

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

580-1762-05

1                                   A bill to be entitled

2                   An act relating to building safety; amending s.

3                   215.559, F.S.; requiring that a specified

4                   percentage of the funds appropriated under the

5                   Hurricane Loss Mitigation Program be used for

6                   education concerning the Florida Building Code

7                   and for the operation of the disaster

8                   contractors network; requiring the Department

9                   of Community Affairs to contract with a

10                  nonprofit tax-exempt entity for training,

11                  development, and coordination; amending s.

12                  468.621, F.S.; providing additional grounds for

13                  which disciplinary actions may be taken against

14                  building code enforcement officials; amending

15                  s. 489.537, F.S.; providing that certain alarm

16                  system contractors and electrical contractors

17                  may not be required by a municipality or county

18                  to obtain additional certification or meet

19                  additional licensure requirements; amending s.

20                  553.37, F.S.; providing requirements for exit

21                  alarms; providing for the approval, delivery,

22                  and installation of lawn storage buildings and

23                  storage sheds; amending s. 553.73, F.S.;

24                  specifying certain codes from the International

25                  Code Congress and the International Code

26                  Council as foundation codes for the updated

27                  Florida Building Code; providing requirements

28                  for amendments to the foundation codes;

29                  providing for the incorporation of certain

30                  statements, decisions, and amendments into the

31                  Florida Building Code; providing a timeframe

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 for rule updates to the Florida Building Code  
2 to become effective; adding a requirement for  
3 technical amendments to the Florida Building  
4 Code; providing requirements for the Florida  
5 Building Commission in reviewing code  
6 amendments; providing an exception;  
7 incorporating by reference certain standards  
8 for unvented conditioned attic assemblies;  
9 amending s. 553.77, F.S.; revising duties of  
10 the Florida Building Commission; authorizing  
11 local building departments or other entities to  
12 approve changes to an approved building plan;  
13 prohibiting a commission member from voting or  
14 taking action on matters of a personal or  
15 financial interest to the member; deleting  
16 requirements that the commission hear certain  
17 appeals and issue declaratory statements;  
18 creating s. 553.775, F.S.; providing  
19 legislative intent with respect to the  
20 interpretation of the Florida Building Code;  
21 providing for the commission to resolve  
22 disputes regarding interpretations of the code;  
23 requiring the commission to review decisions of  
24 local building officials and local enforcement  
25 agencies; providing for publication of an  
26 interpretation on the Building Code Information  
27 System and in the Florida Administrative  
28 Weekly; authorizing the commission to adopt a  
29 fee; amending s. 553.79, F.S.; exempting  
30 truss-placement plans from certain  
31 requirements; amending s. 553.791, F.S.;

1           clarifying a definition; expanding  
2           authorization to use private providers to  
3           provide building code inspection services;  
4           including fee owner contractors within such  
5           authorization; revising notice requirements for  
6           using private providers; revising procedures  
7           for issuing permits; providing requirements for  
8           representatives of private providers; providing  
9           for waiver of certain inspection records  
10          requirements under certain circumstances;  
11          requiring that issuance of stop-work orders be  
12          pursuant to law; providing for establishment of  
13          a registration system for private providers and  
14          authorized representatives of private providers  
15          for licensure compliance purposes; preserving  
16          authority to issue emergency stop-work orders;  
17          revising insurance requirements for private  
18          providers; specifying conditions for proceeding  
19          with building work; amending s. 553.80, F.S.;  
20          authorizing local governments to impose certain  
21          fees for code enforcement; providing  
22          requirements and limitations; conforming a  
23          cross-reference; requiring the commission to  
24          expedite adoption and implementation of the  
25          existing state building code as part of the  
26          Florida Building Code pursuant to limited  
27          procedures; exempting certain buildings of the  
28          Department of Agriculture and Consumer Services  
29          from local permitting requirements, review, or  
30          fees; amending s. 120.80, F.S.; authorizing the  
31          Florida Building Commission to conduct

1 proceedings to review decisions of local  
2 officials; amending s. 553.841, F.S.; revising  
3 provisions governing the Building Code Training  
4 Program; creating the Building Code Education  
5 and Outreach Council to coordinate, develop,  
6 and ensure enforcement of the Florida Building  
7 Code; providing for membership, terms of  
8 office, and meetings; providing duties of the  
9 council; providing for administrative support  
10 for the council; requiring the council to  
11 develop a core curriculum and equivalency test  
12 for specified licensees; providing for the use  
13 of funds by the council; repealing s. 553.8413,  
14 F.S., relating to the Education Technical  
15 Advisory Committee; amending s. 553.842, F.S.;  
16 providing for products to be approved for  
17 statewide use; deleting an obsolete date;  
18 deleting a provision requiring the commission  
19 to adopt certain criteria for local program  
20 verification and validation by rule; providing  
21 for validation of certain products by  
22 inspection of the certification mark or  
23 listing; adding an evaluation entity to the  
24 list of entities specifically approved by the  
25 commission; deleting a requirement that the  
26 commission establish a schedule for adopting  
27 rules relating to product approvals under  
28 certain circumstances; creating s. 633.026,  
29 F.S.; requiring that the State Fire Marshal  
30 establish by rule a process for rendering  
31 nonbinding interpretations of the Florida Fire

1           Prevention Code; authorizing the State Fire  
2           Marshal to enter into contracts and refer  
3           interpretations to a nonprofit organization;  
4           providing for the interpretations to be  
5           advisory; providing for funding the program  
6           from the Insurance Regulatory Trust Fund;  
7           providing requirements for local product  
8           approval of products or systems of  
9           construction; specifying methods for  
10          demonstrating compliance with the structural  
11          windload requirements of the Florida Building  
12          Code; providing for certification to be issued  
13          by a professional engineer or registered  
14          architect; providing for audits under a quality  
15          assurance program and other types of  
16          certification; providing that changes to the  
17          Florida Building Code do not void the approval  
18          of previously installed products; amending s.  
19          633.021, F.S.; redefining terms used in ch.  
20          633, F.S.; amending s. 633.0215, F.S.; revising  
21          provisions relating to the construction of  
22          townhouse stairs; amending s. 633.065, F.S.;  
23          providing additional requirements for  
24          inspection and maintenance of fire suppression  
25          equipment; amending s. 633.071, F.S.; requiring  
26          inspection tags to be attached to all fire  
27          protection systems; providing for the  
28          standardization of inspection tags and reports;  
29          amending s. 633.082, F.S.; requiring fire  
30          protection systems to be inspected in  
31          accordance with nationally accepted standards;

1           amending s. 633.521, F.S.; establishing a  
2           permit classification for individuals who  
3           inspect fire protection systems; amending s.  
4           633.524, F.S.; establishing fees for various  
5           classes of permits; amending s. 633.537, F.S.;  
6           establishing continuing education requirements;  
7           amending s. 633.539, F.S.; requiring fire  
8           protection systems to be inspected, serviced,  
9           or maintained by a permitholder; establishing  
10          the scope of work criteria; amending s.  
11          633.547, F.S.; providing for disciplinary  
12          action; repealing s. 553.851, F.S., relating to  
13          the protection of underground gas pipelines;  
14          providing that a local government must act upon  
15          certain permit applications within a specified  
16          time or the permits are automatically deemed  
17          approved; providing for an extension; providing  
18          an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. Subsections (3) and (4) of section 215.559,  
23 Florida Statutes, are amended, present subsections (5), (6),  
24 and (7) of that section are redesignated as subsections (6),  
25 (7), and (8), respectively, and a new subsection (5) is added  
26 to that section, to read:

27           215.559 Hurricane Loss Mitigation Program.--

28           (3) Forty percent of the total appropriation in  
29 paragraph (2)(a) shall be used to inspect and improve  
30 tie-downs for mobile homes. Within 30 days after the effective  
31 date of that appropriation, the department shall contract with

1 a public higher educational institution in this state which  
2 has previous experience in administering the programs set  
3 forth in this subsection to serve as the administrative entity  
4 and fiscal agent pursuant to s. 216.346 for the purpose of  
5 administering the programs set forth in this subsection in  
6 accordance with established policy and procedures. The  
7 administrative entity working with the advisory council set up  
8 under subsection~~(6)~~~~(5)~~ shall develop a list of mobile home  
9 parks and counties that may be eligible to participate in the  
10 tie-down program.

11 (4) Of moneys provided to the Department of Community  
12 Affairs in paragraph (2)(a), 10 percent shall be allocated to  
13 a Type I Center within the State University System dedicated  
14 to hurricane research. The Type I Center shall develop a  
15 preliminary work plan approved by the advisory council set  
16 forth in subsection~~(6)~~~~(5)~~ to eliminate the state and local  
17 barriers to upgrading existing mobile homes and communities,  
18 research and develop a program for the recycling of existing  
19 older mobile homes, and support programs of research and  
20 development relating to hurricane loss reduction devices and  
21 techniques for site-built residences. The State University  
22 System also shall consult with the Department of Community  
23 Affairs and assist the department with the report required  
24 under subsection~~(8)~~~~(7)~~.

25 (5) Fifteen percent of the total appropriation in  
26 paragraph (2)(a) shall be used for education awareness  
27 concerning the Florida Building Code and the operation of the  
28 disaster contractors network. Not more than 30 days after the  
29 effective date of each subsequent appropriation, the  
30 Department of Community Affairs shall contract with a  
31 nonprofit tax-exempt entity having prior contracting

1 experience with building code training, development, and  
2 coordination and whose membership is representative of all of  
3 the statewide construction and design licensee associations.  
4 The entity shall allocate 20 percent of these resources to the  
5 disaster contractors network for the education of the  
6 construction industry and hurricane response if needed to  
7 coordinate the industry in the event of a natural disaster.  
8 The entity shall allocate 20 percent of these resources to the  
9 largest residential construction trade show in the state for  
10 the education of the residential construction industry on  
11 building code and mitigation issues. The remaining resources  
12 shall be used by the entity for outreach building code  
13 activities after consultation with the building code program  
14 under the Florida Building Commission as provided for in s.  
15 553.841.

16 Section 2. Paragraph (i) of subsection (1) of section  
17 468.621, Florida Statutes, is amended, and paragraph (j) is  
18 added to that subsection, to read:

19 468.621 Disciplinary proceedings.--

20 (1) The following acts constitute grounds for which  
21 the disciplinary actions in subsection (2) may be taken:

22 (i) Failing to lawfully execute the duties and  
23 responsibilities specified in this part and ss. 553.73,  
24 553.781, ~~and~~ 553.79, and 553.791.

25 (j) Imposing construction requirements that vary from  
26 those established in the Florida Building Code, lawful  
27 amendments to the Florida Building Code, or binding  
28 interpretations of the Florida Building Code.

29 Section 3. Paragraph (a) of subsection (3) of section  
30 489.537, Florida Statutes, is amended to read:

31 489.537 Application of this part.--



1           (3) Nothing in this act limits the power of a  
2 municipality or county:

3           (a) To regulate the quality and character of work  
4 performed by contractors through a system of permits, fees,  
5 and inspections which is designed to secure compliance with,  
6 and aid in the implementation of, state and local building  
7 laws or to enforce other local laws for the protection of the  
8 public health and safety. However, a certified alarm system  
9 contractor or certified electrical contractor is not subject  
10 to any additional certification or licensure requirements that  
11 are not required by this part.

12           Section 4. Subsection (3) of section 553.37, Florida  
13 Statutes, is amended to read:

14           553.37 Rules; inspections; and insignia.--

15           (3) All manufactured buildings issued and bearing  
16 insignia of approval pursuant to subsection (2) shall be  
17 deemed to comply with the Florida Building Code and are exempt  
18 from local amendments enacted by any local government. Lawn  
19 storage buildings and storage sheds bearing the insignia of  
20 approval of the department are not subject to s. 553.842 and  
21 may be delivered and installed without need of a contractor's  
22 license or specialty license.

23           Section 5. Subsection (2), paragraph (c) of subsection  
24 (4), subsection (6), and paragraphs (a) and (c) of subsection  
25 (7) of section 553.73, Florida Statutes, are amended, and  
26 subsection (12) is added to that section, to read:

27           553.73 Florida Building Code.--

28           (2) The Florida Building Code shall contain provisions  
29 or requirements for public and private buildings, structures,  
30 and facilities relative to structural, mechanical, electrical,  
31 plumbing, energy, and gas systems, existing buildings,

1 | historical buildings, manufactured buildings, elevators,  
2 | coastal construction, lodging facilities, food sales and food  
3 | service facilities, health care facilities, including assisted  
4 | living facilities, adult day care facilities, and facilities  
5 | for the control of radiation hazards, public or private  
6 | educational facilities, swimming pools, and correctional  
7 | facilities and enforcement of and compliance with such  
8 | provisions or requirements. Further, the Florida Building Code  
9 | must provide for uniform implementation of ss. 515.25, 515.27,  
10 | and 515.29 by including standards and criteria for residential  
11 | swimming pool barriers, pool covers, latching devices, door  
12 | and window exit alarms, and other equipment required therein,  
13 | which are consistent with the intent of s. 515.23. With  
14 | respect to the exit alarm provision from all doors and windows  
15 | providing direct access from the home to the pool, as  
16 | specified in ss. 515.25(4) and 515.27(1), such an alarm must  
17 | be of the battery-powered, hard-wired, or plug-in type.  
18 | Technical provisions to be contained within the Florida  
19 | Building Code are restricted to requirements related to the  
20 | types of materials used and construction methods and standards  
21 | employed in order to meet criteria specified in the Florida  
22 | Building Code. Provisions relating to the personnel,  
23 | supervision or training of personnel, or any other  
24 | professional qualification requirements relating to  
25 | contractors or their workforce may not be included within the  
26 | Florida Building Code, and subsections (4), (5), (6), and (7)  
27 | are not to be construed to allow the inclusion of such  
28 | provisions within the Florida Building Code by amendment. This  
29 | restriction applies to both initial development and amendment  
30 | of the Florida Building Code.

31 | (4)

1           (c) Any amendment adopted by a local enforcing agency  
2 pursuant to this subsection shall not apply to state or school  
3 district owned buildings, manufactured buildings or  
4 factory-built school buildings approved by the commission, or  
5 prototype buildings approved pursuant to s. 553.77~~(3)(5)~~. The  
6 respective responsible entities shall consider the physical  
7 performance parameters substantiating such amendments when  
8 designing, specifying, and constructing such exempt buildings.

9           (6)~~(a)~~ The commission, by rule adopted pursuant to ss.  
10 120.536(1) and 120.54, shall update the Florida Building Code  
11 every 3 years. When updating the Florida Building Code, the  
12 commission shall select the most current version of the  
13 International Building Code, the International Fuel Gas Code,  
14 the International Mechanical Code, the International Plumbing  
15 Code, the International Residential Code, and the National  
16 Electrical Code, all of which are adopted by the International  
17 Code Council, to form the foundation codes of the updated  
18 Florida Building Code, if the version has been adopted by the  
19 International Code Council and made available to the public at  
20 least 6 months prior to its selection by the commission.

21           (b) Codes regarding noise contour lines shall be  
22 reviewed annually, and the most current federal guidelines  
23 shall be adopted.

24           (c) The commission may modify any portion of the  
25 foundation codes only as needed to accommodate the specific  
26 needs of this state. Standards or criteria referenced by such  
27 codes shall be incorporated by reference. If a referenced  
28 standard or criterion requires amplification or modification  
29 to be appropriate for use in this state, only the  
30 amplification or modification shall be set forth in the  
31 Florida Building Code. The commission may approve technical

1 amendments to the updated Florida Building Code after the  
2 amendments have been subject to the conditions set forth in  
3 paragraphs (3)(a)-(d). Amendments to the foundation codes  
4 which are adopted in accordance with this subsection shall be  
5 clearly marked in printed versions of the Florida Building  
6 Code so that the fact that the provisions are Florida-specific  
7 amendments to the foundation codes is readily apparent.  
8 ~~consider changes made by the adopting entity of any selected~~  
9 ~~model code for any model code incorporated into the Florida~~  
10 ~~Building Code, and may subsequently adopt the new edition or~~  
11 ~~successor of the model code or any part of such code, no~~  
12 ~~sooner than 6 months after such model code has been adopted by~~  
13 ~~the adopting organization, which may then be modified for this~~  
14 ~~state as provided in this section, and~~  
15       (d) The commission shall further consider the  
16 commission's own interpretations, declaratory statements,  
17 appellate decisions, and approved statewide and local  
18 technical amendments and shall incorporate such  
19 interpretations, statements, decisions, and amendments into  
20 the updated Florida Building Code only to the extent that they  
21 are needed to modify the foundation codes to accommodate the  
22 specific needs of the state. A change made by an institute or  
23 standards organization to any standard or criterion that is  
24 adopted by reference in the Florida Building Code does not  
25 become effective statewide until it has been adopted by the  
26 commission. Furthermore, the edition of the Florida Building  
27 Code which is in effect on the date of application for any  
28 permit authorized by the code governs the permitted work for  
29 the life of the permit and any extension granted to the  
30 permit.  
31

1           (e) A rule updating the Florida Building Code in  
2 accordance with this subsection shall take effect no sooner  
3 than 6 months after publication of the updated code. Any  
4 amendment to the Florida Building Code which is adopted upon a  
5 finding by the commission that the amendment is necessary to  
6 protect the public from immediate threat of harm takes effect  
7 immediately.

8           (7)(a) The commission may approve technical amendments  
9 to the Florida Building Code once each year for statewide or  
10 regional application upon a finding that the amendment:

11           1. Is needed in order to accommodate the specific  
12 needs of this state.

13           ~~2.1.~~ Has a reasonable and substantial connection with  
14 the health, safety, and welfare of the general public.

15           ~~3.2.~~ Strengthens or improves the Florida Building  
16 Code, or in the case of innovation or new technology, will  
17 provide equivalent or better products or methods or systems of  
18 construction.

19           ~~4.3.~~ Does not discriminate against materials,  
20 products, methods, or systems of construction of demonstrated  
21 capabilities.

22           ~~5.4.~~ Does not degrade the effectiveness of the Florida  
23 Building Code.

24  
25 Furthermore, the Florida Building Commission may approve  
26 technical amendments to the code once each year to incorporate  
27 into the Florida Building Code its own interpretations of the  
28 code which are embodied in its opinions, final orders, and  
29 declaratory statements, and interpretations of hearing officer  
30 panels under s. 553.775(3)(c), but shall do so only to the  
31 extent that incorporation of interpretations is needed to

1 modify the foundation codes to accommodate the specific needs  
2 of this state. Amendments approved under this paragraph shall  
3 be adopted by rule pursuant to ss. 120.536(1) and 120.54,  
4 after the amendments have been subjected to the provisions of  
5 subsection (3).

6 (c) The commission may not approve any proposed  
7 amendment that does not accurately and completely address all  
8 requirements for amendment which are set forth in this  
9 section. The commission shall require all proposed amendments  
10 and information submitted with proposed amendments to be  
11 reviewed by commission staff prior to consideration by any  
12 technical advisory committee. These reviews shall be for  
13 sufficiency only and are not intended to be qualitative in  
14 nature. Staff members shall reject any proposed amendment that  
15 fails to include a fiscal impact statement providing  
16 information responsive to all criteria identified. Proposed  
17 amendments rejected by members of the staff may not be  
18 considered by the commission or any technical advisory  
19 committee.

20 (12) Notwithstanding any other provision of this  
21 section, the permitted standards and conditions for unvented  
22 conditioned attic assemblies in the International Residential  
23 Code are incorporated by reference as an authorized  
24 alternative in the Florida Building Code. The commission shall  
25 incorporate such permitted standards and conditions in the  
26 Florida Building Code by rule as provided in this section.  
27 However, the effectiveness of such permitted standards and  
28 conditions shall not be delayed in adopting pending rules.  
29 This subsection is repealed upon the adoption of such  
30 permitted standards and conditions by rule as an authorized  
31 alternative in the Florida Building Code.

1           (13) For type "S" buildings, as defined in the Florida  
2 Building Code, all space under mezzanines, both enclosed and  
3 not enclosed, shall be included in the determination of the  
4 size of the room or space in which the mezzanine is located. A  
5 mezzanine may not exceed one-third of the room or space in  
6 which it is located. The fee owner or the fee owner's  
7 architect may elect, but may not be required by rule or  
8 action, to have mezzanines that are less than one-third of the  
9 room or space in which they are located. The requirements of  
10 this subsection apply retroactively to January 1, 2001.

11           (14) Travel distance from all floor areas, including  
12 the most remote point of the mezzanine shall comply with Table  
13 1004 of the Florida Building Code, chapter 10, s. 1005, Table  
14 1004. A single unenclosed stair is permitted for mezzanines if  
15 the criteria of the Florida Building Code, chapter 10, s.  
16 1005.7.1 and Table 1005.7 travel distance is not exceed from  
17 the most remote point of the mezzanine to a point where there  
18 is a choice of more than one means of egress and the limits of  
19 Table 1004 are met. The requirements of this subsection shall  
20 take effect upon this act becoming law.

21           Section 6. Section 553.77, Florida Statutes, is  
22 amended to read:

23           553.77 Specific powers of the commission.--

24           (1) The commission shall:

25           (a) Adopt and update the Florida Building Code or  
26 amendments thereto, pursuant to ss. 120.536(1) and 120.54.

27           (b) Make a continual study of the operation of the  
28 Florida Building Code and other laws relating to the design,  
29 construction, erection, alteration, modification, repair, or  
30 demolition of public or private buildings, structures, and  
31 facilities, including manufactured buildings, and code

1 enforcement, to ascertain their effect upon the cost of  
2 building construction and determine the effectiveness of their  
3 provisions. Upon updating the Florida Building Code every 3  
4 years, the commission shall review existing provisions of law  
5 and make recommendations to the Legislature for the next  
6 regular session of the Legislature regarding provisions of law  
7 that should be revised or repealed to ensure consistency with  
8 the Florida Building Code at the point the update goes into  
9 effect. State agencies and local jurisdictions shall provide  
10 such information as requested by the commission for evaluation  
11 of and recommendations for improving the effectiveness of the  
12 system of building code laws for reporting to the Legislature  
13 annually. Failure to comply with this or other requirements of  
14 this act must be reported to the Legislature for further  
15 action. Any proposed legislation providing for the revision or  
16 repeal of existing laws and rules relating to technical  
17 requirements applicable to building structures or facilities  
18 should expressly state that such legislation is not intended  
19 to imply any repeal or sunset of existing general or special  
20 laws governing any special district that are not specifically  
21 identified in the legislation.

22 (c) Upon written application by any substantially  
23 affected person or a local enforcement agency, issue  
24 declaratory statements pursuant to s. 120.565 relating to new  
25 technologies, techniques, and materials which have been tested  
26 where necessary and found to meet the objectives of the  
27 Florida Building Code. This paragraph does not apply to the  
28 types of products, materials, devices, or methods of  
29 construction required to be approved under paragraph(f)(i).

30 ~~(d) Upon written application by any substantially~~  
31 ~~affected person, state agency, or a local enforcement agency,~~



1 ~~issue declaratory statements pursuant to s. 120.565 relating~~  
2 ~~to the enforcement or administration by local governments of~~  
3 ~~the Florida Building Code. Paragraph (h) provides the~~  
4 ~~exclusive remedy for addressing local interpretations of the~~  
5 ~~code.~~

6 ~~(e) When requested in writing by any substantially~~  
7 ~~affected person, state agency, or a local enforcing agency,~~  
8 ~~shall issue declaratory statements pursuant to s. 120.565~~  
9 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~  
10 ~~515.37. Actions of the commission are subject to judicial~~  
11 ~~review pursuant to s. 120.68.~~

12 ~~(d)(f)~~ Make recommendations to, and provide assistance  
13 upon the request of, the Florida Commission on Human Relations  
14 regarding rules relating to accessibility for persons with  
15 disabilities.

16 ~~(e)(g)~~ Participate with the Florida Fire Code Advisory  
17 Council created under s. 633.72, to provide assistance and  
18 recommendations relating to firesafety code interpretations.  
19 The administrative staff of the commission shall attend  
20 meetings of the Florida Fire Code Advisory Council and  
21 coordinate efforts to provide consistency between the Florida  
22 Building Code and the Florida Fire Prevention Code and the  
23 Life Safety Code.

24 ~~(h) Hear appeals of the decisions of local boards of~~  
25 ~~appeal regarding interpretation decisions of local building~~  
26 ~~officials, or if no local board exists, hear appeals of~~  
27 ~~decisions of the building officials regarding interpretations~~  
28 ~~of the code. For such appeals:~~

29 ~~1. Local decisions declaring structures to be unsafe~~  
30 ~~and subject to repair or demolition shall not be appealable to~~  
31

1 ~~the commission if the local governing body finds there is an~~  
2 ~~immediate danger to the health and safety of its citizens.~~

3 ~~2. All appeals shall be heard in the county of the~~  
4 ~~jurisdiction defending the appeal.~~

5 ~~3. Hearings shall be conducted pursuant to chapter 120~~  
6 ~~and the uniform rules of procedure, and decisions of the~~  
7 ~~commission are subject to judicial review pursuant to s.~~  
8 ~~120.68.~~

9 (f)(i) Determine the types of products which may be  
10 approved by the commission ~~requiring approval~~ for local or  
11 statewide use and shall provide for the evaluation and  
12 approval of such products, materials, devices, and method of  
13 construction for statewide use. The commission may prescribe  
14 by rule a schedule of reasonable fees to provide for  
15 evaluation and approval of products, materials, devices, and  
16 methods of construction. Evaluation and approval shall be by  
17 action of the commission or delegated pursuant to s. 553.842.  
18 This paragraph does not apply to products approved by the  
19 State Fire Marshal.

20 (g)(j) Appoint experts, consultants, technical  
21 advisers, and advisory committees for assistance and  
22 recommendations relating to the major areas addressed in the  
23 Florida Building Code.

24 (h)(k) Establish and maintain a mutual aid program,  
25 organized through the department, to provide an efficient  
26 supply of various levels of code enforcement personnel, design  
27 professionals, commercial property owners, and construction  
28 industry individuals, to assist in the rebuilding effort in an  
29 area which has been hit with disaster. The program shall  
30 include provisions for:  
31

1           1. Minimum postdisaster structural, electrical, and  
2 plumbing inspections and procedures.

3           2. Emergency permitting and inspection procedures.

4           3. Establishing contact with emergency management  
5 personnel and other state and federal agencies.

6           (i)~~(l)~~ Maintain a list of interested parties for  
7 noticing rulemaking workshops and hearings, disseminating  
8 information on code adoption, revisions, amendments, and all  
9 other such actions which are the responsibility of the  
10 commission.

11           (j)~~(m)~~ Coordinate with the state and local  
12 governments, industry, and other affected stakeholders in the  
13 examination of legislative provisions and make recommendations  
14 to fulfill the responsibility to develop a consistent, single  
15 code.

16           (k)~~(n)~~ Provide technical assistance to local building  
17 departments in order to implement policies, procedures, and  
18 practices which would produce the most cost-effective property  
19 insurance ratings.

20           (l)~~(o)~~ Develop recommendations for local governments  
21 to use when pursuing partial or full privatization of building  
22 department functions. The recommendations shall include, but  
23 not be limited to, provisions relating to equivalency of  
24 service, conflict of interest, requirements for competency,  
25 liability, insurance, and long-term accountability.

26           ~~(2) Upon written application by any substantially~~  
27 ~~affected person, the commission shall issue a declaratory~~  
28 ~~statement pursuant to s. 120.565 relating to a state agency's~~  
29 ~~interpretation and enforcement of the specific provisions of~~  
30 ~~the Florida Building Code the agency is authorized to enforce.~~  
31 ~~The provisions of this subsection shall not be construed to~~

1 ~~provide any powers, other than advisory, to the commission~~  
2 ~~with respect to any decision of the State Fire Marshal made~~  
3 ~~pursuant to the provisions of chapter 633.~~

4 ~~(3) The commission may designate a commission member~~  
5 ~~with demonstrated expertise in interpreting building plans to~~  
6 ~~attend each meeting of the advisory council created in s.~~  
7 ~~553.512. The commission member may vary from meeting to~~  
8 ~~meeting, shall serve on the council in a nonvoting capacity,~~  
9 ~~and shall receive per diem and expenses as provided in s.~~  
10 ~~553.74(3).~~

11 ~~(2)(4)~~ For educational and public information  
12 purposes, the commission shall develop and publish an  
13 informational and explanatory document which contains  
14 descriptions of the roles and responsibilities of the licensed  
15 design professional, residential designer, contractor, and  
16 local building and fire code officials. The State Fire Marshal  
17 shall be responsible for developing and specifying roles and  
18 responsibilities for fire code officials. Such document may  
19 also contain descriptions of roles and responsibilities of  
20 other participants involved in the building codes system.

21 ~~(3)(5)~~ The commission may provide by rule for plans  
22 review and approval of prototype buildings owned by public and  
23 private entities to be replicated throughout the state. The  
24 rule must allow for review and approval of plans and changes  
25 to approved plans for prototype buildings to be performed by a  
26 public or private entity with oversight by the commission. The  
27 department may charge reasonable fees to cover the  
28 administrative costs of the program. Such approved plans or  
29 prototype buildings shall be exempt from further review  
30 required by s. 553.79(2), except changes to the prototype  
31 design, site plans, and other site-related items. Changes to

1 an approved plan may be approved by the local building  
2 department or by the public or private entity that approved  
3 the plan. As provided in s. 553.73, prototype buildings are  
4 exempt from any locally adopted amendment to any part of the  
5 Florida Building Code. Construction or erection of such  
6 prototype buildings is subject to local permitting and  
7 inspections pursuant to this part.

8 ~~(4)(6)~~ The commission may produce and distribute a  
9 commentary document to accompany the Florida Building Code.  
10 The commentary must be limited in effect to providing  
11 technical assistance and must not have the effect of binding  
12 interpretations of the code document itself.

13 (5) If a member of the commission has a present or  
14 potential personal or financial interest in the outcome of a  
15 vote or other action of the commission, the member shall  
16 abstain from voting or taking action on the matter.

17 ~~(7) The commission shall by rule establish an informal~~  
18 ~~process of rendering nonbinding interpretations of the Florida~~  
19 ~~Building Code. The commission is specifically authorized to~~  
20 ~~refer interpretive issues to organizations that represent~~  
21 ~~those engaged in the construction industry. The commission is~~  
22 ~~directed to immediately implement the process prior to the~~  
23 ~~completion of formal rulemaking. It is the intent of the~~  
24 ~~Legislature that the commission create a process to refer~~  
25 ~~questions to a small, rotating group of individuals licensed~~  
26 ~~under part XII of chapter 468, to which a party can pose~~  
27 ~~questions regarding the interpretation of code provisions. It~~  
28 ~~is the intent of the Legislature that the process provide for~~  
29 ~~the expeditious resolution of the issues presented and~~  
30 ~~publication of the resulting interpretation on the Building~~  
31

1 ~~Code Information System. Such interpretations are to be~~  
2 ~~advisory only and nonbinding on the parties or the commission.~~

3 Section 7. Section 553.775, Florida Statutes, is  
4 created to read:

5 553.775 Interpretations.--

6 (1) It is the intent of the Legislature that the  
7 Florida Building Code be interpreted by building officials,  
8 local enforcement agencies, and the commission in a manner  
9 that protects the public safety, health, and welfare at the  
10 most reasonable cost to the consumer by ensuring uniform  
11 interpretations throughout the state and by providing  
12 processes for resolving disputes regarding interpretations of  
13 the Florida Building Code which are just and expeditious.

14 (2) Local enforcement agencies, local building  
15 officials, state agencies, and the commission shall interpret  
16 provisions of the Florida Building Code in a manner that is  
17 consistent with declaratory statements and interpretations  
18 entered by the commission, except that conflicts between the  
19 Florida Fire Prevention Code and the Florida Building Code  
20 shall be resolved in accordance with s. 553.73(9)(c) and (d).

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

23 (a) Upon written application by any substantially  
24 affected person or state agency or by a local enforcement  
25 agency, the commission shall issue declaratory statements  
26 pursuant to s. 120.565 relating to the enforcement or  
27 administration by local governments of the Florida Building  
28 Code.

29 (b) When requested in writing by any substantially  
30 affected person or state agency or by a local enforcement  
31 agency, the commission shall issue a declaratory statement

1 pursuant to s. 120.565 relating to this part and ss. 515.25,  
2 515.27, 515.29, and 515.37. Actions of the commission are  
3 subject to judicial review under s. 120.68.

4 (c) The commission shall review decisions of local  
5 building officials and local enforcement agencies regarding  
6 interpretations of the Florida Building Code after the local  
7 board of appeals has considered the decision, if such board  
8 exists, and if such appeals process is concluded within 10  
9 business days.

10 1. The commission shall coordinate with the Building  
11 Officials Association of Florida, Inc., to designate panels  
12 composed of five members to hear requests to review decisions  
13 of local building officials. The members must be licensed as  
14 building code administrators under part XII of chapter 468 and  
15 must have experience interpreting and enforcing provisions of  
16 the Florida Building Code.

17 2. Requests to review a decision of a local building  
18 official interpreting provisions of the Florida Building Code  
19 may be initiated by any substantially affected person,  
20 including an owner or builder subject to a decision of a local  
21 building official or an association of owners or builders  
22 having members who are subject to a decision of a local  
23 building official. In order to initiate review, the  
24 substantially affected person must file a petition with the  
25 commission. The commission shall adopt a form for the  
26 petition, which shall be published on the Building Code  
27 Information System. The form shall, at a minimum, require the  
28 following:

29 a. The name and address of the county or municipality  
30 in which provisions of the Florida Building Code are being  
31 interpreted.

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

3           c. The name, address, and telephone number of the  
4 petitioner; the name, address, and telephone number of the  
5 petitioner's representative, if any; and an explanation of how  
6 the petitioner's substantial interests are being affected by  
7 the local interpretation of the Florida Building Code.

8           d. A statement of the provisions of the Florida  
9 Building Code which are being interpreted by the local  
10 building official.

11           e. A statement of the interpretation given to  
12 provisions of the Florida Building Code by the local building  
13 official and the manner in which the interpretation was  
14 rendered.

15           f. A statement of the interpretation that the  
16 petitioner contends should be given to the provisions of the  
17 Florida Building Code and a statement supporting the  
18 petitioner's interpretation.

19           g. Space for the local building official to respond in  
20 writing. The space shall, at a minimum, require the local  
21 building official to respond by providing a statement  
22 admitting or denying the statements contained in the petition  
23 and a statement of the interpretation of the provisions of the  
24 Florida Building Code which the local jurisdiction or the  
25 local building official contends is correct, including the  
26 basis for the interpretation.

27           3. The petitioner shall submit the petition to the  
28 local building official, who shall place the date of receipt  
29 on the petition. The local building official shall respond to  
30 the petition in accordance with the form and shall return the  
31 petition along with his or her response to the petitioner



1 within 5 days after receipt, exclusive of Saturdays, Sundays,  
2 and legal holidays. The petitioner may file the petition with  
3 the commission at any time after the local building official  
4 provides a response. If no response is provided by the local  
5 building official, the petitioner may file the petition with  
6 the commission 10 days after submission of the petition to the  
7 local building official and shall note that the local building  
8 official did not respond.

9 4. Upon receipt of a petition that meets the  
10 requirements of subparagraph 2., the commission shall  
11 immediately provide copies of the petition to a panel, and the  
12 commission shall publish the petition, including any response  
13 submitted by the local building official, on the Building Code  
14 Information System in a manner that allows interested persons  
15 to address the issues by posting comments.

16 5. The panel shall conduct proceedings as necessary to  
17 resolve the issues; shall give due regard to the petitions,  
18 the response, and to comments posed on the Building Code  
19 Information System; and shall issue an interpretation  
20 regarding the provisions of the Florida Building Code within  
21 21 days after the filing of the petition. The panel shall  
22 render a determination based upon the Florida Building Code  
23 or, if the code is ambiguous, the intent of the code. The  
24 panel's interpretation shall be provided to the commission,  
25 which shall publish the interpretation on the Building Code  
26 Information System and in the Florida Administrative Weekly.  
27 The interpretation shall be considered an interpretation  
28 entered by the commission, and shall be binding upon the  
29 parties and upon all jurisdictions subject to the Florida  
30 Building Code, unless it is superseded by a declaratory  
31 statement issued by the Florida Building Commission or by a

1 final order entered after an appeal proceeding conducted in  
2 accordance with subparagraph 7.

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

8 7. Any substantially affected person may appeal an  
9 interpretation rendered by a hearing officer panel by filing a  
10 petition with the commission. Such appeals shall be initiated  
11 in accordance with chapter 120 and the uniform rules of  
12 procedure and must be filed within 30 days after publication  
13 of the interpretation on the Building Code Information System  
14 or in the Florida Administrative Weekly. Hearings shall be  
15 conducted pursuant to chapter 120 and the uniform rules of  
16 procedure. Decisions of the commission are subject to judicial  
17 review pursuant to s. 120.68. The final order of the  
18 commission is binding upon the parties and upon all  
19 jurisdictions subject to the Florida Building Code.

20 8. The burden of proof in any proceeding initiated in  
21 accordance with subparagraph 7. is on the party who initiated  
22 the appeal.

23 9. In any review proceeding initiated in accordance  
24 with this paragraph, including any proceeding initiated in  
25 accordance with subparagraph 7., the fact that an owner or  
26 builder has proceeded with construction may not be grounds for  
27 determining an issue to be moot if the issue is one that is  
28 likely to arise in the future.

29  
30  
31

1 This paragraph provides the exclusive remedy for addressing  
2 requests to review local interpretations of the code and  
3 appeals from review proceedings.

4 (d) Local decisions declaring structures to be unsafe  
5 and subject to repair or demolition are not subject to review  
6 under this subsection and may not be appealed to the  
7 commission if the local governing body finds that there is an  
8 immediate danger to the health and safety of the public.

9 (e) Upon written application by any substantially  
10 affected person, the commission shall issue a declaratory  
11 statement pursuant to s. 120.565 relating to an agency's  
12 interpretation and enforcement of the specific provisions of  
13 the Florida Building Code which the agency is authorized to  
14 enforce. This subsection does not provide any powers, other  
15 than advisory, to the commission with respect to any decision  
16 of the State Fire Marshal made pursuant to chapter 633.

17 (f) The commission may designate a commission member  
18 who has demonstrated expertise in interpreting building plans  
19 to attend each meeting of the advisory council created in s.  
20 553.512. The commission member may vary from meeting to  
21 meeting, shall serve on the council in a nonvoting capacity,  
22 and shall receive per diem and expenses as provided in s.  
23 553.74(3).

24 (g) The commission shall by rule establish an informal  
25 process of rendering nonbinding interpretations of the Florida  
26 Building Code. The commission is specifically authorized to  
27 refer interpretive issues to organizations that represent  
28 those engaged in the construction industry. The commission  
29 shall immediately implement the process before completing  
30 formal rulemaking. It is the intent of the Legislature that  
31 the commission create a process to refer questions to a small,

1 rotating group of individuals licensed under part XII of  
2 chapter 468, to which a party may pose questions regarding the  
3 interpretation of code provisions. It is the intent of the  
4 Legislature that the process provide for the expeditious  
5 resolution of the issues presented and publication of the  
6 resulting interpretation on the Building Code Information  
7 System. Such interpretations shall be advisory only and  
8 nonbinding on the parties and the commission.

9       (4) In order to administer this section, the  
10 commission may adopt by rule and impose a fee that may not  
11 exceed \$50 for each request for a review or interpretation.

12       Section 8. Subsection (14) of section 553.79, Florida  
13 Statutes, is amended to read:

14       553.79 Permits; applications; issuance; inspections.--

15       (14) Certifications by contractors authorized under  
16 the provisions of s. 489.115(4)(b) shall be considered  
17 equivalent to sealed plans and specifications by a person  
18 licensed under chapter 471 or chapter 481 by local enforcement  
19 agencies for plans review for permitting purposes relating to  
20 compliance with the wind resistance provisions of the code or  
21 alternate methodologies approved by the commission for one and  
22 two family dwellings. Local enforcement agencies may rely upon  
23 such certification by contractors that the plans and  
24 specifications submitted conform to the requirements of the  
25 code for wind resistance. Upon good cause shown, local  
26 government code enforcement agencies may accept or reject  
27 plans sealed by persons licensed under chapter 471, chapter  
28 481, or chapter 489. A truss-placement plan is not required to  
29 be signed and sealed by an engineer or architect unless  
30 prepared by an engineer or architect or specifically required  
31 by the Florida Building Code.

1 Section 9. Paragraph (f) of subsection (1),  
2 subsections (2) and (4), paragraph (a) of subsection (6), and  
3 subsections (7), (9), (11), (12), (14), (15), and (17) of  
4 section 553.791, Florida Statutes, are amended to read:

5 553.791 Alternative plans review and inspection.--

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

7 (f) "Permit application" means a properly completed  
8 and submitted application for+

9 ~~1.~~ the requested building or construction permit,  
10 including:-

11 ~~1.2.~~ The plans reviewed by the private provider.

12 ~~2.3.~~ The affidavit from the private provider required  
13 pursuant to subsection (5).

14 ~~3.4.~~ Any applicable fees.

15 ~~4.5.~~ Any documents required by the local building  
16 official to determine that the fee owner has secured all other  
17 government approvals required by law.

18 (2) Notwithstanding any other provision of law or  
19 local government ordinance or local policy, the fee owner of a  
20 building or structure, or the fee owner's contractor upon  
21 written authorization from the fee owner, may choose to use a  
22 private provider to provide building code inspection services  
23 with regard to such building or structure and may make payment  
24 directly to the private provider for the provision of such  
25 services. All such services shall be the subject of a written  
26 contract between the private provider, or the private  
27 provider's firm, and the fee owner. The fee owner may elect to  
28 use a private provider to provide ~~either~~ plans review or  
29 required building inspections, or both. ~~The local building~~  
30 ~~official, in his or her discretion and pursuant to duly~~  
31 ~~adopted policies of the local enforcement agency, may require~~

1 ~~the fee owner who desires to use a private provider to use the~~  
2 ~~private provider to provide both plans review and required~~  
3 ~~building inspection services.~~

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

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

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

24 (c) An acknowledgment from the fee owner in  
25 substantially the following form:

26  
27 I have elected to use one or more private providers to provide  
28 building code plans review and/or inspection services on the  
29 building or structure that is the subject of the enclosed  
30 permit application, as authorized by s. 553.791, Florida  
31 Statutes. I understand that the local building official may

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

19  
20 If the fee owner or the fee owner's contractor makes any  
21 changes to the listed private providers or the services to be  
22 provided by those private providers, the fee owner or the fee  
23 owner's contractor shall, within 1 business day after any  
24 change, update the notice to reflect such changes. In  
25 addition, the fee owner or the fee owner's contractor shall  
26 post at the project site, prior to the commencement of  
27 construction and updated within 1 business day after any  
28 change, on a form to be adopted by the commission, the name,  
29 firm, address, telephone number, and facsimile number of each  
30 private provider who is performing or will perform building  
31 code inspection services, the type of service being performed,

1 and similar information for the primary contact of the private  
2 provider on the project.

3 (6)(a) No more than ~~Within~~ 30 business days after  
4 receipt of a permit application and the affidavit from the  
5 private provider required pursuant to subsection (5), the  
6 local building official shall issue the requested permit or  
7 provide a written notice to the permit applicant identifying  
8 the specific plan features that do not comply with the  
9 applicable codes, as well as the specific code chapters and  
10 sections. If the local building official does not provide a  
11 written notice of the plan deficiencies within the prescribed  
12 30-day period, the permit application shall be deemed approved  
13 as a matter of law, and the permit shall be issued by the  
14 local building official on the next business day.

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

27 (9) Upon completing the required inspections at each  
28 applicable phase of construction, the private provider shall  
29 record such inspections on a form acceptable to the local  
30 building official. These inspection records shall reflect  
31 those inspections required by the applicable codes of each



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

16 (11) No more than ~~Within~~ 2 business days after receipt  
17 of a request for a certificate of occupancy or certificate of  
18 completion and the applicant's presentation of a certificate  
19 of compliance and approval of all other government approvals  
20 required by law, the local building official shall issue the  
21 certificate of occupancy or certificate of completion or  
22 provide a notice to the applicant identifying the specific  
23 deficiencies, as well as the specific code chapters and  
24 sections. If the local building official does not provide  
25 notice of the deficiencies within the prescribed 2-day period,  
26 the request for a certificate of occupancy or certificate of  
27 completion shall be deemed granted and the certificate of  
28 occupancy or certificate of completion shall be issued by the  
29 local building official on the next business day. To resolve  
30 any identified deficiencies, the applicant may elect to  
31 dispute the deficiencies pursuant to subsection (12) or to

1 submit a corrected request for a certificate of occupancy or  
2 certificate of completion.

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

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

16 (b) If the local building official and private  
17 provider are unable to resolve the dispute, the matter shall  
18 be referred to the local enforcement agency's board of  
19 appeals, if one exists, which shall consider the matter at its  
20 next scheduled meeting or sooner. Any decisions by the local  
21 enforcement agency's board of appeals, or local building  
22 official if there is no board of appeals, may be appealed to  
23 the commission as provided by this chapter ~~pursuant to s.~~  
24 ~~553.77(1)(h)~~.

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 pursuant to s. 553.77(1)(h), and the  
2 commission which shall consider the matter at its the  
3 commission's next scheduled meeting.

4 (14)(a) No local enforcement agency, local building  
5 official, or local government may adopt or enforce any laws,  
6 rules, procedures, policies, qualifications, or standards more  
7 stringent than those prescribed by this 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 (15).

14 (c) This section does not limit the authority of the  
15 local building official to issue a stop-work order for a  
16 building project or any portion of such project, as provided  
17 by law, if the official determines that a condition on the  
18 building site constitutes an immediate threat to public safety  
19 and welfare.

20 (15) A private provider may perform building code  
21 inspection services on a building project under this section  
22 only if the private provider maintains insurance for  
23 professional ~~and comprehensive general~~ liability covering with  
24 minimum policy limits of \$1 million per occurrence relating to  
25 all services performed as a private provider. Such insurance  
26 shall have minimum policy limits of \$1 million per occurrence  
27 and \$2 million in the aggregate for any project having a  
28 construction cost of \$5 million or less, \$2 million per  
29 occurrence and \$4 million in the aggregate for any project  
30 having a construction cost of over \$5 million but less than  
31 \$50 million, and \$5 million per occurrence and \$5 million in

1 the aggregate for any project having a construction cost of  
2 \$50 million or more. For these purposes, the term  
3 "construction cost" means the total cost of building  
4 construction as stated in the building permit application. If  
5 the private provider chooses to secure claims-made coverage to  
6 fulfill this requirement, the private provider must also  
7 maintain, including tail coverage for a minimum of 5 years  
8 subsequent to the performance of building code inspection  
9 services. The insurance required under this subsection may be  
10 written only by an insurer that is authorized to do business  
11 in this state and has a minimum A.M. Best's rating of "A."  
12 Before providing building code inspection services within a  
13 local building official's jurisdiction, a private provider  
14 must provide to the local building official a certificate of  
15 insurance evidencing that the coverages required under this  
16 subsection are in force.

17 (17) Each local building code enforcement agency may  
18 ~~shall develop and maintain a process to~~ audit the performance  
19 of building code inspection services by private providers  
20 operating within the local jurisdiction. Work on a building or  
21 structure may proceed after inspection and approval by a  
22 private provider if the provider has given notice of the  
23 inspection pursuant to subsection (8). Subsequent to such  
24 inspection and approval, the work may not be delayed for  
25 completion of an inspection audit by the local building code  
26 enforcement agency.

27 Section 10. Paragraph (d) of subsection (1) of section  
28 553.80, Florida Statutes, is amended, and subsections (7) and  
29 (8) are added to that section, to read:

30 553.80 Enforcement.--  
31

1           (1) Except as provided in paragraphs (a)-(f), each  
2 local government and each legally constituted enforcement  
3 district with statutory authority shall regulate building  
4 construction and, where authorized in the state agency's  
5 enabling legislation, each state agency shall enforce the  
6 Florida Building Code required by this part on all public or  
7 private buildings, structures, and facilities, unless such  
8 responsibility has been delegated to another unit of  
9 government pursuant to s. 553.79(9).

10           (d) Building plans approved pursuant to s.  
11 553.77~~(3)(5)~~ and state-approved manufactured buildings,  
12 including buildings manufactured and assembled offsite and not  
13 intended for habitation, such as lawn storage buildings and  
14 storage sheds, are exempt from local code enforcing agency  
15 plan reviews except for provisions of the code relating to  
16 erection, assembly, or construction at the site. Erection,  
17 assembly, and construction at the site are subject to local  
18 permitting and inspections.

19  
20 The governing bodies of local governments may provide a  
21 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
22 and this section, for the enforcement of the provisions of  
23 this part. Such fees shall be used solely for carrying out the  
24 local government's responsibilities in enforcing the Florida  
25 Building Code. The authority of state enforcing agencies to  
26 set fees for enforcement shall be derived from authority  
27 existing on July 1, 1998. However, nothing contained in this  
28 subsection shall operate to limit such agencies from adjusting  
29 their fee schedule in conformance with existing authority.

30           (7) The governing bodies of local governments may  
31 provide a schedule of reasonable fees, as authorized by s.

1 125.56(2) or s. 166.222 and this section, for enforcing this  
2 part. These fees, and any fines or investment earnings related  
3 to the fees, shall be used solely for carrying out the local  
4 government's responsibilities in enforcing the Florida  
5 Building Code. When providing a schedule of reasonable fees,  
6 the total estimated annual revenue derived from fees, and the  
7 fines and investment earnings related to the fees, may not  
8 exceed the total estimated annual costs of allowable  
9 activities. Any unexpended balances shall be carried forward  
10 to future years for allowable activities or shall be refunded  
11 at the discretion of the local government. The basis for a fee  
12 structure for allowable activities shall relate to the level  
13 of service provided by the local government. Fees charged  
14 shall be consistently applied.

15 (a) As used in this subsection, the phrase "enforcing  
16 the Florida Building Code" includes the direct costs and  
17 reasonable indirect costs associated with review of building  
18 plans, building inspections, reinspections, building permit  
19 processing; building code enforcement; and fire inspections  
20 associated with new construction. The phrase may also include  
21 training costs associated with the enforcement of the Florida  
22 Building Code and enforcement action pertaining to unlicensed  
23 contractor activity to the extent not funded by other user  
24 fees.

25 (b) The following activities may not be funded with  
26 fees adopted for enforcing the Florida Building Code:

27 1. Planning and zoning or other general government  
28 activities.

29 2. Inspections of public buildings for a reduced fee  
30 or no fee.

31

1           3. Public information requests, community functions,  
2 boards, and any program not directly related to enforcement of  
3 the Florida Building Code.

4           4. Enforcement and implementation of any other local  
5 ordinance, excluding validly adopted local amendments to the  
6 Florida Building Code and excluding any local ordinance  
7 directly related to enforcing the Florida Building Code as  
8 defined in paragraph (a).

9           (c) A local government shall use recognized  
10 management, accounting, and oversight practices to ensure that  
11 fees, fines, and investment earnings generated under this  
12 subsection are maintained and allocated or used solely for the  
13 purposes described in paragraph (a).

14           (8) The Department of Agriculture and Consumer  
15 Services is not subject to local government permitting  
16 requirements, plan review, or inspection fees for agricultural  
17 structures, such as equipment storage sheds and polebarns that  
18 are not used by the public.

19           Section 11. Paragraph (c) is added to subsection (17)  
20 of section 120.80, Florida Statutes, to read:

21           120.80 Exceptions and special requirements;  
22 agencies.--

23           (17) FLORIDA BUILDING COMMISSION.--

24           (c) Notwithstanding ss. 120.565, 120.569, and 120.57,  
25 the Florida Building Commission and hearing officer panels  
26 appointed by the commission in accordance with s.  
27 553.775(3)(c)1. may conduct proceedings to review decisions of  
28 local building code officials in accordance with s.  
29 553.775(3)(c).

30           Section 12. Section 553.841, Florida Statutes, is  
31 amended to read:

1           (Substantial rewording of section. See  
2           s. 533.841, F.S., for present text.)  
3           553.841 Building code education and outreach  
4 program.--

5           (1) The Legislature finds that the effectiveness of  
6 the building codes of this state depends on the performance of  
7 all participants, as demonstrated through knowledge of the  
8 codes and commitment to compliance with code directives, and  
9 that to strengthen compliance by industry and enforcement by  
10 government, a building code education and outreach program is  
11 needed.

12           (2) There is created the Building Code Education and  
13 Outreach Council to coordinate, develop, and maintain  
14 education and outreach to ensure administration and  
15 enforcement of the Florida Building Code.

16           (3) The Building Code Education and Outreach Council  
17 shall be composed of the following members:

18           (a) Three representatives of the Florida Building  
19 Commission, selected by the commission;

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

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

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

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

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

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



1           (h) One representative of the Board of Landscape  
2 Architecture, selected by that board; and

3           (i) One representative from the office of the State  
4 Fire Marshal, selected by that office.

5  
6 Each member of the board shall be appointed to a 2-year term  
7 and may be reappointed at the discretion of the appointing  
8 body. A chair shall be elected by majority vote of the council  
9 and shall serve a term of 1 year.

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

19           (5) The Building Code Education and Outreach Council  
20 shall:

21           (a) Consider and determine any policies or procedures  
22 needed to administer ss. 489.109(3) and 489.509(3).

23           (b) Administer the provisions of this section.

24           (c) Determine the areas of priority for which funds  
25 should be expended for education and outreach.

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

30           (6) The Building Code Education and Outreach Council  
31 shall develop or cause to be developed:

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

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

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

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

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

1 education and outreach projects from the proceeds of  
2 contractor licensing fees and identify, solicit, and accept  
3 funds from other sources for education and outreach projects.

4 (9) If funds collected for education and outreach  
5 projects in any year do not require the use of all available  
6 funds, the unused funds shall be carried forward and allocated  
7 for use during the following fiscal year.

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

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

19 Section 13. Section 553.8413, Florida Statutes, is  
20 repealed.

21 Section 14. Subsections (3), (4), (5), (6), (7), (8),  
22 paragraph (a) of subsection (9), and subsection (16) of  
23 section 553.842, Florida Statutes, are amended to read:

24 553.842 Product evaluation and approval.--

25 (3) Products or methods or systems of construction  
26 that require approval under s. 553.77, that have standardized  
27 testing or comparative or rational analysis methods  
28 established by the code, and that are certified by an approved  
29 product evaluation entity, testing laboratory, or  
30 certification agency as complying with the standards specified  
31 by the code shall be approved for ~~local~~ or statewide use.

1 Products required to be approved for statewide use shall be  
2 approved by one of the methods established in subsection (6)  
3 without further evaluation.

4 (4) ~~By October 1, 2003,~~ Products or methods or systems  
5 of construction requiring approval under s. 553.77 must be  
6 approved by one of the methods established in subsection (5)  
7 or subsection (6) before their use in construction in this  
8 state. Products may be approved ~~either~~ by the commission for  
9 statewide use, ~~or by a local building department for use in~~  
10 ~~that department's jurisdiction only.~~ Notwithstanding a local  
11 government's authority to amend the Florida Building Code as  
12 provided in this act, statewide approval shall preclude local  
13 jurisdictions from requiring further testing, evaluation, or  
14 submission of other evidence as a condition of using the  
15 product so long as the product is being used consistent with  
16 the conditions of its approval.

17 ~~(5) Local approval of products or methods or systems~~  
18 ~~of construction may be achieved by the local building official~~  
19 ~~through building plans review and inspection to determine that~~  
20 ~~the product, method, or system of construction complies with~~  
21 ~~the prescriptive standards established in the code.~~  
22 ~~Alternatively, local approval may be achieved by one of the~~  
23 ~~methods established in subsection (6).~~

24 (5)(6) Statewide ~~or local~~ approval of products,  
25 methods, or systems of construction may be achieved by one of  
26 the following methods. One of these methods must be used by  
27 ~~local officials~~ or the commission to approve the following  
28 categories of products: panel walls, exterior doors, roofing,  
29 skylights, windows, shutters, and structural components as  
30 established by the commission by rule.

31

1 (a) Products for which the code establishes  
2 standardized testing or comparative or rational analysis  
3 methods shall be approved by submittal and validation of one  
4 of the following reports or listings indicating that the  
5 product or method or system of construction was evaluated to  
6 be in compliance with the Florida Building Code and that the  
7 product or method or system of construction is, for the  
8 purpose intended, at least equivalent to that required by the  
9 Florida Building Code:

10 1. A certification mark or listing of an approved  
11 certification agency;

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

13 3. A product evaluation report based upon testing or  
14 comparative or rational analysis, or a combination thereof,  
15 from an approved product evaluation entity; or

16 4. A product evaluation report based upon testing or  
17 comparative or rational analysis, or a combination thereof,  
18 developed and signed and sealed by a professional engineer or  
19 architect, licensed in this state.

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

27 (b) Products, methods, or systems of construction for  
28 which there are no specific standardized testing or  
29 comparative or rational analysis methods established in the  
30 code may be approved by submittal and validation of one of the  
31 following:

1           1. A product evaluation report based upon testing or  
2 comparative or rational analysis, or a combination thereof,  
3 from an approved product evaluation entity indicating that the  
4 product or method or system of construction was evaluated to  
5 be in compliance with the intent of the Florida Building Code  
6 and that the product or method or system of construction is,  
7 for the purpose intended, at least equivalent to that required  
8 by the Florida Building Code; or

9           2. A product evaluation report based upon testing or  
10 comparative or rational analysis, or a combination thereof,  
11 developed and signed and sealed by a professional engineer or  
12 architect, licensed in this state, who certifies that the  
13 product or method or system of construction is, for the  
14 purpose intended, at least equivalent to that required by the  
15 Florida Building Code.

16           ~~(6)(7)~~ The commission shall ensure that product  
17 manufacturers that obtain statewide product approval operate  
18 quality assurance programs for all approved products. The  
19 commission shall adopt by rule criteria for operation of the  
20 quality assurance programs.

21           ~~(7)(8) For local approvals, validation shall be~~  
22 ~~performed by the local building official. The commission shall~~  
23 ~~adopt by rule criteria constituting complete validation by the~~  
24 ~~local official, including, but not limited to, criteria~~  
25 ~~governing verification of a quality assurance program. For~~  
26 state approvals, validation shall be performed by validation  
27 entities approved by the commission. The commission shall  
28 adopt by rule criteria for approval of validation entities,  
29 which shall be third-party entities independent of the  
30 product's manufacturer and which shall certify to the  
31 commission the product's compliance with the code. Products

1 bearing a certification mark or listing from an approved  
2 certification agency shall be validated by inspection of the  
3 certification mark or listing.

4 ~~(8)(9)~~ The commission may adopt rules to approve the  
5 following types of entities that produce information on which  
6 product approvals are based. All of the following entities,  
7 including engineers and architects, must comply with a  
8 nationally recognized standard demonstrating independence or  
9 no conflict of interest:

10 (a) Evaluation entities that meet the criteria for  
11 approval adopted by the commission by rule. The commission  
12 shall specifically approve the National Evaluation Service,  
13 the International Conference of Building Officials Evaluation  
14 Services, the International Code Council Evaluation Services,  
15 the Building Officials and Code Administrators International  
16 Evaluation Services, the Southern Building Code Congress  
17 International Evaluation Services, and the Miami-Dade County  
18 Building Code Compliance Office Product Control. Architects  
19 and engineers licensed in this state are also approved to  
20 conduct product evaluations as provided in subsection ~~(5)(6)~~.

21 ~~(16) The commission shall establish a schedule for~~  
22 ~~adoption of the rules required in this section to ensure that~~  
23 ~~the product manufacturing industry has sufficient time to~~  
24 ~~revise products to meet the requirements for approval and~~  
25 ~~submit them for testing or evaluation before the system takes~~  
26 ~~effect on October 1, 2003, and to ensure that the availability~~  
27 ~~of statewide approval is not delayed.~~

28 Section 15. Section 633.026, Florida Statutes, is  
29 created to read:

30 633.026 Informal interpretations of the Florida Fire  
31 Prevention Code.--The Division of State Fire Marshal shall by

1 rule establish an informal process of rendering nonbinding  
2 interpretations of the Florida Fire Prevention Code. The  
3 Division of State Fire Marshal may contract with and refer  
4 interpretive issues to a nonprofit organization that has  
5 experience in fire safety and control issues. The Division of  
6 State Fire Marshal shall immediately implement the process  
7 prior to the completion of formal rulemaking. It is the intent  
8 of the Legislature that the Division of State Fire Marshal  
9 create a process to refer questions to a small group of  
10 individuals certified under s. 633.081(2), to which a party  
11 can pose questions regarding the interpretation of code  
12 provisions. It is the intent of the Legislature that the  
13 process provide for the expeditious resolution of the issues  
14 presented and publication of the resulting interpretation on  
15 the website of the Division of State Fire Marshal. It is the  
16 intent of the Legislature that this program be similar to the  
17 program established by the Florida Building Commission in s.  
18 553.77(7). Such interpretations shall be advisory only and  
19 nonbinding on the parties or the State Fire Marshal. This  
20 program shall be funded from the Insurance Regulatory Trust  
21 Fund.

22 Section 16. Local product approval.--

23 (1) For local product approval, products or systems of  
24 construction shall demonstrate compliance with the structural  
25 windload requirements of the Florida Building Code through one  
26 of the following methods:

27 (a) A certification mark, listing, or label from a  
28 commission-approved certification agency indicating that the  
29 product complies with the code;  
30  
31



1       (b) A test report from a commission-approved testing  
2 laboratory indicating that the product tested complies with  
3 the code;

4       (c) A product-evaluation report based upon testing,  
5 comparative or rational analysis, or a combination thereof,  
6 from a commission-approved product evaluation entity which  
7 indicates that the product evaluated complies with the code;

8       (d) A product-evaluation report or certification based  
9 upon testing or comparative or rational analysis, or a  
10 combination thereof, developed and signed and sealed by a  
11 Florida professional engineer or Florida registered architect,  
12 which indicates that the product complies with the code; or

13       (e) A statewide product approval issued by the Florida  
14 Building Commission.

15       (2) For product-evaluation reports that indicate  
16 compliance with the code based upon a test report from an  
17 approved testing laboratory and rational or comparative  
18 analysis by a Florida registered architect or Florida  
19 professional engineer, the testing laboratory or the  
20 evaluating architect or engineer must certify independence  
21 from the product manufacturer.

22       (3) Local building officials may accept modifications  
23 to products or their installations if sufficient evidence is  
24 submitted to the local building official to demonstrate  
25 compliance with the code or the intent of the code, including  
26 such evidence as certifications from a Florida registered  
27 architect or Florida professional engineer.

28       (4) Products demonstrating compliance shall be  
29 manufactured under a quality assurance program audited by an  
30 approved quality assurance entity.

31

1           (5) Products bearing a certification mark, label, or  
2 listing by an approved certification agency require no further  
3 documentation to establish compliance with the code.

4           (6) Upon review of the compliance documentation, the  
5 authority having jurisdiction or a local building official  
6 shall deem the product approved for use in accordance with its  
7 approval and limitation of use.

8           (7) Approval shall be valid until such time as the  
9 product changes and decreases in performance; the standards of  
10 the code change, requiring increased performance; or the  
11 approval is otherwise suspended or revoked. Changes to the  
12 code do not void the approval of products previously installed  
13 in existing buildings if such products met building code  
14 requirements at the time the product was installed.

15           Section 17. Window or door coverings in essential  
16 facilities; impact-resistance standards.--

17           (1) Beginning July 1, 2005, the construction of a new  
18 or retrofitted window or door covering in a facility that is  
19 an essential facility as defined in ASTM Level E 1996-04,  
20 paragraph 6.2.1.1. which construction is funded by a grant of  
21 state or federal funds must meet the requirements of ASTM  
22 Level E 1996-04 for impact protection.

23           (2) Installation of such construction must conform to  
24 design drawings that are signed, sealed, and inspected by a  
25 structural engineer who is registered in this state.

26           (3) If such construction is funded under the Hazardous  
27 Mitigation Grant Program (HMGP), the Department of Community  
28 Affairs shall advise the county, municipality, or other entity  
29 applying for the HMGP funds that cost or price for the project  
30 shall not be the sole criteria for selecting a vendor.

31

1           (4) As used in this section, the term "essential  
2 facilities" means buildings and other structures designated as  
3 essential facilities, including, but not limited to, hospitals  
4 and other health care facilities that have surgery or  
5 emergency-treatment facilities; fire, rescue, and police  
6 stations and emergency-vehicle garages; designated emergency  
7 shelters; communications centers and other facilities required  
8 for emergency response; power generating stations and other  
9 public-utility facilities required in an emergency; and  
10 buildings and other structures that have critical national  
11 defense functions.

12           Section 18. Notwithstanding any provision of the  
13 Florida Building Code to the contrary, backflow prevention  
14 assemblies must be inspected once every 5 years.

15           Section 19. Subsections (5), (14), and (18) of section  
16 633.021, Florida Statutes, are amended to read:

17           633.021 Definitions.--As used in this chapter:

18           (5)(a) "Contractor I" means a contractor whose  
19 business includes the execution of contracts requiring the  
20 ability to lay out, fabricate, install, inspect, alter,  
21 repair, and service all types of fire protection systems,  
22 excluding preengineered systems.

23           (b) "Contractor II" means a contractor whose business  
24 is limited to the execution of contracts requiring the ability  
25 to lay out, fabricate, install, inspect, alter, repair, and  
26 service water sprinkler systems, water spray systems,  
27 foam-water sprinkler systems, foam-water spray systems,  
28 standpipes, combination standpipes and sprinkler risers, all  
29 piping that is an integral part of the system beginning at the  
30 point of service as defined in this section ~~where the piping~~  
31 ~~is used exclusively for fire protection, sprinkler tank~~

1 heaters, air lines, thermal systems used in connection with  
2 sprinklers, and tanks and pumps connected thereto, excluding  
3 preengineered systems.

4 (c) "Contractor III" means a contractor whose business  
5 is limited to the execution of contracts requiring the ability  
6 to ~~lay out~~, fabricate, install, inspect, alter, repair, and  
7 service CO<sub>2</sub> systems, foam extinguishing systems, dry  
8 chemical systems, and Halon and other chemical systems,  
9 excluding preengineered systems.

10 (d) "Contractor IV" means a contractor whose business  
11 is limited to the execution of contracts requiring the ability  
12 to lay out, fabricate, install, inspect, alter, repair, and  
13 service automatic fire sprinkler systems for detached  
14 one-family dwellings, detached two-family dwellings, and  
15 mobile homes, excluding preengineered systems and excluding  
16 single-family homes in cluster units, such as apartments,  
17 condominiums, and assisted living facilities or any building  
18 that is connected to other dwellings.

19 (e) "Contractor V" means a contractor whose business  
20 is limited to the execution of contracts requiring the ability  
21 to ~~lay out~~, fabricate, install, inspect, alter, repair, and  
22 service the underground piping for a fire protection system  
23 using water as the extinguishing agent beginning at the point  
24 of service as defined in this act ~~at which the piping is used~~  
25 ~~exclusively for fire protection~~ and ending no more than 1 foot  
26 above the finished floor.

27  
28 The definitions in this subsection must not be construed to  
29 include fire protection engineers or architects and do not  
30 limit or prohibit a licensed fire protection engineer or  
31 architect from designing any type of fire protection system. A

1 distinction is made between system design concepts prepared by  
2 the design professional and system layout as defined in this  
3 section and typically prepared by the contractor. However,  
4 persons certified as a Contractor I, Contractor II, or  
5 Contractor IV under this chapter may design fire protection  
6 systems of 49 or fewer sprinklers heads, and may design the  
7 alteration of an existing fire sprinkler system if the  
8 alteration consists of the relocation, addition, or deletion  
9 of not more than 49 sprinklers heads, notwithstanding the size  
10 of the existing fire sprinkler system. A Contractor I,  
11 Contractor II, or Contractor IV may design a fire protection  
12 system the scope of which complies with NFPA 13D, Standard for  
13 the Installation of Sprinkler Systems in One- and Two-Family  
14 Dwellings and Manufactured Homes, as adopted by the State Fire  
15 Marshal, notwithstanding the number of fire sprinklers.  
16 Contractor-developed ~~Such~~ plans may not be required by any  
17 local permitting authority to be sealed by a registered  
18 professional engineer.

19 (14) "Layout" as used in this chapter means the layout  
20 of risers, cross mains, branch lines, sprinkler heads, sizing  
21 of pipe, hanger locations, and hydraulic calculations in  
22 accordance with the design concepts established through the  
23 provisions of the Responsibility Rules adopted by the Board of  
24 Professional Engineers or such other standards as the State  
25 Fire Marshal adopts which provide comparable design concepts  
26 ~~s. 553.79(6)(c).~~

27 (18) "Point-of-service" means the point at which the  
28 underground piping for a fire protection ~~sprinkler~~ system as  
29 defined in this section using water as the extinguishing agent  
30 becomes used exclusively for the fire protection ~~sprinkler~~  
31 system. ~~The point of service is designated by the engineer who~~

1 ~~sealed the plans for a system of 50 or more heads or by the~~  
2 ~~contractor who designed the plans for a system of 49 or fewer~~  
3 ~~heads.~~

4 Section 20. Subsection (11) is added to section  
5 633.0215, Florida Statutes, to read:

6 633.0215 Florida Fire Prevention Code.--

7 (11) The design of interior stairways within dwelling  
8 units, including stair tread width and riser height, landings,  
9 handrails, and guards, must be consistent with chapter 10 of  
10 the Florida Building Code.

11 Section 21. Subsection (3) is added to section  
12 633.065, Florida Statutes, to read:

13 633.065 Requirements for installation, inspection, and  
14 maintenance of fire suppression equipment.--

15 (3)(a) Each fire hydrant shall be tested in accordance  
16 with National Fire Protection Standard 24, subsection 4-3.6,  
17 and inspected and maintained in compliance with National Fire  
18 Protection Association Standard 25, Standard for the  
19 Inspection, Testing, and Maintenance of Water-Based  
20 Fire-Protection Systems, as set forth in the edition currently  
21 adopted by the State Fire Marshal pursuant to its  
22 code-adoption and standards-adoption authority under chapter  
23 633. The owner of a fire hydrant is responsible for performing  
24 the required testing, inspection, or maintenance of that fire  
25 hydrant.

26 (b) The owner of a private fire hydrant shall cause  
27 any repair or replacement indicated by an inspection to be  
28 made within 30 days and shall maintain records of the repair  
29 or replacement.

1           (c) Inspection results that determine that a private  
2 fire hydrant is nonfunctioning shall be reported immediately  
3 to the local authorities having jurisdiction.

4           (d) Consistent with the provisions of s. 633.025(1),  
5 the requirements of this subsection shall be deemed adopted by  
6 each municipality, county, and special district having  
7 firesafety responsibilities.

8           (e) Penalties for noncompliance with this subsection  
9 shall be in accordance with s. 633.171.

10           Section 22. Section 633.071, Florida Statutes, is  
11 amended to read:

12           633.071 Standard service tag required on all fire  
13 extinguishers and preengineered systems; serial number  
14 required on all portable fire extinguishers; standard  
15 inspection tags required on all fire protection systems.--

16           (1) The State Fire Marshal shall adopt by rule  
17 specifications as to the size, shape, color, and information  
18 and data contained thereon of service tags to be attached to  
19 all fire extinguishers and preengineered systems required by  
20 statute or by rule, whether they be portable, stationary, or  
21 on wheels when they are placed in service, installed,  
22 serviced, repaired, tested, recharged, or inspected. Fire  
23 extinguishers may be tagged only after meeting all standards  
24 as set forth by this chapter, the standards of the National  
25 Fire Protection Association, and manufacturer's  
26 specifications. Preengineered systems may be tagged only after  
27 a system has been inspected, serviced, installed, repaired,  
28 tested, recharged, and hydrottested in compliance with this  
29 chapter, the standards of the National Fire Protection  
30 Association, and the manufacturer's specifications, and after  
31 a report, as specified by rule, has been completed in detail,

1 | indicating any and all deficiencies or deviations from the  
2 | manufacturer's specifications and the standards of the  
3 | National Fire Protection Association. A copy of the inspection  
4 | report shall be provided to the owner at the time of  
5 | inspection, and, if a system is found to be in violation of  
6 | this chapter, the manufacturer's specifications, or the  
7 | standards of the National Fire Protection Association, a copy  
8 | shall be forwarded to the state or local authority having  
9 | jurisdiction within 30 days from the date of service. It shall  
10 | be unlawful to place in service, service, test, repair,  
11 | inspect, install, hydrotest, or recharge any fire extinguisher  
12 | or preengineered system without attaching one of these tags  
13 | completed in detail, including the actual month work was  
14 | performed, or to use a tag not meeting the specifications set  
15 | forth by the State Fire Marshal.

16 |         (2) All portable fire extinguishers required by  
17 | statute or by rule shall be listed by Underwriters  
18 | Laboratories, Inc., or approved by Factory Mutual  
19 | Laboratories, Inc., or listed by a nationally recognized  
20 | testing laboratory in accordance with procedures adopted  
21 | pursuant to s. 633.083(2), and carry an Underwriters  
22 | Laboratories, Inc., or manufacturer's serial number. These  
23 | listings, approvals, and serial numbers may be stamped on the  
24 | manufacturer's identification and instructions plate or on a  
25 | separate Underwriters Laboratories, Inc., or Factory Mutual  
26 | Laboratories, Inc., plate soldered or attached to the  
27 | extinguisher shell in some permanent manner.

28 |         (3) The State Fire Marshal shall adopt by rule  
29 | specifications as to the size, shape, color, information, and  
30 | data contained thereon of inspection tags to be attached to  
31 |



1 all types of fire protection systems and information required  
2 on an inspection report of such an inspection.

3 Section 23. Section 633.082, Florida Statutes, is  
4 amended to read:

5 633.082 Inspection of fire control systems and fire  
6 protection systems.--

7 (1) The State Fire Marshal shall have the right to  
8 inspect any fire control system during and after construction  
9 to determine that such system meets the standards set forth in  
10 the laws and rules of the state.

11 (2) Fire protection systems installed in public and  
12 private properties, except one-family or two-family dwellings,  
13 in this state shall be inspected following procedures  
14 established in the nationally recognized inspection, testing,  
15 and maintenance standard NFPA-25 as set forth in the edition  
16 adopted by the State Fire Marshal. Quarterly, annual, 3-year,  
17 and 5-year inspections consistent with the contractual  
18 provisions with the owner shall be conducted by the  
19 certificateholder or permittees employed by the  
20 certificateholder pursuant to s. 633.521.

21 (3) The inspecting contractor shall provide to the  
22 building owner and the local authority having jurisdiction a  
23 copy of the inspection report established under s. 633.071(3).  
24 The maintenance of fire sprinkler systems as well as  
25 corrective actions on deficient systems is the responsibility  
26 of the property owner. This section does not prohibit  
27 governmental entities from inspecting and enforcing firesafety  
28 codes.

29 Section 24. Section 633.521, Florida Statutes, is  
30 amended to read:

31

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

3           (1) To obtain a certificate, an applicant shall submit  
4 to the State Fire Marshal an application in writing, on a form  
5 provided by the State Fire Marshal containing the information  
6 prescribed, which shall be accompanied by the fee fixed  
7 herein, containing a statement that the applicant desires the  
8 issuance of a certificate and stating the class of certificate  
9 requested.

10           (2)(a) Examinations shall be administered by the State  
11 Fire Marshal and held at times and places within the state as  
12 the State Fire Marshal determines, but there shall be at least  
13 two examinations a year. Each applicant shall take and pass  
14 an objective, written examination of her or his fitness for a  
15 certificate in the class for which the application is  
16 requested. There shall be a type of examination for each of  
17 the classes of certificates defined in s. 633.021(5). The  
18 examination shall test the applicant's ability to lay out,  
19 fabricate, install, alter, repair, and inspect fire protection  
20 systems and their appurtenances and shall test the applicant's  
21 fitness in business and financial management. The test shall  
22 be based on applicable standards of the National Fire  
23 Protection Association and on relevant Florida and federal  
24 laws pertaining to the construction industry, safety  
25 standards, administrative procedures, and pertinent technical  
26 data.

27           (b) A passing grade on the examination is 70 percent,  
28 and such examinations may be developed by an independent  
29 professional testing agency. The tests shall be prepared,  
30 administered, and scored in compliance with generally accepted  
31 professional testing standards.

1 (c) The division shall solicit suggestions from  
2 affected persons regarding the content of examinations.

3 (d) A reexamination may not be scheduled sooner than  
4 30 days after any administration of an examination to an  
5 applicant.

6 (e) An applicant may not be examined more than four  
7 times during 1 year for certification as a contractor pursuant  
8 to this section unless the person is or has been certified and  
9 is taking the examination to change classifications. If an  
10 applicant does not pass one or more parts of the examination,  
11 she or he may take any part of the examination three more  
12 times during the 1-year period beginning upon the date she or  
13 he originally filed an application to take the examination.  
14 If the applicant does not pass the examination within that  
15 1-year period, she or he must file a new application and pay  
16 the application and examination fees in order to take the  
17 examination or a part of the examination again. However, the  
18 applicant may not file a new application sooner than 6 months  
19 after the date of her or his last examination.

20 (3) As a prerequisite to taking the examination for  
21 certification as a Contractor I, Contractor II, or Contractor  
22 III, the applicant must be at least 18 years of age, be of  
23 good moral character, and shall possess 4 years' proven  
24 experience in the employment of a fire protection system  
25 Contractor I, Contractor II, or Contractor III or a  
26 combination of equivalent education and experience. As a  
27 prerequisite to taking the examination for certification as a  
28 Contractor IV, the applicant shall be at least 18 years old,  
29 be of good moral character, and have at least 2 years' proven  
30 experience in the employment of a fire protection system  
31 Contractor I, Contractor II, Contractor III, or Contractor IV

1 or combination of equivalent education and experience which  
2 combination need not include experience in the employment of a  
3 fire protection system contractor. As a prerequisite to  
4 taking the examination for certification as a Contractor V,  
5 the applicant shall be at least 18 years old, be of good moral  
6 character, and have been licensed as a certified underground  
7 utility and excavation contractor pursuant to chapter 489,  
8 have verification by an individual who is licensed as a  
9 certified utility contractor pursuant to chapter 489 that the  
10 applicant has 4 years' proven experience in the employ of a  
11 certified underground utility and excavation contractor, or  
12 have a combination of education and experience equivalent to 4  
13 years' proven experience in the employ of a certified  
14 underground utility and excavation contractor. Within 30 days  
15 after ~~from~~ the date of the examination, the State Fire Marshal  
16 shall inform the applicant in writing whether she or he has  
17 qualified or not and, if the applicant has qualified, that she  
18 or he is ready to issue a certificate of competency, subject  
19 to compliance with the requirements of subsection (4).

20 (4) As a prerequisite to issuance of a certificate,  
21 the State Fire Marshal shall require the applicant to submit  
22 satisfactory evidence that she or he has obtained insurance  
23 providing coverage for comprehensive general liability for  
24 bodily injury and property damages, products liability,  
25 completed operations, and contractual liability. The State  
26 Fire Marshal may adopt rules providing for the amount of  
27 insurance, but such amount shall not be less than \$500,000 for  
28 a Contractor I, Contractor II, Contractor III, or Contractor V  
29 and shall not be less than \$250,000 for a Contractor IV. An  
30 insurer which provides such coverage shall notify within 30  
31 days the State Fire Marshal of any material change in coverage

1 or any termination, cancellation, or nonrenewal of such  
2 coverage. An insurer which fails to so notify the State Fire  
3 Marshal's office shall be subject to the penalties provided  
4 under s. 624.4211.

5 (5) Upon satisfaction of the requirements of  
6 subsections (1), (2), (3), and (4), the certificate shall be  
7 issued forthwith. However, no certificate shall remain in  
8 effect if, after issuance, the certificateholder fails to  
9 maintain the insurance coverage required by this section.

10 (6) If an applicant for an original certificate, after  
11 having been notified to do so, does not appear for examination  
12 or does not pass the examination within 1 year from the date  
13 of filing her or his application, the fee paid by the  
14 applicant shall be forfeited. New applications for a  
15 certificate shall be accompanied by another application fee  
16 fixed by this chapter.

17 (7) The State Fire Marshal may, at any time subsequent  
18 to the issuance of the certificate or its renewal, require,  
19 upon demand and in no event more than 30 days after notice of  
20 the demand, the certificateholder to provide proof of  
21 insurance coverage on a form provided by the State Fire  
22 Marshal containing confirmation of insurance coverage as  
23 required by this chapter. Failure to provide proof of  
24 insurance coverage as required, for any length of time, shall  
25 result in the immediate suspension of the certificate until  
26 proof of insurance is provided to the State Fire Marshal.

27 (8) An individual employed by a Contractor I or  
28 Contractor II certificateholder, as established in this  
29 section, who will be inspecting water-based fire protection  
30 systems as required under s. 633.082, must be issued a permit  
31 by the State Fire Marshal to conduct such work. The permit is

1 valid solely for use by the holder thereof in his or her  
2 employment by the certificateholder named in the permit. A  
3 permittee must have a valid and subsisting permit upon his or  
4 her person at all times while engaging in inspecting fire  
5 protection systems, and a permitholder must be able to produce  
6 such a permit upon demand. In addition, a permittee shall, at  
7 all times while performing inspections, carry an  
8 identification card containing his or her photograph and other  
9 identifying information as prescribed by the State Fire  
10 Marshal, and the permittee must produce the identification  
11 card and information upon demand. The permit and the  
12 identification may be one and the same. A permittee is limited  
13 as to the specific type of work performed, depending upon the  
14 class of certificate held by the certificateholder under whom  
15 the permittee is working. The permit class shall be known as a  
16 Water-Based Fire Protection Inspector whose permit allows the  
17 holder to inspect water sprinkler systems, water spray  
18 systems, foam-water sprinkler systems, foam-water spray  
19 systems, standpipes, combination standpipes and sprinkler  
20 systems, all piping that is an integral part of the system  
21 beginning at the point where the piping is used exclusively  
22 for fire protection, sprinkler tank heaters, air lines,  
23 thermal systems used in connection with sprinklers, and tanks  
24 and pumps connected thereto, excluding preengineered systems.

25  
26 It is the intent of the Legislature that the inspections and  
27 testing of automatic fire sprinkler systems for detached  
28 one-family dwellings, detached two-family dwellings, and  
29 mobile homes be accomplished by the owner, who is responsible  
30 for requesting service from a contractor when necessary. It is  
31 further intended that the NFPA-25 inspection of exposed

1 underground piping supplying a fire protection system be  
2 conducted by a Contractor I or Contractor II.

3       (9) Effective July 1, 2008, the State Fire Marshal  
4 shall require the National Institute of Certification in  
5 Engineering Technologies (NICET), Sub-field of Inspection and  
6 Testing of Fire Protection Systems Level II or equivalent  
7 training and education as determined by the division as proof  
8 that the permit holders are knowledgeable about nationally  
9 accepted standards for the inspection of fire protection  
10 systems. It is the intent of this act, from July 1, 2005,  
11 until July 1, 2008, to accept continuing education of all  
12 certificateholders' employees who perform inspection functions  
13 which specifically prepares the permit holder to qualify for  
14 NICET II certification.

15       Section 25. Section 633.524, Florida Statutes, is  
16 amended to read:

17       633.524 Certificate and permit fees; use and deposit  
18 of collected funds.--

19       (1) The initial application fee for each class of  
20 certificate shall be \$300. The biennial renewal fee for each  
21 class of certificate shall be ~~\$150~~\$250. The initial  
22 application fee for the permit classification shall be \$100.  
23 The biennial renewal fee for the permit classification shall  
24 be \$50. The fee for certificates issued as duplicates or to  
25 reflect a change of address is \$15 ~~shall be \$5 each~~. The fee  
26 for each examination or reexamination for each class of  
27 certificate ~~scheduled~~ shall be \$100.

28       (2) All moneys collected by the State Fire Marshal  
29 pursuant to this chapter are hereby appropriated for the use  
30 of the State Fire Marshal in the administration of this  
31

1 chapter and shall be deposited in the Insurance Regulatory  
2 Trust Fund.

3 Section 26. Subsection (4) is added to section  
4 633.537, Florida Statutes, to read:

5 633.537 Certificate; expiration; renewal; inactive  
6 certificate; continuing education.--

7 (4) The renewal period for the permit class is the  
8 same as that of the employing certificateholder. The  
9 continuing education requirements for permit holders shall be 8  
10 contact hours by June 30, 2006. An additional 16 contact hours  
11 of continuing education is required by June 30, 2008, and  
12 during each biennial renewal period thereafter. The continuing  
13 education curriculum from July 1, 2005, until July 1, 2008,  
14 shall be the preparatory curriculum for NICET II  
15 certification; after July 1, 2008, the technical curriculum is  
16 at the discretion of the State Fire Marshal. It is the  
17 responsibility of the permit holder to maintain NICET II  
18 certification as a condition of permit renewal after July 1,  
19 2008.

20 Section 27. Subsection (2) of section 633.539, Florida  
21 Statutes, is amended to read:

22 633.539 Requirements for installation, inspection, and  
23 maintenance of fire protection systems.--

24 (2) Equipment shall be inspected, serviced, and  
25 maintained in accordance with the manufacturer's maintenance  
26 procedures and with applicable National Fire Protection  
27 Association standards. The inspection of fire protection  
28 systems shall be conducted by a certificateholder or holder of  
29 a permit issued by the State Fire Marshal. The permit holder  
30 may perform inspections on fire protection systems only while  
31 employed by the certificateholder. This section does not



1 prohibit the authority having jurisdiction or insurance  
2 company representatives from reviewing the system in  
3 accordance with acceptable oversight standards.

4 (3) For contracts written after June 30, 2005, the  
5 contractor who installs the underground from the point of  
6 service is responsible for completing the installation to the  
7 aboveground connection flange, which by definition in this  
8 chapter is no more than 1 foot above the finished floor,  
9 before completing the Contractor's Material and Test  
10 Certificate for Underground Piping document. Aboveground  
11 contractors may not complete the Contractor's Material and  
12 Test Certificate for Underground Piping document for  
13 underground piping or portions thereof which have been  
14 installed by others.

15 (4) The Contractor V may install the cross-connection  
16 backflow prevention device as defined in this chapter on new  
17 installations and only when the specific backflow prevention  
18 device is included in the system hydraulic calculations. The  
19 retrofitting of a backflow device on an existing fire  
20 protection system will cause a reduction in available water  
21 pressure and probable system malfunction. The development of  
22 aboveground fire protection system hydraulic calculations is a  
23 task of the Contractor I and II, as defined in this chapter.  
24 Accordingly, a Contractor V is expressly prohibited from  
25 retrofitting cross-connection backflow prevention devices on  
26 an existing fire protection system, and only a Contractor I or  
27 Contractor II who is tasked to recalculate the system and take  
28 corrective actions to ensure that the system will function  
29 with the available water supply may retroactively install  
30 these backflow devices on existing fire protection systems.

31

1           Section 28. Section 633.547, Florida Statutes, is  
2 amended to read:

3           633.547 Disciplinary action; fire protection system  
4 contractors; grounds for denial, nonrenewal, suspension, or  
5 revocation of certificate or permit.--

6           (1) The State Fire Marshal shall investigate the  
7 alleged illegal action of any fire protection system  
8 contractor or permittee certified under this chapter and hold  
9 hearings pursuant to chapter 120.

10           (2) The following acts constitute cause for  
11 disciplinary action:

12           (a) Violation of any provision of this chapter or of  
13 any rule adopted pursuant thereto.

14           (b) Violation of the applicable building codes or laws  
15 of this state or any municipality or county thereof.

16           (c) Diversion of funds or property received for  
17 prosecution or completion of a specified construction project  
18 or operation when, as a result of the diversion, the  
19 contractor is, or will be, unable to fulfill the terms of her  
20 or his obligation or contract.

21           (d) Disciplinary action by any municipality or county,  
22 which action shall be reviewed by the State Fire Marshal  
23 before taking any disciplinary action.

24           (e) Failure to supervise the installation of the fire  
25 protection system covered by the building permit signed by the  
26 contractor.

27           (f) Rendering a fire protection system, standpipe  
28 system, or underground water supply main connecting to the  
29 system inoperative except when the fire protection system,  
30 standpipe system, or underground water supply main is being  
31

1 inspected, serviced, tested, or repaired, or except pursuant  
2 to court order.

3 (g) Improperly servicing, repairing, testing, or  
4 inspecting a fire protection, standpipe system, or underground  
5 water supply main connecting to the system.

6 (h) Failing to provide proof of insurance to the State  
7 Fire Marshal or failing to maintain in force the insurance  
8 coverage required by s. 633.521.

9 (i) Failing to obtain, retain, or maintain one or more  
10 of the qualifications for a certificate as specified in this  
11 chapter.

12 (j) Making a material misstatement, misrepresentation,  
13 or committing a fraud in obtaining or attempting to obtain a  
14 certificate.

15 (k) Failing to notify the State Fire Marshal, in  
16 writing, within 30 days after a change of residence address,  
17 principal business address, or name.

18 (3) The State Fire Marshal is authorized to take the  
19 following disciplinary action:

20 (a) She or he may suspend the certificateholder for a  
21 period not to exceed 2 years from all operations as a  
22 contractor during the period fixed by the State Fire Marshal,  
23 but she or he may permit the certificateholder to complete any  
24 contracts then incomplete.

25 (b) She or he may revoke a certificate for a period  
26 not to exceed 5 years.

27 (4) During the suspension or revocation of the  
28 certificate, the former certificateholder shall not engage in  
29 or attempt to profess to engage in any transaction or business  
30 for which a certificate is required under this chapter or  
31 directly or indirectly own, control, or be employed in any

1 manner by any firm or corporation for which a certificate  
2 under this chapter is required. The department shall not, so  
3 long as the revocation or suspension remains in effect, grant  
4 any new certificate for the establishment of any new firm,  
5 business, or corporation of any person that has or will have  
6 the same or similar management, ownership, control, or  
7 employees or that will use a same or similar name as a  
8 previously revoked or suspended firm, business, or  
9 corporation.

10 (5) The State Fire Marshal may deny, suspend, or  
11 revoke the certificate of:

12 (a) Any person, firm, or corporation the certificate  
13 of which under this chapter has been suspended or revoked.

14 (b) Any firm or corporation if an officer, director,  
15 stockholder, owner, or person interested directly or  
16 indirectly has had his or her certificate under this chapter  
17 suspended or revoked.

18 (c) Any person who is or has been an officer,  
19 director, stockholder, or owner of a firm or corporation, or  
20 who was interested directly or indirectly in a corporation,  
21 the certificate of which has been suspended or revoked under  
22 this chapter.

23 (6) The lapse or suspension of a certificate by  
24 operation of law or by order of the State Fire Marshal or a  
25 court or its voluntary surrender by a certificateholder does  
26 not deprive the State Fire Marshal of jurisdiction to  
27 investigate or act in disciplinary proceedings against the  
28 certificateholder.

29 (7) The filing of a petition in bankruptcy, either  
30 voluntary or involuntary, or the making of a composition of  
31 creditors or the appointment of a receiver for the business of

1 the certificateholder may be considered by the State Fire  
2 Marshal as just cause for suspension of a certificate.

3           Section 29. A county or municipal government must  
4 review and approve, approve with conditions, or deny any  
5 application for a site development plan, building permit, or  
6 other permit within 90 days after receipt of the application,  
7 unless the applicant agrees to an extension. An application  
8 that is not acted upon within such period is automatically  
9 deemed approved and the applicant may begin construction or  
10 commence any other activity allowed under the permit sought.

11           Section 30. Section 553.851, Florida Statutes, is  
12 repealed.

13           Section 31. This act shall take effect July 1, 2005.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3   CS/SB 442

4 The committee substitute for committee substitute (CS/CS)  
5 amends s. 468.621, F.S., to provide additional grounds for  
6 discipline of certified building code administrators and  
7 inspectors.

8 The CS/CS amends s. 553.73, F.S., to require annual review of  
9 codes relating to noise counter lines.

10 The CS/CS amends s. 553.73, F.S., to delete the requirement  
11 for adoption of the International Code Council Electrical  
12 Code, and requires the adoption of the National Electrical  
13 Code.

14 The CS/CS does not amend the appointment process for members  
15 of the Florida Building Commission in s. 553.74, F.S.

16 The CS/CS amends s. 553.791(12), F.S., to include structures,  
17 and to delete the authority of local building officials to  
18 require that the fee owner use the private inspector to  
19 provide both plans review and building inspections services.  
20 It also increases the minimum insurance policy amounts  
21 required to be maintained by private providers, and revises  
22 insurer requirements.

23 The CS/CS amends s. 553.80(8), F.S., to clarify that the  
24 exempted Department of Agriculture structures are not used by  
25 the public.

26 The CS/CS amends s. 553.841, F.S., to revise the provisions  
27 related to the membership of the Building Code Education and  
28 Outreach Council, the frequency of council meetings, and the  
29 council's administrative support. The CS/CS also revises the  
30 provisions related to continuing education, and funding of  
31 education and outreach projects.

The CS/CS provides a standard for the construction of new or  
retrofitted window or door coverings in an essential facility.

The CS/CS amends s. 633.021, F.S., relating to the duties and  
responsibilities of fire protection system contractors.

The CS/CS amends s. 633.0215, F.S., relating to consistent  
application of the Florida Building Code to the design of  
interior stairways within dwelling units.

The CS/CS amends s. 633.65, F.S., to establish requirements  
for the installation, inspection, and maintenance of fire  
hydrants and fire suppression equipment.

The CS/CS amends ss. 633.071, 633.082, and 633.539, F.S., to  
establish requirements for the inspection of fire protection  
systems.

The CS/CS amends s. 633.521, 633.524, and 633.537, F.S., to  
provide for the regulation of employees of fire protection  
system contractors who provide inspection services.

1 The CS/CS repeals s. 553.851, F.S.  
2 The CS/CS changes the effective date to July 1, 2005.  
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