

Committee Substitute for
Committee Substitute for Senate Bill No. 2836

An act relating to the Florida Building Commission; requiring the commission to review the requirements in the National Electrical Code which relate to bonding and grounding systems for swimming pools; authorizing the commission to adopt a rule for bonding and grounding which is an alternative to that of the National Electric Code; requiring the commission to make certain determinations before eliminating gravel and stone roofing systems; amending s. 468.609, F.S.; increasing the number of days a newly employed person can be a plan examiner or building inspector without certification; amending s. 553.73, F.S.; authorizing the commission to approve certain amendments to the code; amending s. 553.775, F.S.; providing that, upon written application by substantially affected persons, the Florida Building Commission must issue, or cause to be issued, a formal interpretation of the code; amending s. 553.791, F.S.; defining terms; requiring that certain forms be signed at the completion of a required inspection; requiring that a deficiency notice be posted at the job site whenever an element is found to be not in conformance with the building code or the permitting documents; providing for corrective actions; prohibiting the charging of certain fees; amending s. 553.841, F.S.; providing legislative intent regarding education and outreach for understanding the Florida Building Code; requiring the Department of Community Affairs to administer a compliance and mitigation program; requiring that the compliance and mitigation program be provided by a private, nonprofit corporation under contract with the department; requiring the department to consider certain criteria when selecting the corporation; deleting a requirement that the commission approve certain advanced modules; requiring the commission to provide certain courses to accredit persons subject to the building code; authorizing the commission to adopt rules; amending s. 553.842, F.S.; providing for certification of products; authorizing the commission to impose penalties for violation of the product validation process; amending s. 633.081, F.S.; deleting the requirement that a certified firesafety inspector be a resident of Florida; requiring that a firesafety inspector be 18 years of age or older; establishing grounds under which an inspector's license may be suspended or revoked; amending s. 633.521, F.S.; providing for provisional permits for inspectors of certain fire protection systems; providing a time limitation for such permits; amending s. 633.537, F.S.; revising continuing education requirements; requiring the commission to review certain modifications recommended by the commission's technical advisory committee; authorizing the commission to adopt or modify the modifications in response to public comments; authorizing the commission to adopt provisions preserving the use of gravel roof systems; directing the commission to work with others to review the Florida Energy Code and to compare that code to other energy efficiency codes; requiring the commission

to deliver a report to the Legislature by a specified date; providing an appropriation; providing an effective date.

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

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

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

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

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

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

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

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

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

468.609 Administration of this part; standards for certification; additional categories of certification.—

(7)

(d) A newly employed or hired person may perform the duties of a plans examiner or building code inspector for 120 ~~90~~ days if a provisional certificate application has been submitted ~~if, provided~~ such person is under the

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

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

553.73 Florida Building Code.—

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

- ~~(a) Conflicts within the updated code;~~
- ~~(b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;~~
- ~~(c) The omission of previously adopted Florida-specific amendments to the updated code if such omission is not supported by a specific recommendation of a technical advisory committee or particular action by the commission; or~~
- ~~(d) Unintended results from the integration of previously adopted Florida-specific amendments with the model code; or~~
- (e) Changes to federal or state law.

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

553.775 Interpretations.—

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

(d) Upon written application by any substantially affected person, contractor, or designer, or a group representing a substantially affected person,

contractor, or designer, the commission shall issue or cause to be issued a formal interpretation of the Florida Building Code as prescribed by paragraph (c).

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

553.791 Alternative plans review and inspection.—

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

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

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

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

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

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

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

~~(g)~~(e) “Local building official” means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision

of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

(h)(f) “Permit application” means a properly completed and submitted application for the requested building or construction permit, including:

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

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

(j)(h) “Request for certificate of occupancy or certificate of completion” means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.
2. A certificate of compliance from the private provider required under ~~pursuant to~~ subsection (11).
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

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

(2) Notwithstanding any other ~~provision of~~ law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner’s contractor upon written authorization from the fee owner, may choose to use a private provider to provide building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a written contract between the private provider, or the private provider’s firm, and the fee owner or the fee owner’s contractor, upon written authorization of the fee owner. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner’s contractor uses a private provider to provide plans review, the local building official, in his or her

discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

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

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

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

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

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

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

owner's contractor shall post at the project site, prior to the commencement of construction and updated within 1 business day after any change, on a form to be adopted by the commission, the name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform building code inspection services, the type of service being performed, and similar information for the primary contact of the private provider on the project.

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

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

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

agency any condition that poses an immediate threat to public safety and welfare.

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

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

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

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

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

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

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

(b) A local enforcement agency, local building official, or local government may establish, for private providers and duly authorized representatives working within that jurisdiction, a system of registration to verify

compliance with the licensure requirements of paragraph (1)(g) and the insurance requirements of subsection (16).

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

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

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

553.841 Building code compliance and mitigation program education and outreach program.—

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

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

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

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

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

(c) Serve as a clearinghouse to deliver education and outreach throughout the state. The clearinghouse must serve as a focal point at which persons licensed to design, construct, and enforce building codes and suppliers and consumers can find each other in order to exchange information relating to mitigation and facilitate repairs in the aftermath of a natural disaster;

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

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

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

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

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

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

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

- ~~(f) One architect representative of the Board of Architecture and Interior Design, selected by that board;~~
- ~~(g) One interior designer representative of the Board of Architecture and Interior Design, selected by that board;~~
- ~~(h) One representative of the Board of Landscape Architecture, selected by that board;~~
- ~~(i) One representative from the office of the State Fire Marshal, selected by that office; and~~
- ~~(j) One representative with experience and expertise in K-12 public school construction.~~

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

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

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

- ~~(a) Consider and determine any policies or procedures needed to administer ss. 489.109(3) and 489.509(3).~~
- ~~(b) Administer the provisions of this section.~~
- ~~(c) Determine the areas of priority for which funds should be expended for education and outreach.~~
- ~~(d) Review all proposed subjects for advanced courses concerning the Florida Building Code and recommend to the commission any related subjects that should be approved for advanced courses.~~

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

- ~~(a) A core curriculum that is prerequisite to the advanced module coursework.~~
- ~~(b) Advanced modules designed for use by each profession.~~
- ~~(c) The core curriculum developed under this subsection must be approved by the commission and submitted to the Department of Business and~~

Professional Regulation for approval. Advanced modules developed under this paragraph must be approved by the commission and submitted to the respective boards for approval.

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

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

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

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

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

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

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

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

553.842 Product evaluation and approval.—

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

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

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

2. A test report from an approved testing laboratory;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Falsification of records relating to the certificate.

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

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

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

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

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

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

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

633.521 Certificate application and issuance; permit issuance; examination and investigation of applicant.—

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

(11) It is intended that a certificateholder, or a permitholder who is employed by a certificateholder, conduct inspections required by this chapter. It is understood that after July 1, 2008, employee turnover may result in a depletion of personnel who are certified under the NICET Sub-field of Inspection and Testing of Fire Protection Systems Level II which is required for permitholders. The extensive training and experience necessary to

achieve NICET Level II certification is recognized. A certificateholder may therefore obtain a provisional permit with an endorsement for inspection, testing, and maintenance of water-based fire extinguishing systems for an employee if the employee has initiated procedures for obtaining Level II certification from the National Institute for Certification in Engineering Technologies Sub-field of Inspection and Testing of Fire Protection Systems and achieved Level I certification. After 2 years of provisional certification, the employee must have achieved NICET Level II certification or cease performing inspections requiring Level II certification. The provisional permit is valid only for the 2 calendar years after the date of issuance, may not be extended, and is not renewable. After the initial 2-year provisional permit expires, the certificateholder must wait 2 additional years before a new provisional permit may be issued. The intent is to prohibit the certificateholder from using employees who never reach NICET Level II status by continuously obtaining provisional permits.

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

633.537 Certificate; expiration; renewal; inactive certificate; continuing education.—

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

Section 12. The Florida Building Commission shall review modifications 2151, 2152, 2153 and 2492, reviewed by the commission's technical advisory committee. The commission shall take public comment on these modifications, including the need for the modifications, how the modifications will affect the health, safety, and welfare of the residents of this state, and the continuing need for any Florida-specific requirement of the code which the modifications seek to repeal. Notwithstanding s. 553.73, Florida Statutes, the commission may adopt or modify the modifications in response to the public comments subject only to the rule-adoption procedures of chapter 120, Florida Statutes, for inclusion in the next edition of the Florida Building Code.

Section 13. The Florida Building Commission shall, in consultation with the Florida Energy Commission, the Building Officials Association of Florida, the Florida Energy Office, the Florida Home Builders Association, the

Florida Association of Counties, the Florida League of Cities, and other stakeholders, review the Florida Energy Code for new building construction. Specifically, the commission must evaluate the analysis of the cost-effectiveness that serves as the basis for energy-efficiency levels for residential buildings, identify cost-effective means to improve energy efficiency in commercial buildings, and compare the findings to the International Energy Conservation Code and the American Society of Heating, Air Conditioning, and Refrigeration Engineers Standards 90.1 and 90.2. The commission must complete and present a report to the Legislature no later than March 1, 2008. The report must include a new energy-efficiency standard that may be adopted for the construction of all new residential, commercial, and government buildings.

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

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

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.