowledge and belief, the  
 29 building components and site improvements  
 30 outlined herein and inspected under my  
 31 authority have been completed in conformance

Bill No. SB 2836

Barcode 093448

1 with the approved plans and the applicable  
2 codes.

3  
4 (13) If the local building official determines that  
5 the building construction or plans do not comply with the  
6 applicable codes, the official may deny the permit or request  
7 for a certificate of occupancy or certificate of completion,  
8 as appropriate, or may issue a stop-work order for the project  
9 or any portion thereof as provided by law, if the official  
10 determines that the ~~such~~ noncompliance poses an immediate ~~a~~  
11 threat to public safety and welfare, subject to the following:

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

17 (b) If the local building official and private  
18 provider are unable to resolve the dispute, the matter shall  
19 be referred to the local enforcement agency's board of  
20 appeals, if one exists, which shall consider the matter at its  
21 next scheduled meeting or sooner. Any decisions by the local  
22 enforcement agency's board of appeals, or local building  
23 official if there is no board of appeals, may be appealed to  
24 the commission as provided by this chapter.

25 (c) Notwithstanding any provision of this section, any  
26 decisions regarding the issuance of a building permit,  
27 certificate of occupancy, or certificate of completion may be  
28 reviewed by the local enforcement agency's board of appeals,  
29 if one exists. Any decision by the local enforcement agency's  
30 board of appeals, or local building official if there is no  
31 board of appeals, may be appealed to the commission as

Bill No. SB 2836

Barcode 093448

1 provided by this chapter, which shall consider the matter at  
2 the commission's next scheduled meeting.

3 (15)(a) A ~~No~~ local enforcement agency, local building  
4 official, or local government may not adopt or enforce any  
5 laws, rules, procedures, policies, qualifications, or  
6 standards more stringent than those prescribed by this  
7 section.

8 (b) A local enforcement agency, local building  
9 official, or local government may establish, for private  
10 providers and duly authorized representatives working within  
11 that jurisdiction, a system of registration to verify  
12 compliance with the licensure requirements of paragraph (1)(g)  
13 and the insurance requirements of subsection (16).

14 (c) ~~Nothing in This section does not limit~~ limits the  
15 authority of the local building official to issue a stop-work  
16 order for a building project or any portion of the project  
17 ~~such order~~, as provided by law, if the official determines  
18 that a condition on the building site constitutes an immediate  
19 threat to public safety and welfare.

20 (18) Each local building code enforcement agency may  
21 audit the performance of building code inspection services by  
22 private providers operating within the local jurisdiction.  
23 Work on a building or structure may proceed after inspection  
24 and approval by a private provider if the provider has given  
25 notice of the inspection pursuant to subsection (9) and,  
26 subsequent to such inspection and approval, the work shall ~~may~~  
27 not be delayed for completion of an inspection audit by the  
28 local building code enforcement agency.

29 Section 6. Section 553.841, Florida Statutes, is  
30 amended to read:

31 553.841 Building code education, mitigation, and

Bill No. SB 2836

Barcode 093448

1 outreach program.--

2           (1) The Legislature finds that knowledge and  
3 understanding by persons licensed in the design and  
4 construction industries of the importance and need for  
5 complying with the Florida Building Code is vital to the  
6 public health, safety, and welfare of this state, especially  
7 for mitigating damage caused by hurricanes to residents and  
8 visitors to the state. The Legislature further finds that the  
9 Florida Building Code can be effective only if all  
10 participants in the design and construction industries  
11 maintain a thorough knowledge of the code and additions  
12 thereto which improve construction standards to protect  
13 against storm and other damage. Consequently, the Legislature  
14 finds that there is a need for a program to provide ongoing  
15 education and outreach activities concerning compliance with  
16 the Florida Building Code and hurricane mitigation ~~the~~  
17 ~~effectiveness of the building codes of this state depends on~~  
18 ~~the performance of all participants, as demonstrated through~~  
19 ~~knowledge of the codes and commitment to compliance with code~~  
20 ~~directives, and that to strengthen compliance by industry and~~  
21 ~~enforcement by government, a building code education and~~  
22 ~~outreach program is needed.~~

23           (2) The Department of Community Affairs shall  
24 administer a program, designated as the Florida Building Code  
25 Compliance and Mitigation Program, to develop, coordinate, and  
26 maintain education and outreach to persons required to comply  
27 with the Florida Building Code and ensure consistent  
28 education, training, and communication of the code's  
29 requirements, including, but not limited to, methods for  
30 mitigation of storm-related damage. The program shall also  
31 operate a clearinghouse through which design, construction,

Bill No. SB 2836

Barcode 093448

1 and building code enforcement licensees, suppliers, and  
 2 consumers in this state may find others in order to exchange  
 3 information relating to mitigation and facilitate repairs in  
 4 the aftermath of a natural disaster. ~~There is created the~~  
 5 ~~Building Code Education and Outreach Council to coordinate,~~  
 6 ~~develop, and maintain education and outreach to ensure~~  
 7 ~~administration and enforcement of the Florida Building Code.~~

8 (3) All services and materials under the program must  
 9 be provided by a private, nonprofit corporation under contract  
 10 with the department. The term of the contract shall be for 4  
 11 years, with the option of one 4-year renewal at the end of the  
 12 contract term. The initial contract must be in effect no later  
 13 than November 1, 2007. The private, nonprofit corporation must  
 14 be an organization whose membership includes trade and  
 15 professional organizations whose members consist primarily of  
 16 persons and entities that are required to comply with the  
 17 Florida Building Code and that are licensed under part XII of  
 18 chapter 468, chapter 471, chapter 481, or chapter 489. When  
 19 selecting the private, nonprofit corporation for the program,  
 20 the department must give primary consideration to the  
 21 corporation's demonstrated experience and the ability to:

22 (a) Develop and deliver building code-related  
 23 education, training, and outreach;

24 (b) Directly access the majority of persons licensed  
 25 in the occupations of design, construction, and building code  
 26 enforcement individually and through established statewide  
 27 trade and professional association networks;

28 (c) Serve as a clearinghouse to deliver education and  
 29 outreach throughout the state. The clearinghouse must serve as  
 30 a focal point at which persons licensed to design, construct,  
 31 and enforce building codes and suppliers and consumers can



Bill No. SB 2836

Barcode 093448

1 find each other in order to exchange information relating to  
2 mitigation and facilitate repairs in the aftermath of a  
3 natural disaster;

4 (d) Accept input from the Florida Building Commission,  
5 licensing regulatory boards, local building departments, and  
6 the design and construction industries in order to improve its  
7 education and outreach programs; and

8 (e) Promote design and construction techniques and  
9 materials for mitigating hurricane damage at a Florida-based  
10 trade conference that includes participants from the broadest  
11 possible range of design and construction trades and  
12 professions, including from those private and public-sector  
13 entities having jurisdiction over building codes and design  
14 and construction licensure. The Building Code Education and

15 ~~Outreach Council shall be composed of the following members:~~

16 ~~(a) Three representatives of the Florida Building~~  
17 ~~Commission, one of whom must be a member of a Florida-based~~  
18 ~~organization of persons with disabilities or a nationally~~  
19 ~~chartered organization of persons with disabilities having~~  
20 ~~chapters in this state, selected by the commission;~~

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

23 ~~(c) One representative of the Construction Industry~~  
24 ~~Licensing Board, selected by that board;~~

25 ~~(d) One representative of the Electrical Contractors'~~  
26 ~~Licensing Board, selected by that board;~~

27 ~~(e) One representative of the Florida Board of~~  
28 ~~Professional Engineers, selected by that board;~~

29 ~~(f) One architect representative of the Board of~~  
30 ~~Architecture and Interior Design, selected by that board;~~

31 ~~(g) One interior designer representative of the Board~~

Bill No. SB 2836

Barcode 093448

1 ~~of Architecture and Interior Design, selected by that board;~~

2 ~~(h) One representative of the Board of Landscape~~  
3 ~~Architecture, selected by that board;~~

4 ~~(i) One representative from the office of the State~~  
5 ~~Fire Marshal, selected by that office; and~~

6 ~~(j) One representative with experience and expertise~~  
7 ~~in K-12 public school construction.~~

8  
9 ~~Each member of the board shall be appointed to a 2-year term~~  
10 ~~and may be reappointed at the discretion of the appointing~~  
11 ~~body. A chair shall be elected by majority vote of the council~~  
12 ~~and shall serve a term of 1 year.~~

13 ~~(4) The Building Code Education and Outreach Council~~  
14 ~~shall meet in Tallahassee no more than semiannually. The~~  
15 ~~council may meet more often but not more than monthly, and~~  
16 ~~such additional meetings shall be by telephone conference~~  
17 ~~call. Travel costs, if any, shall be borne by the respective~~  
18 ~~appointing entity. The Department of Community Affairs shall~~  
19 ~~provide administrative support to the council; however, the~~  
20 ~~department may contract with an entity that has previous~~  
21 ~~experience with building code training, development, and~~  
22 ~~coordination to provide administrative support for the~~  
23 ~~council.~~

24 ~~(5) The Building Code Education and Outreach Council~~  
25 ~~shall:~~

26 ~~(a) Consider and determine any policies or procedures~~  
27 ~~needed to administer ss. 489.109(3) and 489.509(3).~~

28 ~~(b) Administer the provisions of this section.~~

29 ~~(c) Determine the areas of priority for which funds~~  
30 ~~should be expended for education and outreach.~~

31 ~~(d) Review all proposed subjects for advanced courses~~

Bill No. SB 2836

Barcode 093448

1 ~~concerning the Florida Building Code and recommend to the~~  
2 ~~commission any related subjects that should be approved for~~  
3 ~~advanced courses.~~

4       (4)(6) The Building Code Education and Outreach  
5 Program Council shall maintain, update, develop, or cause to  
6 be developed:

7           (a) A core curriculum that is prerequisite to the  
8 advanced module coursework.

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

11           (c) The core curriculum developed under this  
12 subsection must be approved by the commission and submitted to  
13 the Department of Business and Professional Regulation for  
14 approval. Advanced modules developed under this paragraph must  
15 be approved by the commission and submitted to the respective  
16 boards for approval.

17       (5)(7) The core curriculum shall cover the information  
18 required to have all categories of participants appropriately  
19 informed as to their technical and administrative  
20 responsibilities in the effective execution of the code  
21 process by all individuals currently licensed under part XII  
22 of chapter 468, chapter 471, chapter 481, or chapter 489,  
23 except as otherwise provided in s. 471.017. The core  
24 curriculum shall be prerequisite to the advanced module  
25 coursework for all licensees and shall be completed by  
26 individuals licensed in all categories under part XII of  
27 chapter 468, chapter 471, chapter 481, or chapter 489 within  
28 the first 2-year period after initial licensure. Core course  
29 hours taken by licensees to complete this requirement shall  
30 count toward fulfillment of required continuing education  
31 units under part XII of chapter 468, chapter 471, chapter 481,

Bill No. SB 2836

Barcode 093448

1 or chapter 489.

2           ~~(6)(8)~~ Each biennium, upon receipt of funds by the  
3 Department of Community Affairs from the Construction Industry  
4 Licensing Board and the Electrical Contractors' Licensing  
5 Board provided under ss. 489.109(3) and 489.509(3), the  
6 department council shall determine the amount of funds  
7 available for the Florida Building Code Compliance and  
8 Mitigation Program ~~education and outreach projects from the~~  
9 ~~proceeds of contractor licensing fees and identify, solicit,~~  
10 ~~and accept funds from other sources for education and outreach~~  
11 ~~projects.~~

12           ~~(7)(9)~~ If the funds collected for education and  
13 outreach projects provided through the Florida Building Code  
14 Compliance and Mitigation Program in any state fiscal year do  
15 not require the use of all available funds, the unused funds  
16 shall be carried forward and allocated for use during the  
17 following fiscal year.

18           ~~(8)~~ The Florida Building Commission shall provide by  
19 rule for the accreditation of courses related to the Florida  
20 Building Code by accreditors approved by the commission. The  
21 commission shall establish qualifications of accreditors and  
22 criteria for the accreditation of courses by rule. The  
23 commission may revoke the accreditation of a course by an  
24 accreditor if the accreditation is demonstrated to violate  
25 this part or the rules of the commission.

26           ~~(9)~~ This section does not prohibit or limit the  
27 subject areas or development of continuing education or  
28 training on the Florida Building Code by any qualified entity.

29           ~~(10)~~ ~~The commission shall consider and approve or~~  
30 ~~reject the recommendations made by the council for subjects~~  
31 ~~for education and outreach concerning the Florida Building~~

Bill No. SB 2836

Barcode 093448

1 ~~Code. Any rejection must be made with specificity and must be~~  
2 ~~communicated to the council.~~

3 ~~(11) The commission shall adopt rules for establishing~~  
4 ~~procedures and criteria for the approval of advanced courses.~~  
5 ~~This section does not modify or eliminate the continuing~~  
6 ~~education course requirements or authority of any licensing~~  
7 ~~board under part XII of chapter 468, chapter 471, chapter 481,~~  
8 ~~or chapter 489.~~

9 Section 7. Paragraph (a) of subsection (5) and  
10 subsection (7) of section 553.842, Florida Statutes, are  
11 amended, and subsection (16) is added to that section to read:

12 553.842 Product evaluation and approval.--

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

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

29 1. A certification mark or listing of an approved  
30 certification agency, which may be used only for products for  
31 which the code designates standardized testing;

Bill No. SB 2836

Barcode 093448

1           2. A test report from an approved testing laboratory;

2           3. A product evaluation report based upon testing or  
3 comparative or rational analysis, or a combination thereof,  
4 from an approved product evaluation entity; or

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

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

16           (7) For state approvals, validation shall be performed  
17 by validation entities approved by the commission. The  
18 commission shall adopt by rule criteria for approval of  
19 validation entities, which shall be third-party entities  
20 independent of the product's manufacturer and which shall  
21 certify to the commission the product's compliance with the  
22 code. The commission may adopt by rule a schedule of penalties  
23 to be imposed against approved validation entities that  
24 validate product applications in violation of this section or  
25 rules adopted under this section.

26           (16) The commission may adopt a rule that identifies  
27 standards that are equivalent to or more stringent than those  
28 specifically adopted by the code, thereby allowing the use in  
29 this state of the products that comply with the equivalent  
30 standard.

31           Section 8. The Florida Building Commission shall

Bill No. SB 2836

Barcode 093448

1 review modifications 2151, 2152, 2153 and 2492, reviewed by  
2 the commission's technical advisory committee. The commission  
3 shall take public comment on these modifications, including  
4 the need for the modifications, how the modifications will  
5 affect the health, safety, and welfare of the residents of  
6 this state, and the continuing need for any Florida-specific  
7 requirement of the code which the modifications seek to  
8 repeal. Notwithstanding s. 553.73, Florida Statutes, the  
9 commission may adopt or modify the modifications in response  
10 to the public comments subject only to the rule-adoption  
11 procedures of chapter 120, Florida Statutes, for inclusion in  
12 the next edition of the Florida Building Code.

13 Section 9. Evaluation of hurricane loss relativities  
14 and resulting premium discounts; study required.--

15 (1) Contingent upon appropriations from the  
16 Legislature, the Florida Building Commission shall conduct a  
17 study updating the evaluation of loss relativities and  
18 resulting reasonable discounts, credits, and other rate  
19 differentials or appropriate reductions in deductibles for  
20 properties on which fixtures or construction techniques  
21 demonstrated to reduce the amount of loss in a windstorm have  
22 been installed or implemented. The fixtures or construction  
23 techniques must include, but are not limited to, those  
24 activities that enhance roof strength, roof-covering  
25 performance, roof-to-wall strength,  
26 wall-to-floor-to-foundation strength, opening protection, and  
27 window, door, or skylight strength.

28 (2) The commission shall prepare a report on the  
29 results of the study and deliver it to the Governor, the Chief  
30 Financial Officer, the Commissioner of Insurance Regulation,  
31 the President of the Senate, and the Speaker of the House of

Bill No. SB 2836

Barcode 093448

1 Representatives no later than March 1, 2008. Upon the request  
 2 of the commission, the Office of Insurance Regulation shall  
 3 assist the commission with developing the scope and  
 4 methodology used to perform the study.

5       Section 10. The Florida Building Commission shall, in  
 6 consultation with the Florida Energy Commission, the Building  
 7 Officials Association of Florida, the Florida Energy Office,  
 8 the Florida Home Builders Association, the Florida Association  
 9 of Counties, the Florida League of Cities, and other  
 10 stakeholders, review the Florida Energy Code for new building  
 11 construction. Specifically, the commission must evaluate the  
 12 analysis of the cost-effectiveness that serves as the basis  
 13 for energy-efficiency levels for residential buildings,  
 14 identify cost-effective means to improve energy efficiency in  
 15 commercial buildings, and compare the findings to the  
 16 International Energy Conservation Code and the American  
 17 Society of Heating, Air Conditioning, and Refrigeration  
 18 Engineers Standards 90.1 and 90.2. The commission must  
 19 complete and present a report to the Legislature no later than  
 20 March 1, 2008. The report must include a new energy-efficiency  
 21 standard that may be adopted for the construction of all new  
 22 residential, commercial, and government buildings.

23       Section 11. The sum of \$750,000 in nonrecurring funds  
 24 is appropriated from the General Revenue Fund to the  
 25 Department of Community Affairs for the 2007-2008 fiscal year  
 26 for the purpose of implementing the study required by this  
 27 act.

28       Section 12. This act shall take effect upon becoming a  
 29 law.

30  
 31



Bill No. SB 2836

Barcode 093448

1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6                           A bill to be entitled

7           An act relating to the Florida Building

8           Commission; requiring the commission to review

9           the requirements in the National Electrical

10          Code which relate to bonding and grounding

11          systems for swimming pools; authorizing the

12          commission to adopt a rule for bonding and

13          grounding which is an alterative to that of the

14          National Electrical Code; providing legislative

15          intent relating to retrofitting buildings to

16          prevent hurricane and storm damage; directing

17          the commission to consider the costs and

18          benefits of any mitigation techniques before

19          adoption of a rule; requiring the commission to

20          develop and adopt within the Florida Building

21          Code appropriate mitigation techniques to use

22          to retrofit buildings constructed before the

23          code was implemented; amending s. 553.73, F.S.;

24          authorizing the commission to approve certain

25          amendments to the code; amending s. 553.775,

26          F.S.; providing that, upon written application

27          by substantially affected persons, the Florida

28          Building Commission must issue, or cause to be

29          issued, a formal interpretation of the code;

30          amending s. 553.791, F.S.; defining terms;

31          requiring that certain forms be signed at the

Bill No. SB 2836

Barcode 093448

1 completion of a required inspection; requiring  
2 that a deficiency notice be posted at the job  
3 site whenever an element is found to be not in  
4 conformance with the building code or the  
5 permitting documents; providing for corrective  
6 actions; prohibiting the charging of certain  
7 fees; amending s. 553.841, F.S.; providing  
8 legislative intent regarding education and  
9 outreach for understanding the Florida Building  
10 Code; requiring the Department of Community  
11 Affairs to administer an education and outreach  
12 program; requiring that the education and  
13 outreach program be provided by a private,  
14 nonprofit corporation under contract with the  
15 department; requiring the department to  
16 consider certain criteria when selecting the  
17 corporation; requiring the commission to  
18 provide certain courses to accredit persons  
19 subject to the building code; authorizing the  
20 commission to adopt rules; amending s. 553.842,  
21 F.S.; providing for certification of products;  
22 authorizing the commission to impose penalties  
23 for violation of the product validation  
24 process; requiring the commission to review  
25 certain modifications recommended by the  
26 commission's technical advisory committee;  
27 authorizing the commission to adopt or modify  
28 the modifications in response to public  
29 comments; contingent upon appropriations,  
30 directing the commission to conduct a study to  
31 evaluate certain specified activities related

Bill No. SB 2836

Barcode 093448

1 to mitigation of property loss; requiring the  
2 commission to deliver a report to the Governor  
3 and others by a specified date; providing for  
4 the content of the report; directing the  
5 commission to work with others to review the  
6 Florida Energy Code and to compare that code to  
7 other energy efficiency codes; requiring the  
8 commission to deliver a report to the  
9 Legislature by a specified date; providing an  
10 appropriation; providing an effective date.  
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