

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 Electric Code; creating s. 553.844,
10 F.S.; providing legislative findings concerning
11 the need to prevent property damage caused by
12 hurricanes; requiring the Florida Building
13 Commission to adopt amendments to the Florida
14 Building Code, including requirements for
15 buildings constructed before the implementation
16 of the code; providing requirements for such
17 amendments; providing requirements for
18 buildings located in a wind-borne debris
19 region; requiring the commission to make
20 certain determinations before eliminating
21 gravel and stone roofing systems; amending s.
22 468.609, F.S.; increasing the number of days a
23 newly employed person can be a plan examiner or
24 building inspector without certification;
25 amending s. 553.73, F.S.; authorizing the
26 commission to approve certain amendments to the
27 code; amending s. 553.775, F.S.; providing
28 that, upon written application by substantially
29 affected persons, the Florida Building
30 Commission must issue, or cause to be issued, a
31 formal interpretation of the code; amending s.

1 553.791, F.S.; defining terms; requiring that
2 certain forms be signed at the completion of a
3 required inspection; requiring that a
4 deficiency notice be posted at the job site
5 whenever an element is found to be not in
6 conformance with the building code or the
7 permitting documents; providing for corrective
8 actions; prohibiting the charging of certain
9 fees; amending s. 553.841, F.S.; providing
10 legislative intent regarding education and
11 outreach for understanding the Florida Building
12 Code; requiring the Department of Community
13 Affairs to administer a compliance and
14 mitigation program; requiring that the
15 compliance and mitigation program be provided
16 by a private, nonprofit corporation under
17 contract with the department; requiring the
18 department to consider certain criteria when
19 selecting the corporation; requiring the
20 commission to provide certain courses to
21 accredit persons subject to the building code;
22 authorizing the commission to adopt rules;
23 amending s. 553.842, F.S.; providing for
24 certification of products; authorizing the
25 commission to impose penalties for violation of
26 the product validation process; amending s.
27 633.081, F.S.; deleting the requirement that a
28 certified firesafety inspector be a resident of
29 Florida; requiring that a firesafety inspector
30 be 18 years of age or older; establishing
31 grounds under which an inspector's license may

1 | be suspended or revoked; amending s. 633.521,
2 | F.S.; providing for provisional permits for
3 | inspectors of certain fire protection systems;
4 | providing a time limitation for such permits;
5 | amending s. 633.537, F.S.; revising continuing
6 | education requirements; requiring the
7 | commission to review certain modifications
8 | recommended by the commission's technical
9 | advisory committee; authorizing the commission
10 | to adopt or modify the modifications in
11 | response to public comments; contingent upon
12 | appropriations, requiring the Office of
13 | Insurance Regulation, in consultation with the
14 | Department of Community Affairs and the Florida
15 | Building Commission, to conduct wind-loss
16 | mitigation studies; providing requirements for
17 | the studies; requiring a report to the
18 | Governor, the Legislature, the Chief Financial
19 | Officer, and the Commissioner of Insurance
20 | Regulation; authorizing the commission to adopt
21 | provisions preserving the use of gravel roof
22 | systems; directing the commission to work with
23 | others to review the Florida Energy Code and to
24 | compare that code to other energy efficiency
25 | codes; requiring the commission to deliver a
26 | report to the Legislature by a specified date;
27 | providing an appropriation; providing an
28 | effective date.

29 |
30 | Be It Enacted by the Legislature of the State of Florida:
31 |

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

20 Section 2. Section 553.844, Florida Statutes, is
21 created to read:

22 553.844 Windstorm loss mitigation; requirements for
23 roofs and opening protection.--

24 (1) The Legislature finds that:

25 (a) The effects of recent hurricanes on the state have
26 demonstrated the effectiveness of the Florida Building Code in
27 reducing property damage to buildings constructed in
28 accordance with its requirements, and have also exposed a
29 vulnerability of some construction undertaken prior to
30 implementation of the Florida Building Code.

31

1 (b) Hurricanes represent a continuing threat to the
2 health, safety, and welfare of the residents of this state due
3 to the direct destructive effects of hurricanes as well as
4 their effects on windstorm insurance rates.

5 (c) The mitigation of property damage constitutes a
6 valid and recognized objective of the Florida Building Code.

7 (d) Cost-effective techniques for integrating proven
8 methods of the Florida Building Code into buildings built
9 prior to its implementation benefit all residents of the state
10 as a whole.

11 (2) The Florida Building Commission shall:

12 (a) Analyze the extent to which a proposed Florida
13 Building Code provision will mitigate property damage to
14 buildings and their contents in evaluating that proposal. If
15 the nature of the proposed Florida Building Code provision
16 relates only to mitigation of property damage and not to a
17 life safety concern, the proposal shall be reviewed based on
18 its measurable benefits in relation to the costs imposed.

19 (b) Develop and adopt within the Florida Building Code
20 a means to incorporate recognized mitigation techniques for
21 buildings constructed prior to the implementation of the
22 Florida Building Code, including, but not limited to:

23 1. Prescriptive techniques for the installation of
24 gable-end bracing;

25 2. Secondary water barriers for roofs and standards
26 relating to secondary water barriers. The criteria may
27 include, but need not be limited to, roof shape, slope, and
28 composition of all elements of the roof system;

29 3. Prescriptive techniques for improvement of
30 roof-to-wall connections. The Legislature recognizes that the
31 cost of retrofitting existing buildings to meet the code

1 requirements for new construction in this regard may exceed
2 the practical benefit to be attained. The Legislature intends
3 for the commission to provide for the integration of
4 alternate, lower-cost means that may be employed to retrofit
5 existing buildings that are not otherwise required to comply
6 with the requirements of the Florida Building Code for new
7 construction so that the cost of such improvements does not
8 exceed approximately 15 percent of the cost of reroofing;

9 4. Strengthening or correcting roof-decking
10 attachments and fasteners during reroofing; and

11 5. Adding or strengthening opening protections.

12 (3) The Legislature finds that the integration of
13 these specifically identified mitigation measures is critical
14 to addressing the serious problem facing the state from damage
15 caused by windstorms and that delay in the adoption and
16 implementation constitutes a threat to the health, safety, and
17 welfare of the state. Accordingly, the Florida Building
18 Commission shall develop and adopt these measures by October
19 1, 2007, by rule separate from the Florida Building Code,
20 which take immediate effect and shall incorporate such
21 requirements into the next edition of the Florida Building
22 Code. Such rules shall require or otherwise clarify that:

23 (a) A roof replacement must incorporate the techniques
24 specified in subparagraphs (2)(b)2. and 4.

25 (b) For a building that is located in the wind-borne
26 debris region as defined in s. 1609.2 of the International
27 Building Code (2006) and that has a just valuation for
28 purposes of ad valorem taxation of \$300,000 or more:

29 1. A roof replacement must incorporate the techniques
30 specified in subparagraph (2)(b)3.

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1 2. Any activity that requires a building permit that
2 is applied for after January 1, 2008, must include provision
3 of opening protection as required within the Florida Building
4 Code for new construction of the building for buildings
5 subject to the building permit.

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

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

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

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

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

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

25 Section 4. Paragraph (d) of subsection (7) of section
26 468.609, Florida Statutes, is amended to read:

27 468.609 Administration of this part; standards for
28 certification; additional categories of certification.--

29 (7)

30 (d) A newly employed or hired person may perform the
31 duties of a plans examiner or building code inspector for 120

1 ~~90~~ days if a provisional certificate application has been
2 submitted ~~if, provided~~ such person is under the direct
3 supervision of a certified building code administrator who
4 holds a standard certification and who has found such person
5 qualified for a provisional certificate. ~~However,~~ Direct
6 supervision and the determination of qualifications ~~under this~~
7 ~~paragraph~~ may also be provided by a building code
8 administrator who holds a limited or provisional certificate
9 in a any county having with a population of fewer less than
10 75,000 and in a any municipality located within such ~~a~~ county.

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

14 553.73 Florida Building Code.--

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

1 the amendments. The commission may approve amendments that are
2 needed to address:

3 (a) Conflicts within the updated code;

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

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

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

14 (e) Changes to federal or state law.

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

19 553.775 Interpretations.--

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

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

28 Section 7. Subsections (1), (2), (4), (8), (9), (10),
29 (11), (13), (15), and (18) of section 553.791, Florida
30 Statutes, are amended to read:

31 553.791 Alternative plans review and inspection.--

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

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

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

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

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

27 ~~(e)(d)~~ "Duly authorized representative" means an agent
28 by the private provider identified in the permit application
29 who reviews plans or performs inspections as provided by this
30 section and who is licensed as an engineer under chapter 471
31

1 or as an architect under chapter 481 or who holds a standard
2 certificate under part XII of chapter 468.

3 (f) "Immediate threat to public safety and welfare"
4 means a building code violation that, if allowed to persist,
5 constitutes an immediate hazard that could result in death,
6 serious bodily injury, or significant property damage. This
7 paragraph does not limit the authority of the local building
8 official to issue a Notice of Corrective Action at any time
9 during the construction of a building project or any portion
10 of such project if the official determines that a condition of
11 the building or portion thereof may constitute a hazard when
12 the building is put into use following completion as long as
13 the condition cited is shown to be in violation of the
14 building code or approved plans.

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

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

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

30
31

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

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

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

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

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

18 3. Any applicable fees.

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

22 ~~(k)~~ "Stop-work order" means the issuance of any
23 written statement, written directive, or written order which
24 states the reason for the order and the conditions under which
25 the cited work will be permitted to resume.

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

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

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

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

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

1 firm, the private provider, and any duly authorized
2 representative in the amounts required by this section.

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

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

1 licensed or certified personnel to perform
2 building code inspection services with respect
3 to the building or structure that is the
4 subject of the enclosed permit application.
5

6 If the fee owner or the fee owner's contractor makes any
7 changes to the listed private providers or the services to be
8 provided by those private providers, the fee owner or the fee
9 owner's contractor shall, within 1 business day after any
10 change, update the notice to reflect such changes. A change of
11 a duly authorized representative named in the permit
12 application does not require a revision of the permit, and the
13 building code enforcement agency shall not charge a fee for
14 making the change. In addition, the fee owner or the fee
15 owner's contractor shall post at the project site, prior to
16 the commencement of construction and updated within 1 business
17 day after any change, on a form to be adopted by the
18 commission, the name, firm, address, telephone number, and
19 facsimile number of each private provider who is performing or
20 will perform building code inspection services, the type of
21 service being performed, and similar information for the
22 primary contact of the private provider on the project.
23

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

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

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

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

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

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

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

1 with the approved plans and the applicable
2 codes.

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

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

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

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

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

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

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

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

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

29 Section 8. Section 553.841, Florida Statutes, is
30 amended to read:

31

1 553.841 Building code compliance and mitigation
2 program education and outreach program.--

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

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

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

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

24 (a) Develop and deliver building code-related
25 education, training, and outreach;

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

30 (c) Serve as a clearinghouse to deliver education and
31 outreach throughout the state. The clearinghouse must serve as

1 a focal point at which persons licensed to design, construct,
 2 and enforce building codes and suppliers and consumers can
 3 find each other in order to exchange information relating to
 4 mitigation and facilitate repairs in the aftermath of a
 5 natural disaster;

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

27 ~~(5) The Building Code Education and Outreach Council~~
 28 ~~shall:~~

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

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

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

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

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

11 (a) A core curriculum that is prerequisite to the
12 advanced module coursework.

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

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

21 ~~(5)(7)~~ The core curriculum shall cover the information
22 required to have all categories of participants appropriately
23 informed as to their technical and administrative
24 responsibilities in the effective execution of the code
25 process by all individuals currently licensed under part XII
26 of chapter 468, chapter 471, chapter 481, or chapter 489,
27 except as otherwise provided in s. 471.017. The core
28 curriculum shall be prerequisite to the advanced module
29 coursework for all licensees and shall be completed by
30 individuals licensed in all categories under part XII of
31 chapter 468, chapter 471, chapter 481, or chapter 489 within

1 the first 2-year period after initial licensure. Core course
2 hours taken by licensees to complete this requirement shall
3 count toward fulfillment of required continuing education
4 units under part XII of chapter 468, chapter 471, chapter 481,
5 or chapter 489.

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

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

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

30
31

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

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

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

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

18 553.842 Product evaluation and approval.--

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

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

1 product or method or system of construction is, for the
2 purpose intended, at least equivalent to that required by the
3 Florida Building Code:

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

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

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

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

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

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

1 (16) The commission may adopt a rule that identifies
2 standards that are equivalent to or more stringent than those
3 specifically adopted by the code, thereby allowing the use in
4 this state of the products that comply with the equivalent
5 standard.

6 Section 10. Subsections (2) and (6) of section
7 633.081, Florida Statutes, are amended to read:

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

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

24 (a) Be a high school graduate or the equivalent as
25 determined by the department;

26 (b) Not have been found guilty of, or having pleaded
27 guilty or nolo contendere to, a felony or a crime punishable
28 by imprisonment of 1 year or more under the law of the United
29 States, or of any state thereof, which involves moral
30 turpitude, without regard to whether a judgment of conviction
31

1 has been entered by the court having jurisdiction of such
2 cases;

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

5 (d) Have good moral character as determined by the
6 department;

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

8 (f) Have satisfactorily completed the firesafety
9 inspector certification examination as prescribed by the
10 department; and

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

17 2. Have received in another state training which is
18 determined by the department to be at least equivalent to that
19 required by the department for approved firesafety inspector
20 education and training programs in this state.

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

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

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

30 (c) Falsification of records relating to the
31 certificate.

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

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

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

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

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

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

29 Section 11. Subsection (9) of section 633.521, Florida
30 Statutes, is amended, and subsection (11) is added to that
31 section, to read:

1 633.521 Certificate application and issuance; permit
2 issuance; examination and investigation of applicant.--

3 (9) It is the intent of the Legislature that the
4 inspections and testing of automatic fire sprinkler systems
5 for detached one-family dwellings, detached two-family
6 dwellings, and mobile homes be accomplished by the owner, who
7 is responsible for requesting service from a contractor when
8 necessary. It is further intended that the NFPA-25 inspection
9 of exposed underground piping and any attached appurtenances
10 supplying a fire protection system be conducted by a
11 Contractor I or Contractor II.

12 (11) It is intended that a certificateholder, or a
13 permitholder who is employed by a certificateholder, conduct
14 inspections required by this chapter. It is understood that
15 after July 1, 2008, employee turnover may result in a
16 depletion of personnel who are certified under the NICET
17 Sub-field of Inspection and Testing of Fire Protection Systems
18 Level II which is required for permitholders. The extensive
19 training and experience necessary to achieve NICET Level II
20 certification is recognized. A certificateholder may therefore
21 obtain a provisional permit with an endorsement for
22 inspection, testing, and maintenance of water-based fire
23 extinguishing systems for an employee if the employee has
24 initiated procedures for obtaining Level II certification from
25 the National Institute for Certification in Engineering
26 Technologies Sub-field of Inspection and Testing of Fire
27 Protection Systems and achieved Level I certification. After 2
28 years of provisional certification, the employee must have
29 achieved NICET Level II certification or cease performing
30 inspections requiring Level II certification. The provisional
31 permit is valid only for the 2 calendar years after the date

1 of issuance, may not be extended, and is not renewable. After
 2 the initial 2-year provisional permit expires, the
 3 certificateholder must wait 2 additional years before a new
 4 provisional permit may be issued. The intent is to prohibit
 5 the certificateholder from using employees who never reach
 6 NICET Level II status by continuously obtaining provisional
 7 permits.

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

10 633.537 Certificate; expiration; renewal; inactive
 11 certificate; continuing education.--

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

29 Section 13. The Florida Building Commission shall
 30 review modifications 2151, 2152, 2153 and 2492, reviewed by
 31 the commission's technical advisory committee. The commission

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

11 Section 14. It is the intent of the Legislature that
12 scientifically valid and actuarially sound windstorm
13 mitigation rate factors, premium discounts, and differentials
14 be provided to residential and commercial property insurance
15 policyholders. In order to ensure the validity of such
16 factors, the Office of Insurance Regulation, in consultation
17 with the Department of Community Affairs and the Florida
18 Building Commission, shall conduct or cause to be conducted
19 one or more wind-loss mitigation studies, subject to
20 appropriation of funds by the Legislature for this purpose.
21 The studies shall evaluate the windstorm loss relativities for
22 construction features, including, but not limited to, those
23 that enhance roof strength, roof-covering performance,
24 roof-to-wall strength, wall-to-floor-to-foundation strength,
25 opening protections, and window, door, and skylight strength.
26 The studies shall include residential property, including
27 single-family and multifamily homes, mobile homes, and
28 condominiums, and commercial nonresidential property. The
29 studies shall include, but need not be limited to, an analysis
30 of loss data from the 2004 and 2005 hurricanes. The findings
31 of the studies shall be reported to the Governor, the

1 President of the Senate, the Speaker of the House of
2 Representatives, the Chief Financial Officer, and the
3 Commissioner of Insurance Regulation by January 1, 2008, with
4 regard to residential property, and by March 1, 2008, with
5 regard to commercial nonresidential property.

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

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

29 Section 17. This act shall take effect upon becoming a
30 law.

31