

1
2 An act relating to the Florida Building
3 Commission; requiring the commission to review
4 the requirements in the National Electrical
5 Code which relate to bonding and grounding
6 systems for swimming pools; authorizing the
7 commission to adopt a rule for bonding and
8 grounding which is an alterative to that of the
9 National Electric Code; requiring the
10 commission to make certain determinations
11 before eliminating gravel and stone roofing
12 systems; amending s. 468.609, F.S.; increasing
13 the number of days a newly employed person can
14 be a plan examiner or building inspector
15 without certification; amending s. 553.73,
16 F.S.; authorizing the commission to approve
17 certain amendments to the code; amending s.
18 553.775, F.S.; providing that, upon written
19 application by substantially affected persons,
20 the Florida Building Commission must issue, or
21 cause to be issued, a formal interpretation of
22 the code; amending s. 553.791, F.S.; defining
23 terms; requiring that certain forms be signed
24 at the completion of a required inspection;
25 requiring that a deficiency notice be posted at
26 the job site whenever an element is found to be
27 not in conformance with the building code or
28 the permitting documents; providing for
29 corrective actions; prohibiting the charging of
30 certain fees; amending s. 553.841, F.S. ;
31 providing legislative intent regarding

1 education and outreach for understanding the
2 Florida Building Code; requiring the Department
3 of Community Affairs to administer a compliance
4 and mitigation program; requiring that the
5 compliance and mitigation program be provided
6 by a private, nonprofit corporation under
7 contract with the department; requiring the
8 department to consider certain criteria when
9 selecting the corporation; deleting a
10 requirement that the commission approve certain
11 advanced modules; requiring the commission to
12 provide certain courses to accredit persons
13 subject to the building code; authorizing the
14 commission to adopt rules; amending s. 553.842,
15 F.S.; providing for certification of products;
16 authorizing the commission to impose penalties
17 for violation of the product validation
18 process; amending s. 633.081, F.S.; deleting
19 the requirement that a certified firesafety
20 inspector be a resident of Florida; requiring
21 that a firesafety inspector be 18 years of age
22 or older; establishing grounds under which an
23 inspector's license may be suspended or
24 revoked; amending s. 633.521, F.S.; providing
25 for provisional permits for inspectors of
26 certain fire protection systems; providing a
27 time limitation for such permits; amending s.
28 633.537, F.S.; revising continuing education
29 requirements; requiring the commission to
30 review certain modifications recommended by the
31 commission's technical advisory committee;

1 authorizing the commission to adopt or modify
2 the modifications in response to public
3 comments; authorizing the commission to adopt
4 provisions preserving the use of gravel roof
5 systems; directing the commission to work with
6 others to review the Florida Energy Code and to
7 compare that code to other energy efficiency
8 codes; requiring the commission to deliver a
9 report to the Legislature by a specified date;
10 providing an appropriation; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. The Florida Building Commission shall
16 review the requirements in the National Electrical Code (2005)
17 which relate to bonding and grounding systems for swimming
18 pools. The commission may adopt a rule authorizing the use of
19 a method for bonding and grounding systems which is an
20 alternative to what is permitted by the National Electrical
21 Code. The commission is further authorized to integrate that
22 alternative method into the 2007 edition of the Florida
23 Building Code, notwithstanding the requirements of s. 553.73,
24 Florida Statutes. Until the commission adopts a rule for an
25 alternate method for bonding and grounding systems for
26 swimming pools, the use of an underground bonding conductor
27 made of a single #8 AWG bare solid copper wire buried to a
28 minimum depth of 4 inches to 6 inches below subgrade, and 18
29 inches to 24 inches from inside the wall of a swimming pool or
30 spa, is deemed a permissible alternative or equivalent to
31 compliance with s. 680.26(c) of the National Electrical Code

1 (2005), NFPA No. 70, adopted by reference within the Florida
2 Building Code.

3 Section 2. (1) Before eliminating gravel or stone
4 roofing systems in the Florida Building Code, the Florida
5 Building Commission shall determine and document:

6 (a) Whether there is a scientific basis or reason for
7 eliminating this option;

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

10 (c) Whether eliminating this option will unnecessarily
11 restrict or eliminate business or consumer choice in roofing
12 systems; and

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

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

22 Section 3. Paragraph (d) of subsection (7) of section
23 468.609, Florida Statutes, is amended to read:

24 468.609 Administration of this part; standards for
25 certification; additional categories of certification.--

26 (7)

27 (d) A newly employed or hired person may perform the
28 duties of a plans examiner or building code inspector for 120
29 ~~90~~ days if a provisional certificate application has been
30 submitted ~~if, provided~~ such person is under the direct
31 supervision of a certified building code administrator who

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

8 Section 4. Subsection (7) of section 553.73, Florida
9 Statutes, as amended by section 7 of chapter 2007-1, Laws of
10 Florida, is amended to read:

11 553.73 Florida Building Code.--

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

30 (a) Conflicts within the updated code;

31

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

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

8 (d) Unintended results from the integration of
9 previously adopted Florida-specific amendments with the model
10 code; ~~or-~~

11 (e) Changes to federal or state law.

12 Section 5. Present paragraphs (d) through (g) of
13 subsection (3) of section 553.775, Florida Statutes, are
14 redesignated as paragraphs (e) through (h), respectively, and
15 a new paragraph (d) is added to that subsection, to read:

16 553.775 Interpretations.--

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

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

25 Section 6. Subsections (1), (2), (4), (8), (9), (10),
26 (11), (13), (15), and (18) of section 553.791, Florida
27 Statutes, are amended to read:

28 553.791 Alternative plans review and inspection.--

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

30 (a) "Applicable codes" means the Florida Building Code
31 and any local technical amendments to the Florida Building

1 Code but does not include the applicable minimum fire
2 prevention and firesafety codes adopted pursuant to chapter
3 633.

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

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

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

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

30 (f) "Immediate threat to public safety and welfare"
31 means a building code violation that, if allowed to persist,

1 constitutes an immediate hazard that could result in death,
2 serious bodily injury, or significant property damage. This
3 paragraph does not limit the authority of the local building
4 official to issue a Notice of Corrective Action at any time
5 during the construction of a building project or any portion
6 of such project if the official determines that a condition of
7 the building or portion thereof may constitute a hazard when
8 the building is put into use following completion as long as
9 the condition cited is shown to be in violation of the
10 building code or approved plans.

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

19 (h)(f) "Permit application" means a properly completed
20 and submitted application for the requested building or
21 construction permit, including:

- 22 1. The plans reviewed by the private provider.
- 23 2. The affidavit from the private provider required
24 underpursuant to subsection (6).
- 25 3. Any applicable fees.
- 26 4. Any documents required by the local building
27 official to determine that the fee owner has secured all other
28 government approvals required by law.

29 (i)(g) "Private provider" means a person licensed as
30 an engineer under chapter 471 or as an architect under chapter
31 481. For purposes of performing inspections under this section

1 for additions and alterations that are limited to 1,000 square
2 feet or less to residential buildings, the term "private
3 provider" also includes a person who holds a standard
4 certificate under part XII of chapter 468.

5 ~~(j)(h)~~ "Request for certificate of occupancy or
6 certificate of completion" means a properly completed and
7 executed application for:

8 1. A certificate of occupancy or certificate of
9 completion.

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

12 3. Any applicable fees.

13 4. Any documents required by the local building
14 official to determine that the fee owner has secured all other
15 government approvals required by law.

16 (k) "Stop-work order" means the issuance of any
17 written statement, written directive, or written order which
18 states the reason for the order and the conditions under which
19 the cited work will be permitted to resume.

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

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

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

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

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

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

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

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

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

30 (9) A private provider performing required inspections
31 under this section shall provide notice to the local building

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

20 | (10) Upon completing the required inspections at each
21 | applicable phase of construction, the private provider shall
22 | record such inspections on a form acceptable to the local
23 | building official. The form must be signed by the provider or
24 | the provider's duly authorized representative. These
25 | inspection records shall reflect those inspections required by
26 | the applicable codes of each phase of construction for which
27 | permitting by a local enforcement agency is required. The
28 | private provider, before leaving the project site, shall post
29 | each completed inspection record, indicating pass or fail, at
30 | the site and provide the record to the local building official
31 | within 2 business days. The local building official may waive

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

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

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

28 (13) If the local building official determines that
29 the building construction or plans do not comply with the
30 applicable codes, the official may deny the permit or request
31 for a certificate of occupancy or certificate of completion,

1 as appropriate, or may issue a stop-work order for the project
2 or any portion thereof as provided by law, if the official
3 determines that ~~the such~~ noncompliance poses an immediate a
4 threat to public safety and welfare, subject to the following:

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

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

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

27 (15)(a) A ~~No~~ local enforcement agency, local building
28 official, or local government may not adopt or enforce any
29 laws, rules, procedures, policies, qualifications, or
30 standards more stringent than those prescribed by this
31 section.

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

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

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

22 Section 7. Section 553.841, Florida Statutes, is
23 amended to read:

24 553.841 Building code compliance and mitigation
25 ~~program~~ education and outreach program.--

26 (1) The Legislature finds that knowledge and
27 understanding by persons licensed in the design and
28 construction industries of the importance and need for
29 complying with the Florida Building Code is vital to the
30 public health, safety, and welfare of this state, especially
31 for mitigating damage caused by hurricanes to residents and

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

16 (2) The Department of Community Affairs shall
17 administer a program, designated as the Florida Building Code
18 Compliance and Mitigation Program, to develop, coordinate, and
19 maintain education and outreach to persons required to comply
20 with the Florida Building Code and ensure consistent
21 education, training, and communication of the code's
22 requirements, including, but not limited to, methods for
23 mitigation of storm-related damage. The program shall also
24 operate a clearinghouse through which design, construction,
25 and building code enforcement licensees, suppliers, and
26 consumers in this state may find others in order to exchange
27 information relating to mitigation and facilitate repairs in
28 the aftermath of a natural disaster. There is created the
29 ~~Building Code Education and Outreach Council to coordinate,~~
30 ~~develop, and maintain education and outreach to ensure~~
31 ~~administration and enforcement of the Florida Building Code.~~

1 (3) All services and materials under the Florida
2 Building Code Compliance and Mitigation Program must be
3 provided by a private, nonprofit corporation under contract
4 with the department. The term of the contract shall be for 4
5 years, with the option of one 4-year renewal at the end of the
6 contract term. The initial contract must be in effect no later
7 than November 1, 2007. The private, nonprofit corporation must
8 be an organization whose membership includes trade and
9 professional organizations whose members consist primarily of
10 persons and entities that are required to comply with the
11 Florida Building Code and that are licensed under part XII of
12 chapter 468, chapter 471, chapter 481, or chapter 489. When
13 selecting the private, nonprofit corporation for the program,
14 the department must give primary consideration to the
15 corporation's demonstrated experience and the ability to:
16 (a) Develop and deliver building code-related
17 education, training, and outreach;
18 (b) Directly access the majority of persons licensed
19 in the occupations of design, construction, and building code
20 enforcement individually and through established statewide
21 trade and professional association networks;
22 (c) Serve as a clearinghouse to deliver education and
23 outreach throughout the state. The clearinghouse must serve as
24 a focal point at which persons licensed to design, construct,
25 and enforce building codes and suppliers and consumers can
26 find each other in order to exchange information relating to
27 mitigation and facilitate repairs in the aftermath of a
28 natural disaster;
29 (d) Accept input from the Florida Building Commission,
30 licensing regulatory boards, local building departments, and
31

1 the design and construction industries in order to improve its
2 education and outreach programs; and

3 (e) Promote design and construction techniques and
4 materials for mitigating hurricane damage at a Florida-based
5 trade conference that includes participants from the broadest
6 possible range of design and construction trades and
7 professions, including from those private and public-sector
8 entities having jurisdiction over building codes and design
9 and construction licensure.

10 ~~The Building Code Education and~~
~~Outreach Council shall be composed of the following members:~~

11 ~~(a) Three representatives of the Florida Building~~
12 ~~Commission, one of whom must be a member of a Florida based~~
13 ~~organization of persons with disabilities or a nationally~~
14 ~~chartered organization of persons with disabilities having~~
15 ~~chapters in this state, selected by the commission;~~

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

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

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

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

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

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

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

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

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

3
4 ~~Each member of the board shall be appointed to a 2 year term~~
5 ~~and may be reappointed at the discretion of the appointing~~
6 ~~body. A chair shall be elected by majority vote of the council~~
7 ~~and shall serve a term of 1 year.~~

8 ~~(4) The Building Code Education and Outreach Council~~
9 ~~shall meet in Tallahassee no more than semiannually. The~~
10 ~~council may meet more often but not more than monthly, and~~
11 ~~such additional meetings shall be by telephone conference~~
12 ~~call. Travel costs, if any, shall be borne by the respective~~
13 ~~appointing entity. The Department of Community Affairs shall~~
14 ~~provide administrative support to the council; however, the~~
15 ~~department may contract with an entity that has previous~~
16 ~~experience with building code training, development, and~~
17 ~~coordination to provide administrative support for the~~
18 ~~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 ~~(4)(6)~~ The department, in administering the Florida
31 Building Code Compliance and Mitigation Program, Building Code

1 ~~Education and Outreach Council~~ shall maintain, update,
2 develop, or cause to be developed:

3 (a) A core curriculum that is prerequisite to the
4 advanced module coursework.

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

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

13 (5)~~(7)~~ The core curriculum shall cover the information
14 required to have all categories of participants appropriately
15 informed as to their technical and administrative
16 responsibilities in the effective execution of the code
17 process by all individuals currently licensed under part XII
18 of chapter 468, chapter 471, chapter 481, or chapter 489,
19 except as otherwise provided in s. 471.017. The core
20 curriculum shall be prerequisite to the advanced module
21 coursework for all licensees and shall be completed by
22 individuals licensed in all categories under part XII of
23 chapter 468, chapter 471, chapter 481, or chapter 489 within
24 the first 2-year period after initial licensure. Core course
25 hours taken by licensees to complete this requirement shall
26 count toward fulfillment of required continuing education
27 units under part XII of chapter 468, chapter 471, chapter 481,
28 or chapter 489.

29 (6)~~(8)~~ Each biennium, upon receipt of funds by the
30 Department of Community Affairs from the Construction Industry
31 Licensing Board and the Electrical Contractors' Licensing

1 Board provided under ss. 489.109(3) and 489.509(3), the
2 ~~department council~~ shall determine the amount of funds
3 available for the Florida Building Code Compliance and
4 Mitigation Program ~~education and outreach projects from the~~
5 ~~proceeds of contractor licensing fees and identify, solicit,~~
6 ~~and accept funds from other sources for education and outreach~~
7 ~~projects.~~

8 ~~(7)(9)~~ If the funds collected for education and
9 ~~outreach projects provided through the Florida Building Code~~
10 Compliance and Mitigation Program in any state fiscal year do
11 not require the use of all available funds, the unused funds
12 shall be carried forward and allocated for use during the
13 following fiscal year.

14 (8) The Florida Building Commission shall provide by
15 rule for the accreditation of courses related to the Florida
16 Building Code by accreditors approved by the commission. The
17 commission shall establish qualifications of accreditors and
18 criteria for the accreditation of courses by rule. The
19 commission may revoke the accreditation of a course by an
20 accreditor if the accreditation is demonstrated to violate
21 this part or the rules of the commission.

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

25 ~~(10) The commission shall consider and approve or~~
26 ~~reject the recommendations made by the council for subjects~~
27 ~~for education and outreach concerning the Florida Building~~
28 ~~Code. Any rejection must be made with specificity and must be~~
29 ~~communicated to the council.~~

30 ~~(11) The commission shall adopt rules for establishing~~
31 ~~procedures and criteria for the approval of advanced courses.~~

1 ~~This section does not modify or eliminate the continuing~~
2 ~~education course requirements or authority of any licensing~~
3 ~~board under part XII of chapter 468, chapter 471, chapter 481,~~
4 ~~or chapter 489.~~

5 Section 8. Paragraph (a) of subsection (5) and
6 subsection (7) of section 553.842, Florida Statutes, are
7 amended, and subsection (16) is added to that section to read:

8 553.842 Product evaluation and approval.--

9 (5) Statewide approval of products, methods, or
10 systems of construction may be achieved by one of the
11 following methods. One of these methods must be used by the
12 commission to approve the following categories of products:
13 panel walls, exterior doors, roofing, skylights, windows,
14 shutters, and structural components as established by the
15 commission by rule.

16 (a) Products for which the code establishes
17 standardized testing or comparative or rational analysis
18 methods shall be approved by submittal and validation of one
19 of the following reports or listings indicating that the
20 product or method or system of construction was evaluated to
21 be in compliance with the Florida Building Code and that the
22 product or method or system of construction is, for the
23 purpose intended, at least equivalent to that required by the
24 Florida Building Code:

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

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

29 3. A product evaluation report based upon testing or
30 comparative or rational analysis, or a combination thereof,
31 from an approved product evaluation entity; or

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

5
6 A product evaluation report or a certification mark or listing
7 of an approved certification agency which demonstrates that
8 the product or method or system of construction complies with
9 the Florida Building Code for the purpose intended shall be
10 equivalent to a test report and test procedure as referenced
11 in the Florida Building Code.

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

22 (16) The commission may adopt a rule that identifies
23 standards that are equivalent to or more stringent than those
24 specifically adopted by the code, thereby allowing the use in
25 this state of the products that comply with the equivalent
26 standard.

27 Section 9. Subsections (2) and (6) of section 633.081,
28 Florida Statutes, are amended to read:

29 633.081 Inspection of buildings and equipment; orders;
30 firesafety inspection training requirements; certification;
31 disciplinary action.--The State Fire Marshal and her or his

1 agents shall, at any reasonable hour, when the department has
2 reasonable cause to believe that a violation of this chapter
3 or s. 509.215, or a rule promulgated thereunder, or a minimum
4 firesafety code adopted by a local authority, may exist,
5 inspect any and all buildings and structures which are subject
6 to the requirements of this chapter or s. 509.215 and rules
7 promulgated thereunder. The authority to inspect shall extend
8 to all equipment, vehicles, and chemicals which are located
9 within the premises of any such building or structure.

10 (2) Every firesafety inspection conducted pursuant to
11 state or local firesafety requirements shall be by a person
12 certified as having met the inspection training requirements
13 set by the State Fire Marshal. Such person shall:

14 (a) Be a high school graduate or the equivalent as
15 determined by the department;

16 (b) Not have been found guilty of, or having pleaded
17 guilty or nolo contendere to, a felony or a crime punishable
18 by imprisonment of 1 year or more under the law of the United
19 States, or of any state thereof, which involves moral
20 turpitude, without regard to whether a judgment of conviction
21 has been entered by the court having jurisdiction of such
22 cases;

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

25 (d) Have good moral character as determined by the
26 department;

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

28 (f) Have satisfactorily completed the firesafety
29 inspector certification examination as prescribed by the
30 department; and
31

1 (g)1. Have satisfactorily completed, as determined by
2 the department, a firesafety inspector training program of not
3 less than 200 hours, ~~as~~ established by the department and
4 administered by ~~such~~ agencies and institutions ~~as~~ approved by
5 the department for the purpose of providing basic
6 certification training for firesafety inspectors; or

7 2. Have received in another state training which is
8 determined by the department to be at least equivalent to that
9 required by the department for approved firesafety inspector
10 education and training programs in this state.

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

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

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

20 (c) Falsification of records relating to the
21 certificate.

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

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

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

29 (g) Making or filing a report or record that the
30 certificateholder knows to be false, or knowingly inducing
31 another to file a false report or record, or knowingly failing

1 to file a report or record required by state or local law, or
2 knowingly impeding or obstructing such filing, or knowingly
3 inducing another person to impede or obstruct such filing.

4 (h) Failing to properly enforce applicable fire codes
5 or permit requirements within this state which the
6 certificateholder knows are applicable by committing willful
7 misconduct, gross negligence, gross misconduct, repeated
8 negligence, or negligence resulting in a significant danger to
9 life or property.

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

19 Section 10. Subsection (9) of section 633.521, Florida
20 Statutes, is amended, and subsection (11) is added to that
21 section, to read:

22 633.521 Certificate application and issuance; permit
23 issuance; examination and investigation of applicant.--

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

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

3 (11) It is intended that a certificateholder, or a
4 permitholder who is employed by a certificateholder, conduct
5 inspections required by this chapter. It is understood that
6 after July 1, 2008, employee turnover may result in a
7 depletion of personnel who are certified under the NICET
8 Sub-field of Inspection and Testing of Fire Protection Systems
9 Level II which is required for permitholders. The extensive
10 training and experience necessary to achieve NICET Level II
11 certification is recognized. A certificateholder may therefore
12 obtain a provisional permit with an endorsement for
13 inspection, testing, and maintenance of water-based fire
14 extinguishing systems for an employee if the employee has
15 initiated procedures for obtaining Level II certification from
16 the National Institute for Certification in Engineering
17 Technologies Sub-field of Inspection and Testing of Fire
18 Protection Systems and achieved Level I certification. After 2
19 years of provisional certification, the employee must have
20 achieved NICET Level II certification or cease performing
21 inspections requiring Level II certification. The provisional
22 permit is valid only for the 2 calendar years after the date
23 of issuance, may not be extended, and is not renewable. After
24 the initial 2-year provisional permit expires, the
25 certificateholder must wait 2 additional years before a new
26 provisional permit may be issued. The intent is to prohibit
27 the certificateholder from using employees who never reach
28 NICET Level II status by continuously obtaining provisional
29 permits.

30 Section 11. Subsection (4) of section 633.537, Florida
31 Statutes, is amended to read:

1 633.537 Certificate; expiration; renewal; inactive
2 certificate; continuing education.--

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

20 Section 12. The Florida Building Commission shall
21 review modifications 2151, 2152, 2153 and 2492, reviewed by
22 the commission's technical advisory committee. The commission
23 shall take public comment on these modifications, including
24 the need for the modifications, how the modifications will
25 affect the health, safety, and welfare of the residents of
26 this state, and the continuing need for any Florida-specific
27 requirement of the code which the modifications seek to
28 repeal. Notwithstanding s. 553.73, Florida Statutes, the
29 commission may adopt or modify the modifications in response
30 to the public comments subject only to the rule-adoption
31

1 procedures of chapter 120, Florida Statutes, for inclusion in
2 the next edition of the Florida Building Code.

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

21 Section 14. The sum of \$1 million is appropriated from
22 the Department of Community Affairs Operating Trust Fund for
23 the 2007-2008 fiscal year for the purpose of implementing and
24 administering s. 553.841, Florida Statutes, relating to the
25 Florida Building Code Compliance and Mitigation Program.

26 Section 15. This act shall take effect upon becoming a
27 law.

31