

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative(s) Cretul offered the following:

2
3 **Amendment (with title amendment)**

4 On page 4, line 20, through page 34, line 5,
5 remove all of said lines.

6 and insert:

7 Section 2. (1) Before eliminating gravel or stone roofing
8 systems in the Florida Building Code, the Florida Building
9 Commission shall determine and document:

10 (a) Whether there is a scientific basis or reason for
11 eliminating this option;

12 (b) Whether there is an available alternative that is
13 equivalent in cost and durability;

14 (c) Whether eliminating this option will unnecessarily
15 restrict or eliminate business or consumer choice in roofing
16 systems; and

218733

4/30/2007 3:20:05 PM

Amendment No.

17 (d) In consultation with the Fish and Wildlife
18 Conservation Commission, whether eliminating this option will
19 negatively affect the nesting habitat of any species of nesting
20 bird.

21 (2) Notwithstanding s. 553.73, Florida Statutes, the
22 Florida Building Commission may adopt provisions to preserve the
23 use of gravel roof systems in future editions of the Florida
24 Building Code, if necessary to address the determination of the
25 issues addressed in this section.

26 Section 3. Paragraph (d) of subsection (7) of section
27 468.609, Florida Statutes, is amended to read:

28 468.609 Administration of this part; standards for
29 certification; additional categories of certification.--

30 (7)

31 (d) A newly employed or hired person may perform the
32 duties of a plans examiner or building code inspector for 120 ~~90~~
33 days if a provisional certificate application has been submitted
34 ~~if, provided~~ such person is under the direct supervision of a
35 certified building code administrator who holds a standard
36 certification and who has found such person qualified for a
37 provisional certificate. ~~However,~~ Direct supervision and the
38 determination of qualifications ~~under this paragraph~~ may also be
39 provided by a building code administrator who holds a limited or
40 provisional certificate in a ~~any~~ county having ~~with~~ a population
41 of fewer ~~less~~ than 75,000 and in a ~~any~~ municipality located
42 within such a county.

218733

4/30/2007 3:20:05 PM

Amendment No.

43 Section 4. Subsection (7) of section 553.73, Florida
44 Statutes, as amended by section 7 of chapter 2007-1, Laws of
45 Florida, is amended to read:

46 553.73 Florida Building Code.--

47 ~~Upon the conclusion of a triennial update to the~~
48 ~~Florida Building Code,~~ Notwithstanding the provisions of
49 subsection (3) or subsection (6), the commission may address
50 issues identified in this subsection by amending the code
51 pursuant only to the rule adoption procedures contained in
52 chapter 120. Provisions of the Florida Building Code, including
53 those contained in referenced standards and criteria, relating
54 to wind resistance or the prevention of water intrusion may not
55 be amended pursuant to this subsection to diminish those
56 construction requirements; however, the commission may, subject
57 to conditions in this subsection, amend the provisions to
58 enhance those construction requirements. Following the approval
59 of any amendments to the Florida Building Code by the commission
60 and publication of the amendments on the commission's website,
61 authorities having jurisdiction to enforce the Florida Building
62 Code may enforce the amendments. The commission may approve
63 amendments that are needed to address:

64 (a) Conflicts within the updated code;

65 (b) Conflicts between the updated code and the Florida
66 Fire Prevention Code adopted pursuant to chapter 633;

67 (c) The omission of previously adopted Florida-specific
68 amendments to the updated code if such omission is not supported
69 by a specific recommendation of a technical advisory committee
70 or particular action by the commission; ~~or~~

218733

4/30/2007 3:20:05 PM

Amendment No.

71 (d) Unintended results from the integration of previously
72 adopted Florida-specific amendments with the model code; or-

73 (e) Changes to federal or state law.

74 Section 5. Present paragraphs (d) through (g) of
75 subsection (3) of section 553.775, Florida Statutes, are
76 redesignated as paragraphs (e) through (h), respectively, and a
77 new paragraph (d) is added to that subsection, to read:

78 553.775 Interpretations.--

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

81 (d) Upon written application by any substantially affected
82 person, contractor, or designer, or a group representing a
83 substantially affected person, contractor, or designer, the
84 commission shall issue or cause to be issued a formal
85 interpretation of the Florida Building Code as prescribed by
86 paragraph (c).

87 Section 6. Subsections (1), (2), (4), (8), (9), (10),
88 (11), (13), (15), and (18) of section 553.791, Florida Statutes,
89 are amended to read:

90 553.791 Alternative plans review and inspection.--

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

92 (a) "Applicable codes" means the Florida Building Code and
93 any local technical amendments to the Florida Building Code but
94 does not include the applicable minimum fire prevention and
95 firesafety codes adopted pursuant to chapter 633.

96 (b) "Audit" means the process to confirm that the building
97 code inspection services have been performed by the private
98 provider, including ensuring that the required affidavit for the
218733

4/30/2007 3:20:05 PM

Amendment No.

99 plan review has been properly completed and affixed to the
100 permit documents and that the minimum mandatory inspections
101 required under the building code have been performed and
102 properly recorded. The term does not mean that the local
103 building official is required to replicate the plan review or
104 inspection being performed by the private provider.

105 (c)~~(b)~~ "Building" means any construction, erection,
106 alteration, demolition, or improvement of, or addition to, any
107 structure for which permitting by a local enforcement agency is
108 required.

109 (d)~~(e)~~ "Building code inspection services" means those
110 services described in s. 468.603(6) and (7) involving the review
111 of building plans to determine compliance with applicable codes
112 and those inspections required by law of each phase of
113 construction for which permitting by a local enforcement agency
114 is required to determine compliance with applicable codes.

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

121 (f) "Immediate threat to public safety and welfare" means
122 a building code violation that, if allowed to persist,
123 constitutes an immediate hazard that could result in death,
124 serious bodily injury, or significant property damage. This
125 paragraph does not limit the authority of the local building
126 official to issue a Notice of Corrective Action at any time

218733

4/30/2007 3:20:05 PM

Amendment No.

127 during the construction of a building project or any portion of
128 such project if the official determines that a condition of the
129 building or portion thereof may constitute a hazard when the
130 building is put into use following completion as long as the
131 condition cited is shown to be in violation of the building code
132 or approved plans.

133 (g)-(e) "Local building official" means the individual
134 within the governing jurisdiction responsible for direct
135 regulatory administration or supervision of plans review,
136 enforcement, and inspection of any construction, erection,
137 alteration, demolition, or substantial improvement of, or
138 addition to, any structure for which permitting is required to
139 indicate compliance with applicable codes and includes any duly
140 authorized designee of such person.

141 (h)-(f) "Permit application" means a properly completed and
142 submitted application for the requested building or construction
143 permit, including:

- 144 1. The plans reviewed by the private provider.
- 145 2. The affidavit from the private provider required under
146 ~~pursuant to~~ subsection (6).
- 147 3. Any applicable fees.
- 148 4. Any documents required by the local building official
149 to determine that the fee owner has secured all other government
150 approvals required by law.

151 (i)-(g) "Private provider" means a person licensed as an
152 engineer under chapter 471 or as an architect under chapter 481.
153 For purposes of performing inspections under this section for
154 additions and alterations that are limited to 1,000 square feet

218733
4/30/2007 3:20:05 PM

Amendment No.

155 or less to residential buildings, the term "private provider"
156 also includes a person who holds a standard certificate under
157 part XII of chapter 468.

158 (j)~~(h)~~ "Request for certificate of occupancy or
159 certificate of completion" means a properly completed and
160 executed application for:

161 1. A certificate of occupancy or certificate of
162 completion.

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

165 3. Any applicable fees.

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

169 (k) "Stop-work order" means the issuance of any written
170 statement, written directive, or written order which states the
171 reason for the order and the conditions under which the cited
172 work will be permitted to resume.

173 (2) Notwithstanding any other ~~provision of~~ law or local
174 government ordinance or local policy, the fee owner of a
175 building or structure, or the fee owner's contractor upon
176 written authorization from the fee owner, may choose to use a
177 private provider to provide building code inspection services
178 with regard to such building or structure and may make payment
179 directly to the private provider for the provision of such
180 services. All such services shall be the subject of a written
181 contract between the private provider, or the private provider's
182 firm, and the fee owner or the fee owner's contractor, upon

218733

4/30/2007 3:20:05 PM

Amendment No.

183 written authorization of the fee owner. The fee owner may elect
184 to use a private provider to provide plans review or required
185 building inspections, or both. However, if the fee owner or the
186 fee owner's contractor uses a private provider to provide plans
187 review, the local building official, in his or her discretion
188 and pursuant to duly adopted policies of the local enforcement
189 agency, may require the fee owner or the fee owner's contractor
190 to use a private provider to also provide required building
191 inspections.

192 (4) A fee owner or the fee owner's contractor using a
193 private provider to provide building code inspection services
194 shall notify the local building official at the time of permit
195 application, or no less than 7 business days prior to the first
196 scheduled inspection by the local building official or building
197 code enforcement agency for a private provider performing
198 required inspections of construction under this section, on a
199 form to be adopted by the commission. This notice shall include
200 the following information:

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

202 (b) The name, firm, address, telephone number, and
203 facsimile number of each private provider who is performing or
204 will perform such services, his or her professional license or
205 certification number, qualification statements or resumes, and,
206 if required by the local building official, a certificate of
207 insurance demonstrating that professional liability insurance
208 coverage is in place for the private provider's firm, the
209 private provider, and any duly authorized representative in the
210 amounts required by this section.

218733

4/30/2007 3:20:05 PM

Amendment No.

211 (c) An acknowledgment from the fee owner in substantially
212 the following form:
213 I have elected to use one or more private providers to provide
214 building code plans review and/or inspection services on the
215 building or structure that is the subject of the enclosed permit
216 application, as authorized by s. 553.791, Florida Statutes. I
217 understand that the local building official may not review the
218 plans submitted or perform the required building inspections to
219 determine compliance with the applicable codes, except to the
220 extent specified in said law. Instead, plans review and/or
221 required building inspections will be performed by licensed or
222 certified personnel identified in the application. The law
223 requires minimum insurance requirements for such personnel, but
224 I understand that I may require more insurance to protect my
225 interests. By executing this form, I acknowledge that I have
226 made inquiry regarding the competence of the licensed or
227 certified personnel and the level of their insurance and am
228 satisfied that my interests are adequately protected. I agree to
229 indemnify, defend, and hold harmless the local government, the
230 local building official, and their building code enforcement
231 personnel from any and all claims arising from my use of these
232 licensed or certified personnel to perform building code
233 inspection services with respect to the building or structure
234 that is the subject of the enclosed permit application.

235
236 If the fee owner or the fee owner's contractor makes any changes
237 to the listed private providers or the services to be provided
238 by those private providers, the fee owner or the fee owner's

218733

4/30/2007 3:20:05 PM

Amendment No.

239 contractor shall, within 1 business day after any change, update
240 the notice to reflect such changes. A change of a duly
241 authorized representative named in the permit application does
242 not require a revision of the permit, and the building code
243 enforcement agency shall not charge a fee for making the change.

244 In addition, the fee owner or the fee owner's contractor shall
245 post at the project site, prior to the commencement of
246 construction and updated within 1 business day after any change,
247 on a form to be adopted by the commission, the name, firm,
248 address, telephone number, and facsimile number of each private
249 provider who is performing or will perform building code
250 inspection services, the type of service being performed, and
251 similar information for the primary contact of the private
252 provider on the project.

253 (8) A private provider performing required inspections
254 under this section shall inspect each phase of construction as
255 required by the applicable codes. The private provider shall be
256 permitted to send a duly authorized representative to the
257 building site to perform the required inspections, provided all
258 required reports ~~and certifications~~ are prepared by and bear the
259 signature of the private provider or the private provider's duly
260 authorized representative. The duly authorized representative
261 must be an employee of the private provider entitled to receive
262 unemployment compensation benefits under chapter 443. The
263 contractor's contractual or legal obligations are not relieved
264 by any action of the private provider.

265 (9) A private provider performing required inspections
266 under this section shall provide notice to the local building
218733

4/30/2007 3:20:05 PM

Amendment No.

267 official of the date and approximate time of any such inspection
268 no later than the prior business day by 2 p.m. local time or by
269 any later time permitted by the local building official in that
270 jurisdiction. The local building official may visit the
271 building site as often as necessary to verify that the private
272 provider is performing all required inspections. A deficiency
273 notice must be posted at the job site by the private provider,
274 the duly authorized representative of the private provider, or
275 the building department whenever a noncomplying item related to
276 the building code or the permitted documents is found. After
277 corrections are made, the item must be reinspected by the
278 private provider or representative before being concealed.
279 Reinspection or reaudit fees shall not be charged by the local
280 jurisdiction as a result of the local jurisdiction's audit
281 inspection occurring before the performance of the private
282 provider's inspection or for any other administrative matter not
283 involving the detection of a violation of the building code or a
284 permit requirement.

285 (10) Upon completing the required inspections at each
286 applicable phase of construction, the private provider shall
287 record such inspections on a form acceptable to the local
288 building official. The form must be signed by the provider or
289 the provider's duly authorized representative. These inspection
290 records shall reflect those inspections required by the
291 applicable codes of each phase of construction for which
292 permitting by a local enforcement agency is required. The
293 private provider, before leaving the project site, shall post
294 each completed inspection record, indicating pass or fail, at

218733

4/30/2007 3:20:05 PM

Amendment No.

295 the site and provide the record to the local building official
296 within 2 business days. The local building official may waive
297 the requirement to provide a record of each inspection within 2
298 business days if the record is posted at the project site and
299 all such inspection records are submitted with the certificate
300 of compliance. Records of all required and completed inspections
301 shall be maintained at the building site at all times and made
302 available for review by the local building official. The private
303 provider shall report to the local enforcement agency any
304 condition that poses an immediate threat to public safety and
305 welfare.

306 (11) Upon completion of all required inspections, the
307 private provider shall prepare a certificate of compliance, on a
308 form acceptable to the local building official, summarizing the
309 inspections performed and including a written representation,
310 under oath, that the stated inspections have been performed and
311 that, to the best of the private provider's knowledge and
312 belief, the building construction inspected complies with the
313 approved plans and applicable codes. The statement required of
314 the private provider shall be substantially in the following
315 form and shall be signed and sealed by a private provider as
316 established in subsection (1):

317 To the best of my knowledge and belief, the building components
318 and site improvements outlined herein and inspected under my
319 authority have been completed in conformance with the approved
320 plans and the applicable codes.

321 (13) If the local building official determines that the
322 building construction or plans do not comply with the applicable
218733

4/30/2007 3:20:05 PM

Amendment No.

323 codes, the official may deny the permit or request for a
324 certificate of occupancy or certificate of completion, as
325 appropriate, or may issue a stop-work order for the project or
326 any portion thereof as provided by law, if the official
327 determines that the ~~such~~ noncompliance poses an immediate a
328 threat to public safety and welfare, subject to the following:

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

334 (b) If the local building official and private provider
335 are unable to resolve the dispute, the matter shall be referred
336 to the local enforcement agency's board of appeals, if one
337 exists, which shall consider the matter at its next scheduled
338 meeting or sooner. Any decisions by the local enforcement
339 agency's board of appeals, or local building official if there
340 is no board of appeals, may be appealed to the commission as
341 provided by this chapter.

342 (c) Notwithstanding any provision of this section, any
343 decisions regarding the issuance of a building permit,
344 certificate of occupancy, or certificate of completion may be
345 reviewed by the local enforcement agency's board of appeals, if
346 one exists. Any decision by the local enforcement agency's board
347 of appeals, or local building official if there is no board of
348 appeals, may be appealed to the commission as provided by this
349 chapter, which shall consider the matter at the commission's
350 next scheduled meeting.

218733

4/30/2007 3:20:05 PM

Amendment No.

351 (15) (a) ~~A~~ ~~Ne~~ local enforcement agency, local building
352 official, or local government may not adopt or enforce any laws,
353 rules, procedures, policies, qualifications, or standards more
354 stringent than those prescribed by this section.

355 (b) A local enforcement agency, local building official,
356 or local government may establish, for private providers and
357 duly authorized representatives working within that
358 jurisdiction, a system of registration to verify compliance with
359 the licensure requirements of paragraph (1)(g) and the insurance
360 requirements of subsection (16).

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

367 (18) Each local building code enforcement agency may audit
368 the performance of building code inspection services by private
369 providers operating within the local jurisdiction. Work on a
370 building or structure may proceed after inspection and approval
371 by a private provider if the provider has given notice of the
372 inspection pursuant to subsection (9) and, subsequent to such
373 inspection and approval, the work shall ~~may~~ not be delayed for
374 completion of an inspection audit by the local building code
375 enforcement agency.

376 Section 7. Section 553.841, Florida Statutes, is amended
377 to read:

218733

4/30/2007 3:20:05 PM

Amendment No.

378 553.841 Building code compliance and mitigation program
379 ~~education and outreach program.~~--

380 (1) The Legislature finds that knowledge and understanding
381 by persons licensed in the design and construction industries of
382 the importance and need for complying with the Florida Building
383 Code is vital to the public health, safety, and welfare of this
384 state, especially for mitigating damage caused by hurricanes to
385 residents and visitors to the state. The Legislature further
386 finds that the Florida Building Code can be effective only if
387 all participants in the design and construction industries
388 maintain a thorough knowledge of the code and additions thereto
389 which improve construction standards to protect against storm
390 and other damage. Consequently, the Legislature finds that there
391 is a need for a program to provide ongoing education and
392 outreach activities concerning compliance with the Florida
393 Building Code and hurricane mitigation ~~the effectiveness of the~~
394 ~~building codes of this state depends on the performance of all~~
395 ~~participants, as demonstrated through knowledge of the codes and~~
396 ~~commitment to compliance with code directives, and that to~~
397 ~~strengthen compliance by industry and enforcement by government,~~
398 ~~a building code education and outreach program is needed.~~

399 (2) The Department of Community Affairs shall administer a
400 program, designated as the Florida Building Code Compliance and
401 Mitigation Program, to develop, coordinate, and maintain
402 education and outreach to persons required to comply with the
403 Florida Building Code and ensure consistent education, training,
404 and communication of the code's requirements, including, but not
405 limited to, methods for mitigation of storm-related damage. The

218733

4/30/2007 3:20:05 PM

Amendment No.

406 program shall also operate a clearinghouse through which design,
407 construction, and building code enforcement licensees,
408 suppliers, and consumers in this state may find others in order
409 to exchange information relating to mitigation and facilitate
410 repairs in the aftermath of a natural disaster. ~~There is created~~
411 ~~the Building Code Education and Outreach Council to coordinate,~~
412 ~~develop, and maintain education and outreach to ensure~~
413 ~~administration and enforcement of the Florida Building Code.~~

414 (3) All services and materials under the Florida Building
415 Code Compliance and Mitigation Program must be provided by a
416 private, nonprofit corporation under contract with the
417 department. The term of the contract shall be for 4 years, with
418 the option of one 4-year renewal at the end of the contract
419 term. The initial contract must be in effect no later than
420 November 1, 2007. The private, nonprofit corporation must be an
421 organization whose membership includes trade and professional
422 organizations whose members consist primarily of persons and
423 entities that are required to comply with the Florida Building
424 Code and that are licensed under part XII of chapter 468,
425 chapter 471, chapter 481, or chapter 489. When selecting the
426 private, nonprofit corporation for the program, the department
427 must give primary consideration to the corporation's
428 demonstrated experience and the ability to:

429 (a) Develop and deliver building code-related education,
430 training, and outreach;

431 (b) Directly access the majority of persons licensed in
432 the occupations of design, construction, and building code

218733

4/30/2007 3:20:05 PM

Amendment No.

433 enforcement individually and through established statewide trade
434 and professional association networks;

435 (c) Serve as a clearinghouse to deliver education and
436 outreach throughout the state. The clearinghouse must serve as a
437 focal point at which persons licensed to design, construct, and
438 enforce building codes and suppliers and consumers can find each
439 other in order to exchange information relating to mitigation
440 and facilitate repairs in the aftermath of a natural disaster;

441 (d) Accept input from the Florida Building Commission,
442 licensing regulatory boards, local building departments, and the
443 design and construction industries in order to improve its
444 education and outreach programs; and

445 (e) Promote design and construction techniques and
446 materials for mitigating hurricane damage at a Florida-based
447 trade conference that includes participants from the broadest
448 possible range of design and construction trades and
449 professions, including from those private and public-sector
450 entities having jurisdiction over building codes and design and
451 construction licensure. The Building Code Education and Outreach
452 Council shall be composed of the following members:

453 ~~(a) Three representatives of the Florida Building~~
454 ~~Commission, one of whom must be a member of a Florida based~~
455 ~~organization of persons with disabilities or a nationally~~
456 ~~chartered organization of persons with disabilities having~~
457 ~~chapters in this state, selected by the commission;~~

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

218733

4/30/2007 3:20:05 PM

Amendment No.

- 460 ~~(c) One representative of the Construction Industry~~
461 ~~Licensing Board, selected by that board;~~
- 462 ~~(d) One representative of the Electrical Contractors'~~
463 ~~Licensing Board, selected by that board;~~
- 464 ~~(e) One representative of the Florida Board of~~
465 ~~Professional Engineers, selected by that board;~~
- 466 ~~(f) One architect representative of the Board of~~
467 ~~Architecture and Interior Design, selected by that board;~~
- 468 ~~(g) One interior designer representative of the Board of~~
469 ~~Architecture and Interior Design, selected by that board;~~
- 470 ~~(h) One representative of the Board of Landscape~~
471 ~~Architecture, selected by that board;~~
- 472 ~~(i) One representative from the office of the State Fire~~
473 ~~Marshal, selected by that office; and~~
- 474 ~~(j) One representative with experience and expertise in K-~~
475 ~~12 public school construction.~~

476

477 ~~Each member of the board shall be appointed to a 2-year term and~~
478 ~~may be reappointed at the discretion of the appointing body. A~~
479 ~~chair shall be elected by majority vote of the council and shall~~
480 ~~serve a term of 1 year.~~

481 ~~(4) The Building Code Education and Outreach Council shall~~
482 ~~meet in Tallahassee no more than semiannually. The council may~~
483 ~~meet more often but not more than monthly, and such additional~~
484 ~~meetings shall be by telephone conference call. Travel costs, if~~
485 ~~any, shall be borne by the respective appointing entity. The~~
486 ~~Department of Community Affairs shall provide administrative~~
487 ~~support to the council; however, the department may contract~~

218733

4/30/2007 3:20:05 PM

Amendment No.

488 ~~with an entity that has previous experience with building code~~
489 ~~training, development, and coordination to provide~~
490 ~~administrative support for the council.~~

491 ~~(5) The Building Code Education and Outreach Council~~
492 ~~shall:~~

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

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

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

498 ~~(d) Review all proposed subjects for advanced courses~~
499 ~~concerning the Florida Building Code and recommend to the~~
500 ~~commission any related subjects that should be approved for~~
501 ~~advanced courses.~~

502 ~~(4)(6) The department, in administering the Florida~~
503 ~~Building Code Compliance and Mitigation Program, Building Code~~
504 ~~Education and Outreach Council shall maintain, update, develop,~~
505 ~~or cause to be developed:~~

506 (a) A core curriculum that is prerequisite to the advanced
507 module coursework.

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

509 (c) The core curriculum developed under this subsection
510 must be approved by the commission and submitted to the
511 Department of Business and Professional Regulation for approval.
512 Advanced modules developed under this paragraph must be approved
513 by the commission and submitted to the respective boards for
514 approval.

218733

4/30/2007 3:20:05 PM

Amendment No.

515 ~~(5)(7)~~ The core curriculum shall cover the information
516 required to have all categories of participants appropriately
517 informed as to their technical and administrative
518 responsibilities in the effective execution of the code process
519 by all individuals currently licensed under part XII of chapter
520 468, chapter 471, chapter 481, or chapter 489, except as
521 otherwise provided in s. 471.017. The core curriculum shall be
522 prerequisite to the advanced module coursework for all licensees
523 and shall be completed by individuals licensed in all categories
524 under part XII of chapter 468, chapter 471, chapter 481, or
525 chapter 489 within the first 2-year period after initial
526 licensure. Core course hours taken by licensees to complete this
527 requirement shall count toward fulfillment of required
528 continuing education units under part XII of chapter 468,
529 chapter 471, chapter 481, or chapter 489.

530 ~~(6)(8)~~ Each biennium, upon receipt of funds by the
531 Department of Community Affairs from the Construction Industry
532 Licensing Board and the Electrical Contractors' Licensing Board
533 provided under ss. 489.109(3) and 489.509(3), the department
534 ~~council~~ shall determine the amount of funds available for the
535 Florida Building Code Compliance and Mitigation Program
536 ~~education and outreach projects from the proceeds of contractor~~
537 ~~licensing fees and identify, solicit, and accept funds from~~
538 ~~other sources for education and outreach projects.~~

539 ~~(7)(9)~~ If the funds collected for education and outreach
540 projects provided through the Florida Building Code Compliance
541 and Mitigation Program in any state fiscal year do not require
542 the use of all available funds, the unused funds shall be

218733

4/30/2007 3:20:05 PM

Amendment No.

543 carried forward and allocated for use during the following
544 fiscal year.

545 (8) The Florida Building Commission shall provide by rule
546 for the accreditation of courses related to the Florida Building
547 Code by accreditors approved by the commission. The commission
548 shall establish qualifications of accreditors and criteria for
549 the accreditation of courses by rule. The commission may revoke
550 the accreditation of a course by an accreditor if the
551 accreditation is demonstrated to violate this part or the rules
552 of the commission.

553 (9) This section does not prohibit or limit the subject
554 areas or development of continuing education or training on the
555 Florida Building Code by any qualified entity.

556 ~~(10) The commission shall consider and approve or reject~~
557 ~~the recommendations made by the council for subjects for~~
558 ~~education and outreach concerning the Florida Building Code. Any~~
559 ~~rejection must be made with specificity and must be communicated~~
560 ~~to the council.~~

561 ~~(11) The commission shall adopt rules for establishing~~
562 ~~procedures and criteria for the approval of advanced courses.~~
563 ~~This section does not modify or eliminate the continuing~~
564 ~~education course requirements or authority of any licensing~~
565 ~~board under part XII of chapter 468, chapter 471, chapter 481,~~
566 ~~or chapter 489.~~

567 Section 8. Paragraph (a) of subsection (5) and subsection
568 (7) of section 553.842, Florida Statutes, are amended, and
569 subsection (16) is added to that section to read:

570 553.842 Product evaluation and approval.--

218733

4/30/2007 3:20:05 PM

Amendment No.

571 (5) Statewide approval of products, methods, or systems of
572 construction may be achieved by one of the following methods.
573 One of these methods must be used by the commission to approve
574 the following categories of products: panel walls, exterior
575 doors, roofing, skylights, windows, shutters, and structural
576 components as established by the commission by rule.

577 (a) Products for which the code establishes standardized
578 testing or comparative or rational analysis methods shall be
579 approved by submittal and validation of one of the following
580 reports or listings indicating that the product or method or
581 system of construction was evaluated to be in compliance with
582 the Florida Building Code and that the product or method or
583 system of construction is, for the purpose intended, at least
584 equivalent to that required by the Florida Building Code:

- 585 1. A certification mark or listing of an approved
586 certification agency, which may be used only for products for
587 which the code designates standardized testing;
588 2. A test report from an approved testing laboratory;
589 3. A product evaluation report based upon testing or
590 comparative or rational analysis, or a combination thereof, from
591 an approved product evaluation entity; or
592 4. A product evaluation report based upon testing or
593 comparative or rational analysis, or a combination thereof,
594 developed and signed and sealed by a professional engineer or
595 architect, licensed in this state.

596
597 A product evaluation report or a certification mark or listing
598 of an approved certification agency which demonstrates that the
218733

4/30/2007 3:20:05 PM

Amendment No.

599 product or method or system of construction complies with the
600 Florida Building Code for the purpose intended shall be
601 equivalent to a test report and test procedure as referenced in
602 the Florida Building Code.

603 (7) For state approvals, validation shall be performed by
604 validation entities approved by the commission. The commission
605 shall adopt by rule criteria for approval of validation
606 entities, which shall be third-party entities independent of the
607 product's manufacturer and which shall certify to the commission
608 the product's compliance with the code. The commission may adopt
609 by rule a schedule of penalties to be imposed against approved
610 validation entities that validate product applications in
611 violation of this section or rules adopted under this section.

612 (16) The commission may adopt a rule that identifies
613 standards that are equivalent to or more stringent than those
614 specifically adopted by the code, thereby allowing the use in
615 this state of the products that comply with the equivalent
616 standard.

617 Section 9. Subsections (2) and (6) of section 633.081,
618 Florida Statutes, are amended to read:

619 633.081 Inspection of buildings and equipment; orders;
620 firesafety inspection training requirements; certification;
621 disciplinary action.--The State Fire Marshal and her or his
622 agents shall, at any reasonable hour, when the department has
623 reasonable cause to believe that a violation of this chapter or
624 s. 509.215, or a rule promulgated thereunder, or a minimum
625 firesafety code adopted by a local authority, may exist, inspect
626 any and all buildings and structures which are subject to the

218733

4/30/2007 3:20:05 PM

Amendment No.

627 requirements of this chapter or s. 509.215 and rules promulgated
628 thereunder. The authority to inspect shall extend to all
629 equipment, vehicles, and chemicals which are located within the
630 premises of any such building or structure.

631 (2) Every firesafety inspection conducted pursuant to
632 state or local firesafety requirements shall be by a person
633 certified as having met the inspection training requirements set
634 by the State Fire Marshal. Such person shall:

635 (a) Be a high school graduate or the equivalent as
636 determined by the department;

637 (b) Not have been found guilty of, or having pleaded
638 guilty or nolo contendere to, a felony or a crime punishable by
639 imprisonment of 1 year or more under the law of the United
640 States, or of any state thereof, which involves moral turpitude,
641 without regard to whether a judgment of conviction has been
642 entered by the court having jurisdiction of such cases;

643 (c) Have her or his fingerprints on file with the
644 department or with an agency designated by the department;

645 (d) Have good moral character as determined by the
646 department;

647 (e) Be at least 18 years of age ~~a resident of Florida~~;

648 (f) Have satisfactorily completed the firesafety inspector
649 certification examination as prescribed by the department; and

650 (g)1. Have satisfactorily completed, as determined by the
651 department, a firesafety inspector training program of not less
652 than 200 hours, ~~as~~ established by the department and
653 administered by ~~such~~ agencies and institutions ~~as~~ approved by

218733

4/30/2007 3:20:05 PM

Amendment No.

654 the department for the purpose of providing basic certification
655 training for firesafety inspectors; or

656 2. Have received in another state training which is
657 determined by the department to be at least equivalent to that
658 required by the department for approved firesafety inspector
659 education and training programs in this state.

660 (6) The State Fire Marshal may deny, refuse to renew,
661 suspend, or revoke the certificate of a firesafety inspector or
662 special state firesafety inspector if it finds that any of the
663 following grounds exist:

664 (a) Any cause for which issuance of a certificate could
665 have been refused had it then existed and been known to the
666 State Fire Marshal.

667 (b) Violation of ~~any provision of~~ this chapter or any rule
668 or order of the State Fire Marshal.

669 (c) Falsification of records relating to the certificate.

670 (d) Having been found guilty of or having pleaded guilty
671 or nolo contendere to a felony, whether or not a judgment of
672 conviction has been entered.

673 (e) Failure to meet any of the renewal requirements.

674 (f) Having been convicted of a crime in any jurisdiction
675 which directly relates to the practice of fire code inspection,
676 plan review, or administration.

677 (g) Making or filing a report or record that the
678 certificateholder knows to be false, or knowingly inducing
679 another to file a false report or record, or knowingly failing
680 to file a report or record required by state or local law, or

218733

4/30/2007 3:20:05 PM

Amendment No.

681 knowingly impeding or obstructing such filing, or knowingly
682 inducing another person to impede or obstruct such filing.

683 (h) Failing to properly enforce applicable fire codes or
684 permit requirements within this state which the
685 certificateholder knows are applicable by committing willful
686 misconduct, gross negligence, gross misconduct, repeated
687 negligence, or negligence resulting in a significant danger to
688 life or property.

689 (i) Accepting labor, services, or materials at no charge
690 or at a noncompetitive rate from any person who performs work
691 that is under the enforcement authority of the certificateholder
692 and who is not an immediate family member of the
693 certificateholder. For the purpose of this paragraph, the term
694 "immediate family member" means a spouse, child, parent,
695 sibling, grandparent, aunt, uncle, or first cousin of the person
696 or the person's spouse or any person who resides in the primary
697 residence of the certificateholder.

698 Section 10. Subsection (9) of section 633.521, Florida
699 Statutes, is amended, and subsection (11) is added to that
700 section, to read:

701 633.521 Certificate application and issuance; permit
702 issuance; examination and investigation of applicant.--

703 (9) It is the intent of the Legislature that the
704 inspections and testing of automatic fire sprinkler systems for
705 detached one-family dwellings, detached two-family dwellings,
706 and mobile homes be accomplished by the owner, who is
707 responsible for requesting service from a contractor when
708 necessary. It is further intended that the NFPA-25 inspection of
218733

4/30/2007 3:20:05 PM

Amendment No.

709 exposed underground piping and any attached appurtenances
710 supplying a fire protection system be conducted by a Contractor
711 I or Contractor II.

712 (11) It is intended that a certificateholder, or a
713 permitholder who is employed by a certificateholder, conduct
714 inspections required by this chapter. It is understood that
715 after July 1, 2008, employee turnover may result in a depletion
716 of personnel who are certified under the NICET Sub-field of
717 Inspection and Testing of Fire Protection Systems Level II which
718 is required for permitholders. The extensive training and
719 experience necessary to achieve NICET Level II certification is
720 recognized. A certificateholder may therefore obtain a
721 provisional permit with an endorsement for inspection, testing,
722 and maintenance of water-based fire extinguishing systems for an
723 employee if the employee has initiated procedures for obtaining
724 Level II certification from the National Institute for
725 Certification in Engineering Technologies Sub-field of
726 Inspection and Testing of Fire Protection Systems and achieved
727 Level I certification. After 2 years of provisional
728 certification, the employee must have achieved NICET Level II
729 certification or cease performing inspections requiring Level II
730 certification. The provisional permit is valid only for the 2
731 calendar years after the date of issuance, may not be extended,
732 and is not renewable. After the initial 2-year provisional
733 permit expires, the certificateholder must wait 2 additional
734 years before a new provisional permit may be issued. The intent
735 is to prohibit the certificateholder from using employees who

218733

4/30/2007 3:20:05 PM

Amendment No.

736 never reach NICET Level II status by continuously obtaining
737 provisional permits.

738 Section 11. Subsection (4) of section 633.537, Florida
739 Statutes, is amended to read:

740 633.537 Certificate; expiration; renewal; inactive
741 certificate; continuing education.--

742 (4) The renewal period for the permit class is the same as
743 that for ~~of~~ the employing certificateholder. The continuing
744 education requirements for permitholders are what is required to
745 maintain NICET Sub-field of Inspection and Testing of Fire
746 Protection Systems Level II or higher certification plus 8 shall
747 ~~be 8 contact hours by June 30, 2006. An additional 16 contact~~
748 ~~hours of continuing education is required by June 30, 2008, and~~
749 ~~during each biennial renewal period thereafter. The continuing~~
750 ~~education curriculum from July 1, 2005, until July 1, 2008,~~
751 ~~shall be the preparatory curriculum for NICET II certification;~~
752 ~~after July 1, 2008, the technical curriculum is at the~~
753 ~~discretion of the State Fire Marshal and may be used to meet the~~
754 ~~maintenance of NICET Level II certification and 8 contact hours~~
755 ~~of continuing education requirements. It is the responsibility~~
756 ~~of the permitholder to maintain NICET II certification as a~~
757 ~~condition of permit renewal after July 1, 2008.~~

758 Section 12. The Florida Building Commission shall review
759 modifications 2151, 2152, 2153 and 2492, reviewed by the
760 commission's technical advisory committee. The commission shall
761 take public comment on these modifications, including the need
762 for the modifications, how the modifications will affect the
763 health, safety, and welfare of the residents of this state, and
218733

4/30/2007 3:20:05 PM

Amendment No.

764 the continuing need for any Florida-specific requirement of the
765 code which the modifications seek to repeal. Notwithstanding s.
766 553.73, Florida Statutes, the commission may adopt or modify the
767 modifications in response to the public comments subject only to
768 the rule-adoption procedures of chapter 120, Florida Statutes,
769 for inclusion in the next edition of the Florida Building Code.

770

771

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

773 On page 1, line 9, through page 3, line 20,

774 remove all of said lines,

775 and insert: National Electric Code; requiring the commission to
776 make certain determinations before eliminating gravel and stone
777 roofing systems; amending s. 468.609, F.S.; increasing the
778 number of days a newly employed person can be a plan examiner or
779 building inspector without certification; amending s. 553.73,
780 F.S.; authorizing the commission to approve certain amendments
781 to the code; amending s. 553.775, F.S.; providing that, upon
782 written application by substantially affected persons, the
783 Florida Building Commission must issue, or cause to be issued, a
784 formal interpretation of the code; amending s. 553.791, F.S.;

785 defining terms; requiring that certain forms be signed at the
786 completion of a required inspection; requiring that a deficiency
787 notice be posted at the job site whenever an element is found to
788 be not in conformance with the building code or the permitting
789 documents; providing for corrective actions; prohibiting the
790 charging of certain fees; amending s. 553.841, F.S.; providing
791 legislative intent regarding education and outreach for

218733

4/30/2007 3:20:05 PM

Amendment No.

792 understanding the Florida Building Code; requiring the
793 Department of Community Affairs to administer a compliance and
794 mitigation program; requiring that the compliance and mitigation
795 program be provided by a private, nonprofit corporation under
796 contract with the department; requiring the department to
797 consider certain criteria when selecting the corporation;
798 requiring the commission to provide certain courses to accredit
799 persons subject to the building code; authorizing the commission
800 to adopt rules; amending s. 553.842, F.S.; providing for
801 certification of products; authorizing the commission to impose
802 penalties for violation of the product validation process;
803 amending s. 633.081, F.S.; deleting the requirement that a
804 certified firesafety inspector be a resident of Florida;
805 requiring that a firesafety inspector be 18 years of age or
806 older; establishing grounds under which an inspector's license
807 may be suspended or revoked; amending s. 633.521, F.S.;
808 providing for provisional permits for inspectors of certain fire
809 protection systems; providing a time limitation for such
810 permits; amending s. 633.537, F.S.; revising continuing
811 education requirements; requiring the commission to review
812 certain modifications recommended by the commission's technical
813 advisory committee; authorizing the commission to adopt or
814 modify the modifications in response to public comments;
815 authorizing the commission to adopt

218733

4/30/2007 3:20:05 PM