

By the Committees on Regulated Industries; and Community Affairs; and Senator Simpson

580-04177-14

20141106c2

1                                   A bill to be entitled  
2       An act relating to building construction; amending s.  
3       120.80, F.S.; providing exceptions to the prohibition  
4       against the Florida Building Commission accepting a  
5       petition for waiver or variance from the Florida  
6       Building Code; amending s. 162.12, F.S.; providing an  
7       additional method for local governments to provide  
8       notices to alleged code enforcement violators;  
9       amending s. 440.103, F.S.; authorizing an employer to  
10      present certain documents electronically or physically  
11      in order to show proof and certify to the permit  
12      issuer that it has secured compensation for its  
13      employees; authorizing site plans or electronically  
14      transferred building permits to be maintained at the  
15      worksite in their original form or by electronic copy;  
16      requiring such plans or permits to be open to  
17      inspection by the building official or authorized  
18      representative; amending s. 514.03, F.S.; requiring  
19      application for an operating permit before filing an  
20      application for a building permit for a public  
21      swimming pool; amending s. 514.031, F.S.; providing  
22      additional requirements for obtaining a public  
23      swimming pool operating permit; amending s. 553.37,  
24      F.S.; specifying inspection criteria for construction  
25      or modification of manufactured buildings or modules;  
26      amending s. 553.721, F.S.; revising the allocation of  
27      funds from the building permit surcharge; amending s.  
28      553.73, F.S.; authorizing an agency or local  
29      government to require rooftop equipment to be

580-04177-14

20141106c2

30 installed in compliance with the Florida Building Code  
31 if the equipment is being replaced or removed during  
32 reroofing and is not in compliance with the Florida  
33 Building Code's roof-mounted mechanical units  
34 requirements; amending s. 553.77, F.S.; requiring the  
35 Florida Building Commission to provide criteria and  
36 procedures for granting variances from certain  
37 provisions of the Florida Building Code; requiring an  
38 applicant for a variance to meet certain criteria to  
39 receive a variance; requiring the Florida Building  
40 Commission to receive a recommendation from its  
41 Swimming Pool Technical Advisory Committee; requiring  
42 such committee to include certain membership; amending  
43 s. 553.775, F.S.; authorizing building officials,  
44 local enforcement agencies, and the Florida Building  
45 Commission to interpret the Florida Accessibility Code  
46 for Building Construction; specifying procedures for  
47 such interpretations; deleting provisions relating to  
48 declaratory statements and interpretations of the  
49 Florida Accessibility Code for Building Construction,  
50 to conform; amending s. 553.79, F.S.; prohibiting a  
51 local enforcing agency from issuing a building permit  
52 for a public swimming pool without proof of  
53 application for an operating permit; requiring  
54 issuance of an operating permit before a certificate  
55 of completion or occupancy is issued; authorizing site  
56 plans or building permits to be maintained at the  
57 worksite in their original form or in the form of an  
58 electronic copy; requiring the permit to be open to

580-04177-14

20141106c2

59 inspection; amending s. 553.80, F.S.; requiring  
60 counties and municipalities to expedite building  
61 construction permitting, building plans review, and  
62 inspections of projects of certain public schools,  
63 rather than certain public school districts; amending  
64 s. 553.841, F.S.; revising education and training  
65 requirements of the Florida Building Code Compliance  
66 and Mitigation Program; creating s. 553.883, F.S.;  
67 authorizing use of smoke alarms powered by 10-year  
68 nonremovable, nonreplaceable batteries in certain  
69 circumstances; requiring use of such alarms by a  
70 certain date; amending s. 553.993, F.S.; revising the  
71 definition of the term "building energy-efficiency  
72 rating system" to require consistency with certain  
73 national standards for new construction and existing  
74 construction; providing for oversight; amending s.  
75 633.202, F.S.; exempting certain tents from the  
76 Florida Fire Prevention Code; amending s. 633.212,  
77 F.S.; removing the requirement that an alternate  
78 member of the Fire Code Interpretation Committee  
79 provide notice to the committee in order to respond to  
80 a nonbinding interpretation when a member is unable to  
81 respond; providing an effective date.

82  
83 Be It Enacted by the Legislature of the State of Florida:

84  
85 Section 1. Paragraph (a) of subsection (16) of section  
86 120.80, Florida Statutes, is amended to read:  
87 120.80 Exceptions and special requirements; agencies.—

580-04177-14

20141106c2

88 (16) FLORIDA BUILDING COMMISSION.—

89 (a) Notwithstanding ~~the provisions of s. 120.542~~, the  
90 Florida Building Commission may not accept a petition for waiver  
91 or variance and may not grant any waiver or variance from the  
92 requirements of the Florida Building Code except for  
93 applications to waive the requirements of the Florida  
94 Accessibility Code for Building Construction provided under s.  
95 553.512 and for variances from the public swimming pool and  
96 public bathing places provisions of the Florida Building Code  
97 provided under s. 553.77(7).

98 Section 2. Section 162.12, Florida Statutes, is amended to  
99 read:

100 162.12 Notices.—

101 (1) All notices required by this part must be provided to  
102 the alleged violator by:

103 (a) Certified mail, and at the option of the local  
104 government return receipt requested, to the address listed in  
105 the tax collector's office for tax notices or to the address  
106 listed in the county property appraiser's database. The local  
107 government may also provide an additional notice to any other  
108 address it may find for the property owner. For property owned  
109 by a corporation, notices may be provided by certified mail to  
110 the registered agent of the corporation. If any notice sent by  
111 certified mail is not signed as received within 30 days after  
112 the postmarked date of mailing, notice may be provided by  
113 posting as described in subparagraphs (2)(b)1. and 2.;

114 (b) Hand delivery by the sheriff or other law enforcement  
115 officer, code inspector, or other person designated by the local  
116 governing body;

580-04177-14

20141106c2

117 (c) Leaving the notice at the violator's usual place of  
118 residence with any person residing therein who is above 15 years  
119 of age and informing such person of the contents of the notice;  
120 or

121 (d) In the case of commercial premises, leaving the notice  
122 with the manager or other person in charge.

123 (2) In addition to providing notice as set forth in  
124 subsection (1), at the option of the code enforcement board or  
125 the local government, notice may be served by publication or  
126 posting, as follows:

127 (a)1. Such notice shall be published once during each week  
128 for 4 consecutive weeks (four publications being sufficient) in  
129 a newspaper of general circulation in the county where the code  
130 enforcement board is located. The newspaper shall meet such  
131 requirements as are prescribed under chapter 50 for legal and  
132 official advertisements.

133 2. Proof of publication shall be made as provided in ss.  
134 50.041 and 50.051.

135 (b)1. In lieu of publication as described in paragraph (a),  
136 such notice may be posted at least 10 days prior to the hearing,  
137 or prior to the expiration of any deadline contained in the  
138 notice, in at least two locations, one of which shall be the  
139 property upon which the violation is alleged to exist and the  
140 other of which shall be, in the case of municipalities, at the  
141 primary municipal government office, and in the case of  
142 counties, at the front door of the courthouse or the main county  
143 governmental center in said county.

144 2. Proof of posting shall be by affidavit of the person  
145 posting the notice, which affidavit shall include a copy of the

580-04177-14

20141106c2

146 notice posted and the date and places of its posting.

147 (c) Notice by publication or posting may run concurrently  
148 with, or may follow, an attempt or attempts to provide notice by  
149 hand delivery or by mail as required under subsection (1).

150 (3) Evidence that an attempt has been made to hand deliver  
151 or mail notice as provided in subsection (1), together with  
152 proof of publication or posting as provided in subsection (2),  
153 shall be sufficient to show that the notice requirements of this  
154 part have been met, without regard to whether or not the alleged  
155 violator actually received such notice.

156 Section 3. Section 440.103, Florida Statutes, is amended to  
157 read:

158 440.103 Building permits; identification of minimum premium  
159 policy.—Every employer shall, as a condition to applying for and  
160 receiving a building permit, show proof and certify to the  
161 permit issuer that it has secured compensation for its employees  
162 under this chapter as provided in ss. 440.10 and 440.38. Such  
163 proof of compensation must be evidenced by a certificate of  
164 coverage issued by the carrier, a valid exemption certificate  
165 approved by the department, or a copy of the employer's  
166 authority to self-insure and shall be presented, electronically  
167 or physically, each time the employer applies for a building  
168 permit. As provided in s. 553.79(19), for the purpose of  
169 inspection and record retention, site plans or building permits  
170 may be maintained at the worksite in the original form or in the  
171 form of an electronic copy. These plans and permits must be open  
172 to inspection by the building official or a duly authorized  
173 representative, as required by the Florida Building Code. As  
174 provided in s. 627.413(5), each certificate of coverage must

580-04177-14

20141106c2

175 show, on its face, whether or not coverage is secured under the  
176 minimum premium provisions of rules adopted by rating  
177 organizations licensed pursuant to s. 627.221. The words  
178 "minimum premium policy" or equivalent language shall be typed,  
179 printed, stamped, or legibly handwritten.

180 Section 4. Section 514.03, Florida Statutes, is amended to  
181 read:

182 514.03 Approval necessary to construct, develop, or modify  
183 public swimming pools or public bathing places.-

184 (1) A person or public body desiring to construct, develop,  
185 or modify a public swimming pool must apply to the department  
186 for an operating permit before filing an application for a  
187 building permit under s. 553.79.

188 (2) Local governments or local enforcement districts may  
189 determine compliance with the general construction standards of  
190 the Florida Building Code, pursuant to s. 553.80. Local  
191 governments or local enforcement districts may conduct plan  
192 reviews and inspections of public swimming pools and public  
193 bathing places for this purpose.

194 Section 5. Paragraph (a) of subsection (1) of section  
195 514.031, Florida Statutes, is amended to read:

196 514.031 Permit necessary to operate public swimming pool.-

197 (1) It is unlawful for any person or public body to operate  
198 or continue to operate any public swimming pool without a valid  
199 permit from the department, such permit to be obtained in the  
200 following manner:

201 (a) Any person or public body desiring to operate any  
202 public swimming pool shall file an application for an operating  
203 ~~a~~ permit with the department, on application forms provided by

580-04177-14

20141106c2

204 the department, and shall accompany such application with:

205 1. A description of the structure, its appurtenances, and  
206 its operation.

207 2.1. A description of the source or sources of water  
208 supply, and the amount and quality of water available and  
209 intended to be used.

210 3.2. The method and manner of water purification,  
211 treatment, disinfection, and heating.

212 4.3. The safety equipment and standards to be used.

213 5. A copy of the final inspection from the local  
214 enforcement agency as defined in chapter 553.

215 6.4. Any other pertinent information deemed necessary by  
216 the department.

217 Section 6. Paragraph (c) of subsection (1) of section  
218 553.37, Florida Statutes, is amended to read:

219 553.37 Rules; inspections; and insignia.—

220 (1) The Florida Building Commission shall adopt within the  
221 Florida Building Code requirements for construction or  
222 modification of manufactured buildings and building modules, to  
223 address:

224 (c) ~~Minimum~~ Inspection criteria, which shall require the  
225 approved inspection agency to:

226 1. Observe the first building built, or with regard to  
227 components, observe the first unit assembled, after  
228 certification of the manufacturer, from start to finish,  
229 inspecting all subsystems: electrical, plumbing, structural,  
230 mechanical, or thermal.

231 2. Continue observation of the manufacturing process until  
232 the approved inspection agency determines that the



580-04177-14

20141106c2

233 manufacturer's quality control program, in conjunction with the  
234 application of the plans approved by the approved inspection  
235 agency, will result in a building and components that meet or  
236 exceed the applicable Florida Building Code requirements.

237 3. Thereafter, inspect each module produced during at least  
238 one point of the manufacturing process and inspect at least 75  
239 percent of the subsystems of each module: electrical, plumbing,  
240 structural, mechanical, or thermal.

241 4. With respect to components, inspect at least 75 percent  
242 of the manufactured building components and at least 20 percent  
243 of the storage sheds that are not designed for human habitation  
244 and that have a floor area of 720 square feet or less.

245 Section 7. Section 553.721, Florida Statutes, is amended to  
246 read:

247 553.721 Surcharge.—In order for the Department of Business  
248 and Professional Regulation to administer and carry out the  
249 purposes of this part and related activities, there is created a  
250 surcharge, to be assessed at the rate of 1.5 percent of the  
251 permit fees associated with enforcement of the Florida Building  
252 Code as defined by the uniform account criteria and specifically  
253 the uniform account code for building permits adopted for local  
254 government financial reporting pursuant to s. 218.32. The  
255 minimum amount collected on any permit issued shall be \$2. The  
256 unit of government responsible for collecting a permit fee  
257 pursuant to s. 125.56(4) or s. 166.201 shall collect the  
258 surcharge and electronically remit the funds collected to the  
259 department on a quarterly calendar basis for the preceding  
260 quarter and continuing each third month thereafter. The unit of  
261 government shall retain 10 percent of the surcharge collected to

580-04177-14

20141106c2

262 fund the participation of building departments in the national  
 263 and state building code adoption processes and to provide  
 264 education related to enforcement of the Florida Building Code.  
 265 All funds remitted to the department pursuant to this section  
 266 shall be deposited in the Professional Regulation Trust Fund.  
 267 Funds collected from the surcharge shall be allocated to fund  
 268 the Florida Building Commission, ~~and~~ the Florida Building Code  
 269 Compliance and Mitigation Program under s. 553.841, and the  
 270 Future Builders of America program. ~~Beginning in the 2013-2014~~  
 271 ~~fiscal year,~~ Funds allocated to the Florida Building Code  
 272 Compliance and Mitigation Program shall be \$925,000 each fiscal  
 273 year. Beginning in the 2014-2015 fiscal year, funds allocated to  
 274 the Future Builders of America program shall be \$250,000 each  
 275 fiscal year. The funds collected from the surcharge may not be  
 276 used to fund research on techniques for mitigation of radon in  
 277 existing buildings. Funds used by the department as well as  
 278 funds to be transferred to the Department of Health shall be as  
 279 prescribed in the annual General Appropriations Act. The  
 280 department shall adopt rules governing the collection and  
 281 remittance of surcharges pursuant to chapter 120.

282 Section 8. Subsection (15) of section 553.73, Florida  
 283 Statutes, is amended to read:

284 553.73 Florida Building Code.—

285 (15) An agency or local government may not require that  
 286 existing mechanical equipment located on or above the surface of  
 287 a roof be installed in compliance with the requirements of the  
 288 Florida Building Code except when ~~until~~ the equipment is being  
 289 ~~required to be removed or replaced~~ or moved during reroofing and  
 290 is not in compliance with the provisions of the Florida Building

580-04177-14

20141106c2

291 Code relating to roof-mounted mechanical units.

292 Section 9. Subsection (7) is added to section 553.77,  
293 Florida Statutes, to read:

294 553.77 Specific powers of the commission.—

295 (7) The commission shall provide criteria and procedures  
296 for granting variances from the provisions in the Florida  
297 Building Code relating to public swimming pools and public  
298 bathing places. After receiving a request for a variance from a  
299 pool owner or his, her, or its representative to relieve a  
300 hardship, the commission may grant a variance only if it is  
301 shown that the hardship was not caused intentionally by the  
302 action of the applicant, that no reasonable alternative exists,  
303 and that the health and safety of pool patrons is not at risk.  
304 Applications must be approved, approved with conditions, or  
305 denied based on a majority vote of the commission. Before  
306 voting, the commission must receive a recommendation from its  
307 Swimming Pool Technical Advisory Committee. The advisory  
308 committee membership must include a representative of the  
309 Department of Health who has knowledge and understanding of  
310 swimming pool regulations.

311 Section 10. Section 553.775, Florida Statutes, is amended  
312 to read:

313 553.775 Interpretations.—

314 (1) It is the intent of the Legislature that the Florida  
315 Building Code and the Florida Accessibility Code for Building  
316 Construction be interpreted by building officials, local  
317 enforcement agencies, and the commission in a manner that  
318 protects the public safety, health, and welfare at the most  
319 reasonable cost to the consumer by ensuring uniform

580-04177-14

20141106c2

320 interpretations throughout the state and by providing processes  
321 for resolving disputes regarding interpretations of the Florida  
322 Building Code and the Florida Accessibility Code for Building  
323 Construction which are just and expeditious.

324 (2) Local enforcement agencies, local building officials,  
325 state agencies, and the commission shall interpret provisions of  
326 the Florida Building Code and the Florida Accessibility Code for  
327 Building Construction in a manner that is consistent with  
328 declaratory statements and interpretations entered by the  
329 commission, except that conflicts between the Florida Fire  
330 Prevention Code and the Florida Building Code shall be resolved  
331 in accordance with s. 553.73(11)(c) and (d).

332 (3) The following procedures may be invoked regarding  
333 interpretations of the Florida Building Code or the Florida  
334 Accessibility Code for Building Construction:

335 (a) Upon written application by any substantially affected  
336 person or state agency or by a local enforcement agency, the  
337 commission shall issue declaratory statements pursuant to s.  
338 120.565 relating to the enforcement or administration by local  
339 governments of the Florida Building Code or the Florida  
340 Accessibility Code for Building Construction.

341 (b) When requested in writing by any substantially affected  
342 person or state agency or by a local enforcement agency, the  
343 commission shall issue a declaratory statement pursuant to s.  
344 120.565 relating to this part and ss. 515.25, 515.27, 515.29,  
345 and 515.37. Actions of the commission are subject to judicial  
346 review under s. 120.68.

347 (c) The commission shall review decisions of local building  
348 officials and local enforcement agencies regarding

580-04177-14

20141106c2

349 interpretations of the Florida Building Code or the Florida  
350 Accessibility Code for Building Construction after the local  
351 board of appeals has considered the decision, if such board  
352 exists, and if such appeals process is concluded within 25  
353 business days.

354 1. The commission shall coordinate with the Building  
355 Officials Association of Florida, Inc., to designate panels  
356 composed of five members to hear requests to review decisions of  
357 local building officials. The members must be licensed as  
358 building code administrators under part XII of chapter 468 and  
359 must have experience interpreting and enforcing provisions of  
360 the Florida Building Code and the Florida Accessibility Code for  
361 Building Construction.

362 2. Requests to review a decision of a local building  
363 official interpreting provisions of the Florida Building Code or  
364 the Florida Accessibility Code for Building Construction may be  
365 initiated by any substantially affected person, including an  
366 owner or builder subject to a decision of a local building  
367 official or an association of owners or builders having members  
368 who are subject to a decision of a local building official. In  
369 order to initiate review, the substantially affected person must  
370 file a petition with the commission. The commission shall adopt  
371 a form for the petition, which shall be published on the  
372 Building Code Information System. The form shall, at a minimum,  
373 require the following:

374 a. The name and address of the county or municipality in  
375 which provisions of the Florida Building Code or the Florida  
376 Accessibility Code for Building Construction are being  
377 interpreted.

580-04177-14

20141106c2

378           b. The name and address of the local building official who  
379 has made the interpretation being appealed.

380           c. The name, address, and telephone number of the  
381 petitioner; the name, address, and telephone number of the  
382 petitioner's representative, if any; and an explanation of how  
383 the petitioner's substantial interests are being affected by the  
384 local interpretation of the Florida Building Code or the Florida  
385 Accessibility Code for Building Construction.

386           d. A statement of the provisions of the Florida Building  
387 Code or the Florida Accessibility Code for Building Construction  
388 which are being interpreted by the local building official.

389           e. A statement of the interpretation given to provisions of  
390 the Florida Building Code or the Florida Accessibility Code for  
391 Building Construction by the local building official and the  
392 manner in which the interpretation was rendered.

393           f. A statement of the interpretation that the petitioner  
394 contends should be given to the provisions of the Florida  
395 Building Code or the Florida Accessibility Code for Building  
396 Construction and a statement supporting the petitioner's  
397 interpretation.

398           g. Space for the local building official to respond in  
399 writing. The space shall, at a minimum, require the local  
400 building official to respond by providing a statement admitting  
401 or denying the statements contained in the petition and a  
402 statement of the interpretation of the provisions of the Florida  
403 Building Code or the Florida Accessibility Code for Building  
404 Construction which the local jurisdiction or the local building  
405 official contends is correct, including the basis for the  
406 interpretation.

580-04177-14

20141106c2

407           3. The petitioner shall submit the petition to the local  
408 building official, who shall place the date of receipt on the  
409 petition. The local building official shall respond to the  
410 petition in accordance with the form and shall return the  
411 petition along with his or her response to the petitioner within  
412 5 days after receipt, exclusive of Saturdays, Sundays, and legal  
413 holidays. The petitioner may file the petition with the  
414 commission at any time after the local building official  
415 provides a response. If no response is provided by the local  
416 building official, the petitioner may file the petition with the  
417 commission 10 days after submission of the petition to the local  
418 building official and shall note that the local building  
419 official did not respond.

420           4. Upon receipt of a petition that meets the requirements  
421 of subparagraph 2., the commission shall immediately provide  
422 copies of the petition to a panel, and the commission shall  
423 publish the petition, including any response submitted by the  
424 local building official, on the Building Code Information System  
425 in a manner that allows interested persons to address the issues  
426 by posting comments.

427           5. The panel shall conduct proceedings as necessary to  
428 resolve the issues; shall give due regard to the petitions, the  
429 response, and to comments posed on the Building Code Information  
430 System; and shall issue an interpretation regarding the  
431 provisions of the Florida Building Code or the Florida  
432 Accessibility Code for Building Construction within 21 days  
433 after the filing of the petition. The panel shall render a  
434 determination based upon the Florida Building Code or the  
435 Florida Accessibility Code for Building Construction or, if the

580-04177-14

20141106c2

436 code is ambiguous, the intent of the code. The panel's  
437 interpretation shall be provided to the commission, which shall  
438 publish the interpretation on the Building Code Information  
439 System and in the Florida Administrative Register. The  
440 interpretation shall be considered an interpretation entered by  
441 the commission, and shall be binding upon the parties and upon  
442 all jurisdictions subject to the Florida Building Code or the  
443 Florida Accessibility Code for Building Construction, unless it  
444 is superseded by a declaratory statement issued by the Florida  
445 Building Commission or by a final order entered after an appeal  
446 proceeding conducted in accordance with subparagraph 7.

447 6. It is the intent of the Legislature that review  
448 proceedings be completed within 21 days after the date that a  
449 petition seeking review is filed with the commission, and the  
450 time periods set forth in this paragraph may be waived only upon  
451 consent of all parties.

452 7. Any substantially affected person may appeal an  
453 interpretation rendered by a hearing officer panel by filing a  
454 petition with the commission. Such appeals shall be initiated in  
455 accordance with chapter 120 and the uniform rules of procedure  
456 and must be filed within 30 days after publication of the  
457 interpretation on the Building Code Information System or in the  
458 Florida Administrative Register. Hearings shall be conducted  
459 pursuant to chapter 120 and the uniform rules of procedure.  
460 Decisions of the commission are subject to judicial review  
461 pursuant to s. 120.68. The final order of the commission is  
462 binding upon the parties and upon all jurisdictions subject to  
463 the Florida Building Code or the Florida Accessibility Code for  
464 Building Construction.



580-04177-14

20141106c2

465 8. The burden of proof in any proceeding initiated in  
466 accordance with subparagraph 7. is on the party who initiated  
467 the appeal.

468 9. In any review proceeding initiated in accordance with  
469 this paragraph, including any proceeding initiated in accordance  
470 with subparagraph 7., the fact that an owner or builder has  
471 proceeded with construction may not be grounds for determining  
472 an issue to be moot if the issue is one that is likely to arise  
473 in the future.

474

475 This paragraph provides the exclusive remedy for addressing  
476 requests to review local interpretations of the Florida Building  
477 Code or the Florida Accessibility Code for Building Construction  
478 and appeals from review proceedings.

479 (d) Upon written application by any substantially affected  
480 person, contractor, or designer, or a group representing a  
481 substantially affected person, contractor, or designer, the  
482 commission shall issue or cause to be issued a formal  
483 interpretation of the Florida Building Code or the Florida  
484 Accessibility Code for Building Construction as prescribed by  
485 paragraph (c).

486 (e) Local decisions declaring structures to be unsafe and  
487 subject to repair or demolition are not subject to review under  
488 this subsection and may not be appealed to the commission if the  
489 local governing body finds that there is an immediate danger to  
490 the health and safety of the public.

491 (f) Upon written application by any substantially affected  
492 person, the commission shall issue a declaratory statement  
493 pursuant to s. 120.565 relating to an agency's interpretation

580-04177-14

20141106c2

494 and enforcement of the specific provisions of the Florida  
495 Building Code or the Florida Accessibility Code for Building  
496 Construction which the agency is authorized to enforce. This  
497 subsection does not provide any powers, other than advisory, to  
498 the commission with respect to any decision of the State Fire  
499 Marshal made pursuant to chapter 633.

500 (g) The commission may designate a commission member who  
501 has demonstrated expertise in interpreting building plans to  
502 attend each meeting of the advisory council created in s.  
503 553.512. The commission member may vary from meeting to meeting,  
504 shall serve on the council in a nonvoting capacity, and shall  
505 receive per diem and expenses as provided in s. 553.74(3).

506 (h) The commission shall by rule establish an informal  
507 process of rendering nonbinding interpretations of the Florida  
508 Building Code and the Florida Accessibility Code for Building  
509 Construction. The commission is specifically authorized to refer  
510 interpretive issues to organizations that represent those  
511 engaged in the construction industry. The commission shall  
512 immediately implement the process before completing formal  
513 rulemaking. It is the intent of the Legislature that the  
514 commission create a process to refer questions to a small,  
515 rotating group of individuals licensed under part XII of chapter  
516 468, to which a party may pose questions regarding the  
517 interpretation of code provisions. It is the intent of the  
518 Legislature that the process provide for the expeditious  
519 resolution of the issues presented and publication of the  
520 resulting interpretation on the Building Code Information  
521 System. Such interpretations shall be advisory only and  
522 nonbinding on the parties and the commission.

580-04177-14

20141106c2

523 (4) In order to administer this section, the commission may  
524 adopt by rule and impose a fee for filing requests for  
525 declaratory statements and binding and nonbinding  
526 interpretations to recoup the cost of the proceedings which may  
527 not exceed \$125 for each request for a nonbinding interpretation  
528 and \$250 for each request for a binding review or  
529 interpretation. For proceedings conducted by or in coordination  
530 with a third party, the rule may provide that payment be made  
531 directly to the third party, who shall remit to the department  
532 that portion of the fee necessary to cover the costs of the  
533 department.

534 ~~(5) The commission may render declaratory statements in~~  
535 ~~accordance with s. 120.565 relating to the provisions of the~~  
536 ~~Florida Accessibility Code for Building Construction not~~  
537 ~~attributable to the Americans with Disabilities Act~~  
538 ~~Accessibility Guidelines. Notwithstanding the other provisions~~  
539 ~~of this section, the Florida Accessibility Code for Building~~  
540 ~~Construction and chapter 11 of the Florida Building Code may not~~  
541 ~~be interpreted by, and are not subject to review under, any of~~  
542 ~~the procedures specified in this section. This subsection has no~~  
543 ~~effect upon the commission's authority to waive the Florida~~  
544 ~~Accessibility Code for Building Construction as provided by s.~~  
545 ~~553.512.~~

546 Section 11. Present subsections (11) through (18) of  
547 section 553.79, Florida Statutes, are redesignated as  
548 subsections (12) through (19), respectively, a new subsection  
549 (11) is added to that section, and present subsection (18) is  
550 amended, to read:

551 553.79 Permits; applications; issuance; inspections.-

580-04177-14

20141106c2

552       (11) The local enforcing agency may not issue a building  
553 permit to construct, develop, or modify a public swimming pool  
554 without proof of application for an operating permit under s.  
555 514.031. A certificate of completion or occupancy may not be  
556 issued until such operating permit is issued.

557       (19)~~(18)~~ For the purpose of inspection and record  
558 retention, site plans or building permits ~~for a building~~ may be  
559 maintained in the original form or in the form of an electronic  
560 copy at the worksite. These plans and permits must be open to  
561 inspection by the building official or a duly authorized  
562 representative, as required by the Florida Building Code.

563       Section 12. Paragraph (b) of subsection (6) of section  
564 553.80, Florida Statutes, is amended to read:

565       553.80 Enforcement.—

566       (6) Notwithstanding any other law, state universities,  
567 community colleges, and public school districts shall be subject  
568 to enforcement of the Florida Building Code under this part.

569       (b) If a state university, state community college, or  
570 public school district elects to use a local government's code  
571 enforcement offices:

572       1. Fees charged by counties and municipalities for  
573 enforcement of the Florida Building Code on buildings,  
574 structures, and facilities of state universities, state  
575 colleges, and public school districts may not be more than the  
576 actual labor and administrative costs incurred for plans review  
577 and inspections to ensure compliance with the code.

578       2. Counties and municipalities shall expedite building  
579 construction permitting, building plans review, and inspections  
580 of projects of state universities, state community colleges, and

580-04177-14

20141106c2

581 public schools ~~school districts~~ that are subject to the Florida  
582 Building Code according to guidelines established by the Florida  
583 Building Commission.

584 3. A party substantially affected by an interpretation of  
585 the Florida Building Code by the local government's code  
586 enforcement offices may appeal the interpretation to the local  
587 government's board of adjustment and appeal or to the commission  
588 under s. 553.775 if no local board exists. The decision of a  
589 local board is reviewable in accordance with s. 553.775.

590

591 This part may not be construed to authorize counties,  
592 municipalities, or code enforcement districts to conduct any  
593 permitting, plans review, or inspections not covered by the  
594 Florida Building Code. Any actions by counties or municipalities  
595 not in compliance with this part may be appealed to the Florida  
596 Building Commission. The commission, upon a determination that  
597 actions not in compliance with this part have delayed permitting  
598 or construction, may suspend the authority of a county,  
599 municipality, or code enforcement district to enforce the  
600 Florida Building Code on the buildings, structures, or  
601 facilities of a state university, state community college, or  
602 public school district and provide for code enforcement at the  
603 expense of the state university, state community college, or  
604 public school district.

605 Section 13. Subsections (1) and (2) of section 553.841,  
606 Florida Statutes, are amended to read:

607 553.841 Building code compliance and mitigation program.—

608 (1) The Legislature finds that knowledge and understanding  
609 by persons licensed or employed in the design and construction

580-04177-14

20141106c2

610 industries of the importance and need for complying with the  
611 Florida Building Code and related laws is vital to the public  
612 health, safety, and welfare of this state, especially for  
613 protecting consumers and mitigating damage caused by hurricanes  
614 to residents and visitors to the state. The Legislature further  
615 finds that the Florida Building Code can be effective only if  
616 all participants in the design and construction industries  
617 maintain a thorough knowledge of the code, code compliance and  
618 enforcement, duties related to consumers, and changes that  
619 ~~additions thereto which~~ improve construction standards, project  
620 completion, and compliance of design and construction to protect  
621 against consumer harm, storm damage, and other damage.  
622 Consequently, the Legislature finds that there is a need for a  
623 program to provide ongoing education and outreach activities  
624 concerning compliance with the Florida Building Code, the  
625 Florida Fire Prevention Code, construction plan and permitting  
626 requirements, construction liens, and hurricane mitigation.

627 (2) The Department of Business and Professional Regulation  
628 shall administer a program, designated as the Florida Building  
629 Code Compliance and Mitigation Program, to develop, coordinate,  
630 and maintain education and outreach to persons required to  
631 comply with the Florida Building Code and related provisions as  
632 specified in subsection (1) and ensure consistent education,  
633 training, and communication of the code's requirements,  
634 including, but not limited to, methods for design and  
635 construction compliance and mitigation of storm-related damage.  
636 The program shall also operate a clearinghouse through which  
637 design, construction, and building code enforcement licensees,  
638 suppliers, and consumers in this state may find others in order

580-04177-14

20141106c2

639 to exchange information relating to mitigation and facilitate  
640 repairs in the aftermath of a natural disaster.

641 Section 14. Section 553.883, Florida Statutes, is created  
642 to read:

643 553.883 Smoke alarms in one-family and two-family dwellings  
644 and townhomes.—One-family and two-family dwellings and townhomes  
645 undergoing a repair, or a level 1 alteration as defined in the  
646 Florida Building Code, may use smoke alarms powered by 10-year  
647 nonremovable, nonreplaceable batteries in lieu of retrofitting  
648 such dwelling with smoke alarms powered by the dwelling's  
649 electrical system. Effective January 1, 2015, a battery-powered  
650 smoke alarm that is newly installed or replaces an existing  
651 battery-powered smoke alarm must be powered by a nonremovable,  
652 nonreplaceable battery that powers the alarm for at least 10  
653 years.

654 Section 15. Subsection (3) of section 553.993, Florida  
655 Statutes, is amended to read:

656 553.993 Definitions.—For purposes of this part:

657 (3) "Building energy-efficiency rating system" means a  
658 whole building energy evaluation system that provides a reliable  
659 and scientifically-based analysis of a building's energy  
660 consumption or energy features and allows a comparison to  
661 similar building types in similar climate zones where  
662 applicable. Specifically, the rating system shall use standard  
663 calculations, formulas, and scoring methods; be applicable  
664 nationally; compare a building to a clearly defined and  
665 researched baseline or benchmark; require qualified  
666 professionals to conduct the rating or assessment; and provide a  
667 labeling and recognition program with specific criteria or

580-04177-14

20141106c2

668 levels. Residential program benchmarks for new construction must  
669 be consistent with national building standards. Residential  
670 building program benchmarks for existing construction must be  
671 consistent with national home energy rating standards. The  
672 building energy-efficiency rating system shall require at least  
673 one level of oversight performed by an organized and balanced  
674 group of professionals with subject matter expertise in energy  
675 efficiency, energy rating, and evaluation methods established by  
676 ~~the Residential Energy Services Network, the Commercial Energy~~  
677 ~~Services Network, the Building Performance Institute, or the~~  
678 ~~Florida Solar Energy Center.~~

679 Section 16. Subsection (15) of section 633.202, Florida  
680 Statutes, is amended to read:

681 633.202 Florida Fire Prevention Code.—

682 (15) ~~(a)~~ For one-story or two-story structures that are less  
683 than 10,000 square feet, whose occupancy is defined in the  
684 Florida Building Code and the Florida Fire Prevention Code as  
685 business or mercantile, a fire official shall enforce the wall  
686 fire-rating provisions for occupancy separation as defined in  
687 the Florida Building Code.

688 (16) (a) ~~(b)~~ A structure, located on property that is  
689 classified for ad valorem purposes as agricultural, which is  
690 part of a farming or ranching operation, in which the occupancy  
691 is limited by the property owner to no more than 35 persons, and  
692 which is not used by the public for direct sales or as an  
693 educational outreach facility, is exempt from the Florida Fire  
694 Prevention Code, including the national codes and Life Safety  
695 Code incorporated by reference. This paragraph does not include  
696 structures used for residential or assembly occupancies, as



580-04177-14

20141106c2

697 defined in the Florida Fire Prevention Code.

698 (b) A tent up to 30 feet by 30 feet is exempt from the  
699 Florida Fire Prevention Code, including the national codes  
700 incorporated by reference.

701 Section 17. Subsection (1) of section 633.212, Florida  
702 Statutes, is amended to read:

703 633.212 Legislative intent; informal interpretations of the  
704 Florida Fire Prevention Code.—It is the intent of the  
705 Legislature that the Florida Fire Prevention Code be interpreted  
706 by fire officials and local enforcement agencies in a manner  
707 that reasonably and cost-effectively protects the public safety,  
708 health, and welfare; ensures uniform interpretations throughout  
709 this state; and provides just and expeditious processes for  
710 resolving disputes regarding such interpretations. It is the  
711 further intent of the Legislature that such processes provide  
712 for the expeditious resolution of the issues presented and that  
713 the resulting interpretation of such issues be published on the  
714 website of the division.

715 (1) The division shall by rule establish an informal  
716 process of rendering nonbinding interpretations of the Florida  
717 Fire Prevention Code. The division may contract with and refer  
718 interpretive issues to a third party, selected based upon cost  
719 effectiveness, quality of services to be performed, and other  
720 performance-based criteria, which has experience in interpreting  
721 and enforcing the Florida Fire Prevention Code. It is the intent  
722 of the Legislature that the division establish a Fire Code  
723 Interpretation Committee composed of seven persons and seven  
724 alternates, equally representing each area of the state, to  
725 which a party can pose questions regarding the interpretation of

580-04177-14

20141106c2

726 the Florida Fire Prevention Code provisions. The alternate  
727 member may respond to a nonbinding interpretation if a the  
728 member ~~notifies the Fire Code Interpretation Committee that he~~  
729 ~~or she~~ is unable to respond.

730 Section 18. This act shall take effect July 1, 2014.