

1 A bill to be entitled
2 An act relating to the Florida Building Commission;
3 requiring the commission to review the requirements in the
4 National Electrical Code which relate to bonding and
5 grounding systems for swimming pools; authorizing the
6 commission to adopt a rule for bonding and grounding which
7 is an alterative to that of the National Electrical Code;
8 providing legislative findings relating to retrofitting
9 buildings to prevent hurricane and storm damage; requiring
10 the commission to consider the costs and benefits of
11 mitigation techniques before adopting a rule; requiring
12 the commission to develop and adopt within the Florida
13 Building Code appropriate mitigation techniques to use in
14 retrofitting buildings constructed before code
15 implementation; amending s. 553.73, F.S.; revising
16 authority of the commission to approve certain code
17 amendments; amending s. 553.775, F.S.; requiring the
18 commission to issue formal interpretations of the code
19 under certain circumstances; amending s. 553.791, F.S.;
20 providing additional definitions; revising certain
21 services contract requirements; revising contract provider
22 or services disclosure requirements; revising private
23 provider construction inspection requirements; requiring
24 the posting of a deficiency notice at a job site under
25 certain circumstances; providing for corrective actions;
26 prohibiting the charging of certain fees; requiring the
27 signing of certain forms upon inspection completion;
28 requiring the signing and sealing of a certificate of

29 compliance; limiting authority of local building officials
30 to take certain actions for certain noncompliance;
31 revising provisions relating to prohibiting local adoption
32 or enforcement of more stringent laws, rules, procedures,
33 policies, qualifications, or standards; amending s.
34 553.841, F.S.; providing legislative findings; requiring
35 the Department of Community Affairs to administer an
36 education and outreach program; requiring that the
37 education and outreach program be provided by a private,
38 nonprofit corporation under contract with the department;
39 requiring the department to consider certain criteria when
40 selecting the corporation; deleting provisions relating to
41 the Building Code Education and Outreach Council;
42 providing program requirements; transferring duties and
43 responsibilities of the council to the department;
44 requiring the commission to provide by rule for
45 accreditation of certain courses relating to the building
46 code; requiring the commission to establish qualification
47 of accreditors and criteria for accreditation of courses;
48 providing for revocation of accreditation; providing
49 application; amending s. 553.842, F.S.; revising
50 provisions relating to product evaluation and approval;
51 authorizing the commission to adopt by rule a schedule of
52 penalties for violations of product applications;
53 authorizing the commission to identify certain standards
54 by rule; requiring the commission to review certain
55 modifications recommended by the commission's technical
56 advisory committee; authorizing the commission to adopt or

57 modify the modifications in response to public comments;
58 requiring the commission to update an evaluation of
59 certain hurricane loss relativities and resulting
60 insurance premium discounts relating to mitigation of
61 property loss; requiring the commission to prepare and
62 submit a report; providing report requirements; requiring
63 the commission to review the Florida Energy Code and to
64 compare that code to other energy efficiency codes;
65 requiring the commission to prepare and submit a report to
66 the Legislature by a specified date; providing
67 appropriations; providing an effective date.

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 Section 1. The Florida Building Commission shall review
72 the requirements in the National Electrical Code (2005) which
73 relate to bonding and grounding systems for swimming pools. The
74 commission may adopt a rule authorizing the use of a method for
75 bonding and grounding systems which is an alternative to that
76 permitted by the National Electrical Code. The commission may
77 integrate such alternative method into the 2007 edition of the
78 Florida Building Code, notwithstanding the requirements of s.
79 553.73, Florida Statutes. Until the commission adopts a rule for
80 an alternate method for bonding and grounding systems for
81 swimming pools, the use of an underground bonding conductor made
82 of a single #8 AWG bare solid copper wire buried to a minimum
83 depth of 4 inches to 6 inches below subgrade, and 18 inches to
84 24 inches from inside the wall of a swimming pool or spa, is

85 deemed a permissible alternative or equivalent to compliance
86 with s. 680.26(c) of the National Electrical Code (2005), NFPA
87 No. 70, adopted by reference within the Florida Building Code.

88 Section 2. (1) The Legislature finds that the results of
89 recent hurricanes striking this state have demonstrated the
90 effectiveness of the Florida Building Code for reducing property
91 damage for buildings constructed in accordance with the
92 requirements of the code. The Legislature also finds that such
93 storms have called attention to the vulnerability of some
94 buildings constructed before the code was implemented. The
95 Legislature also finds that the destructive effects of
96 hurricanes represent a continuing threat to the health, safety,
97 and welfare of the residents of this state and affect insurance
98 rates in the state. The Legislature additionally finds that
99 mitigating property damage constitutes a valid and recognized
100 objective of the Florida Building Code. The Legislature further
101 finds that retrofitting buildings built before the code was
102 implemented with proven construction methods and materials set
103 forth in the code is cost-effective and a benefit to the state
104 as a whole.

105 (2) The Florida Building Commission shall:

106 (a) Consider the extent to which a proposed code provision
107 will mitigate property damage to buildings and their contents
108 when evaluating whether the proposed code provision should be
109 adopted. If the proposed code provision applies only to the
110 mitigation of property damage and cannot be demonstrated to
111 significantly affect life-safety issues for persons, the
112 proposed code provision must be evaluated by its measurable

113 benefits when compared to the costs the proposed code provision
114 would impose if adopted as a rule.

115 (b) Develop and adopt within the Florida Building Code the
116 appropriate mitigation techniques to use to retrofit buildings
117 constructed before the code was implemented. The commission
118 shall consider, but not be limited to:

119 1. Prescriptive techniques for installing gable-end
120 bracing.

121 2. Secondary water barriers for roofs and standards
122 relating to secondary water barriers. The criteria may include,
123 but are not limited to, roof shape, slope, and composition of
124 all elements of the roof system and the cost-effectiveness of
125 the secondary water barrier.

126 3. Prescriptive means and criteria to improve roof-to-wall
127 connections.

128 4. Requirements that roof-fastener deficiencies must be
129 corrected when exposed during reroofing.

130

131 If the commission finds that the cost to retrofit an existing
132 building to meet the requirements of the code exceeds the cost
133 of applying the code to new construction, the commission shall
134 authorize the use of alternative, less expensive means to
135 retrofit existing buildings.

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

139 553.73 Florida Building Code.--

140 (7) ~~Upon the conclusion of a triennial update to the~~
141 ~~Florida Building Code,~~ Notwithstanding the provisions of
142 subsection (3) or subsection (6), the commission may address
143 issues identified in this subsection by amending the code
144 pursuant only to the rule adoption procedures contained in
145 chapter 120. Provisions of the Florida Building Code, including
146 those contained in referenced standards and criteria, relating
147 to wind resistance or the prevention of water intrusion may not
148 be amended pursuant to this subsection to diminish those
149 construction requirements; however, the commission may, subject
150 to conditions in this subsection, amend the provisions to
151 enhance those construction requirements. Following the approval
152 of any amendments to the Florida Building Code by the commission
153 and publication of the amendments on the commission's website,
154 authorities having jurisdiction to enforce the Florida Building
155 Code may enforce the amendments. The commission may approve
156 amendments that are needed to address:

157 (a) Conflicts within the updated code;

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

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

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

166 (e) Changes to federal or state law.

167 Section 4. Paragraph (h) is added to subsection (3) of
 168 section 553.775, Florida Statutes, to read:

169 553.775 Interpretations.--

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

172 (h) Upon written application by any substantially affected
 173 person, contractor, or designer, or a group representing a
 174 substantially affected person, contractor, or designer, the
 175 commission shall issue or cause to be issued a formal
 176 interpretation of the Florida Building Code as prescribed by
 177 paragraph (c).

178 Section 5. Subsections (1), (2), (4), (8), (9), (10),
 179 (11), (13), and (15) of section 553.791, Florida Statutes, are
 180 amended to read:

181 553.791 Alternative plans review and inspection.--

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

183 (a) "Applicable codes" means the Florida Building Code and
 184 any local technical amendments to the Florida Building Code but
 185 does not include the applicable minimum fire prevention and
 186 firesafety codes adopted pursuant to chapter 633.

187 (b) "Audit" means the process of confirming that building
 188 code inspection services have been performed by a private
 189 provider, including ensuring that the required affidavit for
 190 plan review has been properly completed and affixed to permit
 191 documents and that minimum mandatory inspections required under
 192 the building code have been performed and properly recorded. The
 193 term does not mean that a local building official is required to
 194 replicate the plan review or inspection being performed by the

195 private provider.

196 (c)~~(b)~~ "Building" means any construction, erection,
 197 alteration, demolition, or improvement of, or addition to, any
 198 structure for which permitting by a local enforcement agency is
 199 required.

200 (d)~~(e)~~ "Building code inspection services" means those
 201 services described in s. 468.603(6) and (7) involving the review
 202 of building plans to determine compliance with applicable codes
 203 and those inspections required by law of each phase of
 204 construction for which permitting by a local enforcement agency
 205 is required to determine compliance with applicable codes.

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

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

216 (g)~~(e)~~ "Local building official" means the individual
 217 within the governing jurisdiction responsible for direct
 218 regulatory administration or supervision of plans review,
 219 enforcement, and inspection of any construction, erection,
 220 alteration, demolition, or substantial improvement of, or
 221 addition to, any structure for which permitting is required to

222 indicate compliance with applicable codes and includes any duly
 223 authorized designee of such person.

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

- 227 1. The plans reviewed by the private provider.
- 228 2. The affidavit from the private provider required under
 229 ~~pursuant to~~ subsection (6).
- 230 3. Any applicable fees.
- 231 4. Any documents required by the local building official
 232 to determine that the fee owner has secured all other government
 233 approvals required by law.

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

241 (j)~~(h)~~ "Request for certificate of occupancy or
 242 certificate of completion" means a properly completed and
 243 executed application for:

- 244 1. A certificate of occupancy or certificate of
 245 completion.
- 246 2. A certificate of compliance from the private provider
 247 required under ~~pursuant to~~ subsection (11).
- 248 3. Any applicable fees.

249 4. Any documents required by the local building official
 250 to determine that the fee owner has secured all other government
 251 approvals required by law.

252 (k) "Stop-work order" means the issuance of any written
 253 statement, written directive, or written order to stop work on a
 254 project and further stating the conditions under which the cited
 255 work will be permitted to resume.

256 (2) Notwithstanding any other provision of law or local
 257 government ordinance or local policy, the fee owner of a
 258 building or structure, or the fee owner's contractor upon
 259 written authorization from the fee owner, may choose to use a
 260 private provider to provide building code inspection services
 261 with regard to such building or structure and may make payment
 262 directly to the private provider for the provision of such
 263 services. All such services shall be the subject of a written
 264 contract between the private provider, or the private provider's
 265 firm, and the fee owner or the fee owner's contractor, upon
 266 written authorization of the fee owner. The fee owner may elect
 267 to use a private provider to provide plans review or required
 268 building inspections, or both. However, if the fee owner or the
 269 fee owner's contractor uses a private provider to provide plans
 270 review, the local building official, in his or her discretion
 271 and pursuant to duly adopted policies of the local enforcement
 272 agency, may require the fee owner or the fee owner's contractor
 273 to use a private provider to also provide required building
 274 inspections.

275 (4) A fee owner or the fee owner's contractor using a
 276 private provider to provide building code inspection services

277 shall notify the local building official at the time of permit
278 application, or no less than 7 business days prior to the first
279 scheduled inspection by the local building official or building
280 code enforcement agency for a private provider performing
281 required inspections of construction under this section, on a
282 form to be adopted by the commission. This notice shall include
283 the following information:

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

285 (b) The name, firm, address, telephone number, and
286 facsimile number of each private provider who is performing or
287 will perform such services, his or her professional license or
288 certification number, qualification statements or resumes, and,
289 if required by the local building official, a certificate of
290 insurance demonstrating that professional liability insurance
291 coverage is in place for the private provider's firm, the
292 private provider, and any duly authorized representative in the
293 amounts required by this section.

294 (c) An acknowledgment from the fee owner in substantially
295 the following form:

296

297

298 I have elected to use one or more private providers to provide
299 building code plans review and/or inspection services on the
300 building or structure that is the subject of the enclosed permit
301 application, as authorized by s. 553.791, Florida Statutes. I
302 understand that the local building official may not review the
303 plans submitted or perform the required building inspections to
304 determine compliance with the applicable codes, except to the

305 extent specified in said law. Instead, plans review and/or
306 required building inspections will be performed by licensed or
307 certified personnel identified in the application. The law
308 requires minimum insurance requirements for such personnel, but
309 I understand that I may require more insurance to protect my
310 interests. By executing this form, I acknowledge that I have
311 made inquiry regarding the competence of the licensed or
312 certified personnel and the level of their insurance and am
313 satisfied that my interests are adequately protected. I agree to
314 indemnify, defend, and hold harmless the local government, the
315 local building official, and their building code enforcement
316 personnel from any and all claims arising from my use of these
317 licensed or certified personnel to perform building code
318 inspection services with respect to the building or structure
319 that is the subject of the enclosed permit application.

320
321 If the fee owner or the fee owner's contractor makes any changes
322 to the listed private providers or the services to be provided
323 by those private providers, the fee owner or the fee owner's
324 contractor shall, within 1 business day after any change, update
325 the notice to reflect such changes. A change of a duly
326 authorized representative named in the permit application does
327 not require a revision of the permit, and the building code
328 enforcement agency may not charge a fee for making the change.

329 In addition, the fee owner or the fee owner's contractor shall
330 post at the project site, prior to the commencement of
331 construction and updated within 1 business day after any change,
332 on a form to be adopted by the commission, the name, firm,

333 address, telephone number, and facsimile number of each private
334 provider who is performing or will perform building code
335 inspection services, the type of service being performed, and
336 similar information for the primary contact of the private
337 provider on the project.

338 (8) A private provider performing required inspections
339 under this section shall inspect each phase of construction as
340 required by the applicable codes. The private provider shall be
341 permitted to send a duly authorized representative to the
342 building site to perform the required inspections, provided all
343 required reports ~~and certifications~~ are prepared by and bear the
344 signature of the private provider or the private provider's duly
345 authorized representative. The duly authorized representative
346 must be an employee of the private provider entitled to receive
347 unemployment compensation benefits under chapter 443. The
348 contractor's contractual or legal obligations are not relieved
349 by any action of the private provider.

350 (9) A private provider performing required inspections
351 under this section shall provide notice to the local building
352 official of the date and approximate time of any such inspection
353 no later than the prior business day by 2 p.m. local time or by
354 any later time permitted by the local building official in that
355 jurisdiction. The local building official may visit the building
356 site as often as necessary to verify that the private provider
357 is performing all required inspections. A deficiency notice
358 shall be posted at the job site by the private provider, a duly
359 authorized representative of the private provider, or the
360 building department whenever a nonconforming item is found to

361 exist relating to the building code or permitted documents.
362 Corrections shall be made by the appropriate party and the
363 nonconforming item shall be reinspected by the private provider
364 or a duly authorized representative of the private provider
365 before being concealed. Reinspection or reaudit fees may not be
366 charged by the local jurisdiction as a result of the local
367 jurisdiction's audit inspection occurring before the performance
368 of the private provider's inspection or for any other
369 administrative matter not involving the detection of a building
370 code violation or permit plan nonconformance issue.

371 (10) Upon completing the required inspections at each
372 applicable phase of construction, the private provider shall
373 record such inspections on a form acceptable to the local
374 building official. The form must be signed by the private
375 provider or the private provider's duly authorized
376 representative. These inspection records shall reflect those
377 inspections required by the applicable codes of each phase of
378 construction for which permitting by a local enforcement agency
379 is required. The private provider, before leaving the project
380 site, shall post each completed inspection record, indicating
381 pass or fail, at the site and provide the record to the local
382 building official within 2 business days. The local building
383 official may waive the requirement to provide a record of each
384 inspection within 2 business days if the record is posted at the
385 project site and all such inspection records are submitted with
386 the certificate of compliance. Records of all required and
387 completed inspections shall be maintained at the building site
388 at all times and made available for review by the local building

389 official. The private provider shall report to the local
 390 enforcement agency any condition that poses an immediate threat
 391 to public safety and welfare.

392 (11) Upon completion of all required inspections, the
 393 private provider shall prepare a certificate of compliance, on a
 394 form acceptable to the local building official, summarizing the
 395 inspections performed and including a written representation,
 396 under oath, that the stated inspections have been performed and
 397 that, to the best of the private provider's knowledge and
 398 belief, the building construction inspected complies with the
 399 approved plans and applicable codes. The statement required of
 400 the private provider shall be substantially in the following
 401 form and shall be signed and sealed by a private provider as
 402 established in subsection (1):

403
 404
 405 To the best of my knowledge and belief, the building components
 406 and site improvements outlined herein and inspected under my
 407 authority have been completed in conformance with the approved
 408 plans and the applicable codes.

409 (13) If the local building official determines that the
 410 building construction or plans do not comply with the applicable
 411 codes, the official may deny the permit or request for a
 412 certificate of occupancy or certificate of completion, as
 413 appropriate, or may issue a stop-work order for the project or
 414 any portion thereof as provided by law, if the official
 415 determines that the ~~such~~ noncompliance poses an immediate ~~a~~
 416 threat to public safety and welfare, subject to the following:

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

422 (b) If the local building official and private provider
 423 are unable to resolve the dispute, the matter shall be referred
 424 to the local enforcement agency's board of appeals, if one
 425 exists, which shall consider the matter at its next scheduled
 426 meeting or sooner. Any decisions by the local enforcement
 427 agency's board of appeals, or local building official if there
 428 is no board of appeals, may be appealed to the commission as
 429 provided by this chapter.

430 (c) Notwithstanding any provision of this section, any
 431 decisions regarding the issuance of a building permit,
 432 certificate of occupancy, or certificate of completion may be
 433 reviewed by the local enforcement agency's board of appeals, if
 434 one exists. Any decision by the local enforcement agency's board
 435 of appeals, or local building official if there is no board of
 436 appeals, may be appealed to the commission as provided by this
 437 chapter, which shall consider the matter at the commission's
 438 next scheduled meeting.

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

443 (b) A local enforcement agency, local building official,
 444 or local government may establish, for private providers and

445 duly authorized representatives working within that
 446 jurisdiction, a system of registration to verify compliance with
 447 the licensure requirements of paragraph (1)(g) and the insurance
 448 requirements of subsection (16).

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

455 Section 6. Section 553.841, Florida Statutes, is amended
 456 to read:

457 553.841 Building code education, mitigation, and outreach
 458 program.--

459 (1) The Legislature finds that knowledge and understanding
 460 by persons licensed in the design and construction industries of
 461 the importance and need for complying with the Florida Building
 462 Code are vital to the public health, safety, and welfare of this
 463 state, especially for mitigating damage caused by hurricanes to
 464 residents and visitors to the state. The Legislature further
 465 finds that the Florida Building Code can be effective only if
 466 all participants in the design and construction industries
 467 maintain a thorough knowledge of the code and additions to the
 468 code which improve construction standards to protect against
 469 storm and other damage. Consequently, the Legislature finds that
 470 there is a need for a program to provide ongoing education and
 471 outreach activities concerning compliance with the Florida
 472 Building Code and hurricane mitigation.

473 (2) The Department of Community Affairs shall administer a
474 program, designated as the Florida Building Code Compliance and
475 Mitigation Program, to develop, coordinate, and maintain
476 education and outreach to persons required to comply with the
477 Florida Building Code and ensure consistent education, training,
478 and communication of the code's requirements, including, but not
479 limited to, methods for mitigating storm-related damage. The
480 program may achieve these objectives in part by promoting design
481 and construction techniques and materials for mitigating
482 hurricane damage at trade conferences based in this state. The
483 program shall also operate a clearinghouse through which design,
484 construction, and building code enforcement licensees,
485 suppliers, and consumers in this state may locate other
486 licensees, suppliers, and consumers in order to exchange
487 information relating to mitigation and facilitate repairs in the
488 aftermath of a natural disaster.

489 (3) All services and materials under the program shall be
490 provided by a private, nonprofit corporation under contract with
491 the department. The term of the contract shall be for 4 years,
492 with the option of a single 4-year renewal at the end of the
493 contract term. The initial contract shall be in effect no later
494 than November 1, 2007. The private, nonprofit corporation must
495 be an organization whose membership includes trade and
496 professional organizations whose members consist primarily of
497 persons and entities that are required to comply with the
498 Florida Building Code and are licensed under part XII of chapter
499 468, chapter 471, chapter 481, or chapter 489. When selecting
500 the private, nonprofit corporation for the program, the

501 department shall give primary consideration to the corporation's
 502 demonstrated experience and the ability to:

503 (a) Develop and deliver building code-related education,
 504 training, and outreach.

505 (b) Directly access the majority of persons licensed in
 506 the occupations of design, construction, and building code
 507 enforcement individually and through established statewide trade
 508 and professional association networks.

509 (c) Serve as a clearinghouse to deliver education and
 510 outreach throughout the state. The clearinghouse shall serve as
 511 a focal point at which persons licensed to design, construct,
 512 and enforce building codes and suppliers and consumers can
 513 locate other such persons, suppliers, and consumers in order to
 514 exchange information relating to mitigation and facilitate
 515 repairs in the aftermath of a natural disaster.

516 (d) Accept input from the Florida Building Commission,
 517 licensing regulatory boards, local building departments, and the
 518 design and construction industries in order to improve its
 519 education and outreach programs.

520 (e) Promote design and construction techniques and
 521 materials for mitigating hurricane damage at a trade conference
 522 based in this state that includes participants from the broadest
 523 possible range of design and construction trades and
 524 professions, including from those private and public-sector
 525 entities having jurisdiction over building codes and design and
 526 construction licensure.

527 ~~(1) The Legislature finds that the effectiveness of the~~
 528 ~~building codes of this state depends on the performance of all~~

529 ~~participants, as demonstrated through knowledge of the codes and~~
530 ~~commitment to compliance with code directives, and that to~~
531 ~~strengthen compliance by industry and enforcement by government,~~
532 ~~a building code education and outreach program is needed.~~

533 ~~(2) There is created the Building Code Education and~~
534 ~~Outreach Council to coordinate, develop, and maintain education~~
535 ~~and outreach to ensure administration and enforcement of the~~
536 ~~Florida Building Code.~~

537 ~~(3) The Building Code Education and Outreach Council shall~~
538 ~~be composed of the following members:~~

539 ~~(a) Three representatives of the Florida Building~~
540 ~~Commission, one of whom must be a member of a Florida based~~
541 ~~organization of persons with disabilities or a nationally~~
542 ~~chartered organization of persons with disabilities having~~
543 ~~chapters in this state, selected by the commission;~~

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

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

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

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

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

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

- 556 ~~(h) One representative of the Board of Landscape~~
- 557 ~~Architecture, selected by that board;~~
- 558 ~~(i) One representative from the office of the State Fire~~
- 559 ~~Marshal, selected by that office; and~~
- 560 ~~(j) One representative with experience and expertise in K-~~
- 561 ~~12 public school construction.~~

562

563 ~~Each member of the board shall be appointed to a 2-year term and~~

564 ~~may be reappointed at the discretion of the appointing body. A~~

565 ~~chair shall be elected by majority vote of the council and shall~~

566 ~~serve a term of 1 year.~~

567 ~~(4) The Building Code Education and Outreach Council shall~~

568 ~~meet in Tallahassee no more than semiannually. The council may~~

569 ~~meet more often but not more than monthly, and such additional~~

570 ~~meetings shall be by telephone conference call. Travel costs, if~~

571 ~~any, shall be borne by the respective appointing entity. The~~

572 ~~Department of Community Affairs shall provide administrative~~

573 ~~support to the council; however, the department may contract~~

574 ~~with an entity that has previous experience with building code~~

575 ~~training, development, and coordination to provide~~

576 ~~administrative support for the council.~~

577 ~~(5) The Building Code Education and Outreach Council~~

578 ~~shall:~~

579 ~~(a) Consider and determine any policies or procedures~~

580 ~~needed to administer ss. 489.109(3) and 489.509(3).~~

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

582 ~~(c) Determine the areas of priority for which funds should~~

583 ~~be expended for education and outreach.~~

584 ~~(d) Review all proposed subjects for advanced courses~~
 585 ~~concerning the Florida Building Code and recommend to the~~
 586 ~~commission any related subjects that should be approved for~~
 587 ~~advanced courses.~~

588 (4)~~(6)~~ The Florida Building Code Compliance Education and
 589 Mitigation Program Outreach Council shall maintain, update,
 590 develop, or cause to be developed:

591 (a) A core curriculum that is prerequisite to the advanced
 592 module coursework.

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

594 (c) The core curriculum developed under this subsection
 595 must be approved by the commission and submitted to the
 596 Department of Business and Professional Regulation for approval.
 597 Advanced modules developed under this paragraph must be approved
 598 by the commission and submitted to the respective boards for
 599 approval.

600 (5)~~(7)~~ The core curriculum shall cover the information
 601 required to have all categories of participants appropriately
 602 informed as to their technical and administrative
 603 responsibilities in the effective execution of the code process
 604 by all individuals currently licensed under part XII of chapter
 605 468, chapter 471, chapter 481, or chapter 489, except as
 606 otherwise provided in s. 471.017. The core curriculum shall be
 607 prerequisite to the advanced module coursework for all licensees
 608 and shall be completed by individuals licensed in all categories
 609 under part XII of chapter 468, chapter 471, chapter 481, or
 610 chapter 489 within the first 2-year period after initial
 611 licensure. Core course hours taken by licensees to complete this

612 requirement shall count toward fulfillment of required
 613 continuing education units under part XII of chapter 468,
 614 chapter 471, chapter 481, or chapter 489.

615 ~~(6)-(8)~~ Each biennium, upon receipt of funds by the
 616 Department of Community Affairs from the Construction Industry
 617 Licensing Board and the Electrical Contractors' Licensing Board
 618 provided under ss. 489.109(3) and 489.509(3), the department
 619 ~~council~~ shall determine the amount of funds available for the
 620 Florida Building Code Compliance and Mitigation Program
 621 ~~education and outreach projects from the proceeds of contractor~~
 622 ~~licensing fees and identify, solicit, and accept funds from~~
 623 ~~other sources for education and outreach projects.~~

624 ~~(7)-(9)~~ If the funds collected for education and outreach
 625 projects provided through the Florida Building Code Compliance
 626 and Mitigation Program in any state fiscal year do not require
 627 the use of all available funds, the unused funds shall be
 628 carried forward and allocated for use during the following
 629 fiscal year.

630 (8) The Florida Building Commission shall provide by rule
 631 for the accreditation of courses related to the Florida Building
 632 Code by accreditors approved by the commission. The commission
 633 shall establish qualifications of accreditors and criteria for
 634 the accreditation of courses by rule. The commission may revoke
 635 the accreditation of a course by an accreditor if the
 636 accreditation is demonstrated to violate this part or the rules
 637 of the commission.

638 (9) This section does not prohibit or limit the subject
 639 areas provided or the development of continuing education or

640 training on the Florida Building Code by any qualified entity.

641 ~~(10) The commission shall consider and approve or reject~~
642 ~~the recommendations made by the council for subjects for~~
643 ~~education and outreach concerning the Florida Building Code. Any~~
644 ~~rejection must be made with specificity and must be communicated~~
645 ~~to the council.~~

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

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

655 553.842 Product evaluation and approval.--

656 (5) Statewide approval of products, methods, or systems of
657 construction may be achieved by one of the following methods.
658 One of these methods must be used by the commission to approve
659 the following categories of products: panel walls, exterior
660 doors, roofing, skylights, windows, shutters, and structural
661 components as established by the commission by rule.

662 (a) Products for which the code establishes standardized
663 testing or comparative or rational analysis methods shall be
664 approved by submittal and validation of one of the following
665 reports or listings indicating that the product or method or
666 system of construction was evaluated to be in compliance with
667 the Florida Building Code and that the product or method or

668 system of construction is, for the purpose intended, at least
 669 equivalent to that required by the Florida Building Code:

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

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

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

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

681
 682 A product evaluation report or a certification mark or listing
 683 of an approved certification agency which demonstrates that the
 684 product or method or system of construction complies with the
 685 Florida Building Code for the purpose intended shall be
 686 equivalent to a test report and test procedure as referenced in
 687 the Florida Building Code.

688 (7) For state approvals, validation shall be performed by
 689 validation entities approved by the commission. The commission
 690 shall adopt by rule criteria for approval of validation
 691 entities, which shall be third-party entities independent of the
 692 product's manufacturer and which shall certify to the commission
 693 the product's compliance with the code. The commission may adopt
 694 by rule a schedule of penalties to be imposed against approved
 695 validation entities that validate product applications in

696 violation of this section or rules adopted under this section.

697 (16) The commission may adopt a rule that identifies
 698 standards that are equivalent to or more stringent than those
 699 specifically adopted by the code for purposes of allowing the
 700 use in this state of the products that comply with the
 701 equivalent standard.

702 Section 8. The Florida Building Commission shall review
 703 modifications 2151, 2152, 2153, and 2492 reviewed by the
 704 commission's technical advisory committee. The commission shall
 705 seek and receive public comments on these modifications,
 706 including the need for the modifications, how the modifications
 707 will affect the health, safety, and welfare of the residents of
 708 this state, and the continuing need for any requirement of the
 709 code specific to this state which the modifications seek to
 710 repeal. Notwithstanding s. 553.73, Florida Statutes, the
 711 commission may adopt or modify the modifications in response to
 712 the public comments subject only to the rule-adoption procedures
 713 of chapter 120, Florida Statutes, for inclusion in the next
 714 edition of the Florida Building Code.

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

717 (1) Contingent upon appropriations by the Legislature, the
 718 Florida Building Commission shall conduct a study updating the
 719 evaluation of loss relativities and resulting reasonable
 720 discounts, credits, and other rate differentials or appropriate
 721 reductions in deductibles for properties on which fixtures or
 722 construction techniques demonstrated to reduce the amount of
 723 loss in a windstorm have been installed or implemented. The

724 fixtures or construction techniques must include, but are not
725 limited to, those activities that enhance roof strength; roof-
726 covering performance; roof-to-wall strength; wall-to-floor-to-
727 foundation strength; opening protection; and window, door, or
728 skylight strength.

729 (2) The commission shall prepare a report on the results
730 of the study and submit the report to the Governor, the Chief
731 Financial Officer, the Commissioner of Insurance Regulation, the
732 President of the Senate, and the Speaker of the House of
733 Representatives no later than March 1, 2008. Upon the request of
734 the commission, the Office of Insurance Regulation shall assist
735 the commission in developing the scope and methodology used to
736 perform the study.

737 Section 10. The Florida Building Commission shall, in
738 consultation with the Florida Energy Commission, the Building
739 Officials Association of Florida, the Florida Energy Office, the
740 Florida Home Builders Association, the Florida Association of
741 Counties, the Florida League of Cities, and other stakeholders,
742 review the Florida Energy Code for new building construction.
743 Specifically, the commission shall evaluate the analysis of the
744 cost-effectiveness that serves as the basis for energy
745 efficiency levels for residential buildings; identify cost-
746 effective means to improve energy efficiency in commercial
747 buildings; and compare the findings to the International Energy
748 Conservation Code and the American Society of Heating, Air
749 Conditioning, and Refrigeration Engineers Standards 90.1 and
750 90.2. The commission shall complete and present a report to the
751 President of the Senate and the Speaker of the House of

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752 Representatives no later than March 1, 2008. The report must
753 include a new energy efficiency standard that may be adopted for
754 the construction of all new residential, commercial, and
755 government buildings.

756 Section 11. The sum of \$1 million is appropriated from the
757 Operating Trust Fund within the Department of Community Affairs
758 for the 2007-2008 fiscal year for the purposes of implementing
759 and administering s. 553.841, Florida Statutes, relating to
760 building code education, mitigation, and outreach programs.

761 Section 12. The sum of \$750,000 in nonrecurring funds is
762 appropriated from the Operating Trust Fund within the Department
763 of Community Affairs for the 2007-2008 fiscal year for the
764 purpose of implementing the study required by section 9 of this
765 act.

766 Section 13. This act shall take effect upon becoming a
767 law.