

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 a compliance and
13 mitigation program; requiring that the
14 compliance and mitigation program be provided
15 by a private, nonprofit corporation under
16 contract with the department; requiring the
17 department to consider certain criteria when
18 selecting the corporation; requiring the
19 commission to provide certain courses to
20 accredit persons subject to the building code;
21 authorizing the commission to adopt rules;
22 amending s. 553.842, F.S.; providing for
23 certification of products; authorizing the
24 commission to impose penalties for violation of
25 the product validation process; amending s.
26 633.081, F.S.; deleting the requirement that a
27 certified firesafety inspector be a resident of
28 Florida; requiring that a firesafety inspector
29 be 18 years of age or older; establishing
30 grounds under which an inspector's license may
31 be suspended or revoked; amending s. 633.521,

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

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

28
29 Section 1. The Florida Building Commission shall
30 review the requirements in the National Electrical Code (2005)
31 which relate to bonding and grounding systems for swimming

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

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

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~~ 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 which
18 states the reason for the order and the conditions under which
19 the cited work will be permitted to resume.

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

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

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

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

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

28 (c) An acknowledgment from the fee owner in
29 substantially the following form:
30
31

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

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

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

31

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

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

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

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

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

30
31

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

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

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

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

31

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

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

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

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

27 Section 8. Section 553.841, Florida Statutes, is
28 amended to read:

29 553.841 Building code compliance and mitigation
30 program ~~education and outreach program~~.--

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

1 ~~(d) Review all proposed subjects for advanced courses~~
2 ~~concerning the Florida Building Code and recommend to the~~
3 ~~commission any related subjects that should be approved for~~
4 ~~advanced courses.~~

5 (4)(6) The department, in administering the Florida
6 Building Code Compliance and Mitigation Program, Building Code
7 ~~Education and Outreach Council~~ shall maintain, update,
8 develop, or cause to be developed:

9 (a) A core curriculum that is prerequisite to the
10 advanced module coursework.

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

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

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

1 count toward fulfillment of required continuing education
2 units under part XII of chapter 468, chapter 471, chapter 481,
3 or chapter 489.

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

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

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

28 (9) This section does not prohibit or limit the
29 subject areas or development of continuing education or
30 training on the Florida Building Code by any qualified entity.
31

1 ~~(10) The commission shall consider and approve or~~
2 ~~reject the recommendations made by the council for subjects~~
3 ~~for education and outreach concerning the Florida Building~~
4 ~~Code. Any rejection must be made with specificity and must be~~
5 ~~communicated to the council.~~

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

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

15 553.842 Product evaluation and approval.--

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

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

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

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

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

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

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

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

29 (16) The commission may adopt a rule that identifies
30 standards that are equivalent to or more stringent than those
31 specifically adopted by the code, thereby allowing the use in

1 this state of the products that comply with the equivalent
2 standard.

3 Section 10. Subsections (2) and (6) of section
4 633.081, Florida Statutes, are amended to read:

5 633.081 Inspection of buildings and equipment; orders;
6 firesafety inspection training requirements; certification;
7 disciplinary action.--The State Fire Marshal and her or his
8 agents shall, at any reasonable hour, when the department has
9 reasonable cause to believe that a violation of this chapter
10 or s. 509.215, or a rule promulgated thereunder, or a minimum
11 firesafety code adopted by a local authority, may exist,
12 inspect any and all buildings and structures which are subject
13 to the requirements of this chapter or s. 509.215 and rules
14 promulgated thereunder. The authority to inspect shall extend
15 to all equipment, vehicles, and chemicals which are located
16 within the premises of any such building or structure.

17 (2) Every firesafety inspection conducted pursuant to
18 state or local firesafety requirements shall be by a person
19 certified as having met the inspection training requirements
20 set by the State Fire Marshal. Such person shall:

21 (a) Be a high school graduate or the equivalent as
22 determined by the department;

23 (b) Not have been found guilty of, or having pleaded
24 guilty or nolo contendere to, a felony or a crime punishable
25 by imprisonment of 1 year or more under the law of the United
26 States, or of any state thereof, which involves moral
27 turpitude, without regard to whether a judgment of conviction
28 has been entered by the court having jurisdiction of such
29 cases;

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

1 (d) Have good moral character as determined by the
2 department;

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

4 (f) Have satisfactorily completed the firesafety
5 inspector certification examination as prescribed by the
6 department; and

7 (g)1. Have satisfactorily completed, as determined by
8 the department, a firesafety inspector training program of not
9 less than 200 hours, ~~as~~ established by the department and
10 administered by ~~such~~ agencies and institutions ~~as~~ approved by
11 the department for the purpose of providing basic
12 certification training for firesafety inspectors; or

13 2. Have received in another state training which is
14 determined by the department to be at least equivalent to that
15 required by the department for approved firesafety inspector
16 education and training programs in this state.

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

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

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

26 (c) Falsification of records relating to the
27 certificate.

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

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

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

4 (g) Making or filing a report or record that the
5 certificateholder knows to be false, or knowingly inducing
6 another to file a false report or record, or knowingly failing
7 to file a report or record required by state or local law, or
8 knowingly impeding or obstructing such filing, or knowingly
9 inducing another person to impede or obstruct such filing.

10 (h) Failing to properly enforce applicable fire codes
11 or permit requirements within this state which the
12 certificateholder knows are applicable by committing willful
13 misconduct, gross negligence, gross misconduct, repeated
14 negligence, or negligence resulting in a significant danger to
15 life or property.

16 (i) Accepting labor, services, or materials at no
17 charge or at a noncompetitive rate from any person who
18 performs work that is under the enforcement authority of the
19 certificateholder and who is not an immediate family member of
20 the certificateholder. For the purpose of this paragraph, the
21 term "immediate family member" means a spouse, child, parent,
22 sibling, grandparent, aunt, uncle, or first cousin of the
23 person or the person's spouse or any person who resides in the
24 primary residence of the certificateholder.

25 Section 11. Subsection (9) of section 633.521, Florida
26 Statutes, is amended, and subsection (11) is added to that
27 section, to read:

28 633.521 Certificate application and issuance; permit
29 issuance; examination and investigation of applicant.--

30 (9) It is the intent of the Legislature that the
31 inspections and testing of automatic fire sprinkler systems

1 for detached one-family dwellings, detached two-family
2 dwellings, and mobile homes be accomplished by the owner, who
3 is responsible for requesting service from a contractor when
4 necessary. It is further intended that the NFPA-25 inspection
5 of exposed underground piping and any attached appurtenances
6 supplying a fire protection system be conducted by a
7 Contractor I or Contractor II.

8 (11) It is intended that a certificateholder, or a
9 permitholder who is employed by a certificateholder, conduct
10 inspections required by this chapter. It is understood that
11 after July 1, 2008, employee turnover may result in a
12 depletion of personnel who are certified under the NICET
13 Sub-field of Inspection and Testing of Fire Protection Systems
14 Level II which is required for permitholders. The extensive
15 training and experience necessary to achieve NICET Level II
16 certification is recognized. A certificateholder may therefore
17 obtain a provisional permit with an endorsement for
18 inspection, testing, and maintenance of water-based fire
19 extinguishing systems for an employee if the employee has
20 initiated procedures for obtaining Level II certification from
21 the National Institute for Certification in Engineering
22 Technologies Sub-field of Inspection and Testing of Fire
23 Protection Systems and achieved Level I certification. After 2
24 years of provisional certification, the employee must have
25 achieved NICET Level II certification or cease performing
26 inspections requiring Level II certification. The provisional
27 permit is valid only for the 2 calendar years after the date
28 of issuance, may not be extended, and is not renewable. After
29 the initial 2-year provisional permit expires, the
30 certificateholder must wait 2 additional years before a new
31 provisional permit may be issued. The intent is to prohibit

1 the certificateholder from using employees who never reach
2 NICET Level II status by continuously obtaining provisional
3 permits.

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

6 633.537 Certificate; expiration; renewal; inactive
7 certificate; continuing education.--

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

25 Section 13. The Florida Building Commission shall
26 review modifications 2151, 2152, 2153 and 2492, reviewed by
27 the commission's technical advisory committee. The commission
28 shall take public comment on these modifications, including
29 the need for the modifications, how the modifications will
30 affect the health, safety, and welfare of the residents of
31 this state, and the continuing need for any Florida-specific

1 requirement of the code which the modifications seek to
2 repeal. Notwithstanding s. 553.73, Florida Statutes, the
3 commission may adopt or modify the modifications in response
4 to the public comments subject only to the rule-adoption
5 procedures of chapter 120, Florida Statutes, for inclusion in
6 the next edition of the Florida Building Code.

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

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

22 (2) The commission shall prepare a report on the
23 results of the study and deliver it to the Governor, the Chief
24 Financial Officer, the Commissioner of Insurance Regulation,
25 the President of the Senate, and the Speaker of the House of
26 Representatives no later than March 1, 2008. Upon the request
27 of the commission, the Office of Insurance Regulation shall
28 assist the commission with developing the scope and
29 methodology used to perform the study.

30 Section 15. The Florida Building Commission shall, in
31 consultation with the Florida Energy Commission, the Building

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

17 Section 16. The sum of \$1 million is appropriated from
18 the Department of Community Affairs Operating Trust Fund for
19 the 2007-2008 fiscal year for the purpose of implementing and
20 administering s. 553.841, Florida Statutes, relating to the
21 Florida Building Code Compliance and Mitigation Program.

22 Section 17. The sum of \$750,000 in nonrecurring funds
23 is appropriated from the Operating Trust 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 18. This act shall take effect upon becoming a
28 law.

29
30
31