

By the Committees on Transportation and Economic Development
Appropriations; Community Affairs; and Senator Constantine

606-2656-07

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; requiring the commission
19 to make certain determinations before
20 eliminating gravel and stone roofing systems;
21 amending s. 468.609, F.S.; increasing the
22 number of days a newly employed person can be a
23 plan examiner or building inspector without
24 certification; amending s. 553.73, F.S.;
25 authorizing the commission to approve certain
26 amendments to the code; amending s. 553.775,
27 F.S.; providing that, upon written application
28 by substantially affected persons, the Florida
29 Building Commission must issue, or cause to be
30 issued, a formal interpretation of the code;
31 amending s. 553.791, F.S.; defining terms;

1 requiring that certain forms be signed at the
2 completion of a required inspection; requiring
3 that a deficiency notice be posted at the job
4 site whenever an element is found to be not in
5 conformance with the building code or the
6 permitting documents; providing for corrective
7 actions; prohibiting the charging of certain
8 fees; amending s. 553.841, F.S.; providing
9 legislative intent regarding education and
10 outreach for understanding the Florida Building
11 Code; requiring the Department of Community
12 Affairs to administer an education and outreach
13 program; requiring that the education and
14 outreach program be provided by a private,
15 nonprofit corporation under contract with the
16 department; requiring the department to
17 consider certain criteria when selecting the
18 corporation; requiring the commission to
19 provide certain courses to accredit persons
20 subject to the building code; authorizing the
21 commission to adopt rules; amending s. 553.842,
22 F.S.; providing for certification of products;
23 authorizing the commission to impose penalties
24 for violation of the product validation
25 process; amending s. 633.081, F.S.; deleting
26 the requirement that a certified firesafety
27 inspector be a resident of Florida; requiring
28 that a firesafety inspector be 18 years of age
29 or older; establishing grounds under which an
30 inspector's license may be suspended or
31 revoked; amending s. 633.521, F.S.; providing

1 for provisional permits for inspectors of
2 certain fire protection systems; providing a
3 time limitation for such permits; amending s.
4 633.537, F.S.; revising continuing education
5 requirements; requiring the commission to
6 review certain modifications recommended by the
7 commission's technical advisory committee;
8 authorizing the commission to adopt or modify
9 the modifications in response to public
10 comments; contingent upon appropriations,
11 directing the commission to conduct a study to
12 evaluate certain specified activities related
13 to mitigation of property loss; requiring the
14 commission to deliver a report to the Governor
15 and others by a specified date; providing for
16 the content of the report; authorizing the
17 commission to adopt provisions preserving the
18 use of gravel roof systems; directing the
19 commission to work with others to review the
20 Florida Energy Code and to compare that code to
21 other energy efficiency codes; requiring the
22 commission to deliver a report to the
23 Legislature by a specified date; providing
24 appropriations; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. The Florida Building Commission shall
29 review the requirements in the National Electrical Code (2005)
30 which relate to bonding and grounding systems for swimming
31 pools. The commission may adopt a rule authorizing the use of

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

16 Section 2. (1) The Legislature finds that the results
17 of recent hurricanes striking this state have demonstrated the
18 effectiveness of the Florida Building Code for reducing
19 property damage for buildings constructed in accordance with
20 the requirements of the code. The Legislature also finds that
21 the storms have called attention to the vulnerability of some
22 buildings constructed before the code was implemented. The
23 Legislature also finds that the destructive effects of
24 hurricanes represent a continuing threat to the health,
25 safety, and welfare of the residents of this state and affect
26 the insurance rates in the state. The Legislature additionally
27 finds that mitigating property damage constitutes a valid and
28 recognized objective of the Florida Building Code. The
29 Legislature further finds that retrofitting buildings built
30 before the code was implemented with proven construction
31

1 methods and materials set forth in the code is cost-effective
2 and a benefit to the state as a whole.

3 (2) The Florida Building Commission shall:

4 (a) Consider the extent to which a proposed code
5 provision will mitigate property damage to buildings and their
6 contents when evaluating whether the proposed code provision
7 should be adopted. If the proposed code provision applies only
8 to the mitigation of property damage and cannot be
9 demonstrated to significantly affect life-safety issues for
10 persons, the proposed code provision must be evaluated by its
11 measurable benefits when compared to the costs the proposed
12 code provision would impose if adopted as a rule.

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

17 1. Prescriptive techniques for installing gable-end
18 bracing;

19 2. Secondary water barriers for roofs and standards
20 relating to secondary water barriers. The criteria may
21 include, but are not limited to, roof shape, slope, and
22 composition of all elements of the roof system, and the
23 cost-effectiveness of the secondary water barrier;

24 3. Prescriptive means and criteria to improve
25 roof-to-wall connections; and

26 4. Clarifying that roof-fastener deficiencies must be
27 corrected when exposed during reroofing.

28
29 If the commission finds that the cost to retrofit an existing
30 building to meet the requirements of the code exceeds the cost
31 of applying the code to new construction, the commission must

1 authorizes the use of alternate, less expensive means to
2 retrofit existing buildings.

3 Section 3. (1) Before eliminating gravel or stone
4 roofing systems in the Florida Building Code, the Florida
5 Building Commission shall determine and document:

6 (a) Whether there is a scientific basis or reason for
7 eliminating this option;

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

10 (c) Whether eliminating this option will unnecessarily
11 restrict or eliminate business or consumer choice in roofing
12 systems; and

13 (d) In consultation with the Fish and Wildlife
14 Conservation Commission, whether eliminating this option will
15 negatively affect the nesting habitat of any species of
16 nesting bird.

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

22 Section 4. Paragraph (d) of subsection (7) of section
23 468.609, Florida Statutes, is amended to read:

24 468.609 Administration of this part; standards for
25 certification; additional categories of certification.--

26 (7)

27 (d) A newly employed or hired person may perform the
28 duties of a plans examiner or building code inspector for 120
29 ~~90~~ days if a provisional certificate application has been
30 submitted ~~if, provided~~ if, such person is under the direct
31 supervision of a certified building code administrator who

1 holds a standard certification and who has found such person
2 qualified for a provisional certificate. ~~However,~~ Direct
3 supervision and the determination of qualifications ~~under this~~
4 ~~paragraph~~ may also be provided by a building code
5 administrator who holds a limited or provisional certificate
6 in a any county having with a population of fewer less than
7 75,000 and in a any municipality located within such ~~a~~ county.

8 Section 5. Subsection (7) of section 553.73, Florida
9 Statutes, as amended by section 7 of chapter 2007-1, Laws of
10 Florida, is amended to read:

11 553.73 Florida Building Code.--

12 (7) ~~Upon the conclusion of a triennial update to the~~
13 ~~Florida Building Code,~~ Notwithstanding the provisions of
14 subsection (3) or subsection (6), the commission may address
15 issues identified in this subsection by amending the code
16 pursuant only to the rule adoption procedures contained in
17 chapter 120. Provisions of the Florida Building Code,
18 including those contained in referenced standards and
19 criteria, relating to wind resistance or the prevention of
20 water intrusion may not be amended pursuant to this subsection
21 to diminish those construction requirements; however, the
22 commission may, subject to conditions in this subsection,
23 amend the provisions to enhance those construction
24 requirements. Following the approval of any amendments to the
25 Florida Building Code by the commission and publication of the
26 amendments on the commission's website, authorities having
27 jurisdiction to enforce the Florida Building Code may enforce
28 the amendments. The commission may approve amendments that are
29 needed to address:

30 (a) Conflicts within the updated code;

31

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

3 (c) The omission of previously adopted
4 Florida-specific amendments to the updated code if such
5 omission is not supported by a specific recommendation of a
6 technical advisory committee or particular action by the
7 commission; ~~or~~

8 (d) Unintended results from the integration of
9 previously adopted Florida-specific amendments with the model
10 code; ~~or~~

11 (e) Changes to federal or state law.

12 Section 6. Present paragraphs (d) through (g) of
13 subsection (3) of section 553.775, Florida Statutes, are
14 redesignated as paragraphs (e) through (h), respectively, and
15 a new paragraph (d) is added to that subsection, to read:

16 553.775 Interpretations.--

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

19 (d) Upon written application by any substantially
20 affected person, contractor, or designer, or a group
21 representing a substantially affected person, contractor, or
22 designer, the commission shall issue or cause to be issued a
23 formal interpretation of the Florida Building Code as
24 prescribed by paragraph (c).

25 Section 7. Subsections (1), (2), (4), (8), (9), (10),
26 (11), (13), (15), and (18) of section 553.791, Florida
27 Statutes, are amended to read:

28 553.791 Alternative plans review and inspection.--

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

30 (a) "Applicable codes" means the Florida Building Code
31 and any local technical amendments to the Florida Building

1 Code but does not include the applicable minimum fire
2 prevention and firesafety codes adopted pursuant to chapter
3 633.

4 (b) "Audit" means the process to confirm that the
5 building code inspection services have been performed by the
6 private provider, including ensuring that the required
7 affidavit for the plan review has been properly completed and
8 affixed to the permit documents and that the minimum mandatory
9 inspections required under the building code have been
10 performed and properly recorded. The term does not mean that
11 the local building official is required to replicate the plan
12 review or inspection being performed by the private provider.

13 ~~(c)(b)~~ "Building" means any construction, erection,
14 alteration, demolition, or improvement of, or addition to, any
15 structure for which permitting by a local enforcement agency
16 is required.

17 ~~(d)(e)~~ "Building code inspection services" means those
18 services described in s. 468.603(6) and (7) involving the
19 review of building plans to determine compliance with
20 applicable codes and those inspections required by law of each
21 phase of construction for which permitting by a local
22 enforcement agency is required to determine compliance with
23 applicable codes.

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

30 (f) "Immediate threat to public safety and welfare"
31 means a building code violation that, if allowed to persist,

1 constitutes an immediate hazard that could result in death,
2 serious bodily injury, or significant property damage. This
3 paragraph does not limit the authority of the local building
4 official to issue a Notice of Corrective Action at any time
5 during the construction of a building project or any portion
6 of such project if the official determines that a condition of
7 the building or portion thereof may constitute a hazard when
8 the building is put into use following completion as long as
9 the condition cited is shown to be in violation of the
10 building code or approved plans.

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 noncomplying item related to the
10 building code or the permitted documents is found. After
11 corrections are made, the item must be reinspected by the
12 private provider or representative before being concealed. The
13 local jurisdiction may not charge for reinspection or reaudit
14 fees occurring before the performance of the private
15 provider's inspection or for any other administrative matter
16 not involving the detection of a violation of the building
17 code or a permit requirement.

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

1 and all such inspection records are submitted with the
2 certificate of compliance. Records of all required and
3 completed inspections shall be maintained at the building site
4 at all times and made available for review by the local
5 building official. The private provider shall report to the
6 local enforcement agency any condition that poses an immediate
7 threat to public safety and welfare.

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

19
20 To the best of my knowledge and belief, the
21 building components and site improvements
22 outlined herein and inspected under my
23 authority have been completed in conformance
24 with the approved plans and the applicable
25 codes.

26
27 (13) If the local building official determines that
28 the building construction or plans do not comply with the
29 applicable codes, the official may deny the permit or request
30 for a certificate of occupancy or certificate of completion,
31 as appropriate, or may issue a stop-work order for the project

1 or any portion thereof as provided by law, if the official
2 determines that ~~the such~~ noncompliance poses an immediate a
3 threat to public safety and welfare, subject to the following:

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

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

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

26 (15)(a) A ~~No~~ local enforcement agency, local building
27 official, or local government may not adopt or enforce any
28 laws, rules, procedures, policies, qualifications, or
29 standards more stringent than those prescribed by this
30 section.

31

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

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

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

22 Section 8. Section 553.841, Florida Statutes, is
23 amended to read:

24 553.841 Building code education, mitigation, and
25 outreach program.--

26 (1) The Legislature finds that knowledge and
27 understanding by persons licensed in the design and
28 construction industries of the importance and need for
29 complying with the Florida Building Code is vital to the
30 public health, safety, and welfare of this state, especially
31 for mitigating damage caused by hurricanes to residents and

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

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

1 (3) All services and materials under the program must
2 be provided by a private, nonprofit corporation under contract
3 with the department. The term of the contract shall be for 4
4 years, with the option of one 4-year renewal at the end of the
5 contract term. The initial contract must be in effect no later
6 than November 1, 2007. The private, nonprofit corporation must
7 be an organization whose membership includes trade and
8 professional organizations whose members consist primarily of
9 persons and entities that are required to comply with the
10 Florida Building Code and that are licensed under part XII of
11 chapter 468, chapter 471, chapter 481, or chapter 489. When
12 selecting the private, nonprofit corporation for the program,
13 the department must give primary consideration to the
14 corporation's demonstrated experience and the ability to:
15 (a) Develop and deliver building code-related
16 education, training, and outreach;
17 (b) Directly access the majority of persons licensed
18 in the occupations of design, construction, and building code
19 enforcement individually and through established statewide
20 trade and professional association networks;
21 (c) Serve as a clearinghouse to deliver education and
22 outreach throughout the state. The clearinghouse must serve as
23 a focal point at which persons licensed to design, construct,
24 and enforce building codes and suppliers and consumers can
25 find each other in order to exchange information relating to
26 mitigation and facilitate repairs in the aftermath of a
27 natural disaster;
28 (d) Accept input from the Florida Building Commission,
29 licensing regulatory boards, local building departments, and
30 the design and construction industries in order to improve its
31 education and outreach programs; and

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

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

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

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

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

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

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

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

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

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

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

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

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

17 ~~(5) The Building Code Education and Outreach Council~~
18 ~~shall:~~

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

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

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

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

28 ~~(4)(6)~~ The Building Code Education and Outreach
29 Program Council shall maintain, update, develop, or cause to
30 be developed:
31

1 (a) A core curriculum that is prerequisite to the
2 advanced module coursework.

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

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

11 ~~(5)(7)~~ The core curriculum shall cover the information
12 required to have all categories of participants appropriately
13 informed as to their technical and administrative
14 responsibilities in the effective execution of the code
15 process by all individuals currently licensed under part XII
16 of chapter 468, chapter 471, chapter 481, or chapter 489,
17 except as otherwise provided in s. 471.017. The core
18 curriculum shall be prerequisite to the advanced module
19 coursework for all licensees and shall be completed by
20 individuals licensed in all categories under part XII of
21 chapter 468, chapter 471, chapter 481, or chapter 489 within
22 the first 2-year period after initial licensure. Core course
23 hours taken by licensees to complete this requirement shall
24 count toward fulfillment of required continuing education
25 units under part XII of chapter 468, chapter 471, chapter 481,
26 or chapter 489.

27 ~~(6)(8)~~ Each biennium, upon receipt of funds by the
28 Department of Community Affairs from the Construction Industry
29 Licensing Board and the Electrical Contractors' Licensing
30 Board provided under ss. 489.109(3) and 489.509(3), the
31 department council shall determine the amount of funds

1 available for the Florida Building Code Compliance and
2 Mitigation Program education and outreach projects from the
3 ~~proceeds of contractor licensing fees and identify, solicit,~~
4 ~~and accept funds from other sources for education and outreach~~
5 ~~projects.~~

6 ~~(7)(9)~~ If the funds collected for education and
7 outreach projects provided through the Florida Building Code
8 Compliance and Mitigation Program in any state fiscal year do
9 not require the use of all available funds, the unused funds
10 shall be carried forward and allocated for use during the
11 following fiscal year.

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

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

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

28 ~~(11) The commission shall adopt rules for establishing~~
29 ~~procedures and criteria for the approval of advanced courses.~~
30 ~~This section does not modify or eliminate the continuing~~
31 ~~education course requirements or authority of any licensing~~

1 ~~board under part XII of chapter 468, chapter 471, chapter 481,~~
2 ~~or chapter 489.~~

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

6 553.842 Product evaluation and approval.--

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

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

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

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

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

30 4. A product evaluation report based upon testing or
31 comparative or rational analysis, or a combination thereof,

1 developed and signed and sealed by a professional engineer or
2 architect, licensed in this state.

3
4 A product evaluation report or a certification mark or listing
5 of an approved certification agency which demonstrates that
6 the product or method or system of construction complies with
7 the Florida Building Code for the purpose intended shall be
8 equivalent to a test report and test procedure as referenced
9 in the Florida Building Code.

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

20 (16) The commission may adopt a rule that identifies
21 standards that are equivalent to or more stringent than those
22 specifically adopted by the code, thereby allowing the use in
23 this state of the products that comply with the equivalent
24 standard.

25 Section 10. Subsections (2) and (6) of section
26 633.081, Florida Statutes, are amended to read:

27 633.081 Inspection of buildings and equipment; orders;
28 firesafety inspection training requirements; certification;
29 disciplinary action.--The State Fire Marshal and her or his
30 agents shall, at any reasonable hour, when the department has
31 reasonable cause to believe that a violation of this chapter

1 or s. 509.215, or a rule promulgated thereunder, or a minimum
2 firesafety code adopted by a local authority, may exist,
3 inspect any and all buildings and structures which are subject
4 to the requirements of this chapter or s. 509.215 and rules
5 promulgated thereunder. The authority to inspect shall extend
6 to all equipment, vehicles, and chemicals which are located
7 within the premises of any such building or structure.

8 (2) Every firesafety inspection conducted pursuant to
9 state or local firesafety requirements shall be by a person
10 certified as having met the inspection training requirements
11 set by the State Fire Marshal. Such person shall:

12 (a) Be a high school graduate or the equivalent as
13 determined by the department;

14 (b) Not have been found guilty of, or having pleaded
15 guilty or nolo contendere to, a felony or a crime punishable
16 by imprisonment of 1 year or more under the law of the United
17 States, or of any state thereof, which involves moral
18 turpitude, without regard to whether a judgment of conviction
19 has been entered by the court having jurisdiction of such
20 cases;

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

23 (d) Have good moral character as determined by the
24 department;

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

26 (f) Have satisfactorily completed the firesafety
27 inspector certification examination as prescribed by the
28 department; and

29 (g)1. Have satisfactorily completed, as determined by
30 the department, a firesafety inspector training program of not
31 less than 200 hours, ~~as~~ established by the department and

1 administered by ~~such~~ agencies and institutions ~~as~~ approved by
2 the department for the purpose of providing basic
3 certification training for firesafety inspectors; or

4 2. Have received in another state training which is
5 determined by the department to be at least equivalent to that
6 required by the department for approved firesafety inspector
7 education and training programs in this state.

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

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

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

17 (c) Falsification of records relating to the
18 certificate.

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

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

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

26 (g) Making or filing a report or record that the
27 certificateholder knows to be false, or knowingly inducing
28 another to file a false report or record, or knowingly failing
29 to file a report or record required by state or local law, or
30 knowingly impeding or obstructing such filing, or knowingly
31 inducing another person to impede or obstruct such filing.

1 (h) Failing to properly enforce applicable fire codes
2 or permit requirements within this state which the
3 certificateholder knows are applicable by committing willful
4 misconduct, gross negligence, gross misconduct, repeated
5 negligence, or negligence resulting in a significant danger to
6 life or property.

7 (i) Accepting labor, services, or materials at no
8 charge or at a noncompetitive rate from any person who
9 performs work that is under the enforcement authority of the
10 certificateholder and who is not an immediate family member of
11 the certificateholder. For the purpose of this paragraph, the
12 term "immediate family member" means a spouse, child, parent,
13 sibling, grandparent, aunt, uncle, or first cousin of the
14 person or the person's spouse or any person who resides in the
15 primary residence of the certificateholder.

16 Section 11. Subsection (9) of section 633.521, Florida
17 Statutes, is amended, and subsection (11) is added to that
18 section, to read:

19 633.521 Certificate application and issuance; permit
20 issuance; examination and investigation of applicant.--

21 (9) It is the intent of the Legislature that the
22 inspections and testing of automatic fire sprinkler systems
23 for detached one-family dwellings, detached two-family
24 dwellings, and mobile homes be accomplished by the owner, who
25 is responsible for requesting service from a contractor when
26 necessary. It is further intended that the NFPA-25 inspection
27 of exposed underground piping and any attached appurtenances
28 supplying a fire protection system be conducted by a
29 Contractor I or Contractor II.

30 (11) It is intended that a certificateholder, or a
31 permitholder who is employed by a certificateholder, conduct

1 inspections required by this chapter. It is understood that
2 after July 1, 2008, employee turnover may result in a
3 depletion of personnel who are certified under the NICET
4 Sub-field of Inspection and Testing of Fire Protection Systems
5 Level II which is required for permit holders. The extensive
6 training and experience necessary to achieve NICET Level II
7 certification is recognized. A certificateholder may therefore
8 obtain a provisional permit with an endorsement for
9 inspection, testing, and maintenance of water-based fire
10 extinguishing systems for an employee if the employee has
11 initiated procedures for obtaining Level II certification from
12 the National Institute for Certification in Engineering
13 Technologies Sub-field of Inspection and Testing of Fire
14 Protection Systems and achieved Level I certification. After 2
15 years of provisional certification, the employee must have
16 achieved NICET Level II certification or cease performing
17 inspections requiring Level II certification. The provisional
18 permit is valid only for the 2 calendar years after the date
19 of issuance, may not be extended, and is not renewable. After
20 the initial 2-year provisional permit expires, the
21 certificateholder must wait 2 additional years before a new
22 provisional permit may be issued. The intent is to prohibit
23 the certificateholder from using employees who never reach
24 NICET Level II status by continuously obtaining provisional
25 permits.

26 Section 12. Subsection (4) of section 633.537, Florida
27 Statutes, is amended to read:

28 633.537 Certificate; expiration; renewal; inactive
29 certificate; continuing education.--

30 (4) The renewal period for the permit class is the
31 same as that for ~~of~~ the employing certificateholder. The

1 continuing education requirements for permitholders are what
2 is required to maintain NICET Sub-field of Inspection and
3 Testing of Fire Protection Systems Level II or higher
4 certification plus 8 shall be 8 contact hours by June 30,
5 2006. An additional 16 contact hours of continuing education
6 is required by June 30, 2008, and during each biennial renewal
7 period thereafter. The continuing education curriculum from
8 July 1, 2005, until July 1, 2008, shall be the preparatory
9 curriculum for NICET II certification; after July 1, 2008, the
10 technical curriculum is at the discretion of the State Fire
11 Marshal and may be used to meet the maintenance of NICET Level
12 II certification and 8 contact hours of continuing education
13 requirements. It is the responsibility of the permitholder to
14 maintain NICET II certification as a condition of permit
15 renewal after July 1, 2008.

16 Section 13. The Florida Building Commission shall
17 review modifications 2151, 2152, 2153 and 2492, reviewed by
18 the commission's technical advisory committee. The commission
19 shall take public comment on these modifications, including
20 the need for the modifications, how the modifications will
21 affect the health, safety, and welfare of the residents of
22 this state, and the continuing need for any Florida-specific
23 requirement of the code which the modifications seek to
24 repeal. Notwithstanding s. 553.73, Florida Statutes, the
25 commission may adopt or modify the modifications in response
26 to the public comments subject only to the rule-adoption
27 procedures of chapter 120, Florida Statutes, for inclusion in
28 the next edition of the Florida Building Code.

29 Section 14. Evaluation of hurricane loss relativities
30 and resulting premium discounts; study required.--
31

1 (1) Contingent upon appropriations from the
2 Legislature, the Florida Building Commission shall conduct a
3 study updating the evaluation of loss relativities and
4 resulting reasonable discounts, credits, and other rate
5 differentials or appropriate reductions in deductibles for
6 properties on which fixtures or construction techniques
7 demonstrated to reduce the amount of loss in a windstorm have
8 been installed or implemented. The fixtures or construction
9 techniques must include, but are not limited to, those
10 activities that enhance roof strength, roof-covering
11 performance, roof-to-wall strength,
12 wall-to-floor-to-foundation strength, opening protection, and
13 window, door, or skylight strength.

14 (2) The commission shall prepare a report on the
15 results of the study and deliver it to the Governor, the Chief
16 Financial Officer, the Commissioner of Insurance Regulation,
17 the President of the Senate, and the Speaker of the House of
18 Representatives no later than March 1, 2008. Upon the request
19 of the commission, the Office of Insurance Regulation shall
20 assist the commission with developing the scope and
21 methodology used to perform the study.

22 Section 15. The Florida Building Commission shall, in
23 consultation with the Florida Energy Commission, the Building
24 Officials Association of Florida, the Florida Energy Office,
25 the Florida Home Builders Association, the Florida Association
26 of Counties, the Florida League of Cities, and other
27 stakeholders, review the Florida Energy Code for new building
28 construction. Specifically, the commission must evaluate the
29 analysis of the cost-effectiveness that serves as the basis
30 for energy-efficiency levels for residential buildings,
31 identify cost-effective means to improve energy efficiency in

1 commercial buildings, and compare the findings to the
2 International Energy Conservation Code and the American
3 Society of Heating, Air Conditioning, and Refrigeration
4 Engineers Standards 90.1 and 90.2. The commission must
5 complete and present a report to the Legislature no later than
6 March 1, 2008. The report must include a new energy-efficiency
7 standard that may be adopted for the construction of all new
8 residential, commercial, and government buildings.

9 Section 16. The sum of \$1 million is appropriated from
10 the Department of Community Affairs Operating Trust Fund for
11 the 2007-2008 fiscal year for the purpose of implementing and
12 administering s. 553.841, Florida Statutes, relating to
13 building code education, mitigation, and outreach programs.

14 Section 17. The sum of \$750,000 in nonrecurring funds
15 is appropriated from the Operating Trust Fund to the
16 Department of Community Affairs for the 2007-2008 fiscal year
17 for the purpose of implementing the study required by this
18 act.

19 Section 18. This act shall take effect upon becoming a
20 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 2836

The committee substitute for CS/SB 2836 creates an unnumbered section of Florida law relating to requirements the Florida Building Commission must meet before eliminating gravel and stone roofing systems from the Florida Building Code. The definition of "immediate threat to public safety and welfare" is revised to provide that the definition does not limit the authority of local building officials to issue a Notice of Corrective Action under certain circumstances. The committee substitute revises requirements relating to certified firesafety inspectors, establishes grounds under which a firesafety inspector's license may be suspended or revoked, provides for a provisional permit program for inspections of certain fire systems, and provides a time limit on such provisional permits. Revisions to continuing education requirements for fire inspector certificate holders and permitholders are provided.

The committee substitute provides a \$1 million appropriation from the Department of Community Affairs's Operating Trust Fund for the implementation and administration of building education, mitigation, and outreach programs. An additional appropriation of \$750,000 is provided for a windstorm loss mitigation study.