

Committee Substitute for
Committee Substitute for Senate Bill No. 1774

An act relating to building codes; authorizing the Florida Building Commission to update and modify the standard for wind design; expressly superseding a provision; amending s. 399.15, F.S.; revising the dates by which the elevators in certain buildings must be keyed to allow regional emergency elevator access; amending s. 553.71, F.S.; deleting the definition of “exposure category C”; amending s. 553.73, F.S.; authorizing the Florida Building Commission to adopt certain limited amendments to the Florida Building Code pursuant to rule adoption procedures for certain purposes after triennial updates; authorizing authorities to enforce such amendments; specifying amendment criteria; amending s. 553.775, F.S.; prohibiting certain procedures from being invoked to interpret or review the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code; amending s. 553.791, F.S.; providing for the use of private providers of building code inspection services under certain circumstances; amending s. 633.0215, F.S.; authorizing the State Fire Marshal to adopt certain limited amendments of the Florida Fire Prevention Code pursuant to rule adoption procedures for certain purposes after triennial updates; authorizing authorities to enforce such amendments; specifying amendment criteria; deleting a provision authorizing approval of certain technical amendments to the Florida Fire Prevention Code, notwithstanding the 3-year update cycle; amending s. 633.021, F.S.; defining the term “fire hydrant” for the purpose of the Florida Fire Prevention Code; amending s. 633.082, F.S.; providing for the inspection of fire hydrants by the State Fire Marshal; requiring that each fire hydrant be opened fully at least once each year to clear foreign materials in the system; providing that a fire hydrant made nonfunctional by the closing of a water supply valve must immediately be tagged with a red tag that is boldly marked “nonfunctional”; repealing s. 633.5391, F.S., relating to backflow prevention assembly inspection; providing an effective date.

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

Section 1. The Florida Building Commission may update or modify the wind-design standard applicable to construction in this state as adopted within the Florida Building Code in accordance with the requirements of s. 553.73, Florida Statutes. The Florida Building Commission is specifically authorized to identify within the Florida Building Code those areas of the state from the eastern border of Franklin County west to the Florida-Alabama line which are subject to the windborne-debris requirements of the code. The Florida Building Commission’s initial designation of wind lines for this region shall address the results of the study required by section 39 of chapter 2005-147, Laws of Florida. The initial designation of those areas after July 1, 2006, is subject to only the rule-adoption procedures of chapter

120, Florida Statutes, notwithstanding the code-development procedures of chapter 553, Florida Statutes. The rules adopted pursuant to this section shall not take effect for 6 months following the adoption of the rules or May 31, 2007, whichever occurs sooner. The provisions of subsection (3) of section 109 of chapter 2000-141, Laws of Florida, are expressly superseded.

Section 2. Subsections (1) and (2) of section 399.15, Florida Statutes, are amended to read:

399.15 Regional emergency elevator access.—

(1) In order to provide emergency access to elevators:

(a) For each building in this state which is six or more stories in height, including, but not limited to, hotels and condominiums, on which a building permit is issued construction is begun after September 30, 2006 ~~June 30, 2004~~, all of the keys for elevators that allow public access, including, but not limited to, service and freight elevators, must be keyed so as to allow all elevators within each of the seven state emergency response regions to operate in fire emergency situations with one master elevator key.

(b) Any building in this state which is six or more stories in height and has undergone “substantial improvement” as defined in s. 161.54(12) must also comply with paragraph (a).

(2) Each existing building in this state which is six or more stories in height must comply with subsection (1) before October 1, 2009 ~~July 1, 2007~~.

Section 3. Subsections (10) and (11) of section 553.71, Florida Statutes, are amended to read:

553.71 Definitions.—As used in this part, the term:

~~(10) “Exposure category C” means, except in the high velocity hurricane zone, that area which lies within 1,500 feet of the coastal construction control line, or within 1,500 feet of the mean high tide line, whichever is less. On barrier islands, exposure category C shall be applicable in the coastal building zone set forth in s. 161.55(5).~~

~~(10)(11)~~ “Prototype building” means a building constructed in accordance with architectural or engineering plans intended for replication on various sites and which will be updated to comply with the Florida Building Code and applicable laws relating to firesafety, health and sanitation, casualty safety, and requirements for persons with disabilities which are in effect at the time a construction contract is to be awarded.

Section 4. Subsection (6) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.—

(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 applicable model code entity ~~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.

(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.

(f) Upon the conclusion of a triennial update to the Florida Building Code, notwithstanding the provisions of this subsection or subsection (3), the commission may address issues identified in this paragraph by amending the code pursuant only to the rule adoption procedures contained in chapter 120. Following the approval of any amendments to the Florida Building

Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;
3. The omission of previously adopted Florida-specific amendments to the updated code if such omission is not supported by a specific recommendation of a technical advisory committee or particular action by the commission; or
4. Unintended results from the integration of previously adopted Florida-specific amendments with the model code.

Section 5. Subsection (5) is added to section 553.775, Florida Statutes, to read:

553.775 Interpretations.—

(5) Notwithstanding the other provisions of this section, the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code may not be interpreted by, and are not subject to review under, any of the procedures specified in this section. This subsection has no effect upon the commission's authority to waive the Florida Accessibility Code for Building Construction as provided by s. 553.512.

Section 6. Paragraphs (f) and (h) of subsection (1) of section 553.791, Florida Statutes, are amended, subsections (5), (7)-(10), (12), (13), (15), (16), and (18) of that section are renumbered as subsections (6), (8)-(11), (13), (14), (16), (17), and (19), respectively, a new subsection (5) is added to that section, and present subsections (6), (11), (14), and (17) of that section 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 the requested building or construction permit, including:

1. The plans reviewed by the private provider.
2. The affidavit from the private provider required pursuant to subsection (6) ~~(5)~~.
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

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

1. A certificate of occupancy or certificate of completion.
2. A certificate of compliance from the private provider required pursuant to subsection ~~(11)~~ (10).
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(5) After construction has commenced and if the local building official is unable to provide inspection services in a timely manner, the fee owner or the fee owner’s contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner’s or contractor’s intention to do so no less than 7 business days prior to the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

~~(7)(6)(a)~~ No more than 30 business days after receipt of a permit application and the affidavit from the private provider required pursuant to subsection ~~(6)~~ (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.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 30-day period, the 30-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection ~~(13)~~ (12) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled 30-day period plus 5 business days to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. If the local building official does not provide the second written notice within the prescribed time period, the permit shall be issued by the local building official on the next business day.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection ~~(13)~~ (12) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(12)(11) No more than 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 (13) (12) or to submit a corrected request for a certificate of occupancy or certificate of completion.

(15)(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 (16) (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.

(18)(17) Each local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction. Work on a building or structure may proceed after inspection and approval by a private provider if the provider has given notice of the inspection pursuant to subsection (9) (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 7. Subsection (5) of section 633.0215, Florida Statutes, is amended to read:

633.0215 Florida Fire Prevention Code.—

(5) Upon the conclusion of a triennial update to the Florida Fire Prevention Code and notwithstanding any other provisions of law, the State Fire Marshal may address the issues identified in this subsection by amending the Florida Fire Prevention Code, subject only to the rule adoption procedures of chapter 120. Following the approval of any amendments to the Florida Fire Prevention Code by the State Fire Marshal and publication on the State Fire Marshal's website, authorities having jurisdiction to enforce the Florida Fire Prevention Code may enforce the amendments to the code. The State Fire Marshal may approve only amendments that are needed to address:

(a) Conflicts within the updated Florida Fire Prevention Code;

(b) Conflicts between the updated Florida Fire Prevention Code and the Florida Building Code adopted pursuant to chapter 553;

(c) The omission of Florida-specific amendments that were previously adopted in the Florida Fire Prevention Code; or

(d) Unintended results from the integration of Florida-specific amendments that were previously adopted with the model code. The State Fire Marshal may approve technical amendments notwithstanding the 3-year update cycle of the Florida Fire Prevention Code upon finding that a threat to life exists that would warrant such action, subject to chapter 120.

Section 8. Present subsections (8) through (27) of section 633.021, Florida Statutes, are redesignated as subsections (9) through (28), respectively, and a new subsection (8) is added to that section, to read:

633.021 Definitions.—As used in this chapter:

(8) A “fire hydrant” is a connection to a water main, elevated water tank, or other source of water for the purpose of supplying water to a fire hose or other fire protection apparatus for fire-suppression operations.

Section 9. Section 633.082, Florida Statutes, is amended to read:

633.082 Inspection of fire control systems, fire hydrants, 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 hydrants and 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 standards NFPA-24 and 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 or hydrant owner and the local authority having jurisdiction a copy of the applicable inspection report established under this chapter s. 633.071(3). The maintenance of fire hydrant and 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.

(4) At least once each year, each fire hydrant shall be opened fully and the water allowed to flow until all foreign materials have cleared the hydrant. The flow shall be maintained for not less than 1 minute.

(5) If a fire hydrant is made nonfunctional by the closing of a water supply valve, the valve must immediately be tagged with a red tag that is boldly marked "nonfunctional" and the local fire authority notified that the hydrant is nonfunctional.

Section 10. Section 633.5391, Florida Statutes, is repealed.

Section 11. This act shall take effect July 1, 2006.

Approved by the Governor June 1, 2006.

Filed in Office Secretary of State June 1, 2006.