

Committee Substitute for Committee Substitute for  
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Senate Bill No. 442

An act relating to building safety; amending s. 215.559, F.S.; requiring that a specified percentage of the funds appropriated under the Hurricane Loss Mitigation Program be used for education concerning the Florida Building Code and for the operation of the disaster contractors network; requiring the Department of Community Affairs to contract with a nonprofit tax-exempt entity for training, development, and coordination; providing that the Office of Insurance Regulation make recommendations to the insurance industry based on a report regarding the Hurricane Loss Mitigation Program by the Department of Community Affairs; amending s. 400.23, F.S.; providing that residents of nursing homes may move their beds under certain circumstances; requiring the nursing homes to notify the Agency for Health Care Administration; amending s. 468.621, F.S.; providing additional grounds for which disciplinary actions may be taken against building code enforcement officials; amending ss. 471.033 and 481.225, F.S.; providing criminal penalties for performing building inspections under certain circumstances; amending s. 489.537, F.S.; providing that certain alarm system contractors and electrical contractors may not be required by a municipality or county to obtain additional certification or meet additional licensure requirements; amending s. 553.73, F.S.; specifying certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code; providing requirements for amendments to the foundation codes; providing for the incorporation of certain statements, decisions, and amendments into the Florida Building Code; providing a timeframe for rule updates to the Florida Building Code to become effective; adding a requirement for technical amendments to the Florida Building Code; providing requirements for the Florida Building Commission in reviewing code amendments; providing an exception; incorporating by reference certain standards for unvented conditioned attic assemblies; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; authorizing local building departments or other entities to approve changes to an approved building plan; providing that a member shall abstain from voting under certain circumstances; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies; providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; authorizing the commission to adopt a fee; amending s. 553.79, F.S.; exempting truss-placement plans from

certain requirements; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 553.80, F.S.; providing that certain buildings are exempt from the building code; providing that universities and colleges may create a board of adjustment; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; conforming a cross-reference; requiring the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; exempting certain buildings of the Department of Agriculture and Consumer Services from local permitting requirements, review, or fees; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; amending s. 553.841, F.S.; revising provisions governing the Building Code Training Program; creating the Building Code Education and Outreach Council to coordinate, develop, and ensure enforcement of the Florida Building Code; providing for membership, terms of office, and meetings; providing duties of the council; providing for administrative support for the council; requiring the council to develop a core curriculum and equivalency test for specified licensees; providing for the use of funds by the council; repealing s. 553.8413, F.S., relating to the Education Technical Advisory Committee; amending s. 553.842, F.S.; providing for products to be approved for statewide use; deleting an obsolete date; deleting a provision requiring the commission to adopt certain criteria for local program verification and validation by rule; adding an evaluation entity to the list of entities specifically approved by the commission; deleting a requirement that the commission establish a schedule for adopting rules relating to product approvals under certain circumstances; authorizing the commission to adopt rules relating to material standards; amending s. 633.025, F.S.; providing that local governments may adopt fire sprinkler requirements under certain circumstances; creating s. 633.026, F.S.; requiring that the State Fire Marshal establish by rule a process for rendering nonbinding interpretations of the Florida Fire Prevention Code; authorizing the State Fire Marshal to enter into contracts and refer interpretations to a nonprofit organization; providing for the interpretations to be advisory; providing for establishing a fee by department rule; pro-

viding requirements for local product approval of products or systems of construction; specifying methods for demonstrating compliance with the structural windload requirements of the Florida Building Code; providing for certification to be issued by a professional engineer or registered architect; providing for audits under a quality assurance program and other types of certification; providing that changes to the Florida Building Code do not void the approval of previously installed products; providing for guidelines for the mitigation grant program; amending s. 633.021, F.S.; redefining terms used in ch. 633, F.S.; amending s. 633.0215, F.S.; revising provisions relating to the construction of townhouse stairs; amending s. 633.071, F.S.; requiring inspection tags to be attached to all fire protection systems; providing for the standardization of inspection tags and reports; amending s. 633.082, F.S.; requiring fire protection systems to be inspected in accordance with nationally accepted standards; amending s. 633.521, F.S.; establishing a permit classification for individuals who inspect fire protection systems; amending s. 633.524, F.S.; establishing fees for various classes of permits; amending s. 633.537, F.S.; establishing continuing education requirements; amending s. 633.539, F.S.; requiring fire protection systems to be inspected, serviced, or maintained by a permit holder; establishing the scope of work criteria; amending s. 633.547, F.S.; providing for disciplinary action; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; providing for the Florida Building Commission to adopt amendments to the Florida Building Code relating to water intrusion and roof-covering attachment; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date for the Florida Building Code; granting certain design professionals the choice of having certain projects governed under the 2004 edition of the code; repealing s. 553.851, F.S., relating to the protection of underground gas pipelines; amending s. 489.103, F.S.; exempting a disaster recovery organization or a not-for-profit organization assisting with post-disaster repair or replacement of certain residential structures from part I of ch. 489, F.S., relating to regulation of contractors, under certain circumstances; providing that certain storage buildings whose sale, delivery, assembly, or tie-down are exempt from such part; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code relating to mezzanine size and use; requiring the Florida Building Commission to convene a workgroup to study the recommendation for a single validation entity; requiring the Florida Building Commission to amend certain

provisions of the Florida Building Code relating to fire safety in certain occupancies or exit doors of certain occupancies; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; requiring the adoption of rules; requiring a public pool to be serviced by a certified pool service technician; requiring the Florida Building Commission to review certain provisions of the Florida Building Code; providing for public comments; providing for rulemaking authority; providing effective dates.

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

Section 1. Paragraph (a) of subsection (2) and subsections (3) and (4) of section 215.559, Florida Statutes, are amended, present subsection (7) of that section is redesignated as subsection (8) and amended, present subsections (5) and (6) of that section are redesignated as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

215.559 Hurricane Loss Mitigation Program.—

(2)(a) Seven million dollars in funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; educating persons concerning the Florida Building Code cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(3) Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures. The administrative entity working with the advisory council set up under subsection (5) shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.

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

(5) An amount equal to fifteen percent of the total appropriation in paragraph (2)(a) shall be used for education awareness concerning the Florida Building Code and the operation of the disaster contractors network. Not more than 30 days after the effective date of each subsequent appropriation, the Department of Community Affairs shall contract with a nonprofit tax-exempt entity having prior contracting experience with building code training, development, and coordination and whose membership is representative of all of the statewide construction and design licensee associations. The entity shall allocate 20 percent of these resources to the disaster contractors network for the education of the construction industry and hurricane response if needed to coordinate the industry in the event of a natural disaster. The entity shall allocate 20 percent of these resources to the largest residential construction trade show in the state for the education of the residential construction industry on building code and mitigation issues. The remaining resources shall be used by the entity for outreach building code activities after consultation with the building code program under the Florida Building Commission as provided for in s. 553.841.

[Subsection (5) of section 1. of ch. 2005-147, Laws of Florida, has been vetoed by the Governor.]

~~(8)~~(7) On January 1st of each year, the Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. Upon completion of the report, the Department of Community Affairs shall deliver the report to the Office of Insurance Regulation. The Office of Insurance Regulation shall review the report and shall make such recommendations available to the insurance industry as the Office of Insurance Regulation deems appropriate. These recommendations may be used by insurers for potential discounts or rebates pursuant to s. 627.0629. The Office of Insurance Regulation shall make the recommendations within 1 year after receiving the report.

Section 2. Paragraph (a) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location of the facility and housing conditions that will ensure the health, safety, and comfort of residents, including an adequate call system. In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. In performing any inspections of facilities

authorized by this part, the agency may enforce the special-occupancy provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to nursing homes. Residents or their representatives shall be able to request a change in the placement of the bed in their room, provided that at admission they are presented with a room that meets requirements of the Florida Building Code. The location of a bed may be changed if the requested placement does not infringe on the resident's roommate or interfere with the resident's care or safety as determined by the care planning team in accordance with facility policies and procedures. In addition, the bed placement may not be used as a restraint. Each facility shall maintain a log of resident rooms with beds that are not in strict compliance with the Florida Building Code in order for such log to be used by surveyors and nurse monitors during inspections and visits. A resident or resident representative who requests that a bed be moved shall sign a statement indicating that he or she understands the room will not be in compliance with the Florida Building Code, but they would prefer to exercise their right to self-determination. The statement must be retained as part of the resident's care plan. Any facility that offers this option must submit a letter signed by the nursing home administrator of record to the agency notifying it of this practice with a copy of the policies and procedures of the facility. The agency is directed to provide assistance to the Florida Building Commission in updating the construction standards of the code relative to nursing homes.

Section 3. Paragraph (i) of subsection (1) of section 468.621, Florida Statutes, is amended, and paragraph (j) is added to that subsection, to read:

468.621 Disciplinary proceedings.—

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

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

(j) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

Section 4. Paragraph (l) is added to subsection (1) of section 471.033, Florida Statutes, to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(l) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

Section 5. Paragraph (l) is added to subsection (1) of section 481.225, Florida Statutes, to read:

481.225 Disciplinary proceedings against registered architects.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(1) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

Section 6. Paragraph (a) of subsection (3) of section 489.537, Florida Statutes, is amended to read:

489.537 Application of this part.—

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

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

Section 7. Paragraph (c) of subsection (4), subsection (6), and paragraphs (a) and (c) of subsection (7) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(4)

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

(6)(a) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. When updating the Florida Building Code, the commission shall select the most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are adopted by the International Code Council, and the National Electrical Code, which is adopted by the National Fire Protection Association, to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the International Code Council and made available to the public at least 6 months prior to its selection by the commission.

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

(c) The commission may modify any portion of the foundation codes only as needed to accommodate the specific needs of this state, maintaining

Florida-specific amendments previously adopted by the commission and not addressed by the updated foundation code. Standards or criteria referenced by the codes shall be incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3)(a)-(d). Amendments to the foundation codes which are adopted in accordance with this subsection shall be clearly marked in printed versions of the Florida Building Code so that the fact that the provisions are Florida-specific amendments to the foundation codes is readily apparent. ~~consider changes made by the adopting entity of any selected model code for any model code incorporated into the Florida Building Code, and may subsequently adopt the new edition or successor of the model code or any part of such code, no sooner than 6 months after such model code has been adopted by the adopting organization, which may then be modified for this state as provided in this section, and~~

(d) The commission shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to modify the foundation codes to accommodate the specific needs of the state. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.

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

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

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

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

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

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



5.4. Does not degrade the effectiveness of the Florida Building Code.

Furthermore, the Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, and declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but shall do so only to the extent that incorporation of interpretations is needed to modify the foundation codes to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule pursuant to ss. 120.536(1) and 120.54, after the amendments have been subjected to the provisions of subsection (3).

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

Section 8. Section 553.77, Florida Statutes, is amended to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

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

(b) Make a continual study of the operation of the Florida Building Code and other laws relating to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, and facilities, including manufactured buildings, and code enforcement, to ascertain their effect upon the cost of building construction and determine the effectiveness of their provisions. Upon updating the Florida Building Code every 3 years, the commission shall review existing provisions of law and make recommendations to the Legislature for the next regular session of the Legislature regarding provisions of law that should be revised or repealed to ensure consistency with the Florida Building Code at the point the update goes into effect. State agencies and local jurisdictions shall provide such information as requested by the commission for evaluation of and recommendations for improving the effectiveness of the system of building code laws for reporting to the Legislature annually. Failure to comply with this or other requirements of this act must be reported to the Legislature for further action. Any proposed legislation providing for the revision or repeal of existing laws and rules relating to technical requirements applicable to building structures or facilities should expressly state that such legislation is not intended to imply any repeal or sunset of existing general or

special laws governing any special district that are not specifically identified in the legislation.

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

~~(d) Upon written application by any substantially affected person, state agency, or a local enforcement agency, issue declaratory statements pursuant to s. 120.565 relating to the enforcement or administration by local governments of the Florida Building Code. Paragraph (h) provides the exclusive remedy for addressing local interpretations of the code.~~

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

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

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

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

~~1. Local decisions declaring structures to be unsafe and subject to repair or demolition shall not be appealable to the commission if the local governing body finds there is an immediate danger to the health and safety of its citizens.~~

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

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

(f)(i) Determine the types of products which may be approved by the commission requiring approval for local or statewide use and shall provide

for the evaluation and approval of such products, materials, devices, and method of construction for statewide use. The commission may prescribe by rule a schedule of reasonable fees to provide for evaluation and approval of products, materials, devices, and methods of construction. Evaluation and approval shall be by action of the commission or delegated pursuant to s. 553.842. This paragraph does not apply to products approved by the State Fire Marshal.

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

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

1. Minimum postdisaster structural, electrical, and plumbing inspections and procedures.
2. Emergency permitting and inspection procedures.
3. Establishing contact with emergency management personnel and other state and federal agencies.

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

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

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

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

~~(2) Upon written application by any substantially affected person, the commission shall issue a declaratory statement pursuant to s. 120.565 relating to a state agency's interpretation and enforcement of the specific provisions of the Florida Building Code the agency is authorized to enforce. The provisions of this subsection shall not be construed to provide any powers, other than advisory, to the commission with respect to any decision of the State Fire Marshal made pursuant to the provisions of chapter 633.~~

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

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

(3)(5) The commission may provide by rule for plans review and approval of prototype buildings owned by public and private entities to be replicated throughout the state. The rule must allow for review and approval of plans and changes to approved plans for prototype buildings to be performed by a public or private entity with oversight by the commission. The department may charge reasonable fees to cover the administrative costs of the program. Such approved plans or prototype buildings shall be exempt from further review required by s. 553.79(2), except changes to the prototype design, site plans, and other site-related items. Changes to an approved plan may be approved by the local building department or by the public or private entity that approved the plan. As provided in s. 553.73, prototype buildings are exempt from any locally adopted amendment to any part of the Florida Building Code. Construction or erection of such prototype buildings is subject to local permitting and inspections pursuant to this part.

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

(5) A member of the Florida Building Commission may abstain from voting in any matter before the commission which would inure to the commissioner's special private gain or loss, which the commissioner knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, or which he or she knows would inure to the special private gain or loss of a relative or business associate of the commissioner. A commissioner shall abstain from voting under the foregoing circumstances if the matter is before the commission under ss. 120.569, 120.60, and 120.80. The commissioner shall, before the vote is taken, publicly state to the assembly the nature of the commissioner's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his other interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

~~(7) The commission shall by rule establish an informal process of rendering nonbinding interpretations of the Florida Building Code. The commission is specifically authorized to refer interpretive issues to organizations that represent those engaged in the construction industry. The commission is directed to immediately implement the process prior to the completion of formal rulemaking. It is the intent of the Legislature that the commission create a process to refer questions to a small, rotating group of individuals licensed under part XII of chapter 468, to which a party can pose questions regarding the interpretation of code provisions. It is the intent of the Legislature that the process provide for the expeditious resolution of the issues presented and publication of the resulting interpretation on the Building Code Information System. Such interpretations are to be advisory only and nonbinding on the parties or the commission.~~

Section 9. Section 553.775, Florida Statutes, is created to read:

553.775 Interpretations.—

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

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

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

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

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

(c) The commission shall review decisions of local building officials and local enforcement agencies regarding interpretations of the Florida Building Code after the local board of appeals has considered the decision, if such board exists, and if such appeals process is concluded within 25 business days.

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

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

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

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

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

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

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

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

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

3. The petitioner shall submit the petition to the local building official, who shall place the date of receipt on the petition. The local building official shall respond to the petition in accordance with the form and shall return the petition along with his or her response to the petitioner within 5 days after receipt, exclusive of Saturdays, Sundays, and legal holidays. The petitioner may file the petition with the commission at any time after the local building official provides a response. If no response is provided by the local

building official, the petitioner may file the petition with the commission 10 days after submission of the petition to the local building official and shall note that the local building official did not respond.

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

5. The panel shall conduct proceedings as necessary to resolve the issues; shall give due regard to the petitions, the response, and to comments posed on the Building Code Information System; and shall issue an interpretation regarding the provisions of the Florida Building Code within 21 days after the filing of the petition. The panel shall render a determination based upon the Florida Building Code or, if the code is ambiguous, the intent of the code. The panel's interpretation shall be provided to the commission, which shall publish the interpretation on the Building Code Information System and in the Florida Administrative Weekly. The interpretation shall be considered an interpretation entered by the commission, and shall be binding upon the parties and upon all jurisdictions subject to the Florida Building Code, unless it is superseded by a declaratory statement issued by the Florida Building Commission or by a final order entered after an appeal proceeding conducted in accordance with subparagraph 7.

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

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

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

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

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

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

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

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

(g) The commission shall by rule establish an informal process of rendering nonbinding interpretations of the Florida Building Code. The commission is specifically authorized to refer interpretive issues to organizations that represent those engaged in the construction industry. The commission shall immediately implement the process before completing formal rulemaking. It is the intent of the Legislature that the commission create a process to refer questions to a small, rotating group of individuals licensed under part XII of chapter 468, to which a party may pose questions regarding the interpretation of code provisions. It is the intent of the Legislature that the process provide for the expeditious resolution of the issues presented and publication of the resulting interpretation on the Building Code Information System. Such interpretations shall be advisory only and nonbinding on the parties and the commission.

(4) In order to administer this section, the commission may adopt by rule and impose a fee for binding interpretations to recoup the cost of the proceedings which may not exceed \$250 for each request for a review or interpretation. For proceedings conducted by or in coordination with a third party, the rule may provide that payment be made directly to the third party, who shall remit to the department that portion of the fee necessary to cover the costs of the department.

Section 10. Subsection (14) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(14) Certifications by contractors authorized under the provisions of s. 489.115(4)(b) shall be considered equivalent to sealed plans and specifications by a person licensed under chapter 471 or chapter 481 by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind resistance provisions of the code or alternate methodologies approved by the commission for one and two family dwellings. Local enforcement agencies may rely upon such certification by contractors that



the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under chapter 471, chapter 481, or chapter 489. A truss-placement plan is not required to be signed and sealed by an engineer or architect unless prepared by an engineer or architect or specifically required by the Florida Building Code.

Section 11. Paragraph (f) of subsection (1), subsections (2) and (4), paragraph (a) of subsection (6), and subsections (7), (9), (11), (12), (14), (15), and (17) 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:

(f) “Permit application” means a properly completed and submitted application for:

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

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

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

~~3.4.~~ Any applicable fees.

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

(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. The fee owner may elect to use a private provider to provide ~~either~~ 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 who desires to use a private provider to use the private provider to also provide both plans review and required building inspections inspection services.

(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. 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.

(6)(a) No more than ~~Within~~ 30 business days after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (5), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan

features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 30-day period, the permit application shall be deemed approved as a matter of law, and the permit shall be issued by the local building official on the next business day.

(7) 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. 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) 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. 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) ~~No more than~~ Within 2 business days after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a certificate of occupancy or certificate of completion shall be deemed granted and the certificate of occupancy or certificate of completion shall be issued by the local building official on the next business day. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (12) or to submit a corrected request for a certificate of occupancy or certificate of completion.

(12) 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 such non-

compliance poses 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 pursuant to s. 553.77(1)(h).

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

(14)(a) No local enforcement agency, local building official, or local government may 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 (15).

(c) Nothing in this section limits the authority of the local building official to issue a stop-work order for a building project or any portion of 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.

(15) A private provider may perform building code inspection services on a building project under this section only if the private provider maintains insurance for professional and comprehensive general liability covering with minimum policy limits of \$1 million per occurrence relating to all services performed as a private provider. Such insurance shall have minimum policy limits of \$1 million per occurrence and \$2 million in the aggregate for any project with a construction cost of \$5 million or less and \$2 million per occurrence and \$4 million in the aggregate for any project with a construction cost of over \$5 million. Nothing in this section limits the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider

chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain, including tail coverage for a minimum of 5 years subsequent to the performance of building code inspection services. The insurance required under this subsection shall be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A. Before providing building code inspection services within a local building official's jurisdiction, a private provider must provide to the local building official a certificate of insurance evidencing that the coverages required under this subsection are in force.

(17) ~~Each local building code enforcement agency may shall develop and maintain a process to~~ 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 (8) and, subsequent to such inspection and approval, the work may not be delayed for completion of an inspection audit by the local building code enforcement agency.

Section 12. Paragraph (d) of subsection (1) and subsection (6) of section 553.80, Florida Statutes, are amended, and subsections (7) and (8) are added to that section, to read:

553.80 Enforcement.—

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

(d) Building plans approved ~~under pursuant to~~ s. 553.77(3)(5) and state-approved manufactured buildings, including buildings manufactured and assembled offsite and not intended for habitation, such as lawn storage buildings and storage sheds, are exempt from local code enforcing agency plan reviews except for provisions of the code relating to erection, assembly, or construction at the site. Erection, assembly, and construction at the site are subject to local permitting and inspections. Lawn storage buildings and storage sheds bearing the insignia of approval of the department are not subject to s. 553.842. Such buildings that do not exceed 400 square feet may be delivered and installed without need of a contractor's or specialty license.

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

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

(a) 1. State universities, state community colleges, or public school districts shall conduct plan review and construction inspections to enforce building code compliance for their building projects that are subject to the Florida Building Code. These ~~Such~~ entities must ~~shall~~ use personnel or contract providers appropriately certified under part XII of chapter 468 to perform the plan reviews and inspections required by the code. Under these ~~such~~ arrangements, the ~~such~~ entities are ~~are~~ shall not be subject to local government permitting requirements, plans review, and inspection fees. State universities, state community colleges, and public school districts are ~~are~~ shall be liable and responsible for all of their buildings, structures, and facilities. ~~Nothing in This paragraph does not shall be construed to limit the authority of the county, municipality, or code enforcement district to ensure that buildings, structures, and facilities owned by these such entities comply with the Florida Building Code or to limit the authority and responsibility of the fire official to conduct firesafety inspections under pursuant to chapter 633.~~

2. In order to enforce building code compliance independent of a county or municipality, a state university, community college, or public school district may create a board of adjustment and appeal to which a substantially affected party may appeal an interpretation of the Florida Building Code which relates to a specific project. The decisions of this board, or, in its absence, the decision of the building code administrator, may be reviewed under s. 553.775.

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

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

2. Counties and municipalities shall expedite building construction permitting, building plans review, and inspections of projects of state universities, state community colleges, and public school districts that ~~which~~ are subject to the Florida Building Code according to guidelines established by the Florida Building Commission.

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

(c) The Florida Building Commission and code enforcement jurisdictions shall consider balancing code criteria and enforcement to unique functions,

where they occur, of research institutions by application of performance criteria in lieu of prescriptive criteria.

(d) School boards, community college boards, and state universities may use annual facility maintenance permits to facilitate routine maintenance, emergency repairs, building refurbishment, and minor renovations of systems or equipment. The amount expended for maintenance projects may not exceed \$200,000 per project. A facility maintenance permit is valid for 1 year. A detailed log of alterations and inspections must be maintained and annually submitted to the building official. The building official retains the right to make inspections at the facility site as he or she considers necessary. Code compliance must be provided upon notification by the building official. If a pattern of code violations is found, the building official may withhold the issuance of future annual facility maintenance permits.

~~Nothing in~~ This part may not ~~shall~~ be construed to authorize counties, municipalities, or code enforcement districts to conduct any permitting, plans review, or inspections not covered by the Florida Building Code. Any actions by counties or municipalities not in compliance with this part may be appealed to the Florida Building Commission. The commission, upon a determination that actions not in compliance with this part have delayed permitting or construction, may suspend the authority of a county, municipality, or code enforcement district to enforce the Florida Building Code on the buildings, structures, or facilities of a state university, state community college, or public school district and provide for code enforcement at the expense of the state university, state community college, or public school district.

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

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

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

1. Planning and zoning or other general government activities.
2. Inspections of public buildings for a reduced fee or no fee.
3. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.
4. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in paragraph (a).

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

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

Section 13. Paragraph (c) is added to subsection (17) of section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(17) FLORIDA BUILDING COMMISSION.—

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

Section 14. Section 553.841, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 533.841, F.S., for present text.)

553.841 Building code education and outreach program.—

(1) The Legislature finds that 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) 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) 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.

(6) The 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.

(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.

(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 council shall determine the amount of funds available for 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.

(9) If funds collected for education and outreach projects in any 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.

(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 15. Section 553.8413, Florida Statutes, is repealed.

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

553.842 Product evaluation and approval.—

(3) Products or methods or systems of construction that require approval under s. 553.77, that have standardized testing or comparative or rational analysis methods established by the code, and that are certified by an approved product evaluation entity, testing laboratory, or certification agency as complying with the standards specified by the code shall be approved for local or statewide use. Products required to be approved for statewide use shall be approved by one of the methods established in subsection (6) without further evaluation.

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

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

~~(5)(6)~~ Statewide ~~or local~~ 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 ~~local officials or~~ 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;
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.

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

1. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity indicating that the product or method or system of construction was evaluated to be in compliance with the intent of 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; or
2. 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, who certifies 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.

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

~~(7)(8)~~ For local approvals, validation shall be performed by the local building official. The commission shall adopt by rule criteria constituting complete validation by the local official, including, but not limited to, criteria governing verification of a quality assurance program. 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.

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

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

~~(16) The commission may adopt a rule listing the prescriptive, material standards and alternative means by which products subject to those standards may demonstrate compliance with the code. The commission shall establish a schedule for adoption of the rules required in this section to ensure that the product manufacturing industry has sufficient time to revise products to meet the requirements for approval and submit them for testing or evaluation before the system takes effect on October 1, 2003, and to ensure that the availability of statewide approval is not delayed.~~

Section 17. Subsection (9) of section 633.025, Florida Statutes, is amended, and subsection (10) is added to that section to read:

633.025 Minimum firesafety standards.—

(9) The provisions of the Life Safety Code shall not apply to newly constructed one-family and two-family dwellings. However, fire sprinkler protection may be permitted by local government in lieu of other fire protection-related development requirements for such structures. While local governments may adopt fire sprinkler requirements for one and two-family dwellings under this subsection, it is the intent of the Legislature that the economic consequences of the fire sprinkler mandate on home owners be studied before the enactment of such a requirement. After the effective date of this act, any local government that desires to adopt a fire sprinkler requirement on one or two-family dwellings must prepare an economic cost and benefit report that analyzes the application of fire sprinklers to one or two-family dwellings or any proposed residential subdivision. The report must consider the tradeoffs and specific cost-savings and benefits of fire sprinklers for future owners of property. The report must include an assessment of the cost savings from any reduced or eliminated impact fees if applicable, the reduction in special fire district tax, insurance fees, and other taxes or fees imposed, and the waiver of certain infrastructure requirements including the reduction of roadway widths, the reduction of water line sizes, increased fire hydrant spacing, increased dead-end road way length and a reduction in cul-de-sac sizes relative to the costs from fire sprinkling. A

failure to prepare an economic report shall result in the invalidation of the fire sprinkler requirement to any one or two-family dwelling or any proposed subdivision. In addition, a local jurisdiction or utility may not charge any additional fee, above what is charged to a non-fire sprinklered dwelling, on the basis that a one or two-family dwelling unit is protected by a fire sprinkler system.

(10) Before imposing a fire sprinkler requirement on any one or two-family dwelling, a local government must provide the owner of any one or two-family dwelling a letter documenting specific infrastructure or other tax or fee allowances and waivers that are listed in but not limited to those described in subsection (9) for the dwelling. The documentation must show that the cost savings reasonably approximate the cost of the purchase and installation of a fire protection system.

Section 18. Section 633.026, Florida Statutes, is created to read:

633.026 Informal interpretations of the Florida Fire Prevention Code.— The Division of State Fire Marshal shall by rule establish an informal process of rendering nonbinding interpretations of the Florida Fire Prevention Code. The Division of State Fire Marshal may contract with and refer interpretive issues to a nonprofit organization that has experience in interpreting and enforcing the Florida Fire Prevention Code. The Division of State Fire Marshal shall immediately implement the process prior to the completion of formal rulemaking. It is the intent of the Legislature that the Division of State Fire Marshal create a process to refer questions to a small group of individuals certified under s. 633.081(2), to which a party can pose questions regarding the interpretation of code provisions. It is the intent of the Legislature that the process provide for the expeditious resolution of the issues presented and publication of the resulting interpretation on the website of the Division of State Fire Marshal. It is the intent of the Legislature that this program be similar to the program established by the Florida Building Commission in s. 553.77(7). Such interpretations shall be advisory only and nonbinding on the parties or the State Fire Marshal. In order to administer this section, the department may adopt by rule and impose a fee for nonbinding interpretations, with payment made directly to the third party. The fee may not exceed \$150 for each request for a review or interpretation.

Section 19. Local product approval.—

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

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

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

(c) A product-evaluation report based upon testing, comparative or rational analysis, or a combination thereof, from a commission-approved product

evaluation entity which indicates that the product evaluated complies with the code;

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

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

(f) Designation of compliance with a prescriptive, material standard adopted by the commission by rule under section 553.842(16), Florida Statutes.

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

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

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

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

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

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

#### Section 20. Mitigation Grant Program guideline.—

(1) The Legislature finds that facilities owned by the government and those designated to protect the public should be the first to adopt the best practices, active risk management, and improved security planning. These facilities should be protected to a higher level.

(2) Beginning with grant funds approved after July 1, 2005, the construction of new or retrofitted window or door covering that is funded by a hazard-mitigation grant program or shelter-retrofit program must conform to design drawings that are signed, sealed, and inspected by a structural engineer who is registered in this state. Before the Department of Community Affairs forwards payment to a recipient of the grant, an inspection report and attestation or a copy of the sign and sealed plans shall be provided to the department.

(3) If the construction is funded by a hazard mitigation grant or shelter retrofit program, the Department of Community Affairs shall advise the county, municipality, or other entity applying for the grant that the cost or price of the project is not the sole criterion for selecting a vendor.

(4) A project funded under mitigation or retrofit grants are subject to inspection by the local building officials in the county in which the project is performed.

Section 21. Notwithstanding any provision of the Florida Building Code to the contrary, backflow prevention assemblies must be inspected once every 3 years.

Section 22. Subsections (5), (14), and (18) of section 633.021, Florida Statutes, are amended to read:

633.021 Definitions.—As used in this chapter:

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

(b) “Contractor II” means a contractor whose business is limited to the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service water sprinkler systems, water spray systems, foam-water sprinkler systems, foam-water spray systems, standpipes, combination standpipes and sprinkler risers, all piping that is an integral part of the system beginning at the point of service as ~~defined in this section where the piping is used exclusively for fire protection~~, sprinkler tank heaters, air lines, thermal systems used in connection with sprinklers, and tanks and pumps connected thereto, excluding preengineered systems.

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

(d) “Contractor IV” means a contractor whose business is limited to the execution of contracts requiring the ability to lay out, fabricate, install, inspect, alter, repair, and service automatic fire sprinkler systems for detached one-family dwellings, detached two-family dwellings, and mobile homes, excluding preengineered systems and excluding single-family homes



in cluster units, such as apartments, condominiums, and assisted living facilities or any building that is connected to other dwellings.

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

The definitions in this subsection must not be construed to include fire protection engineers or architects and do not limit or prohibit a licensed fire protection engineer or architect from designing any type of fire protection system. A distinction is made between system design concepts prepared by the design professional and system layout as defined in this section and typically prepared by the contractor. However, persons certified as a Contractor I, Contractor II, or Contractor IV under this chapter may design fire protection systems of 49 or fewer sprinklers heads, and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition, or deletion of not more than 49 sprinklers heads, notwithstanding the size of the existing fire sprinkler system. A Contractor I, Contractor II, or Contractor IV may design a fire protection system the scope of which complies with NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, as adopted by the State Fire Marshal, notwithstanding the number of fire sprinklers. ~~Contractor-developed~~ Such plans may not be required by any local permitting authority to be sealed by a registered professional engineer.

(14) “Layout” as used in this chapter means the layout of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations in accordance with the design concepts established through the provisions of the Responsibility Rules adopted by the Board of Professional Engineers s. 553.79(6)(e).

(18) “Point-of-service” means the point at which the underground piping for a fire protection ~~sprinkler~~ system as defined in this section using water as the extinguishing agent becomes used exclusively for the fire protection sprinkler system. ~~The point-of-service is designated by the engineer who sealed the plans for a system of 50 or more heads or by the contractor who designed the plans for a system of 49 or fewer heads.~~

Section 23. Subsection (11) is added to section 633.0215, Florida Statutes, to read:

633.0215 Florida Fire Prevention Code.—

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

Section 24. Section 633.071, Florida Statutes, is amended to read:

633.071 Standard service tag required on all fire extinguishers and pre-engineered systems; serial number required on all portable fire extinguishers; standard inspection tags required on all fire protection systems.—

(1) The State Fire Marshal shall adopt by rule specifications as to the size, shape, color, and information and data contained thereon of service tags to be attached to all fire extinguishers and preengineered systems required by statute or by rule, whether they be portable, stationary, or on wheels when they are placed in service, installed, serviced, repaired, tested, recharged, or inspected. Fire extinguishers may be tagged only after meeting all standards as set forth by this chapter, the standards of the National Fire Protection Association, and manufacturer's specifications. Preengineered systems may be tagged only after a system has been inspected, serviced, installed, repaired, tested, recharged, and hydrotested in compliance with this chapter, the standards of the National Fire Protection Association, and the manufacturer's specifications, and after a report, as specified by rule, has been completed in detail, indicating any and all deficiencies or deviations from the manufacturer's specifications and the standards of the National Fire Protection Association. A copy of the inspection report shall be provided to the owner at the time of inspection, and, if a system is found to be in violation of this chapter, the manufacturer's specifications, or the standards of the National Fire Protection Association, a copy shall be forwarded to the state or local authority having jurisdiction within 30 days from the date of service. It shall be unlawful to place in service, service, test, repair, inspect, install, hydrotest, or recharge any fire extinguisher or preengineered system without attaching one of these tags completed in detail, including the actual month work was performed, or to use a tag not meeting the specifications set forth by the State Fire Marshal.

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

(3) The State Fire Marshal shall adopt by rule specifications as to the size, shape, color, information, and data contained thereon of inspection tags to be attached to all types of fire protection systems and information required on an inspection report of such an inspection.

Section 25. Section 633.082, Florida Statutes, is amended to read:

633.082 Inspection of fire control systems and fire protection systems.—

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

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

(3) The inspecting contractor shall provide to the building owner and the local authority having jurisdiction a copy of the inspection report established under s. 633.071(3). The maintenance of fire protection systems as well as corrective actions on deficient systems is the responsibility of the owner of the system or hydrant. This section does not prohibit governmental entities from inspecting and enforcing firesafety codes.

Section 26. Section 633.521, Florida Statutes, is amended to read:

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

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

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

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

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

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

(e) An applicant may not be examined more than four times during 1 year for certification as a contractor pursuant to this section unless the person

is or has been certified and is taking the examination to change classifications. If an applicant does not pass one or more parts of the examination, she or he may take any part of the examination three more times during the 1-year period beginning upon the date she or he originally filed an application to take the examination. If the applicant does not pass the examination within that 1-year period, she or he must file a new application and pay the application and examination fees in order to take the examination or a part of the examination again. However, the applicant may not file a new application sooner than 6 months after the date of her or his last examination.

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

(4) As a prerequisite to issuance of a certificate, the State Fire Marshal shall require the applicant to submit satisfactory evidence that she or he has obtained insurance providing coverage for comprehensive general liability for bodily injury and property damages, products liability, completed operations, and contractual liability. The State Fire Marshal may adopt rules providing for the amount of insurance, but such amount shall not be less than \$500,000 for a Contractor I, Contractor II, Contractor III, or Contractor V and shall not be less than \$250,000 for a Contractor IV. An insurer which provides such coverage shall notify within 30 days the State Fire Marshal of any material change in coverage or any termination, cancellation, or nonrenewal of such coverage. An insurer which fails to so notify the State Fire Marshal's office shall be subject to the penalties provided under s. 624.4211.

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

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

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

(8) An individual employed by a Contractor I or Contractor II certificateholder, as established in this section, who will be inspecting water-based fire protection systems as required under s. 633.082, must be issued a permit by the State Fire Marshal to conduct such work. The permit is valid solely for use by the holder thereof in his or her employment by the certificateholder named in the permit. A permittee must have a valid and subsisting permit upon his or her person at all times while engaging in inspecting fire protection systems, and a permit holder must be able to produce such a permit upon demand. In addition, a permittee shall, at all times while performing inspections, carry an identification card containing his or her photograph and other identifying information as prescribed by the State Fire Marshal, and the permittee must produce the identification card and information upon demand. The permit and the identification may be one and the same. A permittee is limited as to the specific type of work performed, depending upon the class of certificate held by the certificateholder under whom the permittee is working. The permit class shall be known as a Water-Based Fire Protection Inspector whose permit allows the holder to inspect water sprinkler systems, water spray systems, foam-water sprinkler systems, foam-water spray systems, standpipes, combination standpipes and sprinkler systems, all piping that is an integral part of the system beginning at the point where the piping is used exclusively for fire protection, sprinkler tank heaters, air lines, thermal systems used in connection with sprinklers, and tanks and pumps connected thereto, excluding preengineered systems.

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

(9) Effective July 1, 2008, the State Fire Marshal shall require the National Institute of Certification in Engineering Technologies (NICET), Subfield of Inspection and Testing of Fire Protection Systems Level II or equivalent training and education as determined by the division as proof that the permitholders are knowledgeable about nationally accepted standards for the inspection of fire protection systems. It is the intent of this act, from July 1, 2005, until July 1, 2008, to accept continuing education of all certificateholders' employees who perform inspection functions which specifically prepares the permitholder to qualify for NICET II certification.

Section 27. Section 633.524, Florida Statutes, is amended to read:

633.524 Certificate and permit fees; use and deposit of collected funds.—

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

(2) All moneys collected by the State Fire Marshal pursuant to this chapter are hereby appropriated for the use of the State Fire Marshal in the administration of this chapter and shall be deposited in the Insurance Regulatory Trust Fund.

Section 28. Subsection (4) is added to section 633.537, Florida Statutes, to read:

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

(4) The renewal period for the permit class is the same as that of the employing certificateholder. The continuing education requirements for permitholders 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. It is the responsibility of the permitholder to maintain NICET II certification as a condition of permit renewal after July 1, 2008.

Section 29. Subsection (2) of section 633.539, Florida Statutes, is amended to read:

633.539 Requirements for installation, inspection, and maintenance of fire protection systems.—

(2) Equipment shall be inspected, serviced, and maintained in accordance with the manufacturer's maintenance procedures and with applicable National Fire Protection Association standards. The inspection of fire protection systems shall be conducted by a certificateholder or holder of a

permit issued by the State Fire Marshal. The permit holder may perform inspections on fire protection systems only while employed by the certificate holder. This section does not prohibit the authority having jurisdiction or insurance company representatives from reviewing the system in accordance with acceptable oversight standards.

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

(4) The Contractor V may install the cross-connection backflow prevention device as defined in this chapter on new installations. The retrofitting of a backflow device on an existing fire protection system will cause a reduction in available water pressure and probable system malfunction. The development of aboveground fire protection system hydraulic calculations is a task of the Contractor I and II, as defined in this chapter. Accordingly, a Contractor V is expressly prohibited from retrofitting cross-connection backflow prevention devices on an existing fire protection system, and only a Contractor I or Contractor II who is tasked to recalculate the system and take corrective actions to ensure that the system will function with the available water supply may retroactively install these backflow devices on existing fire protection systems.

Section 30. Section 633.547, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

(f) Rendering a fire protection system, standpipe system, or underground water supply main connecting to the system inoperative except when the fire protection system, standpipe system, or underground water supply main is being inspected, serviced, tested, or repaired, or except pursuant to court order.

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

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

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

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

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

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

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

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

(4) During the suspension or revocation of the certificate, the former certificateholder shall not engage in or attempt to profess to engage in any transaction or business for which a certificate is required under this chapter or directly or indirectly own, control, or be employed in any manner by any firm or corporation for which a certificate under this chapter is required. The department shall not, so long as the revocation or suspension remains in effect, grant any new certificate for the establishment of any new firm, business, or corporation of any person that has or will have the same or similar management, ownership, control, or employees or that will use a same or similar name as a previously revoked or suspended firm, business, or corporation.

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

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



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

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

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

(7) The filing of a petition in bankruptcy, either voluntary or involuntary, or the making of a composition of creditors or the appointment of a receiver for the business of the certificateholder may be considered by the State Fire Marshal as just cause for suspension of a certificate.

Section 31. Subsection (4) is added to section 633.702, Florida Statutes, to read:

633.702 Prohibited acts regarding alarm system contractors or certified unlimited electrical contractors; penalties.—

(4) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person to intentionally or willfully install, service, test, repair, improve, or inspect a fire alarm system unless;

(a) The person is the holder of a valid and current active license as a certified unlimited electrical contractor, as defined in part II of chapter 489;

(b) The person is the holder of a valid and current active license as a licensed fire alarm contractor, as defined in part II of chapter 489;

(c) The person is authorized to act as a fire alarm system agent under s. 489.5185; or

(d) The person is exempt under s. 489.503.

Section 32. Upon the creation of chapter 515, Florida Statutes, the intent of the Legislature was that any swimming pool exit alarm that complied with Underwriters Laboratories Standard Number 2017 be a permissive alternative to comply with the swimming pool safety provisions in chapter 515. The Florida Building Commission shall amend the Florida Building Code to accurately reflect this intent. Notwithstanding section 553.73, Florida Statutes, the commission is required only to follow the rule adoption procedures of chapter 120, Florida Statutes, to comply herewith and must complete rulemaking before November 1, 2005. Upon publication of the applicable Notice of Rule Development in the Florida Administrative Weekly, any alarm that complies with the Underwriters Laboratories 2017 shall be allowed.

Section 33. Because of the water intrusion experienced during the recent hurricanes, the Florida Building Commission shall integrate standards pertaining to ventless attic spaces as adopted by the International Code Council into the Florida Building Code. Section 553.73, Florida Statutes, notwithstanding, the commission is authorized to adopt amendments to the Florida Building Code, 2004 edition, to integrate the provisions subject only to the rule adoption procedures contained in chapter 120, Florida Statutes. The commission must adopt the provisions into the code no later than November 1, 2005.

Section 34. The Florida Building Commission shall consider how to address the issue of water intrusion and roof-covering-attachment weaknesses experienced in recent hurricanes. Section 553.73, Florida Statutes, notwithstanding, the commission may adopt amendments to the Florida Building Code, 2004 edition, to incorporate consensus-based provisions addressing water intrusion and roof-covering attachment, subject only to the rule-adoption procedures in chapter 120, Florida Statutes.

Section 35. (1) Within 10 days of an applicant submitting an application to the local government, the local government shall advise the applicant what information, if any, is needed to deem the application properly completed in compliance with the filing requirements published by the local government. If the local government does not provide written notice that the applicant has not submitted the properly completed application, the application shall be automatically deemed properly completed and accepted. Within 45 days after receiving a completed application, a local government must notify an applicant if additional information is required for the local government to determine the sufficiency of the application, and shall specify the additional information that is required. The applicant must submit the additional information to the local government or request that the local government act without the additional information. While the applicant responds to the request for additional information, the 120-day period described in subsection (2) is tolled. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force major or other extraordinary circumstance. The local government must approve, approve with conditions, or deny the application within 120 days following receipt of a completed application.

(2) The procedures set forth in subsection (1) apply to the following building permit applications: accessory structure; alarm permit; nonresidential buildings less than 25,000 square feet; electric; irrigation permit; landscaping; mechanical; plumbing; residential units other than a single family unit; multifamily residential not exceeding 50 units; roofing; signs; site-plan approvals and subdivision plats not requiring public hearings or public notice; and lot grading and site alteration associated with the permit application set forth in this subparagraph. The procedures set forth in subsection (1) do not apply to permits for any wireless communications facilities or when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications.

Section 36. Notwithstanding subsection (3) of section 109, chapter 2000-141, Laws of Florida, when the Florida Building Commission updates the

Florida Building Code, the commission shall adopt, pursuant to section 553.73, Florida Statutes, as wind protection requirements for areas of the state not within the high velocity hurricane zone, the most current edition of the wind protection requirements of the American Society of Civil Engineers, Standard 7, as implemented by the International Building Code. This section is intended to explicitly supersede only the first sentence of subsection (3) of section 109, chapter 2000-141, Laws of Florida.

Section 37. Notwithstanding any other provision of this act, the option for designing for internal pressure for buildings within the windborne debris region shall be repealed immediately upon adoption of standards and conditions within the International Building Code or International Residential Code prohibiting such design option. The Florida Building Commission shall initiate rulemaking to incorporate such standards and conditions prohibiting designing for internal pressure for buildings into the Florida Building Code when the base code is updated.

Section 38. The Legislature appropriates \$200,000 from the Insurance Regulatory Trust Fund to the Department of Financial Services to be used to develop a joint program between the Florida Insurance Council and the Florida Home Builders Association to educate contractors on the benefits and options available for designing buildings for windborne debris protection and to develop a standardized affidavit to be used for verifying the insurance discounts for residential construction techniques demonstrated to reduce the amount of loss during a windstorm.

[Section 38 of ch. 2005-147, Laws of Florida, has been vetoed by the Governor.]

Section 39. The Florida Building Commission, in conjunction with local building officials, shall conduct a review of damage resulting from Hurricane Ivan and any other data to evaluate, and to make recommendations to the Legislature for any changes to, Florida's Building Code, specifically as it applies to the region from the eastern border of Franklin County to the Florida-Alabama line. The commission shall issue a report summarizing its findings and recommendations prior to the 2006 Regular Session.

Section 40. Notwithstanding any other provision of law to the contrary, the effective date of the Florida Building Code, 2004 Edition, shall be October 1, 2005. After July 1, 2005, a design professional who has been preparing construction documents for a project in anticipation of the Florida Building Code, 2004 edition, as adopted pursuant to Rule 9B-3.047, Florida Administrative Code, and adoption proceedings before the commission may choose to have such project governed by the 2004 edition of the Florida Building Code.

Section 41. The Florida Building Commission shall evaluate the definition of "exposure category C" as currently defined in section 553.71(10), Florida Statutes, and make recommendations for a new definition that more accurately depicts Florida-specific conditions prior to the 2006 Regular Session.

Section 42. Section 553.851, Florida Statutes, is repealed.

Section 43. Present subsection (19) of section 489.103, Florida Statutes, is amended and redesignated as subsection (20), and new subsections (19) and (21) are added to that section, to read:

489.103 Exemptions.—This part does not apply to:

(19) A disaster recovery mitigation organization or a not-for-profit organization repairing or replacing a one-family, two-family, or three-family residence that has been impacted by a disaster when such organization:

(a) Is using volunteer labor to assist the owner of such residence in mitigating unsafe living conditions at the residence;

(b) Is not holding itself out to be a contractor;

(c) Obtains all required building permits;

(d) Obtains all required building code inspections; and

(e) Provides for the supervision of all work by an individual with construction experience.

(20)(19) The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters. This exemption may not be construed to interfere with the Florida Building Code or any applicable local technical amendment to the Florida Building Code, local licensure requirements, or other local ordinance provisions.

(21) The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the Department of Community Affairs showing compliance with the Florida Building Code.

Section 44. The Florida Building Commission shall amend the Florida Building Code, 2004 edition, to allow use of enclosed and unenclosed areas under mezzanines for the purpose of calculating the permissible size of mezzanines in sprinklered S2 occupancies of Type III construction. The permissible use, as conditioned in this section, of enclosed and unenclosed space under mezzanines for the purpose of calculating mezzanine size shall be retroactive to the effective date of the 2001 Florida Building Code.

Section 45. The Florida Building Commission shall convene a workgroup composed of at least 10 stakeholders in the state system of product approval, which may include a maximum of three members of the commission to ensure diverse input. The workgroup shall study the recommendation that the state be served by a single validation entity for state approval, which study shall include, but not be limited to, the recommendation's feasibility, qualifications of the single entity and its staff, costs charged for validation, time standards for validation, means to challenge the validator's determination, and duration of the contract with the validator. The workgroup shall

conduct its proceedings in an open forum subject to comment from the public at each meeting.

Section 46. The Florida Building Commission shall modify Table 1014.1 of the Florida Building Code, 2004 edition, to include R2 and R3 occupancies in the maximum occupancy load of 50, and convert R occupancy to R1 and R4 occupancies in the maximum occupancy load of 10. The commission shall also amend Section 1014.1.2 of the Florida Building Code, 2004 edition, to add Exception 3, to read: "In R1 and R2 occupancies, the distance between exits stipulated by Section 1004.1.4 is not applicable to common nonlooped exit access corridors in a building that has corridor doors from the guest room or guest suite or dwelling unit which are arranged so that the exits are located in opposite directions from such doors.

Section 47. (1) There is created the Manufactured Housing Regulatory Study Commission. The study commission shall be composed of 11 members who shall be appointed as follows:

(a) Four members appointed by the Florida Manufactured Housing Association, one member representing publicly owned manufacturers of manufactured housing, one member representing privately owned manufacturers of manufactured housing, and two members who are retail sellers of manufactured housing, one of whom must also sell residential manufactured buildings approved by the Department of Community Affairs.

(b) Two members from the Senate, appointed by the President of the Senate.

(c) Two members from the House of Representatives, appointed by the Speaker of the House of Representatives.

(d) The secretary of the Department of Community Affairs or the secretary's designee.

(e) The executive director of the Department of Highway Safety and Motor Vehicles or the director's designee.

(f) The commissioner of the Department of Agriculture and Consumer Services or the commissioner's designee.

The commission members representing the departments of Community Affairs, Highway Safety and Motor Vehicles, and Agriculture and Consumer Services shall serve as ex officio, nonvoting members of the study commission.

(2) The study commission shall review the programs regulating manufactured and mobile homes which are currently located at the Department of Highway Safety and Motor Vehicles and must include a review of the following programs and activities:

(a) The federal construction and inspection programs.

(b) The installation program, including the regulation and inspection functions.

(c) The Mobile Home and RV Protection Trust Fund.

(d) The licensing of manufacturers, retailers, and installers of manufactured and mobile homes.

(e) The titling of manufactured and mobile homes.

(f) Dispute resolution.

During the course of the study, the study commission must review the sources funding the programs to determine if the manufactured and mobile home programs are or can be self-sustaining. The study commission shall also consider the impact that changes in regulation may have on the industry and its consumers.

(3) The study commission shall be administratively supported by the staff of the transportation committees of the Senate and the House of Representatives.

(4)(a) The study commission must hold its initial meeting no later than August 15, 2005, in Tallahassee. Staff to the commission shall schedule and organize the initial meeting. Subsequent meetings of the study commission must be held in Tallahassee according to a schedule developed by the chair.

(b) At the initial meeting, the study commission shall elect a chair from one of the elected official members.

(5) The study commission must submit a final report setting forth its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2006.

(6) Members of the study commission shall serve without compensation, but are entitled to be reimbursed for per diem and travel expenses under section 112.061, Florida Statutes.

(7) The study commission terminates after submitting its final report but not later than February 15, 2006.

Section 48. The Florida Building Commission shall review Modifications 569 and 570 adopted by the commission on October 14, 2003, and take public comment regarding those provisions. The commission shall receive public comment regarding the cost related to compliance with amendments, the capability of industry to supply products necessary for compliance and the benefit of the modifications to the health, safety, and welfare of the citizens of this state. Notwithstanding section 553.73, Florida Statutes, the commission may repeal or modify the modifications in response to the public comments subject only to the rule adoption procedures of chapter 120, Florida Statutes. Modifications 569 and 570 may not take effect until the commission has completed the review required or rulemaking initiated in response to such review, whichever is later, and sections 2304.7(3) and (5) of the International Building Code (2003), shall govern construction in this state until that time.

Section 49. This act shall take effect July 1, 2005, except for section 1 of this act, which shall take effect July 1, 2006.

Approved by the Governor June 8, 2005.

Filed in Office Secretary of State June 8, 2005.