

By the Committee on Community Affairs; and Senator Constantine

578-2430-07

1                                   A bill to be entitled  
 2           An act relating to the Florida Building  
 3           Commission; requiring the commission to review  
 4           the requirements in the National Electrical  
 5           Code which relate to bonding and grounding  
 6           systems for swimming pools; authorizing the  
 7           commission to adopt a rule for bonding and  
 8           grounding which is an alterative to that of the  
 9           National Electrical Code; providing legislative  
 10          intent relating to retrofitting buildings to  
 11          prevent hurricane and storm damage; directing  
 12          the commission to consider the costs and  
 13          benefits of any mitigation techniques before  
 14          adoption of a rule; requiring the commission to  
 15          develop and adopt within the Florida Building  
 16          Code appropriate mitigation techniques to use  
 17          to retrofit buildings constructed before the  
 18          code was implemented; amending s. 553.73, F.S.;  
 19          authorizing the commission to approve certain  
 20          amendments to the code; amending s. 553.775,  
 21          F.S.; providing that, upon written application  
 22          by substantially affected persons, the Florida  
 23          Building Commission must issue, or cause to be  
 24          issued, a formal interpretation of the code;  
 25          amending s. 553.791, F.S.; defining terms;  
 26          requiring that certain forms be signed at the  
 27          completion of a required inspection; requiring  
 28          that a deficiency notice be posted at the job  
 29          site whenever an element is found to be not in  
 30          conformance with the building code or the  
 31          permitting documents; providing for corrective

1 actions; prohibiting the charging of certain  
2 fees; amending s. 553.841, F.S.; providing  
3 legislative intent regarding education and  
4 outreach for understanding the Florida Building  
5 Code; requiring the Department of Community  
6 Affairs to administer an education and outreach  
7 program; requiring that the education and  
8 outreach program be provided by a private,  
9 nonprofit corporation under contract with the  
10 department; requiring the department to  
11 consider certain criteria when selecting the  
12 corporation; requiring the commission to  
13 provide certain courses to accredit persons  
14 subject to the building code; authorizing the  
15 commission to adopt rules; amending s. 553.842,  
16 F.S.; providing for certification of products;  
17 authorizing the commission to impose penalties  
18 for violation of the product validation  
19 process; requiring the commission to review  
20 certain modifications recommended by the  
21 commission's technical advisory committee;  
22 authorizing the commission to adopt or modify  
23 the modifications in response to public  
24 comments; contingent upon appropriations,  
25 directing the commission to conduct a study to  
26 evaluate certain specified activities related  
27 to mitigation of property loss; requiring the  
28 commission to deliver a report to the Governor  
29 and others by a specified date; providing for  
30 the content of the report; directing the  
31 commission to work with others to review the

1 Florida Energy Code and to compare that code to  
2 other energy efficiency codes; requiring the  
3 commission to deliver a report to the  
4 Legislature by a specified date; providing an  
5 appropriation; providing an effective date.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

9 Section 1. The Florida Building Commission shall  
10 review the requirements in the National Electrical Code (2005)  
11 which relate to bonding and grounding systems for swimming  
12 pools. The commission may adopt a rule authorizing the use of  
13 a method for bonding and grounding systems which is an  
14 alternative to what is permitted by the National Electrical  
15 Code. The commission is further authorized to integrate that  
16 alternative method into the 2007 edition of the Florida  
17 Building Code, notwithstanding the requirements of s. 553.73,  
18 Florida Statutes. Until the commission adopts a rule for an  
19 alternate method for bonding and grounding systems for  
20 swimming pools, the use of an underground bonding conductor  
21 made of a single #8 AWG bare solid copper wire buried to a  
22 minimum depth of 4 inches to 6 inches below subgrade, and 18  
23 inches to 24 inches from inside the wall of a swimming pool or  
24 spa, is deemed a permissible alternative or equivalent to  
25 compliance with s. 680.26(c) of the National Electrical Code  
26 (2005), NFPA No. 70, adopted by reference within the Florida  
27 Building Code.

28 Section 2. (1) The Legislature finds that the results  
29 of recent hurricanes striking this state have demonstrated the  
30 effectiveness of the Florida Building Code for reducing  
31 property damage for buildings constructed in accordance with

1 the requirements of the code. The Legislature also finds that  
2 the storms have called attention to the vulnerability of some  
3 buildings constructed before the code was implemented. The  
4 Legislature also finds that the destructive effects of  
5 hurricanes represent a continuing threat to the health,  
6 safety, and welfare of the residents of this state and affect  
7 the insurance rates in the state. The Legislature additionally  
8 finds that mitigating property damage constitutes a valid and  
9 recognized objective of the Florida Building Code. The  
10 Legislature further finds that retrofitting buildings built  
11 before the code was implemented with proven construction  
12 methods and materials set forth in the code is cost-effective  
13 and a benefit to the state as a whole.

14 (2) The Florida Building Commission shall:

15 (a) Consider the extent to which a proposed code  
16 provision will mitigate property damage to buildings and their  
17 contents when evaluating whether the proposed code provision  
18 should be adopted. If the proposed code provision applies only  
19 to the mitigation of property damage and cannot be  
20 demonstrated to significantly affect life-safety issues for  
21 persons, the proposed code provision must be evaluated by its  
22 measurable benefits when compared to the costs the proposed  
23 code provision would impose if adopted as a rule.

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

28 1. Prescriptive techniques for installing gable-end  
29 bracing;

30 2. Secondary water barriers for roofs and standards  
31 relating to secondary water barriers. The criteria may

1 include, but are not limited to, roof shape, slope, and  
2 composition of all elements of the roof system, and the  
3 cost-effectiveness of the secondary water barrier;

4 3. Prescriptive means and criteria to improve  
5 roof-to-wall connections; and

6 4. Clarifying that roof-fastener deficiencies must be  
7 corrected when exposed during reroofing.

8  
9 If the commission finds that the cost to retrofit an existing  
10 building to meet the requirements of the code exceeds the cost  
11 of applying the code to new construction, the commission must  
12 authorize the use of alternate, less expensive means to  
13 retrofit existing buildings.

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

17 553.73 Florida Building Code.--

18 (7) ~~Upon the conclusion of a triennial update to the~~  
19 ~~Florida Building Code,~~ Notwithstanding the provisions of  
20 subsection (3) or subsection (6), the commission may address  
21 issues identified in this subsection by amending the code  
22 pursuant only to the rule adoption procedures contained in  
23 chapter 120. Provisions of the Florida Building Code,  
24 including those contained in referenced standards and  
25 criteria, relating to wind resistance or the prevention of  
26 water intrusion may not be amended pursuant to this subsection  
27 to diminish those construction requirements; however, the  
28 commission may, subject to conditions in this subsection,  
29 amend the provisions to enhance those construction  
30 requirements. Following the approval of any amendments to the  
31 Florida Building Code by the commission and publication of the

1 amendments on the commission's website, authorities having  
2 jurisdiction to enforce the Florida Building Code may enforce  
3 the amendments. The commission may approve amendments that are  
4 needed to address:

5 (a) Conflicts within the updated code;

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

8 (c) The omission of previously adopted  
9 Florida-specific amendments to the updated code if such  
10 omission is not supported by a specific recommendation of a  
11 technical advisory committee or particular action by the  
12 commission; ~~or~~

13 (d) Unintended results from the integration of  
14 previously adopted Florida-specific amendments with the model  
15 code; ~~or-~~

16 (e) Changes to federal or state law.

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

21 553.775 Interpretations.--

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

24 (d) Upon written application by any substantially  
25 affected person, contractor, or designer, or a group  
26 representing a substantially affected person, contractor, or  
27 designer, the commission shall issue or cause to be issued a  
28 formal interpretation of the Florida Building Code as  
29 prescribed by paragraph (c).

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

4           553.791 Alternative plans review and inspection.--

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

6           (a) "Applicable codes" means the Florida Building Code  
7 and any local technical amendments to the Florida Building  
8 Code but does not include the applicable minimum fire  
9 prevention and firesafety codes adopted pursuant to chapter  
10 633.

11           **(b) "Audit" means the process to confirm that the**  
12 **building code inspection services have been performed by the**  
13 **private provider, including ensuring that the required**  
14 **affidavit for the plan review has been properly completed and**  
15 **affixed to the permit documents and that the minimum mandatory**  
16 **inspections required under the building code have been**  
17 **performed and properly recorded. The term does not mean that**  
18 **the local building official is required to replicate the plan**  
19 **review or inspection being performed by the private provider.**

20           ~~(c)~~~~(b)~~ "Building" means any construction, erection,  
21 alteration, demolition, or improvement of, or addition to, any  
22 structure for which permitting by a local enforcement agency  
23 is required.

24           ~~(d)~~~~(c)~~ "Building code inspection services" means those  
25 services described in s. 468.603(6) and (7) involving the  
26 review of building plans to determine compliance with  
27 applicable codes and those inspections required by law of each  
28 phase of construction for which permitting by a local  
29 enforcement agency is required to determine compliance with  
30 applicable codes.  
31

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

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

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

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

- 22           1. The plans reviewed by the private provider.  
23           2. The affidavit from the private provider required  
24 under ~~pursuant to~~ subsection (6).  
25           3. Any applicable fees.  
26           4. Any documents required by the local building  
27 official to determine that the fee owner has secured all other  
28 government approvals required by law.

29           ~~(i)(g)~~ "Private provider" means a person licensed as  
30 an engineer under chapter 471 or as an architect under chapter  
31 481. For purposes of performing inspections under this section



1 for additions and alterations that are limited to 1,000 square  
2 feet or less to residential buildings, the term "private  
3 provider" also includes a person who holds a standard  
4 certificate under part XII of chapter 468.

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

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

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

12 3. Any applicable fees.

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

16 (k) "Stop-work order" means the issuance of any  
17 written statement, written directive, or written order to stop  
18 work on a project.

19 (2) Notwithstanding any other ~~provision of~~ law or  
20 local government ordinance or local policy, the fee owner of a  
21 building or structure, or the fee owner's contractor upon  
22 written authorization from the fee owner, may choose to use a  
23 private provider to provide building code inspection services  
24 with regard to such building or structure and may make payment  
25 directly to the private provider for the provision of such  
26 services. All such services shall be the subject of a written  
27 contract between the private provider, or the private  
28 provider's firm, and the fee owner or the fee owner's  
29 contractor, upon written authorization of the fee owner. The  
30 fee owner may elect to use a private provider to provide plans  
31 review or required building inspections, or both. However, if

1 | the fee owner or the fee owner's contractor uses a private  
2 | provider to provide plans review, the local building official,  
3 | in his or her discretion and pursuant to duly adopted policies  
4 | of the local enforcement agency, may require the fee owner or  
5 | the fee owner's contractor to use a private provider to also  
6 | provide required building inspections.

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

16 |             (a) The services to be performed by the private  
17 | provider.

18 |             (b) The name, firm, address, telephone number, and  
19 | facsimile number of each private provider who is performing or  
20 | will perform such services, his or her professional license or  
21 | certification number, qualification statements or resumes,  
22 | and, if required by the local building official, a certificate  
23 | of insurance demonstrating that professional liability  
24 | insurance coverage is in place for the private provider's  
25 | firm, the private provider, and any duly authorized  
26 | representative in the amounts required by this section.

27 |             (c) An acknowledgment from the fee owner in  
28 | substantially the following form:

29 |  
30 |             I have elected to use one or more private  
31 |             providers to provide building code plans review

1 and/or inspection services on the building or  
2 structure that is the subject of the enclosed  
3 permit application, as authorized by s.  
4 553.791, Florida Statutes. I understand that  
5 the local building official may not review the  
6 plans submitted or perform the required  
7 building inspections to determine compliance  
8 with the applicable codes, except to the extent  
9 specified in said law. Instead, plans review  
10 and/or required building inspections will be  
11 performed by licensed or certified personnel  
12 identified in the application. The law requires  
13 minimum insurance requirements for such  
14 personnel, but I understand that I may require  
15 more insurance to protect my interests. By  
16 executing this form, I acknowledge that I have  
17 made inquiry regarding the competence of the  
18 licensed or certified personnel and the level  
19 of their insurance and am satisfied that my  
20 interests are adequately protected. I agree to  
21 indemnify, defend, and hold harmless the local  
22 government, the local building official, and  
23 their building code enforcement personnel from  
24 any and all claims arising from my use of these  
25 licensed or certified personnel to perform  
26 building code inspection services with respect  
27 to the building or structure that is the  
28 subject of the enclosed permit application.

29  
30 If the fee owner or the fee owner's contractor makes any  
31 changes to the listed private providers or the services to be

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

16  
17 (8) A private provider performing required inspections  
18 under this section shall inspect each phase of construction as  
19 required by the applicable codes. The private provider shall  
20 be permitted to send a duly authorized representative to the  
21 building site to perform the required inspections, provided  
22 all required reports ~~and certifications~~ are prepared by and  
23 bear the signature of the private provider or the private  
24 provider's duly authorized representative. The duly authorized  
25 representative must be an employee of the private provider  
26 entitled to receive unemployment compensation benefits under  
27 chapter 443. The contractor's contractual or legal obligations  
28 are not relieved by any action by the private provider.

29 (9) A private provider performing required inspections  
30 under this section shall provide notice to the local building  
31 official of the date and approximate time of any such

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

20 (10) Upon completing the required inspections at each  
21 applicable phase of construction, the private provider shall  
22 record such inspections on a form acceptable to the local  
23 building official. The form must be signed by the provider or  
24 the provider's duly authorized representative. These  
25 inspection records shall reflect those inspections required by  
26 the applicable codes of each phase of construction for which  
27 permitting by a local enforcement agency is required. The  
28 private provider, before leaving the project site, shall post  
29 each completed inspection record, indicating pass or fail, at  
30 the site and provide the record to the local building official  
31 within 2 business days. The local building official may waive

1 | the requirement to provide a record of each inspection within  
2 | 2 business days if the record is posted at the project site  
3 | and all such inspection records are submitted with the  
4 | certificate of compliance. Records of all required and  
5 | completed inspections shall be maintained at the building site  
6 | at all times and made available for review by the local  
7 | building official. The private provider shall report to the  
8 | local enforcement agency any condition that poses an immediate  
9 | threat to public safety and welfare.

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

21 |  
22 |       To the best of my knowledge and belief, the  
23 |       building components and site improvements  
24 |       outlined herein and inspected under my  
25 |       authority have been completed in conformance  
26 |       with the approved plans and the applicable  
27 |       codes.

28 |  
29 |       (13) If the local building official determines that  
30 | the building construction or plans do not comply with the  
31 | applicable codes, the official may deny the permit or request

1 for a certificate of occupancy or certificate of completion,  
2 as appropriate, or may issue a stop-work order for the project  
3 or any portion thereof as provided by law, if the official  
4 determines that ~~the such~~ noncompliance poses an immediate ~~a~~  
5 threat to public safety and welfare, subject to the following:

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

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

19 (c) Notwithstanding any provision of this section, any  
20 decisions regarding the issuance of a building permit,  
21 certificate of occupancy, or certificate of completion may be  
22 reviewed by the local enforcement agency's board of appeals,  
23 if one exists. Any decision by the local enforcement agency's  
24 board of appeals, or local building official if there is no  
25 board of appeals, may be appealed to the commission as  
26 provided by this chapter, which shall consider the matter at  
27 the commission's next scheduled meeting.

28 (15)(a) ~~A No~~ local enforcement agency, local building  
29 official, or local government may not adopt or enforce any  
30 laws, rules, procedures, policies, qualifications, or  
31

1 standards more stringent than those prescribed by this  
2 section.

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

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

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

24 Section 6. Section 553.841, Florida Statutes, is  
25 amended to read:

26 553.841 Building code education, mitigation, and  
27 outreach program.--

28 (1) The Legislature finds that knowledge and  
29 understanding by persons licensed in the design and  
30 construction industries of the importance and need for  
31 complying with the Florida Building Code is vital to the



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

18       (2) The Department of Community Affairs shall  
19 administer a program, designated as the Florida Building Code  
20 Compliance and Mitigation Program, to develop, coordinate, and  
21 maintain education and outreach to persons required to comply  
22 with the Florida Building Code and ensure consistent  
23 education, training, and communication of the code's  
24 requirements, including, but not limited to, methods for  
25 mitigation of storm-related damage. The program shall also  
26 operate a clearinghouse through which design, construction,  
27 and building code enforcement licensees, suppliers, and  
28 consumers in this state may find others in order to exchange  
29 information relating to mitigation and facilitate repairs in  
30 the aftermath of a natural disaster. There is created the  
31 ~~Building Code Education and Outreach Council to coordinate,~~

1 ~~develop, and maintain education and outreach to ensure~~  
2 ~~administration and enforcement of the Florida Building Code.~~

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

17       (a) Develop and deliver building code-related  
18 education, training, and outreach;

19       (b) Directly access the majority of persons licensed  
20 in the occupations of design, construction, and building code  
21 enforcement individually and through established statewide  
22 trade and professional association networks;

23       (c) Serve as a clearinghouse to deliver education and  
24 outreach throughout the state. The clearinghouse must serve as  
25 a focal point at which persons licensed to design, construct,  
26 and enforce building codes and suppliers and consumers can  
27 find each other in order to exchange information relating to  
28 mitigation and facilitate repairs in the aftermath of a  
29 natural disaster;

30       (d) Accept input from the Florida Building Commission,  
31 licensing regulatory boards, local building departments, and

1 the design and construction industries in order to improve its  
2 education and outreach programs; and

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

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

11 ~~(a) Three representatives of the Florida Building~~  
12 ~~Commission, one of whom must be a member of a Florida based~~  
13 ~~organization of persons with disabilities or a nationally~~  
14 ~~chartered organization of persons with disabilities having~~  
15 ~~chapters in this state, selected by the commission;~~

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

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

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

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

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

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

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

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

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

3  
4 ~~Each member of the board shall be appointed to a 2-year term~~  
5 ~~and may be reappointed at the discretion of the appointing~~  
6 ~~body. A chair shall be elected by majority vote of the council~~  
7 ~~and shall serve a term of 1 year.~~

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

19           ~~(5) The Building Code Education and Outreach Council~~  
20 ~~shall:~~

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

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

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

26           ~~(d) Review all proposed subjects for advanced courses~~  
27 ~~concerning the Florida Building Code and recommend to the~~  
28 ~~commission any related subjects that should be approved for~~  
29 ~~advanced courses.~~

30  
31

1           ~~(4)(6)~~ The Building Code Education and Outreach  
2 Program Council shall maintain, update, develop, or cause to  
3 be developed:

4           (a) A core curriculum that is prerequisite to the  
5 advanced module coursework.

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

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

14           ~~(5)(7)~~ The core curriculum shall cover the information  
15 required to have all categories of participants appropriately  
16 informed as to their technical and administrative  
17 responsibilities in the effective execution of the code  
18 process by all individuals currently licensed under part XII  
19 of chapter 468, chapter 471, chapter 481, or chapter 489,  
20 except as otherwise provided in s. 471.017. The core  
21 curriculum shall be prerequisite to the advanced module  
22 coursework for all licensees and shall be completed by  
23 individuals licensed in all categories under part XII of  
24 chapter 468, chapter 471, chapter 481, or chapter 489 within  
25 the first 2-year period after initial licensure. Core course  
26 hours taken by licensees to complete this requirement shall  
27 count toward fulfillment of required continuing education  
28 units under part XII of chapter 468, chapter 471, chapter 481,  
29 or chapter 489.

30           ~~(6)(8)~~ Each biennium, upon receipt of funds by the  
31 Department of Community Affairs from the Construction Industry

1 Licensing Board and the Electrical Contractors' Licensing  
2 Board provided under ss. 489.109(3) and 489.509(3), the  
3 ~~department council~~ shall determine the amount of funds  
4 available for the Florida Building Code Compliance and  
5 Mitigation Program ~~education and outreach projects from the~~  
6 ~~proceeds of contractor licensing fees and identify, solicit,~~  
7 ~~and accept funds from other sources for education and outreach~~  
8 ~~projects.~~

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

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

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

26       ~~(10) The commission shall consider and approve or~~  
27 ~~reject the recommendations made by the council for subjects~~  
28 ~~for education and outreach concerning the Florida Building~~  
29 ~~Code. Any rejection must be made with specificity and must be~~  
30 ~~communicated to the council.~~

31

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

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

10           553.842 Product evaluation and approval.--

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

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

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

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

31

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

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

8  
9 A product evaluation report or a certification mark or listing  
10 of an approved certification agency which demonstrates that  
11 the product or method or system of construction complies with  
12 the Florida Building Code for the purpose intended shall be  
13 equivalent to a test report and test procedure as referenced  
14 in the Florida Building Code.

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

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

30           Section 8. The Florida Building Commission shall  
31 review modifications 2151, 2152, 2153 and 2492, reviewed by



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

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

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

27       (2) The commission shall prepare a report on the  
28 results of the study and deliver it to the Governor, the Chief  
29 Financial Officer, the Commissioner of Insurance Regulation,  
30 the President of the Senate, and the Speaker of the House of  
31 Representatives no later than March 1, 2008. Upon the request

1 of the commission, the Office of Insurance Regulation shall  
2 assist the commission with developing the scope and  
3 methodology used to perform the study.

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

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

27       Section 12. This act shall take effect upon becoming a  
28 law.  
29  
30  
31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3   Senate Bill 2836  
4  
5                   The Florida Building Commission must review requirements in  
6                   the National Electric Code relating to bonding and grounding  
7                   systems for swimming pools, and can provide for the use of an  
8                   alternative method. The commission must also consider the  
9                   mitigating effect of proposed code provisions on buildings and  
10                  building contents.  
11                  The commission must develop and adopt within the Florida  
12                  Building Code mitigation techniques for retrofitting buildings  
13                  constructed before the implementation of the code. When  
14                  retrofitting the existing building costs more than applying  
15                  the code to new construction, the commission must allow the  
16                  use of alternative, less-expensive means to retrofit.  
17                  The Department of Community Affairs is directed to administer  
18                  the Florida Building Code Compliance and Mitigation Program to  
19                  ensure consistent education and training relating to methods  
20                  for mitigating storm-related damage. The Building Outreach and  
21                  Education Council is abolished. Services and materials for the  
22                  mitigation program must be provided by a private, nonprofit  
23                  corporation under contract to the department.  
24                  The Florida Building Commission must review certain  
25                  modifications which were reviewed by the commission's  
26                  technical advisory committee, and take public comment on those  
27                  modifications. Notwithstanding the Florida Building Code  
28                  requirements, the commission can adopt or modify the  
29                  modifications in response to the public comment received.  
30                  The Florida Building Commission is required to conduct a  
31                  windstorm-loss mitigation study and report the results.  
32                  The Florida Building Commission, in consultation with others,  
33                  is directed to review the Florida Energy Code for new building  
34                  construction to evaluate the effectiveness of  
35                  energy-efficiency requirements and report the results.  
36                  An appropriation of \$750,000 in nonrecurring General Revenue  
37                  funds is provided.