

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<119,395>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(119,395)	_____	_____	_____	_____
# ADDITIONAL FTE					
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes XX No _____

Budget Account No.: Fund 1300 Dept 440 Unit 4241 RSRC VARIOUS

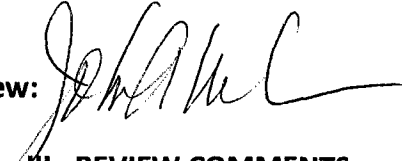
B. Recommended Sources of Funds/Summary of Fiscal Impact:

The proposed fee schedule provides an increase for Plan Reviews, Civil Drawings, Water Flow Tests, Annual Inspections and Re-inspection fees, as well as a new fee added for expedited Plan Review.

Additional revenues for Annual Inspections/Re-Inspection are estimated at \$119,395. This estimate was based on current activity levels by fixed property use times the increase/decrease, where applicable.

The Department is recommending an average 21% increase in Plan Review fees in order to offset historical increases in labor and operating costs over the previous three year period. Based on historical data by project value and a downward trend in new construction for Palm Beach County, the Department anticipates Plan Review submissions to decrease and therefore, we do not anticipate an overall increase in revenue.

The actual fiscal impact due to the proposed fee schedule changes will vary based on actual fixed property use and project valuations.

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

<p><u>Abigail White 10-7-08</u> OFMB <u>10/7/08</u></p>	<p><u>CP 10/21/08</u></p>	<p><u>Dr. J. [Signature] 10/18/08</u> Contract Administration</p>
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B. Legal Sufficiency:

Shawn Burns 11-12-08
Assistant County Attorney

C. Other Department Review:

Department Director

ORDINANCE NO. 2008-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING THAT THE UPDATED FLORIDA FIRE PREVENTION CODE SHALL BE DEEMED ADOPTED; PROVIDING FOR LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE; REPEALING AND REPLACING CHAPTER 12, ARTICLE IV OF THE PALM BEACH COUNTY CODE (CODIFYING ORDINANCE 2004-073) IN ITS ENTIRETY; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 633, Florida Statutes, the State Fire Marshal has adopted by rule an updated statewide minimum firesafety code, known as the Florida Fire Prevention Code, which incorporates Florida editions of NFPA 1 Uniform Fire Code and NFPA 101 Life Safety Code; and

WHEREAS, Chapter 633, Florida Statutes, requires local governments with firesafety responsibilities to enforce the Florida Fire Prevention Code as the minimum firesafety code; and

WHEREAS, Chapter 633, Florida Statutes, authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum firesafety code; and

WHEREAS, the Palm Beach County Fire Code Advisory Board has recommended that the Board of County Commissioners adopt local amendments to the Florida Fire Prevention Code as set forth in Appendix A attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. Chapter 12, Article IV of the Palm Beach County Code (codifying Palm Beach County Ordinance 2004-073) is hereby repealed and replaced in its entirety by the provisions set forth in this Ordinance and Appendix A attached hereto and incorporated herein.

SECTION 2. In accordance with Sections 633.0215 and 633.025, Florida Statutes, the updated "Florida Fire Prevention Code" adopted by the State Fire Marshal in Rule Chapter 69A-60 of the Florida Administrative Code, as may be amended, including the Florida editions

of NFPA 1 Uniform Fire Code and NFPA 101 Life Safety Code, is deemed adopted by reference as the minimum firesafety code, and is hereby amended by the local amendments set forth in Appendix A attached hereto and incorporated herein. The local amendments adopted by this Ordinance shall be known as the "Palm Beach County Local Amendments to the Florida Fire Prevention Code." The updated Florida Fire Prevention Code as amended by the Palm Beach County Local Amendments to the Florida Fire Prevention Code may be hereinafter referred to as "this Code."

SECTION 3. Legislative Findings: The Board of County Commissioners hereby determines that the local amendments set forth in Appendix A are more stringent than the minimum firesafety code and strengthen the minimum firesafety code in accordance with Sections 633.025 and 633.0215, Florida Statutes.

SECTION 4. Applicability: The provisions of this Ordinance shall be in full force and effect in Palm Beach County within the boundaries of any Fire-Rescue municipal service taxing unit (MSTU) established by ordinance, and within any municipality that has entered into an interlocal agreement for fire protection services from Palm Beach County Fire-Rescue and enacted an ordinance to adopt the Palm Beach County Local Amendments within the municipality, unless otherwise provided by the interlocal agreement.

SECTION 5. Repeal of Laws in Conflict: Any laws or ordinances in conflict with this Ordinance which Palm Beach County is authorized to repeal are hereby repealed to the extent of such conflict.

SECTION 6. Savings Clause: Notwithstanding the provisions of Sections 1 and 5 of this Ordinance, all provisions of Palm Beach County Ordinance 2004-073 (codified at Chapter 12, Article IV of the Palm Beach County Code) as originally enacted and amended are specifically preserved, and shall remain in full force and effect, for the limited purpose of enforcing any alleged violations of said law which occurred prior to its repeal or replacement.

SECTION 7. Severability: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be

unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 8. Inclusion in the Code of Laws and Ordinances: The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 9. Effective Date: The provisions of this Ordinance shall become effective on December 31, 2008.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the _____ day of _____, 2008.

SHARON R. BOCK, CLERK
BOARD OF COUNTY COMMISSIONERS

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: Sharon Bock
County Attorney

Filed with the Department of State on the _____ day of _____, 2008.

Attachment 2

**Palm Beach County's
Local Amendments to the
Florida Fire Prevention Code
Chapter 69A-60,
Florida Administrative Code
Including**

~~Adoption of:~~

**~~State of Florida's
Florida Fire Prevention Code
2005 Edition with Local Amendments~~**

**National Fire Protection Association's
Uniform Fire Code - N.F.P.A. 1
Florida 2003 Edition**

**National Fire Protection Association's
Life Safety Code - N.F.P.A. 101
Florida 2003 Edition**

**Palm Beach County Ordinance 2004-~~_____~~ 2008-
Effective: ~~January 1, 2005~~ December 31, 2008**

Chapter 1 Administration & Enforcement

1.1 Scope.

1.1.1 The scope includes, but is not limited to, the following:

1. Inspection of permanent and temporary buildings, processes, equipment, systems, and other fire and related life safety situations
2. Investigation of fires, explosions, hazardous materials incidents, and other related emergency incidents
3. Review of design and construction plans, drawings, and specifications for life safety systems, fire protection systems, access, water supplies, processes, and hazardous materials and other fire and life safety issues.
4. Fire and life safety education of fire brigades, employees, responsible parties, and the general public
5. Existing occupancies and conditions, the design and construction of new buildings, remodeling of existing buildings, and additions to existing buildings
6. Review, Design, alteration, modification, construction, maintenance, and testing of fire protection systems and equipment
7. Access requirements for fire department operations
8. Hazards from outside fires in vegetation, trash, building debris, and other materials
9. Regulation and control of special events including but not limited to, assemblage of people, exhibits, trade shows, amusement parks, haunted houses, outdoor events, and other similar special temporary and permanent occupancies
10. Interior finish, decorations, furnishings, and other combustibles that contribute to fire spread, fire load, and smoke production
11. Storage, use, processing, handling, and on-site transportation of flammable and combustible gases, liquids, and solids
12. Storage, use, processing, handling, and on-site transportation of hazardous materials
13. Control of emergency operations and scenes
14. Conditions affecting fire fighter safety

Exception No. 1: The scope of this Code for detached one (1) and two (2) family dwellings shall include only sub-sections 2, 4, 6, 7, 8, 11, 12, 13, 14 of Section 1.1.1.

Exception No. 2: The scope of this Code for single use non-commercial agricultural structures on property zoned for single family dwellings shall include only sub-sections 2, 4, 6, 7, 8, 11, 12, 13, 14 of Section 1.1.1.

1.1.2 Title.

In accordance with Sections 633.0215 and 633.025, Florida Statutes, the "Florida Fire Prevention Code" adopted by the State Fire Marshal in Rule Chapter 69A-60 of the Florida Administrative Code, as may be amended, including the Florida editions of NFPA 1 Uniform Fire Code (Florida 2003 edition) and NFPA 101 Life Safety Code (Florida 2003 edition), is deemed adopted by reference as the minimum fire safety code, and is amended as set forth herein and referenced below by the NFPA 1 section number. The amendments adopted herein shall be known as the "Palm Beach County Local Amendments to the Florida Fire Prevention Code." The Florida Fire Prevention Code as amended by the Palm Beach County Local Amendments to the Florida Fire Prevention Code may be hereinafter referred to as "this Code."

1.3.1.1 The provisions of this Code shall be in full force and effect in Palm Beach County within the boundaries of any Fire-Rescue municipal service taxing unit (MSTU) established by ordinance, and within any municipality that has entered into an inter-local agreement for fire protection services from Palm Beach County Fire-Rescue and enacted an ordinance to adopt the Palm Beach County Local Amendments to the Florida Fire Prevention Code within the municipality, unless otherwise provided by the inter-local agreement.

~~1.3.11~~ **1.3.8** There is hereby established a Fire Prevention Bureau, The Bureau of Safety Services (B.O.S.S.), which shall be under the direction of the authority having jurisdiction (AHJ). The functions of this bureau are to be; (a) to inspect buildings according to the schedule in Table 1-3.11 of this Code for the purpose of ascertaining and causing to be corrected any violations of the provisions of this code, (b) to review plans to assure compliance with this Code, (c) to investigate the cause, origin, and circumstances of any fire, and (d) to provide public education in the areas of fire and life safety.

**TABLE 1.3.11-1.3.8
SCHEDULE OF FIRE INSPECTIONS**

Buildings subject to this code are to be inspected to assure fire code compliance per the following schedule:

Occupancy Type	Inspection Cycle
Assembly	Annual
Educational	Annual
Day Care	Annual
Health Care	Annual
Ambulatory Health Care	Annual
Detention/Correctional	Annual
Residential Board and Care	Annual
Apartments (3-6 units with common area) No Fire Protection Equipment	Every 3 years
Apartments (3-6 units without common area) No Fire Protection Equipment	Every five (5) years
Apartments (7units or more)	Annual
Apartments with Fire Protection Equipment	Annual
Hotel Dormitories	Annual
Lodging or Room Houses	Annual
Mercantile	Annual
Business	Annual
Industrial/Manufacturing	Annual
Storage	Annual
Special Property Use	Annual
<u>Wholesale Fireworks</u>	<u>Quarterly</u>

<u>Mulching Facilities</u>	<u>Semi-Annual</u>
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Additional inspections may be scheduled by the Fire Official AHJ based on new construction, alteration of building construction or occupancy, or in response to complaints or observed fire code violations.

Inspection Fees shall be assessed in accordance with Section 1.14.7 of this Code.

1.4.6.1 All fire safety systems, equipment, and devices installed in lieu of or as an alternative to other code requirements, as permitted by this code, shall be considered required systems, and shall comply with the appropriate standard.

~~1.7.5.4~~ 1.7.6.4 Before conducting an inspection of a building, structure or premises, the AHJ shall obtain consent from the owner, occupant, or other person having charge thereof, or obtain an inspection warrant pursuant to Florida Law, except in those instances where an emergency exists.

~~1.7.9.4~~ 1.7.10.4 Florida's Public Record Law shall govern what information will be made part of the public record.

~~1.7.12.1.1~~ 1.7.14.1.1 The authority to order immediate evacuation of an occupied building, as provided in ~~1.7.14.1~~ 1.7.14.1, or the summary abatement of a hazardous condition, as provided in ~~1.7.67~~ 1.7.67, shall reside only with the AHJ or his designee. The immediate evacuation or summary abatement shall be limited to the action necessary to remove, abate or remedy the imminently dangerous condition or to remove occupants from the imminently dangerous condition. Such order shall be immediately effective and shall recite with particularity the facts supporting the immediate evacuation or summary abatement.

~~1.7.12.1.2~~ 1.7.14.1.2 Anyone whose property interests are adversely affected by the summary abatement or immediate evacuation shall be entitled to a subsequent hearing before the Board of Appeals and Adjustments, as is established by Section 1.10 of this Code. Upon the Board's receipt of a written notice requesting a hearing to review an immediate evacuation or summary abatement order, the Board shall set

such a hearing for a date no later than five (5) working days from the Board's receipt of the written notice. The Board's written decision, with its supporting factual findings, shall be mailed by certified mail to the appellant within two (2) working days after the hearing. In all other respects, the procedures of Section 1.10 shall apply.

~~4.7.15~~ 1.7.17 Permitting and Inspection. The inspection or permitting of any building or plan by any jurisdiction under the requirements of this Code shall not be construed as a warranty of the physical condition of such building or the adequacy of such plan. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building or plan, nor for any failure of any component of such building, which may occur subsequent to such inspection or permitting, pursuant to this Code.

~~4.7.16~~ 1.7.18 Administrative Orders. From time to time, when deemed necessary, the Fire Marshal, with the approval of the Fire-Rescue Administrator, may draft Administrative Orders for the purpose of clarifying and carrying out the intent of this Code. All Administrative Orders shall be on file in the office of the Fire Marshal. Additional copies shall be kept at the Plans Review Office and the Inspection Office for distribution to the public. Such orders shall be enforced as if a part of this Code and be in full effect upon approval of the Fire Administrator.

~~4.7.17~~ 1.7.19 In accordance with Section 633.025(4)(d), Florida Statutes, any substantially affected party shall be entitled to a hearing before the AHJ to challenge a Palm Beach County Local Amendment's compliance with the statutory requirements. The challenge must be filed in writing with the AHJ, must state with specificity the basis for the challenge, and shall contain such data and documentation upon which the challenging party seeks to rely. Unless the AHJ agrees to stay enforcement of the Local Amendment, or other good cause is shown, the challenging party shall be entitled to a hearing within forty-five (45) days of the AHJ's receipt of the challenge. The challenging party shall be notified of the date and location of the hearing.

The AHJ shall be authorized to conduct hearings on Local Amendment challenges brought pursuant to Section 633.025(4)(d), Florida Statutes. At the hearing, the AHJ shall provide the challenging party and County staff an opportunity to present testimony and evidence. All testimony shall be under oath. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. The burden of

proof shall be on the challenging party, but the Local Amendment shall not be presumed to be valid or invalid. The AHJ shall render a written decision containing a summary of the testimony and evidence presented and the AHJ's findings and conclusions.

The AHJ's decision may be appealed by the challenging party to the Fire Code Board of Appeals and Adjustments within thirty (30) days after the AHJ's issuance of a written order. Such appeal shall not be a hearing de novo. The appeal shall be limited to appellate review of the record created before the AHJ. The Board shall reverse the decision of the AHJ only if it determines that there is no substantial competent evidence to support the AHJ's decision.

If the written order of the AHJ or the Board of Appeals and Adjustments determines that the challenged Local Amendment or any part thereof does not comply with the applicable statutory requirements, then said Local Amendment or part thereof shall be deemed void effective as of the date of the written order. Such holding shall not affect the remainder of the Local Amendments or this Code.

The decision of the Board of Appeals and Adjustments shall be final action which may be appealed by the challenging party to the State Department of Financial Services in accordance with Section 633.025(4)(d), Florida Statutes.

1.10 Board of Appeals and Adjustments.

1.10.1 General. Whenever it is claimed that the provisions of this Code do not apply or have been misapplied, or when it is claimed that the true intent and meaning of this Code or any of the regulations there under have been misconstrued or misapplied, or when it is claimed that a decision is unreasonable or arbitrary as it applies to alternatives, the owner or his duly authorized agent may appeal the decision of the AHJ to the Board of Appeals and Adjustments. Notice of appeal shall be in writing and filed with the AHJ within thirty (30) days after the decision is rendered by the AHJ. Appeals shall be on forms provided by the AHJ.

1.10.2 Board of Appeals and Adjustments Created.

There is hereby created a Fire Code Board of Appeals and Adjustments, herein after referred to as the "Board", consisting of nine (9) members who are qualified by training and experience to vary the application of the provisions of this code, and act on related matters, and to perform such

other duties as established herein. The Board shall be appointed by the Board of County Commissioners. All members must reside within Palm Beach County at the time of appointment and while serving on the Board and shall be qualified electors of Palm Beach County. The Board shall adopt rules and regulations for conducting its business. A quorum for said Board shall be 5 members of the Board. The AHJ shall designate a representative to act as Secretary to the Board. Public Notice of all Board meetings shall be provided. All Board meetings shall be open to the public and shall comply with the applicable requirements of the Florida "Government in the Sunshine" and "Public Records" laws. Minutes shall be taken at each meeting.

1.10.3 Recommendations to Board of County Commissioners. The Board shall review this Code and make recommendations, in the form of specific amendments, to the Board of County Commissioners for corrections, additions, substitutions or deletions to said Code for the purposes of clarification, applicability, public safety, and changes in technology, so as to maintain this Code as an effective and responsive document.

1.10.4 Composition. The composition of the Board of Appeals and Adjustments shall be as follows:

- a. One (1) registered engineer, practicing in the mechanical field.
- b. One (1) registered engineer, practicing in the fire protection field.
- c. One (1) Florida or Palm Beach County certified general contractor.
- d. One (1) certified fire alarm contractor.
- e. One (1) certified fire sprinkler contractor.
- g. One (1) citizen of Palm Beach County, not eligible under other membership categories.
- h. One (1) registered architect.
- i. One (1) Palm Beach County municipal building official.
- j. One (1) Palm Beach County municipal fire service representative.

Where a member is required to be registered or certified, same shall be issued by the State of Florida unless otherwise specified.

1.10.5 Vote Calculation. Each member shall have a full vote.

1.10.6 Term. The members shall serve three (3) year terms. There shall be no limit on the number of terms an individual may serve.

1.10.7 Removal/Absences. All members shall be subject to the rules, adopted by the Board of County Commissioners, governing Board participation and attendance.

1.10.8 Fire Code Advisory Board. When sitting solely in its advisory capacity, the Board shall be known as the Fire Code Advisory Board and shall be composed of the same members as the Board of Appeals and Adjustments. Persons appointed to the Board of Appeals and Adjustments shall be deemed to be likewise appointed to the Fire Code Advisory Board.

1.10.9 Procedures on Appeal.

1.10.9.1 Hearing. Upon receipt of the notice of appeal by the AHJ, a hearing shall be held at the next regularly scheduled meeting of the Board, with notice to the appellant, the AHJ, and the members of the Board, at least five (5) working days prior to said hearing. Special meetings may also be called by the Board provided that five (5) working days notice is given to both parties. If the applicant requires a special meeting to be called, the appeal fee shall be One Hundred Dollars (\$100.00). Both the appellant and the AHJ, or their representatives, shall attend the hearing and may present evidence at same. The Board shall consider each appeal on its own merits and shall base its decision only on the evidence presented at said hearing.

1.10.9.2 Board Action. The Board, upon an affirmative vote of a majority of the votes present, shall either 1) affirm the decision of the AHJ; 2) modify the decision of the AHJ; or 3) reverse the decision of the AHJ and affirm the appellant's position. The Board's decision, with the reasons therefore, shall be transcribed in writing and a copy shall be mailed, by certified mail, to the appellant, within ten (10) days after the hearing. All such decisions shall be final, subject to judicial review as provided by law.

1.10.9.3 Tie Vote. In the event the Board is deadlocked in a tie vote, the appellant may request the Board to defer final action until the next regular meeting date or a specific date certain. The appellant shall be entitled to one (1) such deferral as of right. The matter shall be deferred and heard de novo, unless the majority then present at the time deferral is requested vote for the matter to be determined upon the record only ~~for~~ at the upcoming hearing after deferral.

1.10.10 Decisions.

1.10.10.1 The Board shall provide for reasonable interpretation of the provisions of this Code and rule on appeals from decisions of the AHJ. The Board may approve an equivalent alternative in accordance with Section 1.4 of this Code.

1.10.10.2 Action. The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the AHJ, the AHJ shall immediately take action in accordance with such decision.

1.10.11 Fire Marshal Order Stayed, Exception. Pending the disposition of an appeal scheduled for hearing, the order or decision of the AHJ sought to be appealed shall be stayed unless the AHJ certifies under oath, based upon available data, that an extreme danger to life or property exists, warranting immediate compliance under this Code. Said certification must be included in the order and be filed with the Board within ten (10) days after the notice of appeal is filed.

1.10.12 Conflict Resolution

1.10.12.1 Any conflict between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code as applied to a specific project shall be resolved in accordance with Section 553.73(9 10), Florida Statutes.

1.10.12.2 The Fire Code Board of Appeals and Adjustments is hereby designated and authorized to perform the local administrative board functions set forth in Section 553.73(9 10), Florida Statutes. In accordance with Section 553.73(9 10), Florida Statutes, the duties and functions of the Fire Code Board of Appeals and Adjustments shall include the following:

- a. To hear and render decisions in appeals of conflict decisions made jointly by the local AHJ and the local building official, in accordance with Section 553.73(9 10), Florida Statutes.

- b. To resolve conflicts between the building code and the fire code, in accordance with Section 553.73(9 10), Florida Statutes, in those instances where the local AHJ and the local building official are unable to agree on a resolution of said conflict.

1.10.12.3 If the County has, or does, designate another local board to perform the functions set out in Section 553.73(9 10), Florida Statutes, then said board and the Fire Code Board of Appeals and Adjustments shall rotate the duty to fulfill the functions as set forth in this Section 1.10.12 and in Section 553.73(9 10), Florida Statutes, on an annual basis or as otherwise agreed to by the AHJ and the local building official.

1.10.12.4 Any conflict between the Building Code and the Fire Code that involves the County's local amendments to either Code shall likewise be resolved in the manner set forth in Section 553.73(9 10), Florida Statutes, and this Section 1.10.12.

1.10.13 Additional Powers and Functions. The Board of Appeals and Adjustments is hereby authorized and empowered to: 1) hear and rule upon appeals from orders of the AHJ in Local Amendment challenges brought pursuant to Section 633.025(4)(d), Florida Statutes, and in accordance with Section 1.7.4719 of this Code; 2) hear and rule upon appeals from decisions of the AHJ relating to false alarms as set forth in Section 10.7.6 of this code; 3) perform any other functions authorized for the Board by this Code.

1.10.14 Fireworks Board of Appeals. The members of the Fire Code Board of Appeals and Adjustments shall serve ex-officio as members of the Fireworks Board of Appeals and perform the functions of that Board, all as set forth in Palm Beach County Ordinance No. 2004-020, as it may be amended from time to time.

1.10.15 Any decision of the Fire Code Board of Appeals and Adjustments shall be final and reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a petition for writ of certiorari filed with the Circuit Court in Palm Beach County.

1.12 Permits and Approvals.

1.12.18.4 1.12.19.4 Any permit authorized to be issued by the AHJ pursuant to this Code shall be subject to immediate suspension, revocation or denial by the AHJ upon the AHJ's determination that conditions exist

which make the permitted activity imminently dangerous to life or property. The AHJ's order immediately suspending or revoking a permit shall cite with particularity the facts supporting the suspension or revocation. The suspension or revocation shall be effective immediately upon notice to the permittee at the location indicated on the permittee's application. Upon such immediate suspension or revocation of a permit, the permittee shall be entitled to appeal the decision of the AHJ at a subsequent hearing of the Board of Appeals and Adjustments. Upon the Board's receipt of a written notice requesting a hearing with respect to a an immediate permit suspension or revocation, the Board shall set such a hearing for a date no later than five (5) working days from the Board's receipt of the written notice. The Board's written decision shall be mailed by certified mail to the permittee within two (2) working days after the hearing. In all other respects, the procedures of Section 1.10 shall apply.

1.14.1 Plan Review. The AHJ shall examine or cause to be examined all plans for construction, alteration or remodeling of any structure, except one and two family detached dwellings, including any installed system, and shall ascertain by such examination whether the construction indicated and described is in compliance with the requirements of this Code. Such plans shall include, but not be limited to, construction drawings, specifications, computations and additional data as deemed necessary by the AHJ. All project site plans shall be reviewed under the provisions of the applicable sections of this Code.

1.14.6 If the plans submitted for review do not conform to the requirements of this Code or other fire related laws or ordinances, the AHJ shall reject said plans and, provide in writing the reason(s) for rejection. Plans must then be re-submitted for review in accordance with the Building Department policies and procedures.

1.14.7 For all work for which plans must be reviewed, as set forth in Section 1.14.1 of this Code, and for all services associated therewith, a fee shall be paid as required at the time of submission of the plans or as required services are performed. For all inspections conducted pursuant to Section ~~4.3.11~~ 1.3.8 of this Code, a fee shall be imposed for each building, based upon fixed property use. All fees shall be in accordance with the current Palm Beach County Fire-Rescue Fee Schedule (Table 1.14.7).

**TABLE 1.14.7
PALM BEACH COUNTY FIRE-RESCUE FEE SCHEDULE**

I. Plan Review Fees

A. The following formula, which is based on the valuation of the proposed work, shall be used to determine plans review fees.

<p>\$0.00 up to \$50,000 <u>\$100,000</u></p>	<p>Charge 0.5% total valuation of work. With a minimum of \$30.00 <u>\$50.00</u>.</p>
<p>\$50,001 <u>100,001</u> to \$100,000 <u>250,000</u></p>	<p>Charge \$250.00 <u>\$500.00</u> for the first \$50,000.00 <u>\$100,000</u> and then charge 0.25% of the balance of the value.</p>
<p>\$100,001 <u>250,001</u> to \$500,000 <u>750,000</u></p>	<p>Charge \$375.00 <u>\$875.00</u> for the first \$100,000.00 <u>\$250,000</u> and then charge 0.125% of the balance of value.</p>
<p>\$500,001 <u>750,001</u> to \$1,000,000 <u>2,000,000</u></p>	<p>Charge \$875.00 <u>\$1500.00</u> for the first \$500,000.00 <u>\$750,000.00</u> and then charge 0.0625% of the balance of the value.</p>
<p>\$1,000,001 <u>2,000,001</u> and up.</p>	<p>Charge \$1187.50 <u>\$2281.25</u> for the first <u>two</u> million and then charge 0.03125% of the balance of the value.</p>

B. Set forth below are examples of valuations and estimated correlating fees.

ESTIMATED VALUATION	PLAN REVIEW FEES
\$6,000 <u>10,000</u> and under	\$30.00 <u>50.00</u>
100,000.00	375.00 <u>500.00</u>
200,000.00	500.00 <u>750.00</u>
300,000.00	625.00 <u>937.50</u>
400,000.00	750.00 <u>1062.50</u>
500,000.00	875.00 <u>1187.50</u>
600,000.00	937.50 <u>1312.50</u>
700,000.00	1,000.00 <u>1437.50</u>
800,000.00	1,062.50 <u>1531.25</u>
900,000.00	1125.00 <u>1593.75</u>
1,000,000.00	1187.50 <u>1656.25</u>
1,100,000.00	1248.75 <u>1718.75</u>
1,200,000.00	1250.00 <u>1781.25</u>
<u>2,000,000.00</u>	<u>2281.25</u>
<u>2,100,000.00</u>	<u>2312.50</u>

C. Design Review

A fee of one hundred (\$100.00) dollars will be charged for design review of drawing or specification. This amount shall be paid in advance and may not be refunded.

D. Civil Drawings

A fee of ~~thirty-five~~ two-hundred (~~\$35.00~~ \$200.00) dollars will be charged for the plans review of all civil drawings—, inspection, and acceptance testing of the hydrant(s).

E. Water Flow Tests

A fee of ~~seventy-five~~ one-hundred-fifty (~~\$75.00~~ \$150.00) dollars shall be paid for all flow tests performed by Palm Beach County Fire-Rescue on wet hydrants.

A fee of one hundred fifty (\$150.00) dollars shall be paid for all flow tests performed by Palm Beach County Fire-Rescue on dry hydrants.

F. Plan Revisions

The following fees shall apply to the various revisions and related services:

- | | |
|-------------------------------|--|
| 1) Pre-Permit Minor Revision: | No charge. |
| 2) Pre-Permit Major Revision: | 10% of the original fee. |
| 3) Post-Permit Revision: | \$5.00 per page, with a minimum fee of \$20.00, except when value increases (then see schedule). |
| 4) Restamp: | \$2.50 per page with a minimum fee of \$10.00. |
| 5) Invalid Permits: | 30% of the original fee. If construction has commenced, payment of a fee for the remaining construction is based on the original schedule. |

G. Completion Agreement Fees

A fee of two hundred fifty (\$250.00) dollars will be assessed for each incomplete code item at the time of the execution of the completion agreement.

H. Expedited Plan Review Request

An applicant may submit a written request for an expedited plan

review. The request must state the need for the expedited review (ei. potential employee layoff, financial hardship, time constraints) and the AHJ or his designee shall have the sole authority to approve or deny the request, subject to the availability of personnel. The plan review will be done outside of normal working hours at a rate of \$100.00 per hour with a three (3) hour minimum.

II INSPECTION FEES:

The schedule for inspections, per building, based on fixed property use, shall be as follows:

A. ASSEMBLY	
50 - 299 seating capacity <u>occupant load</u>	55.00
300 - 1,000 seating capacity <u>occupant load</u>	75.00
1,001 - 5,000 seating capacity <u>occupant load</u>	150.00
5,001 and over seating capacity <u>occupant load</u>	200.00
B. EDUCATIONAL SCHOOLS OR DAY CARE:	
0 – 10,000 sq ft	35.00 <u>50.00</u>
10,001 – 20,000 sq ft	50.00 <u>75.00</u>
20,001 – 50,000 sq ft	100.00 <u>150.00</u>
50,001 – 100,000 sq ft	200.00 <u>250.00</u>
100,001 – 200,000 sq ft	250.00 <u>300.00</u>
200,001 – and over	300.00 <u>350.00</u>

C. HEALTH CARE, HOSPITAL, NURSING HOME, AMBULATORY HEALTH CARE, ETC.	
5,000 sq. ft. and under	50.00
5,001 - 15,000 sq. ft.	100.00
15,001 - 30,000 sq. ft.	150.00
30,001 - 100,000 sq. ft.	200.00
100,001 - 200,000 sq. ft.	250.00
200,001 - 500,000 sq. ft.	300.00
500,001 - and over	350.00
D. RESIDENTIAL BOARD AND CARE:	
5,000 sq. ft and under	50.00
5,001 - 15,000 sq. ft	100.00
15,001 - 30,000 sq. ft.	150.00
30,001 - 100,000 sq. ft.	200.00
100,001 - 200,000 sq. ft.	250.00
200,001 - 500,000 sq. ft.	300.00
500,001 and over	350.00
E. DETENTION/CORRECTIONAL:	
5,001 - 15,000 sq. ft.	100.00
15,001 - 30,000 sq. ft.	150.00
30,001 - 100,000 sq. ft.	200.00
100,001 - 200,000 sq. ft.	250.00
200,001 - 500,000 sq. ft.	300.00
500,001 and over	350.00
F. LODGING/ROOMING	

HOUSES/HOTEL/DORMITORIES:	
0-16 units	55.00
17-100 units	75.00
101 - 500 units/rooms	150.00
501 - and over	200.00
G. MERCANTILE, BUSINESS AND STORAGE:	
5,000 sq. ft. and under	35.00 <u>50.00</u>
5,001 - 15,000 sq. ft.	75.00 <u>100.00</u>
15,001 - 30,000 sq. ft.	150.00 <u>175.00</u>
30,001 - 100,000 sq. ft.	175.00 <u>200.00</u>
100,001 - 200,000 sq. ft.	200.00 <u>250.00</u>
200,001 - 500,000 sq. ft.	250.00 <u>300.00</u>
500,001 - and over	300.00 <u>350.00</u>
H. INDUSTRIAL/MANUFACTURING:	
15,000 sq. ft. and under	65.00
15,001 - 30,000	150.00
30,001 - 100,000 sq. ft.	175.00
100,001 - 200,000 sq. ft.	200.00
200,001 - 500,000 sq. ft.	250.00
500,001 - and over	300.00

I. TEMPORARY STRUCTURES:	
All	35.00 50.00
J. COMMERCIAL LP GAS FACILITIES:	
All	55.00
K. OCCUPATIONAL LICENSING INSPECTIONS:	
All Residential	25.00
All Commercial	35.00
L. HAZARDOUS MATERIALS FACILITIES:	
5,000 sq. ft and under	75.00
5,001 - 15,000 sq. ft.	125.00
15,001 - 30,000 sq. ft.	175.00
30,001 - 100,000 sq. ft.	250.00
100,001 - 200,000 sq. ft.	300.00
200,001 - 500,000 sq. ft.	350.00
500,001 - and over	400.00
M. MULCHING/COMPOSTING/CHIPPING FACILITIES:	
0 – 5 acres	75.00 <u>50.00</u>
5 – 10 acres	125.00 <u>100.00</u>
10 +	175.00 <u>150.00</u>

N. WHOLESale FIREWORKS	100.00
O. PYROTECHNIC PERMIT INSPECTION	50.00 100.00
P. PUBLIC DISPLAY OF FIREWORKS	100.00 300.00
Q. MULTI-FAMILY RESIDENTIAL PROPERTIES WITH FIRE PROTECTION SYSTEMS	<u>25.00</u>

III. Reinspections:

There shall be a ~~twenty-five~~ fifty (~~\$25.00~~ \$50.00) dollar charge for reinspections which require an additional, third or more, trip to a building or job site by a Fire Inspector. This fee shall be applicable to New Construction and Existing Inspections.

IV. Fire Department Survey (Water Supply):

There shall be a twenty-five (\$25.00) dollar charge for any survey conducted by Palm Beach County Fire Rescue to establish adequacy of water supply, distance to closest fire station, and/or any other pertinent insurance information.

V. Refunds:

Refunds may be granted in accordance with this section. Refunds will be granted only on plan review fees in excess of one hundred (\$100.00) dollars. For plan review fees in excess of one hundred (\$100.00) dollars, fifty (50%) percent of the fee is refundable on valid application and permits. No refund shall be granted once work has commenced.

VI. Failure to obtain a permit:

The plan review fee shall be four (4) times that specified in this table, should work commence prior to the fire plan review and approval as required by the fire official.

1.14.8 The permit holder or his agent shall notify the AHJ to conduct the following inspections of buildings and such other inspections as may be necessary. The AHJ shall either approve that portion of the construction or shall notify the permit holder or his agent of any correction to be made to

comply with this Code.

Frame Inspection: To be made at the time of Building Department inspection. Items to be inspected shall include, but not be limited to: fire hydrant locations, Fire Department access, rough-ins for stair dimensions, egress windows, smoke detector locations and fire alarm device locations.

Fire Protection Systems: To be inspected and tested upon completion of that system or portion of system prior to final fire safety inspection.

Final Fire Safety Inspection: To be made upon completion of the building and all installed systems.

1.14.9 Once all provisions of this Code have been met, a letter of Fire Code Compliance shall be issued by the AHJ to the Building Official prior to the Building Official issuing a Certificate of Occupancy for the premises for which the building permit had been issued.

1.14.10 Final shop drawings shall be submitted to the AHJ in an approved electronic format before a certificate of occupancy can be issued on any newly constructed building.

1.16.6 The provisions of this Code and any orders issued pursuant thereto may be enforced by any means lawfully available including, but not limited to, Chapter 162, Florida Statutes, Chapter 8.5 of the Palm Beach County Code, Article 10 of the Palm Beach County Unified Land Development Code, and Section 125.69, Florida Statutes, all as may be amended or recodified from time to time; the issuance of cease and desist orders; and seeking injunctions in court. It is the purpose of this Code to provide additional cumulative remedies. Each violation of this Code shall constitute a separate offense and be punishable as such.

1.16.7 The AHJ, and such fire safety inspectors that he may designate, are hereby designated as code enforcement officers for the purpose of issuing citations under the code enforcement systems set forth in Chapter 8.5 of the Palm Beach County Code and Article 10 of the Palm Beach County Unified Land Development Code, all as may be amended or recodified from time to time.

1.17 Requirements Not Covered by Code.

Where provisions of this Code do not address specific situations involving protection of life and property from the hazards of fire, smoke and explosion, compliance with nationally accepted standards of good practice shall be evidence of compliance with the intent of this Code.

Chapter 3 Definitions

3.1.1 Tense, Gender and Number.

For the purpose of this Code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in this Chapter. Words used in the present tense include the future tense. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and plural number includes the singular. Words not defined herein shall have the meanings stated in NFPA Standards, Florida building code, Standard Mechanical Code, Standard Plumbing Code, or Standard Gas Code and/or shall be defined using their ordinarily accepted meaning within the context in which they are used.

3.2.2.4 Authority Having Jurisdiction (AHJ) - The AHJ shall be the PBC Fire Rescue Administrator or his designee.

3.3.246 255 Costs- Those necessary and reasonable expenses incurred by the County in connection with investigating, mitigating, minimizing, removing or abating discharges of hazardous substances, including, but not limited to, the following: actual labor expenses of County personnel or its authorized agents; expenses of equipment operation and rental; and expenses of expendable items including, but not limited to, fire fighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums, acid suits, acid gloves, goggles and protective clothing.

3.3.256 Farm Outbuilding - a detached, permanent non-residential structure located on a farm, as defined in Florida Statutes 823.14 (3), that is less than one thousand (1000') square feet in area, less than fifteen (15') feet in height, and with no more than sixty (60) amp service. The storage of flammable or combustible liquids or materials deemed hazardous by the AHJ is not allowed. The farm outbuilding must be detached and not offered for lease or sale. This section shall be used in the application of Chapter

633.557(1), Florida Statutes.

3.3.217 257 Fire Division - A portion of a building so separated from the rest by a structurally independent 4 hour fire wall that may be erected to the maximum height and area allowed for the governing occupancy and the type of construction, independent of adjoining occupancies or types of construction. Reference Building Code for fire wall and type of construction.

~~**3.3.218 Definitions Fire Area** is the total floor area in square feet for all floor levels within the exterior walls, or under the horizontal projection of the roof of a building. Each portion of a building separated by one or more four (4) hour area separation walls with no openings and provided with a thirty (30") inch parapet constructed in accordance with the Building Code may be considered as separate fire areas the purposes of determining the required fire flow.~~

3.3.258 Gross Floor Area – the total square footage of a building's footprint as measured from the outside walls. This building measurement shall not include additional building floors; but in multi-story buildings, the square footage of the largest floor shall be utilized in determining the gross floor area for the purposes of determining applicability for Section 13.3.1.6.1.

Chapter 10 General Provisions

10.1.6 Overcrowding.

The number of occupants of any building or portion thereof shall not be permitted to exceed the allowed or posted capacity, determined in accordance with this Code.

10.3.1.1 All life safety systems shall be approved and functioning prior to materials being stocked inside a structure. *EXCEPTION:* Structures may be stocked if the fire sprinkler system is inspected and approved if a fire watch approved by the AHJ is provided by the owner/builder.

10.7.5 Annual Certification of Central Stations.

10.7.5.1 Central stations shall certify to the AHJ, that they meet the following requirements:

1. That the central station maintains a listing for monitoring fire alarm systems, under the requirements of ~~UL-827~~ NFPA 72 for Central Station Service;
2. That the central station provides and maintains two independent means to retransmit a fire alarm signal from a protected premises to the Fire-Rescue Dispatch Center. ~~The primary means of re-transmission shall be supervised so that interruption of a re-transmission circuit communication integrity will result in a trouble signal at the central station; and~~
3. That the central station maintains a local phone number within the area of the fire department dispatch center, or provides the fire department with a toll free number, by which the fire department can contact the central station.

The required certification shall be forwarded to the AHJ between October 1st and November 30th, on an annual basis or immediately on change of any of the criteria as required in this section.

10.7.5.2 Central stations which do not provide the acceptable certification to the AHJ shall not monitor required fire alarm systems within the fire department's jurisdiction.

10.7.5.3 Central stations which monitor required alarm systems shall maintain a record of inspections and repairs, in a form as prescribed by the AHJ. Said records are to be located at ~~the main fire alarm control panel of each protected premises~~ a location acceptable to the AHJ, with copies maintained at the central station facility.

10.7.6 Excessive False Alarms.

10.7.6.1 Maximum No. of False Alarms in a 12 Month Period. The transmission of more than three (3) false alarm signals by an automatic fire detection system or a medical alarm system within a twelve (12) month time period is excessive. This period of time shall begin October 1 and continue thru September 30 of the following year. No person shall allow or cause the prevention of the transmission of, for any reason, an alarm by an automatic fire detection system or a medical alarm system. This includes systems used by anyone or systems serving the premises of a building occupied or controlled by such person.

10.7.6.2 Charges for Excessive False Alarms in Residential Structures.

The activation of four (4) or more false alarms within a twelve (12) month period will be handled according to the following:

1. For the fourth through sixth false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a one hundred dollar (\$100.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
2. For the seventh through ninth false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a two hundred dollar (\$200.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
3. For the tenth and each successive false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a three hundred dollar (\$300.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
4. The tenth and each successive false alarm within a twelve (12) month period shall be determined to be a public nuisance. In this event the AHJ may (a) process a complaint for each occurrence to the Palm Beach County Code Enforcement Special Master for corrective action, or (b) enter into an agreement with the owner to implement appropriate corrective action to remedy said nuisance(s); or (c) pursue any other legally available remedies.
5. Funds documented as expended by the owner for corrective action, shall, upon receipt of documentation by the AHJ, be deducted from the debt owed to Palm Beach County for excessive false alarms.
6. The provisions of this section shall not apply to required alarm systems for an initial period of two (2) months from the date the fire alarm system is accepted by the AHJ.

The AHJ shall determine the number and frequency of such false alarm signals and notify the alarm user or building owner of amounts owed and shall make demand thereof, pursuant to the provisions of this Code. The County may initiate proceedings to collect said fines after demand thereof has been made by the AHJ.

10.7.6.3 Charges for Excessive False Alarms in Commercial Structures. The activation of four (4) or more false alarms within a twelve (12) month period will be handled according to the following:

1. For the fourth through sixth false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a two hundred fifty dollar (\$250.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
2. For the seventh through ninth false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a five hundred dollar (\$500.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
3. For the tenth and each successive false alarm within a twelve (12) month period, the alarm user or building owner shall be assessed a one thousand dollar (\$1,000.00) fine per occurrence, which shall be considered a debt owed to Palm Beach County.
4. The tenth and each successive false alarm within a twelve (12) month period shall be determined to be a public nuisance. In this event the AHJ may (a) process a complaint for each occurrence to the Palm Beach County Code Enforcement Special Master for corrective action, or (b) enter into an agreement with the owner to implement appropriate corrective action to remedy said nuisance(s); or (c) pursue any other legally available remedies.
5. Funds documented as expended by the owner for corrective action, shall, upon receipt of documentation by the AHJ, be deducted from the debt owed to Palm Beach County for excessive false alarms.
6. The provisions of this section shall not apply to required alarm systems for an initial period of two (2) months from the date the fire alarm system is accepted by the AHJ.

The AHJ shall determine the number and frequency of such false alarm signals and notify the alarm user or building owner of amounts owed and shall make demand thereof, pursuant to the provisions of this Code. The County may initiate proceedings to collect said fines after demand thereof has been made by the AHJ.

10.7.6.4 Notice and Appeal. The AHJ shall deliver a written notification advising of the false alarm and fine, if any, to the address of the false alarm location by mail or hand delivery, or by posting in a conspicuous place at or

near the premise's entrance if the site is unattended or abandoned. Any such notice shall be deemed sufficient notice to both the alarm user and the building owner.

The alarm user or building owner may challenge a false alarm and fine determination, if any, by first seeking review by the AHJ. A written request for such review must be filed with the AHJ within ten (10) days of the alarm user or building owner's receipt of the false alarm notification. The AHJ shall review all evidence presented by the alarm user or building owner and determine whether the false alarm determination and fine, if any, are supported by a preponderance of the evidence, including any documentation of funds expended for corrective action. The alarm user or building owner may appeal the decision of the AHJ to the Fire Code Board of Appeals and Adjustments in accordance with the provisions and procedures set forth in Section 1.10 of this Code.

10.11.1 Applications for Open Burning Permits. All open burning shall be regulated in accordance with Florida Statutes, County Ordinances, this Code, and any applicable inter-local agreements. Applications for open burning permits may be obtained at the Fire-Rescue Station nearest the proposed burn site. Applicants shall be issued an open burning permit only upon submittal of written authorization from the Palm Beach County Health Unit, the Florida Division of Forestry, or the AHJ. Permit holders of commercial/residential land clearing, prescribed burning and agricultural burning permits shall obtain burn authorization daily from the AHJ.

10.12.2.1 In existing communities, where fire department access is provided through gated security, the gate must remain accessible to fire rescue by means of a key access system where the AHJ determines that the closure of the gate would increase fire rescue response time to an emergency.

~~10.13.1.1~~ 10.12.1.1 Building Addresses.

Approved numerical and/or alphabetical addresses shall be posted for all new and existing buildings in such a fashion that it is plainly visible and legible from the street or roadway. All address related numbers/letters shall be posted on contrasting backgrounds and shall be consistently placed where practical. All building numbers and/or letters shall be a minimum of eight (8") inches in height.

~~10.13.1.2~~ 10.12.1.4 Unit Identification.

1. In multi-unit commercial buildings, all unit identification numbers/letters shall be a minimum of six (6") inches in height.
2. In multi-family residential buildings, all unit identification numbers/letters shall be a minimum of four (4") inches in height.
3. In multi-unit buildings, two stories and up, directional unit identification signs shall be posted outside of each elevator/stairwell. This will apply only when there is an option for direction of travel.

~~10.13.1.2.1~~ 10.12.1.5 Additional Posting.

All multi-unit buildings that can be accessed from the rear, also shall have the address and unit numbers posted at the rear of the building. When property layout, landscaping, or driveway design limits the visibility of the address, additional signs shall be posted to identify buildings or direction of travel to reach buildings. Numbers and/or letters shall be a minimum of six (6") inches in height. In buildings which utilize a roadside marquee/signboard, the full building address shall be posted on such marquee/signboard. When the building utilizes multiple addresses, such as multiple occupant mercantile buildings, the address range shall be posted as indicated above. All marquee/signboard numbers and/or letters shall be a minimum of eight (8") inches in height.

10.20 Hazardous Waste.

10.20.1 Where the storage or accumulation of combustible waste matter used in stores, apartment buildings, factories or other similar places is a hazard or menace of fire, said storage of such material shall be removed daily.

10.21 Outside Storage of Forest Products.

10.21.1 Scope. This section applies to outside storage of wood chips, hogged material, timbers, logs, construction material, land clearing materials, wood pallets and like products for the purpose of mulching.

10.21.2 On site storage of processed and unprocessed material shall be limited to a pile height of fifteen (15') feet.

10.21.3 Pile sizes shall not exceed one hundred feet by two hundred feet (100'x200').

10.21.4 The minimum separation between piles shall be fifteen (15') feet.

10.21.5 Access roadways with a minimum clearance of twenty (20') feet shall be provided around the entire mulching facility and be approved by the AHJ.

10.21.6 Recovery of Costs. Any and all persons responsible for causing or allowing unauthorized burning of wood chips, hogged material, timbers, logs, construction material, land clearing materials, wood pallets and like products for the purpose of mulching that requires response by Palm Beach County Fire-Rescue shall be ~~jointly and severally~~ liable to Palm Beach County for the costs incurred by the County in investigating, mitigating, removing, and abating any such fire. The person responsible for the fire and/or the owner of the property shall reimburse the county for the full amount of said costs, ~~as defined herein~~, within thirty (30) days after receipt of an itemized bill for such costs from the County.

10.21.6.7 An approved water supply capable of delivering 1000 gallons per minute (gpm) shall be located within one-thousand (1000') feet from the most remote point of the pile.

~~10.22~~ Interior Displays.

~~10.22.1~~ 10.19.8.1 Motor Vehicles Inside Buildings. When a motor vehicle is displayed inside a ~~building~~ mercantile or assembly building, the purpose of which is other than the retail sale of said motor vehicle, the following conditions must be met:

1. Fuel tanks shall be drained to less than 1/4 of tank capacity; (fuel tanks for diesel powered vehicles need not be drained)
2. Fuel caps shall be taped shut or fitted with a locking cap;
3. The "hot" lead of the battery shall be disconnected.

~~10.22.2~~ 10.19.7.1 Vehicles Powered by LP & CNG Gas. Vehicles and trailers powered by liquefied petroleum and compressed natural gas may be displayed inside a building when in accordance with the guidelines in NFPA58.

10.22.3 Display of Gasoline Powered Equipment Inside a Building.

~~Unless approved by the AHJ, g~~Gasoline powered equipment shall not be placed on display within a covered mall or a place of assembly unless a permit is obtained from the AHJ. The position of such equipment within the mall shall be subject to compliance with the conditions of the permit.

~~10.23~~ **11.3.1.3** In all new and existing buildings and structures, a minimum radio signal strength of -102.0 dBm (1.78 micro volts) in the frequency band of 806-824 / 851-869 MHz shall be maintained. Where this signal strength cannot be achieved, an 800 MHz bi-directional amplified system shall be installed to meet minimum radio signal strength required for effective emergency communications.

Chapter 11 Building Services

11.1 Electrical Fire Safety.

11.1.1 This section shall be enforced in cooperation with the authority responsible for enforcing the electrical code.

~~11.1.1.1~~ **11.1.1.2 Abatement of Electrical Hazards.**

~~11.1.1.2~~ **11.1.1.3** When any electrical hazards are identified, measures to abate such conditions shall be taken. All identified electrical conditions in permanent wiring shall be brought to the attention of the authority enforcing the electrical code.

~~11.1.7~~ **11.1.10** Open junction boxes and open wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

11.1.8 Electrical Motors. All electrical motors shall be maintained in a manner free from accumulations of oil, waste and other debris which will interfere with required motor ventilation or create a fire hazard.

11.1.9 Access. A minimum of thirty (30") inches (762 mm) of clearance shall be provided in front of electrical control panels for access.

11.7.1.1 Combustion Engines. Portable combustion engines shall not be located within 10 feet of a building or on rooftop.

Chapter 13 Fire Protection Systems

13.1.12 Installation of Non-Required Fire Safety Systems and/or Equipment. When non-required fire safety systems are to be installed, said system shall (a) ~~be permitted~~ Require a permit from AHJ; and (b) be installed as an engineered system or installed in accordance with a standard of recognized good practice. Non-required fire safety systems need not contain all design features or include all components of a required system.

13.2.2.1.1 The use of Fire Department pumpers to meet the water supply requirements as specified in NFPA 14, may be accepted by the AHJ provided a flow test of the standpipe is conducted and acceptable to the Chief of Operations.

13.2.2.5.1.2 All newly installed underground piping supplying a water based extinguishing system that utilizes plastic compounds, shall be identified by tracing wire, tracing tape, or similar approved method, from the point of connection to the base of the riser.

13.2.2.6 In residential type occupancies, when acceptable to the AHJ, standpipe hose cabinets may have the fire hose removed and not replaced. Cabinets shall then be marked, "FD Hose Connection". When fire extinguishers are located in the same cabinet as the standpipe connection, the cabinet shall then be marked "Fire Extinguisher and FD Hose Connection."

13.3 Automatic Sprinkler.

~~13.3.1.7~~ **13.3.2.4.5** In residential occupancies where a porch or balcony exist that is a part of a living unit and has the potential to be enclosed, the sprinkler system shall be extended to the porch or balcony.

Exception: one (1) and two (2) family detached dwellings.

~~13.3.1.8~~ ~~13.7.1.4.10.3.4~~ ~~**Fire Department Notification.**~~ ~~The Fire~~

~~Department shall be notified immediately by an approved monitoring facility when any water flow occurs in a required automatic sprinkler system. This requirement does not apply to detached one and two family dwellings equipped with 13D systems nor to non-required systems.~~

13.3.2.1.4 13.3.1.6.1 Automatic sprinkler systems shall be installed:

1. In storage occupancies where storage height exceeds twelve (12') feet.
2. In hazardous (Group H) occupancies as defined by the building code.
3. In health care occupancies, restrained and unrestrained.
4. In all newly constructed enclosed buildings. ~~within six (6) months of the effective date of this Code.~~
5. Existing buildings undergoing expansion or addition where the new total gross building area exceeds 5000 square feet for commercial or 7500 square feet for residential, and the addition or expansion is less greater than 25% of the original gross building area.

Exception 1: This section shall not apply to ~~agricultural processing and agricultural storage buildings~~ new or existing buildings if, after a thorough review of a fire risk analysis by the AHJ, it is determined that a distinct hazard does not exist. ~~as set forth in Section 10.3.2 of this code.~~ The determination shall be based on, but not limited to, the following criteria:

1. *Limited combustibility of the structure.*
2. *Accessibility of fire apparatus to all areas of structure.*
3. *Low content fire load.*
4. *Availability of adequate water supply/distribution system.*
5. *Remoteness of building(s) to surrounding structures.*
6. *The use of fire loss prevention programs, i.e. fire brigades.*
7. *Low occupant content.*
8. *Controlled public access.*
9. *Fire hazard protection.*

Exception 2: This section shall not apply to any residential buildings that has with less than 5000 7500 sq ft gross building area and ~~has an approved automatic monitored fire alarm system installed,~~ unless such building is otherwise required to be sprinklered by the Code or otherwise by law.

Exception 3: This section shall not apply to non-residential buildings less than 5000 sq. ft. gross building area, but more than 2500 sq. ft. gross building area, provided that building has an automatic fire alarm system installed and said alarm is monitored in accordance with Section 13.7.1.4.10.2.5 of this Code, unless such building is otherwise required to be sprinklered by the Code or otherwise by law.

Exception 4: This section shall not apply to buildings 2500 sq. ft. or less gross building area, unless such building is otherwise required to be sprinklered by the Code or otherwise by law.

13.3.2.1.2 Minimum Design Requirements. All sprinkler systems shall be designed at a point not greater than ninety (90%) percent of the tested water supply curve.

~~13.3.2.1.3~~ 13.2.2.5.1.1 All new fire department connections installations shall be located not more than one hundred ~~forty~~ (150 100) feet from a fire hydrant measured along fire department vehicle access. Fire department vehicle access shall be determined by the AHJ.

13.7 Detection, Alarm, and Communication Systems.

~~13.7.1.4.11.2.4~~ 13.7.1.4.10.3.1 **Information Transmitted by Central Monitoring Stations .** Central Monitoring stations, when reporting alarms, shall transmit to the fire department dispatch center, or other location as designated by the AHJ, the following information:

1. Complete address of the alarm.
2. Type of call, i.e. fire alarm, water flow, medical emergency.
3. Alarm users telephone number.
4. Central Monitoring station telephone number.
5. Name of central Monitoring station operator.
6. Change in status of active alarms, (i.e. additional signals, alarm reset).
7. Any other information as requested by the fire department.

~~13.7.1.4.11.4~~ 13.7.1.4.10.4 The fire department shall be notified by an approved central station monitoring facility when any water flow occurs in a required automatic sprinkler system. This requirement does not apply to detached one and two family dwellings equipped with 13D systems nor to

non-required systems.

~~13.7.1.4.11.5~~ 13.7.1.4.10.5 For ~~A~~all newly installed fire alarm systems or existing systems that are undergoing renovations/alterations, when the fire department is required to be notified, ~~and this is~~ such notification shall be accomplished through central station monitoring, which shall be certified listed for central station services, per NFPA 72. The system shall be certified by the organization that has listed the central station.

~~13.7.1.4.14.2(A)~~ 13.7.1.4.13.11 **Zone Indicator Panels.** In buildings hereafter constructed each floor shall be zoned separately. The fire alarm control panel and/or zone indicator panel shall be located inside the building within twenty-five (25') feet of a door which provides direct outside access. The door shall be clearly marked "Fire Alarm Equipment" in contrasting colors. The letters shall be no less than one (1") inch in height. An approved fire department entry system shall be provided. There shall be no intervening doors between the access door and fire alarm equipment. A zone identification diagram shall be located within the area of the fire alarm control panel.

13.7.3.1.1.1 Surge protection devices shall be provided on all wires that enter the fire alarm control panels.

1. Surge protection devices shall be replaced every five (5) years.
2. Surge protection devices shall be marked with the date installed in an approved manner.
3. Devices shall be listed for the intended purpose and installed per manufacturer's specifications.

~~13.7.5~~ 13.7.4.1.3.4.5 For new installations, and for existing installations where the AHJ determines that an existing condition creates a nuisance, duct detectors shall report to the fire alarm control panel as a supervisory signal.

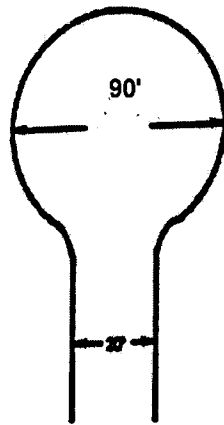
13.7.4.1.3.4.6 All alarm signals received by Central Station Monitoring Facilities from an addressable fire alarm system shall report the type of initiating device.

Fire Department Access and Water Supply

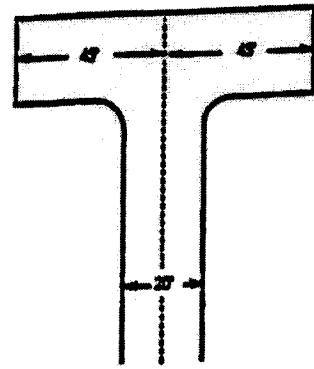
~~18.2.2.5.4~~ 18.2.3.4.3. **Dead Ends.** Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the turning around of fire apparatus. Turnarounds of the following dimensions shall be provided; ninety (90') foot diameter cul-de-sac, ninety (90') foot wye, forty-five (45') foot shunt and ninety (90') foot hammerhead. Diagrams of same appear in Table ~~18.2.2.5.4~~ 18.2.3.4.3. During construction, when combustibles are brought onto the site in such quantities as deemed hazardous by the AHJ, access roads and a suitable temporary supply of water acceptable to the AHJ shall be provided and maintained. Where the access roadway cannot be provided, approved fire protection system or systems shall be installed as required and approved by the AHJ.

Table 18.2.3.4.3.

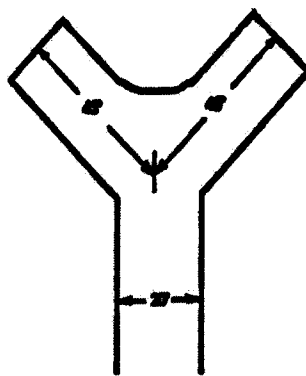
Dead End Length	Width	Turn Around Feature
0 - 150'	20'	None
Over 150'	20'	90' cul-de-sac 90' hammerhead 90' wye 45' shunt



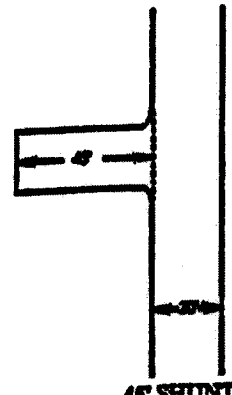
90' CUL-DE SAC



90' HAMMER HEAD



90' WYE



45' SHUNT

18.2.2.5.7.1 Loading Zones in Fire Lanes. Fire lanes fronting a retail establishment may have loading zones. Each zone shall not exceed twenty-five (25') feet in length nor shall the combined loading zone footage exceed twenty (20%) percent of the building frontage. Loading zones shall be located no closer than seventy-five (75') feet apart, with a maximum fifteen (15) minute time limit imposed.

18.2.3.1.4 Traffic Calming Devices. Traffic calming devices, if installed, shall not exceed a slope of three (3") inch rise in a twelve (12") inch run and shall be spaced no closer than seventy-five (75') feet apart.

18.3.1 An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction in accordance with Annex H and Annex I to NFPA 1.

18.3.2.1 Fire Flow in Agricultural Areas. In bona fide agricultural buildings in areas of the County where fire flow requirements cannot be met due to a lack of a water supply system:

- A. A dry hydrant/drafting site designed and installed in compliance with N.F.P.A. 1142 shall be deemed as an acceptable alternative to fire flow requirements if one (1) of the following fire protection features is also provided:
 - 1. An early fire detection system installed in accordance with N.F.P.A. 72. Said system shall include smoke or heat detectors and central station monitoring; or
 - 2. The use of fire resistive methods and materials of construction are used in the building.
- B. Buildings protected with an engineered fire sprinkler system shall be deemed an acceptable alternative if the system is installed with the following:
 - 1. An approved domestic water supply may be used providing required flow for a duration of thirty (30) minutes; and
 - 2. Design density from the first sprinkle head of 0.42 gpm/sqft and a minimum design density of 0.19 gpm/sqft over the hydraulically most remote six hundred (600) sq ft of the structure; and
 - 3. Quick response fire sprinkler heads shall be utilized; and
 - 4. Minimum sprinkler head spacing shall be ten (10') feet by ten

- (10') feet; and
5. Monitoring in accordance with Section ~~13.3.1.8~~ 13.7.1.4.10.3.4 of this code; and
 6. Fire areas shall not exceed five thousand (5000) sq. ft.

18.3.2.2 Alternatives to Required Fire Flow. In buildings other than bona fide agricultural occupancies in areas of the County where fire flow requirements cannot be met due to a lack of a water supply system, an approved fire sprinkler system shall be deemed as an acceptable alternative to the fire flow requirements of this code. Such a fire sprinkler system shall be designed and installed in compliance with the appropriate N.F.P.A. standard.

~~18.3.6~~ **18.3.7** Water for firefighting purposes shall be available and approved by the AHJ on a construction site before roof construction may begin. Limited combustibles may be allowed on a construction site prior to this if roadway access is approved by AHJ.

~~18.3.7~~ **18.3.8** Hydrants shall be within five hundred (500') feet of the most remote portion of buildings, measured by vehicular access and building perimeter.

Exception: Freestanding buildings not less than fifty (50') feet from another structure and less than twenty-five hundred (2,500') square feet and not exceeding twelve (12') feet in height, are not required to provide a fire hydrant within five hundred (500') feet of that building.

~~18.3.8~~ **18.3.9** All dry hydrants and drafting sites shall be capable of flowing 1000 (one-thousand) gpm and shall be inspected, tested, and maintained annually, and be done in accordance with NFPA 1142, Water Supply for Suburban and Rural Fire Fighting, ~~2001 Edition~~.

~~18.3.9~~ **18.3.10** Whenever the AHJ determines that a fire hydrant is not readily visible to arriving fire companies because of curbside parking, features of the terrain, construction, planting or other obstructions, the pavement shall be marked with a reflective blue marker to indicate the location. On unpaved streets, a blue reflector shall be affixed to a post as close as practical to the edge of the roadway, so as to be visible.

~~18.3.10~~ **18.3.11** All fire hydrants shall be located a maximum distance of

twelve (12') feet from the fire department's roadway access as approved by the AHJ.

18.3.12 Hydrant locking systems and FDC locking systems shall be allowed where practical, as approved by the AHJ.

~~18.22.25.3~~ 18.2.3.4.3.1.1 The turning radius for a fire department access road shall be a minimum of 45 feet outside and a maximum of 20 feet inside.

Chapter 43

Spraying, Dipping, and Coating Using Flammable or Combustible Materials

43.1 Application

~~43.1.1.5~~ 43.1.1.2(5) *Exception: Incidental spraying operations will be allowed provided the following criteria are met:*

1. *The spray paint operation must not be the primary occupancy, but must be incidental to the major use of the building or area as determined by the AHJ.*
2. *There shall be no accumulation of residue.*
3. *No ignition source shall be allowed within twenty (20') feet in any direction from the object being sprayed. This requirement shall extend from floor to ceiling.*

Noncompliance with any of the above provisions shall cause the revocation of the privilege of incidental spraying operations.

Chapter 50

Commercial Cooking Equipment

~~50.2.1~~ 50.2.1.1 Cooking equipment used in processes producing smoke or grease laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of this standard.

Exception: In new and existing occupancies when a stove is not being

used for commercial purposes, a grease removal - hood system shall not be required if the following alternative conditions are met: (A.) Only standard thirty (30")-inch or smaller residential stove is being used for non-commercial purposes in an existing commercial occupancy, and, (B.) A notarized Department provided affidavit shall be in the buildings file attesting to the specific use of the cooking equipment, and that it is not used for cooking foods which create grease laden vapors and, (C.) A sign shall be posted adjacent to the cooking equipment stating the above conditions of use. Letters in the sign are to be one (1") inch in height. Evidence documenting use contrary from the stated use shall be grounds for revocation of the approval of the alternative and compliance with NFPA 96 or removal of the cooking equipment shall be immediately required.

Chapter 60 Hazardous Materials

60.1.1.4 60.1.1.3 Liquid. Above ground storage tanks containing more than 1000 gallons of hazardous materials as defined by this chapter shall be secured in a manner approved by the AHJ based on industry standards or standards of good practice.

60.1.1.2 60.1.1.4 Solid. Any solid hazardous materials in excess of 3500 lbs as defined by this chapter shall be secured in a manner approved by the AHJ based on industry standards or standards of good practice.

60.1.1.3 60.1.1.5 Gas. Any poisonous gas container in excess of 150 pounds content as defined by this chapter shall be secured in a manner approved by the AHJ based on industry standards or standards of good practice.

Chapter 65

65.2 Sale, Handling and Storage of Consumer Fireworks.

65.2.3 Permits.

65.2.3.1 Permits for Public Display. Permits for public fireworks displays and pyrotechnics shall be regulated by the applicable provisions of this Code, including NFPA 1123 ~~as adopted within this Code in accordance with~~ and-NPFA 1126, and the following:

Any fair, association, amusement park, other organization, individual or group of individuals shall apply to the AHJ of the Palm Beach County Fire-Rescue Department for a permit for the display and loading of fireworks and/or pyrotechnics at least fifteen (15) days in advance of the date of display. The application shall contain all of the following information:

1. The exact location of the display.
2. The number, type and size of the pyrotechnics and/or fireworks to be displayed.
3. The name and qualifications of the individuals performing the display.
4. Proof of liability insurance in the amount of \$1,000,000.00 (one million dollars), minimum, in which the County is named as a co-insured party.
5. A non-refundable application fee of ~~one~~ three hundred (\$~~100.00~~ \$300.00) dollars.

65.2.3.2 Issuing of Permit. AHJ or his designee shall issue a permit to the applicant upon satisfaction of the conditions listed in ~~these sections.~~ above section, including NFPA 1123 and NFPA 1126.

65.2.3.3 Sheriff Law Enforcement to Receive Copy of Written Permit. A copy of the written permit shall be provided to the Sheriff of the County and/or Local Police Chief.

~~65.11.2~~ 65.11.3 General Requirements for Sales of Consumer Fireworks. Any provisions of this Code relating to the retail sale of consumer fireworks shall apply to wholesale sales of fireworks.

~~65.11.3.1~~ 65.11.3.1.3 Fireworks. Structures where fireworks, as defined by Chapter 791, Florida Statutes, are housed, stored, or sold shall be of non-combustible construction.

65.11.4.3 No other occupancy which is not directly related to the principal use of the structure shall be permitted. Such structure shall be freestanding with a minimum of ten (10') feet from any contiguous building line.

~~65.11.5.1.1~~ 65.11.4.5 All new and existing buildings shall be protected by

an approved fire extinguishing systems.

Attachment 3

Rule Chapter 69A-60, Florida Administrative Code

THE FLORIDA FIRE PREVENTION CODE

69A-60.001 Title.

This rule chapter shall be known, and may be cited, as the Florida Fire Prevention Code.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.001.

69A-60.002 Scope; Description of Florida Fire Prevention Code.

(1) The Florida Fire Prevention Code is the minimum fire prevention code deemed adopted by each municipality, county, and special district with firesafety responsibilities, and applies to every building and structure throughout the state, except:

- (a) Buildings and structures subject to the uniform firesafety standards adopted under Section 633.022, F.S., and
- (b) Buildings and structures subject to the minimum firesafety standards adopted pursuant to Section 394.879, F.S.

(2) Municipalities, counties, and special districts with firesafety responsibilities may supplement the Florida Fire Prevention Code adopted by this rule, with more stringent standards adopted in accordance with Section 633.025, F.S. Such standards shall be effective until repealed by the adopting municipality, county or special district if the requirements of Section 633.0215(10), F.S., were met; in all other cases, the standards shall expire following the adoption of the triennial amendment to this rule, unless adopted by the amendment into the Code.

(3)(a) The Florida Fire Prevention Code consists of:

1. National Fire Protection Association (NFPA) 1, the Uniform Fire Code, Florida 2006 edition, as adopted in Rule 69A-60.003, F.A.C.,

2. NFPA 101, the Life Safety Code, Florida 2006 edition, as adopted and incorporated in Rule 69A-60.004, F.A.C., and their additions, deletions, and other modifications to NFPA 1 and NFPA 101, Florida 2006 editions, as provided therein, and

3. All codes, standards, publications, and authorities adopted in Rule 69A-60.005, F.A.C.

(b) The Florida Fire Prevention Code also consists of all rule chapters adopted pursuant to the authority of Section 633.022, F.S., and referred to as "uniform rules," or "rules for uniform buildings or structures," to-wit, rule chapters:

- 1. Chapter 69A-3, F.A.C., Fire Prevention, General Provisions;
- 2. Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for Child Care Facilities;
- 3. Chapter 69A-38, F.A.C., Uniform Fire Safety Standards for Residential Facilities for Individuals With Developmental Disabilities;
- 4. Chapter 69A-40, F.A.C., Uniform Fire Safety Standards for Assisted Living Facilities;
- 5. Chapter 69A-41, F.A.C., Uniform Fire Safety Standards for Residential Child Care Facilities;
- 6. Chapter 69A-42, F.A.C., Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks;
- 7. Chapter 69A-43, F.A.C., Uniform Fire Safety Standards for Transient Public Lodging Establishments;
- 8. Chapter 69A-44, F.A.C., Minimum Fire Safety Standards for Residential Alcohol and Drug Abuse Treatment and Prevention Programs, Mental Health Residential Treatment Facilities and Crisis Stabilization Units;
- 9. Chapter 69A-47, F.A.C., Uniform Fire Safety Standards for Elevators;
- 10. Chapter 69A-49, F.A.C., Uniform Fire Safety Standards for Self-Service Gasoline Stations;
- 11. Chapter 69A-53, F.A.C., Uniform Fire Safety Standards for Hospitals and Nursing Homes;
- 12. Chapter 69A-54, F.A.C., Uniform Fire Safety Standards for Correctional Facilities;
- 13. Chapter 69A-55, F.A.C., Uniform Fire Safety Standards for Public Food Service Establishments;
- 14. Chapter 69A-56, F.A.C., Uniform Fire Safety Standards for Migrant Labor Camps;
- 15. Chapter 69A-57, F.A.C., Uniform Fire Safety Standards for Adult Family Care Homes; and
- 16. Chapter 69A-58, F.A.C., Uniform Fire Safety Standards for Educational Facilities.

(c) In the event of a conflict between any provision of this rule chapter other than this rule section and the rules cited in paragraph (b), subparagraphs 1. through 16., the rules cited in paragraph (b), subparagraphs 1. through 16. prevail; however, the rules in this rule chapter are not in addition to, nor are they supplemental to, the rule chapters cited in paragraph (b), subparagraphs 1. through 16. Each rule chapter cited in paragraph (b), subparagraphs 1. through 16. contain the complete rules for the subjects covered in those rule chapters.

(d) In the event of a conflict between any provision of this rule chapter and Rule Chapter 69A-58, F.A.C., this rule chapter prevails. The rules in this rule chapter are in addition to, and supplemental to, the rules in Rule Chapter 69A-58, F.A.C.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.002, Amended 11-28-04, 5-18-08, 12-31-08.

69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2006 Edition, Adopted.

(1) NFPA 1, the Uniform Fire Code, Florida 2006 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) NFPA 1, Florida 2006 edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) All codes, standards, publications, and authorities adopted and incorporated by reference in this rule chapter are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303 and may be accessed in a read-only, non-printable, non-downloadable format at the Division of State Fire Marshal website whose address is <http://www.fldfs.com/SFM/>.

(c) NFPA 1, Florida 2006 edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.003, Amended 11-28-04, 5-18-08, 12-31-08.

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2006 Edition, Adopted.

(1) NFPA 101, the Life Safety Code, Florida 2006 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2)(a) NFPA 101, Florida 2006 edition may be purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b) All codes, standards, publications, and authorities adopted and incorporated by reference in this rule chapter are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303 and may be accessed in a read-only, non-printable, non-downloadable format at the Division of State Fire Marshal website whose address is <http://www.fldfs.com/SFM/>.

(c) NFPA 101, Florida 2006 edition, may also be purchased at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.004, Amended 11-28-04, 7-12-06, 5-18-08, 12-31-08.

69A-60.005 Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code.

(1) For purposes of this rule chapter, the following definitions apply:

(a) ANSI means the American National Standards Institute.

(b) ASME means the American Society of Mechanical Engineers.

(c) ASTM means the American Society for Testing and Materials.

(d) BHMA means the Builders Hardware Manufacturers Association.

(e) ICC means the International Code Counsel, American National Standard Accessible and Usable Buildings and Facilities.

(f) UL means Underwriters Laboratories, Inc.

(2) The following publications are hereby adopted and incorporated by reference herein and added to the Florida Fire Prevention Code and shall take effect on the effective date of this rule:

NFPA 10, 2002 edition,	Standard for Portable Fire Extinguishers
NFPA 11, 2005 edition,	Standard for Low, Medium and High-Expansion Foam
NFPA 11A, 1999 edition,	Standard for Medium- and High-Expansion Foam Systems
NFPA 12, 2005 edition,	Standard on Carbon Dioxide Extinguishing Systems
NFPA 12A, 2004 edition,	Standard on Halon 1301 Fire Extinguishing Systems
NFPA 13, 2002 edition,	Standard for the Installation of Sprinkler Systems
NFPA 13D, 2002 edition,	Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes
NFPA 13R, 2002 edition,	Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height
NFPA 14, 2003 edition,	Standard for the Installation of Standpipe, Private Hydrants, and Hose Systems
NFPA 15, 2001 edition,	Standard for Water Spray Fixed Systems for Fire Protection
NFPA 16, 2003 edition,	Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems
NFPA 17, 2002 edition,	Standard for Dry Chemical Extinguishing Systems
NFPA 17A, 2002 edition,	Standard for Wet Chemical Extinguishing Systems
NFPA 20, 2003 edition,	Standard for the Installation of Stationary Pumps for Fire Protection
NFPA 22, 2003 edition,	Standard for Water Tanks for Private Fire Protection
NFPA 24, 2002 edition,	Standard for the Installation of Private Fire Service Mains and Their Appurtenances
NFPA 25, 2002 edition,	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
NFPA 30, 2003 edition,	Flammable and Combustible Liquids Code
NFPA 30A, 2003 edition,	Code for Motor Fuel Dispensing Facilities and Repair Charges
NFPA 30B, 2002 edition,	Code for the Manufacture and Storage of Aerosol Products
NFPA 31, 2001 edition,	Standard for the Installation of Oil-Burning Equipment
NFPA 32, 2004 edition,	Standard for Dry Cleaning Plants
NFPA 33, 2003 edition,	Standard for Spray Application Using Flammable and Combustible Materials
NFPA 34, 2003 edition,	Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
NFPA 35, 2005 edition,	Standard for the Manufacture of Organic Coatings
NFPA 36, 2004 edition,	Standard for Solvent Extraction Plants
NFPA 37, 2002 edition,	Combustion Engines and Gas Turbines
NFPA 40, 2001 edition,	Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film
NFPA 45, 2004 edition,	Standard on Fire Protection for Laboratories Using Chemicals
NFPA 50, 2001 edition,	Standard for Bulk Oxygen Systems at Consumer Sites
NFPA 50B, 1999 edition,	Standard for Liquefied Hydrogen Systems at Consumer Sites
NFPA 51, 2002 edition,	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes
NFPA 51A, 2001 edition,	Standard for Acetylene Cylinder Charging Plants
NFPA 51B, 2003 edition,	Standard for Fire Prevention During Welding, Cutting and Other Hot Work

NFPA 52, 2006 edition,	Vehicular Fuel Systems Code
NFPA 53, 2004 edition,	Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres
NFPA 54, 2006 edition,	National Fuel Gas Code
NFPA 55, 2005 edition,	Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks
NFPA 57, 2002 edition,	Liquefied Natural Gas (LNG) Vehicular Fuel Systems Code
NFPA 58, 2004 edition,	Liquefied Petroleum Gas Code
NFPA 59, 2004 edition,	Utility LP-Gas Plant Code
NFPA 59A, 2006 edition,	Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)
NFPA 61, 2002 edition,	Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities
NFPA 69, 2002 edition,	Standard on Explosion Prevention Systems
NFPA 70, 2005 edition,	National Electrical Code®
NFPA 72, 2002 edition,	National Fire Alarm Code®
NFPA 75, 2003 edition,	Protection of Information Technology Equipment
NFPA 80, 1999 edition,	Standard for Fire Doors and Fire Windows
NFPA 80A, 2007 edition,	Recommended Practice for Protection of Buildings from Exterior Fire Exposures
NFPA 82, 2004 edition,	Standard on Incinerators and Waste and Linen Handling Systems and Equipment
NFPA 86, 2003 edition,	Standard for Ovens and Furnaces
NFPA 86C, 1999 edition,	Standard for Industrial Furnaces Using a Special Processing Atmosphere
NFPA 86D, 1999 edition,	Standard for Industrial Furnaces Using Vacuum as an Atmosphere
NFPA 88A, 2002 edition,	Standard for Parking Structures
NFPA 90A, 2002 edition,	Standard for the Installation of Air-Conditioning and Ventilating Systems
NFPA 90B, 2006 edition,	Standard for the Installation of Warm Air Heating and Air-Conditioning Systems
NFPA 91, 2004 edition,	Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids
NFPA 92A, 2006 edition,	Standard for Smoke-Control Systems Utilizing Barriers and Pressure Differences
NFPA 92B, 2005 edition,	Standard for Smoke Management Systems in Malls, Atria, and Large Spaces
NFPA 96, 2004 edition,	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations. Subdivision 10-2.3 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.
NFPA 99, 2005 edition,	Standard for Health Care Facilities
NFPA 99B, 2005 edition,	Standard for Hypobaric Facilities
NFPA 101A, 2004 edition,	Guide on Alternative Approaches to Life Safety
NFPA 101B, 2002 edition,	Standard on Means of Egress for Buildings and Structures
NFPA 102, 1995 edition,	Standard for Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures
NFPA 105, 2003 edition,	Standard for the Installation of Smoke-Control Door Assemblies
NFPA 110, 2005 edition,	Standard for Emergency and Standby Power Systems
NFPA 111, 2005 edition,	Standard on Stored Electrical Energy Emergency and Standby Power Systems
NFPA 115, 2003 edition,	Standard for Laser Fire Protection
NFPA 120, 2004 edition,	Standard for Fire Prevention and Control in Coal Mines
NFPA 130, 2007 edition,	Standard for Fixed Guideway Transit and Passenger Rail Systems
NFPA 140, 2004 edition,	Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities
NFPA 150, 2007 edition,	Standard on Fire and Life Safety in Animal Housing Facilities
NFPA 160, 2006 edition,	Standard for Use of Flame Effects Before an Audience
NFPA 211, 2003 edition,	Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
NFPA 214, 2005 edition,	Standard on Water Cooling Towers

NFPA 221, 2006 edition,	Standard for High Challenge Fire Walls, Fire Walls and Fire Barrier Walls
NFPA 232, 2000 edition,	Standard for the Protection of Records
NFPA 232A-1995 edition,	Guide for Fire Protection for Archives and Record Centers
NFPA 241, 2004 edition,	Standard for Safeguarding Construction, Alteration, and Demolition Operations
NFPA 251, 2006 edition,	Standard Methods of Tests of Fire Resistance of Building Construction and Materials
NFPA 252, 2003 edition,	Standard Methods of Fire Tests of Door Assemblies
NFPA 253, 2006 edition,	Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
NFPA 255, 2006 edition,	Standard Method of Test of Surface Burning Characteristics of Building Materials
NFPA 256, 2003 edition,	Standard Methods of Fire Tests of Roof Coverings
NFPA 257, 2000 edition,	Standard on Fire Test for Window and Glass Block Assemblies
NFPA 259, 2003 edition,	Standard Test Method for Potential Heat of Building Materials
NFPA 260, 2003 edition,	Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
NFPA 261, 2003 edition,	Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
NFPA 265, 2002 edition,	Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls
NFPA 267, 1998 edition,	Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Source
NFPA 286, 2006 edition,	Standard Methods of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
NFPA 291, 2007 edition,	Recommended Practice for Fire Flow Testing and Marking of Hydrants
NFPA 303, 2006 edition,	Fire Protection Standard for Marinas and Boatyards
NFPA 307, 2006 edition,	Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
NFPA 312, 2006 edition,	Standard for Fire Protection of Vessels During Construction, Repair, and Lay-Up
NFPA 318, 2006 edition,	Standard for the Protection of Semiconductor Fabrication Facilities
NFPA 385, 2000 edition,	Standard for Tank Vehicles for Flammable and Combustible Liquids
NFPA 407, 2001 edition,	Standard for Aircraft Fuel Servicing
NFPA 409, 2004 edition,	Standard on Aircraft Hangars
NFPA 410, 2004 edition,	Standard on Aircraft Maintenance
NFPA 415, 2002 edition,	Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
NFPA 418, 2001 edition,	Standard for Heliports
NFPA 430, 2004 edition,	Code for the Storage of Liquid and Solid Oxidizers
NFPA 432, 2002 edition,	Code for the Storage of Organic Peroxide Formulations
NFPA 434, 2002 edition,	Code for the Storage of Pesticides
NFPA 484, 2006 edition,	Standard for Combustible Metals
NFPA 490, 2002 edition,	Code for the Storage of Ammonium Nitrate
NFPA 495, 2006 edition,	Explosive Materials Code
NFPA 498, 2006 edition,	Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives
NFPA 501, 2005 edition,	Standard on Manufactured Housing
NFPA 501A, 2005 edition,	Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities
NFPA 502, 2008 edition,	Standard for Road Tunnels, Bridges, and Other Limited Access Roadways
NFPA 505, 2006 edition,	Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance and Operation
NFPA 654, 2006 edition,	Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
NFPA 655, 2001 edition,	Standard for Prevention of Sulfur Fires and Explosions

NFPA 664, 2002 edition,	Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
NFPA 701, 2004 edition,	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
NFPA 703, 2006 edition,	Standard for Fire Retardant-Treated Wood and Fire-Retardant Coatings for Building Materials
NFPA 704, 2001 edition,	Standard System for Identification of the Hazards of Materials for Emergency Response
NFPA 750, 2006 edition,	Standard on Water Mist Fire Protection Systems
NFPA 780, 2004 edition,	Standard for the Installation of Lightning Protection Systems
NFPA 820, 2003 edition,	Standard for Fire Protection in Wastewater Treatment and Collection Facilities
NFPA 850, 2005 edition,	Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations
NFPA 909, 2005 edition,	Standard for the Protection of Cultural Resource Properties – Museums, Libraries, and Places of Worship
NFPA 1122, 2002 edition,	Code for Model Rocketry
NFPA 1123, 2006 edition,	Code for Fireworks Display
NFPA 1124, 2006 edition,	Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks, and Pyrotechnic Articles
NFPA 1125, 2001 edition,	Code for the Manufacture of Model Rocket and High Power Rocket Motors
NFPA 1126, 2006 edition,	Standard for the Use of Pyrotechnics before a Proximate Audience
NFPA 1127, 2002 edition,	Code for High Powered Rocketry
NFPA 1142, 2001 edition,	Standard on Water Supplies for Suburban and Rural Fire Fighting
NFPA 1194, 2005 edition,	Standard for Recreational Vehicle Parks and Campgrounds
NFPA 1221, 2007 edition,	Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems
NFPA 1561, 2005 edition,	Standard on Emergency Services Incident Management System
NFPA 1962, 2003 edition,	Standard for the Inspection, Care, and the Use of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose
NFPA 1963, 2003 edition,	Standard for Fire Hose Connections
NFPA 2001, 2004 edition,	Standard on Clean Agent Fire Extinguishing Systems

Such portions of "The United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," which pertain to meeting firesafety requirements without destroying the historical aspects of the building
 SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, Society of Fire Protection Engineers, Bethesda, Maryland 2000 edition

The portions of ANSI A14.3-2002, Safety Code for Fixed Ladders, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036

Chapter 4, Accessible Routes, ICC/ANSI A117.1-1998, which may be obtained at American National Standard for Accessible and Usable Buildings and Facilities, American National Standards Institute, 11 West 42nd Street, New York, NY 10036

The portions of ANSI A1264.1-1995, Safety Requirements for Workplace Floor and Wall Openings, Stairs and Railing Systems, which pertain to fire escape ladders and which may be obtained at American National Standards Institute, 11 West 42nd Street, New York, NY 10036

ANSI/UL 2079, 1998 edition, Test of Fire Resistance of Building Joint Systems, which may be obtained at Underwriters Laboratories Inc., 333 Pfingsten Rd., Northbrook, IL 60062

The portions of ASME/ANSI A17.1-2000, Safety Code for Elevators and Escalators, which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

The portions of ASME/ANSI A17.3-2002, Safety Code for Existing Elevators and Escalators, which may be obtained at American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

ASTM D 2898,-94, (Reapproved 1999), Test Method for Accelerated Weathering of Fire Retardant-Treated Wood for Fire Testing, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-

2959

ASTM E 136-1999, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1537, 2001 edition, Standard Test Method for Fire Testing of Upholstered Furniture, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1590-01, Standard Test Method for Fire Testing of Mattresses, American Society for Testing and Materials, which may be obtained at 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM E 1591-00, Standard Guide for Obtaining Data for Deterministic Fire Models, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM F 851-1987 (Reapproved 1991), Standard Test Method for Self-Rising Seat Mechanisms, which may be obtained at American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, but only to the extent referenced in Subdivision 12.2.5.5.1 and 12.2.5.5.2 of NFPA 101, 2000 edition

ANSI/BHMA A-156.19-2002, American National Standard for Power Assist and Low Energy Power Operated Doors, which may be obtained at Buildings Hardware Manufacturers Association, 355 Lexington Avenue, 17th Floor, New York, NY 10017-6603

16 Code of Federal Regulations, Part 1632 which may be obtained by contacting the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342

UL 924, Standard for Safety Emergency Lighting and Power Equipment, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

UL 1975, Standard for Fire Tests for Foamed Plastics Used for Decorative Purposes, Underwriters Laboratories, Inc., which may be obtained at 333 Pfingsten Rd., Northbrook, IL 60062

(3) The codes and standards published by the National Fire Protection Association and the SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

(4) The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings may be obtained by writing the Florida Department of State, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

(5) Only the codes, standards, publications, or other references adopted in this chapter are enforceable as part of the Florida Fire Prevention Code. Any code, standard, publication or other reference not adopted in this chapter is not a part of the Florida Fire Prevention Code and may only be enforced by a local government if it has been adopted as a local amendment of the local government pursuant to Section 633.0215(2), 633.0215(10), or 633.025(4), F.S.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.005, Amended 11-28-04, 5-18-08, 12-31-08.

69A-60.006 Manufactured and Prototype Buildings.

(1) Definitions. For purposes of this section, the following definitions apply:

(a) "Manufacture" means the process of making, modifying, fabricating, constructing, forming or assembling or reassembling a product from raw, unfinished, semifinished, or finished materials.

(b) "Manufactured building" means a closed structure, building, assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include but not be limited to residential, commercial, institutional, storage, and industrial structures. For purposes of this section, "manufactured building" includes "prototype building" as defined in this subsection.

(c) "Manufacturer" means any person who, or entity which, has been certified by the Department of Community Affairs to produce, modify, or produce and modify, a manufactured building for placement in, or which has been ultimately placed in, the State of Florida.

(d) "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.

(2) With respect to inspections of manufactured buildings, each manufacturer of manufactured buildings is permitted to, at its option:

(a) Contract with any person currently certified as a firesafety inspector under Section 633.081, F.S., from a list to be provided by the Department; or

(b) Provide for one or more of its employees to become certified under Chapter 69A-39, F.A.C.

(3) Each manufacturer shall notify the Department of the option that it has chosen prior to having any firesafety inspection performed on a manufactured building.

(4)(a) The Manufacturer's Modular Data Plate shall state that the manufactured building is, or is not, in compliance with Chapter 633, F.S., and the rules of the Department.

(b) If the Manufacturer's Modular Data Plate indicates that the building is in compliance with Chapter 633, F.S., and the rules of the Department, the local fire official shall recognize and approve such manufactured building. Nothing in this section prevents or prohibits a fire official from conducting performance tests of life safety systems.

(c) If the Manufacturer's Modular Data Plate indicates that the building is not in compliance with Chapter 633, F.S., and the rules of the Department, the local firesafety inspector shall have the authority to conduct such firesafety inspections and to require such modifications as necessary to bring the building into compliance with Chapter 633, F.S., and the rules of the Department.

(d) Nothing contained herein shall restrict the local fire official from approving the site conditions for such matters as fire department access, water supplies, and the exit discharge from the manufactured building; however, this section relating to manufactured buildings is not subject to any local amendment.

(e) Paragraphs (a) through (d) do not apply to factory built school buildings. Each master plan for the factory built school buildings to be built according to such plan shall be reviewed by a firesafety inspector certified pursuant to Section 633.081(2), F.S., conducting an inspection pursuant to Section 633.081(1) or 235.06, F.S., who shall note or cause to be noted on the face of the plans the following:

1. Whether buildings manufactured in conformance with those plans require inspection in the factory and the items subject to inspection; and,

2. Identification of any item that is not indicated on the plans to be installed at the factory, but which is required to be installed pursuant to the Florida Fire Prevention Code, if any. Installation of such item shall be subject to inspection by the local fire official after installation.

(f) No factory built school building shall be occupied, used, or have an insignia of the Department of Community Affairs attached until such building has been inspected after installation by the local fire official and found to be in compliance with the Florida Fire Prevention Code. The local fire official shall notify the local building official when the factory built school has been inspected after installation and has been found to be in compliance with the Florida Fire Prevention Code.

(5) After the manufacturer has fully complied with at least one option in subsection (2), the Department shall advise the Department of Community Affairs of such compliance which shall constitute notice that the manufacturer is in compliance with the

firesafety inspection requirements of the Florida Fire Prevention Code, or the applicable uniform code, and that firesafety inspections are being completed by certified firesafety inspectors.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Amended 9-8-02, Formerly 4A-60.006, Repromulgated 11-28-04.

69A-60.007 Enforcement of the Florida Fire Prevention Code.

(1) Section 633.025, F.S., provides that each municipality, county, and special district with firesafety responsibilities is required to enforce the Florida Fire Prevention Code. Such enforcement requires inspection of each new building subject to the Florida Fire Prevention Code and includes periodic inspections of each existing building subject to the Florida Fire Prevention Code.

(2) The Florida Fire Prevention Code contains several provisions and requirements that may interrelate with the Florida Building Code. It is not the intent of the Florida Fire Prevention Code that such interrelation result in duplicate reviews and inspections by either the firesafety official or the building official. The authority having jurisdiction over firesafety is responsible for enforcement of the Florida Fire Prevention Code hereof and should discharge its obligation in a manner that does not expose those regulated to unnecessary or unnecessarily expensive duplication of effort. To that end, the authority having jurisdiction over firesafety is directed to clearly delineate responsibility for enforcement of the Florida Fire Prevention Code hereof, and, in the event that a dispute arises regarding the enforcement of the Florida Fire Prevention Code as related to the enforcement of the Florida Building Code, the authority having jurisdiction over firesafety shall resolve the dispute by the procedures set forth in Chapter 633 and Chapter 553, F.S., as required by Section 633.01, F.S.

(3) If deemed necessary by a fire official for a complete, accurate, and thorough firesafety plans review or inspection, the fire official may request assistance from a building, electrical, plumbing, or similar specialty inspector; however, nothing in this rule gives authority or jurisdiction to any person other than a firesafety inspector certified under Section 633.081, F.S., to perform firesafety inspections required by law, rule, ordinance, or code.

(4)(a) Section 633.01, F.S., provides that it is the intent of the legislature that there be no conflicts in the interpretation and enforcement of the Florida Fire Prevention Code and the Florida Building Code.

(b) In the event of a conflict between the Florida Fire Prevention Code and the Florida Building Code, the procedures set forth in Chapter 553, F.S., and specifically either

1. Paragraph (d) of subsection (1) of Section 553.73, F.S., relating to conflicts in general to be resolved through mediation, or

2. Paragraphs (a) through (f) of subsection (9) of Section 553.73, F.S., relating to conflicts in the application of the Florida Fire Prevention Code and the Florida Building Code to a specific project, as applicable, shall be followed.

(5)(a) Section 633.01, F.S., provides that the State Fire Marshal may issue, and if requested in writing by a substantially affected person or by a local enforcing agency, i.e., an authority having jurisdiction, the State Fire Marshal shall issue declaratory statements to interpret the Florida Fire Prevention Code.

(b) To request an interpretation of the Florida Fire Prevention Code from the State Fire Marshal through a declaratory statement, a person who is not an authority having jurisdiction must proceed through the local appeal process and receive an adverse ruling from the local appeals board. A person does not become a substantially affected person until such person receives an adverse ruling after having completed the local appeal process because the local interpretation with which the person disagrees, if challenged, cannot be enforced until after having been upheld in the local appeal process.

(c) If the person who is not an authority having jurisdiction receives an adverse ruling after proceeding through the local appeal process, such person then becomes a substantially affected person within the meaning of Section 633.01, F.S., and may at that time petition for a declaratory statement from the State Fire Marshal.

(d) Any petition for declaratory statement that has been received by the State Fire Marshal from a person who is not an authority having jurisdiction and who has not proceeded through the local appeal process shall be dismissed, without prejudice to re-bring the petition after such person has received an adverse ruling through the local appeal process.

(e) An authority having jurisdiction may request a declaratory statement from the State Fire Marshal at any time, regardless of whether the interpretation of the authority having jurisdiction has been challenged; however, an authority having jurisdiction must, in compliance with Section 120.565, F.S., be presented with an actual particular set of circumstances prior to petitioning for a declaratory statement. Declaratory statements are not issued on a hypothetical set of facts if the authority having jurisdiction or any other substantially affected person is not presented with an actual particular set of circumstances.

(f)1. A petition for a declaratory statement is not required to be in any particular form; however, each petition must comply fully with Section 120.565, F.S., and Chapter 28-105, F.A.C.

2. Although there is no requirement that a petition be in any particular form, a form exists on the Division of State Fire Marshal website located at <http://www.fldfs.com/SFM/> which, if used, complies in all respects with the requirements of the law and will assist the division in expediting the proceedings.

Amended 11-28-04.

69A-60.011 Non-Binding Interpretations of the Florida Fire Prevention Code.

(1) Definitions. For purposes of this rule section:

(a) "Code" means the Florida Fire Prevention Code.

(b) "State Fire Marshal" or "Division" means the Chief Financial Officer of the State of Florida acting as State Fire Marshal, or the Division of State Fire Marshal, as the context requires.

(c) "Organization" means the entity with which the State Fire Marshal enters into a contract to provide administrative services to facilitate the provision of informal, non-binding interpretations of the Code as described in Section 633.026, F.S.

(d) "Fire Code Interpretations Committee," or "FCIC," means the committee established to provide informal interpretations of the Florida Fire Prevention Code.

(2) Procedures. The following procedures apply to the organization and to the FCIC.

(a) The FCIC shall consist of seven members, each representing one of the seven emergency management regions in the State. Each member shall be a firesafety inspector certified in accordance with Section 633.081(2), F.S. There shall be one alternate for each FCIC member. Each alternate must be a certified firesafety inspector from the same emergency management region as the FCIC member. Each member and each alternate shall have, at a minimum, five years of experience in performing firesafety inspections as a certified firesafety inspector. The seven emergency management regions of the State are described as follows:

1. Emergency Management Region 1 Counties: Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Gulf, and Calhoun;

2. Emergency Management Region 2 Counties: Gadsden, Liberty, Leon, Franklin, Wakulla, Taylor, Jefferson, Madison, Lafayette, Hamilton, Suwannee, Columbia, and Dixie;

3. Emergency Management Region 3 Counties: Nassau, Duval, Clay, St. Johns, Flagler, Putnam, Bradford, Union, Baker, Levy, Alachua, and Gilchrist;

4. Emergency Management Region 4 Counties: Citrus, Hernando, Pasco, Pinellas, Hillsborough, Polk, and Manatee;

5. Emergency Management Region 5 Counties: Marion, Sumter, Lake, Orange, Seminole, Osceola, Brevard, and Volusia;

6. Emergency Management Region 6 Counties: Hardee, Sarasota, Desoto, Charlotte, Glades, Highland, Okeechobee, Hendry, Lee, and Collier;

7. Emergency Management Region 7 Counties: Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, and Indian River.

(b) At least annually, the Organization shall provide to the Division a list of all certified firesafety inspectors and alternates, who are currently serving on the FCIC, with attendant documentation establishing that these individuals possess at least five years of experience in performing firesafety inspections as a certified firesafety inspector.

(c) Each person serving on the FCIC must have on file with the Division Form DFS-K3-1673, (rev. 01/06), "Member Application for Fire Code Interpretations Committee," adopted and incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by visiting the State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>. The first seven applications received from individuals that meet the geographic and experience requirements shall be appointed as members. The next seven applications received from individuals that meet the geographic and experience requirements shall be appointed alternate members. Applications to serve on the Committee may be submitted at any time and will be kept on file to fill vacancies as they occur. When a vacancy occurs, the existing alternate will be appointed to serve in the vacant seat. An alternate will be chosen for the seat in the same manner as the original member was chosen.

(d) The name of each person to serve on the FCIC must be on file with the Division at least thirty (30) days before that person is permitted to voice an opinion or cast a vote as a member of the FCIC on a request for a non-binding interpretation.

(e) Requests for non-binding interpretations of the Code shall be submitted to the Division in accordance with this rule with a fee of \$110.00.

1. Each request shall cite the specific code and the code section referenced in the question.

2. The question shall be asked in a format that can be answered with a "Yes" or a "No" response.

3. The question must be limited to the application of a single Code section.

4. Any additional question shall be made as a separate request.

(f) The Organization, through its designated representative or representatives, shall review each request for an informal interpretation.

1. If the request for informal interpretation does not qualify for consideration by the FCIC, the Organization shall so advise the requestor, giving the reason or reasons why it does not qualify for consideration, and shall take no further action.

2. If the request for informal interpretation is proper, the Organization shall assign it to the FCIC.

3. If the FCIC deems it appropriate or necessary, it is permitted to initiate a review process which solicits comments for development of a response.

(g) The FCIC is not permitted to consider any comment unless the comment includes the name, employer (if any), and contact information of the submitter. Anonymous comments shall not be presented to or considered by the FCIC.

(h) The FCIC shall prepare a response that is the result of a vote of at least a majority of the persons on the FCIC.

(i) Each person on the FCIC that reviews a request must be identified in the response.

(j) A copy of all documentation received or produced in conjunction with any informal interpretation shall be retained in accordance with the contract between the State Fire Marshal and the Organization.

(k) A meeting shall be held to consider the request at the behest of at least two FCIC members. The meeting may be conducted in person or electronically.

(l)1. Each member participating in an informal interpretation shall submit his or her individual response to the organization within five (5) calendar days of the Organization having received the written request, and the fee of \$110.00. The Organization should forward the majority FCIC response, either "Yes" or "No", without comment or amendment to the requestor via electronic transmission or regular mail within four (4) calendar days of receipt of the majority responses from the individual FCIC members. In no event shall the FCIC response be sent later than thirty (30) days from the date the Organization receives the request for informal interpretation.

2. The Organization shall send an electronic copy of each final FCIC response to the Division of State Fire Marshal at the email address in the contract.

(m) Each final FCIC response, together with the written request, shall be posted on the Organization's website.

(n) Each response is nonbinding, and constitutes the opinion of the FCIC rendering the opinion, and not the opinion of the Department, the State Fire Marshal, or the Organization.

(3)(a) No person serving on the FCIC is permitted to participate in the consideration of any matter involving such person's own jurisdiction, if he or she is the firesafety inspector for that jurisdiction whose duties by statute, rule, ordinance, or code require or permit him or her to inspect any building or structure which is the subject of the request to the FCIC, or if that person has provided input on the matter for the building or structure that is the subject of the request.

(b) Each person serving on the FCIC shall serve at the pleasure of the State Fire Marshal, and may be removed without cause.

Specific Authority 633.01, 633.026 FS. Law Implemented 633.026 FS. History—New 4-26-07.

69A-60.012 Purpose, Criteria and Procedures for Designation as an Approved Nationally Recognized Testing Laboratory in Florida for Firesafety Purposes.

(1) The purpose of this rule is to determine whether a laboratory is nationally recognized in accordance with the following provision:

- (a) Section 633.065, F.S., pertaining to fire suppression equipment;
 - (b) Section 633.071, F.S., pertaining to fire extinguishers;
 - (c) Section 633.083, F.S., pertaining to certain types of fire extinguishers;
 - (d) Section 633.539, F.S., pertaining to fire protection systems, and
 - (e) Section 633.701, F.S., pertaining to alarm systems,
- (2) Criteria for Determination of Designation.

(a) Documentation that the applicant is designated as a Nationally Recognized Testing Laboratory by the U.S. Department of Labor, and the purpose or purposes for which it was recognized; or, in the alternative,

(b) Documentation that the applicant is eligible for recognition as a Nationally Recognized Testing Laboratory by the U.S. Department of Labor, and the purpose or purposes for which Florida designation is sought in accordance with subsection (1) above.

(3) Application Procedure.

(a) An applicant that is currently recognized by the United States Department of Labor as a Nationally Recognized Testing Laboratory can make application for Florida designation to the Division of State Fire Marshal on Form DFS-K3-1791 (effective 9/12/07), "Application for Recognition as Nationally Recognized Testing Laboratory in Florida," which is hereby adopted and incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, or by visiting the Division of State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>.

(b) An applicant that is not currently recognized by the United States Department of Labor as a Nationally Recognized Testing Laboratory can make application for Florida designation to the Division of State Fire Marshal on Form DFS-K3-1792 (effective 9/12/07), "Application for Nationally Recognized Testing Laboratory in Florida," which is hereby adopted and incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, or by visiting the Division of State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>, and shall include all of the information and material requested thereon.

(c) The Division of State Fire Marshal shall review the application for completeness and request additional information that was either not provided or is necessary to make a determination.

(d) When the application is deemed complete, the Division of State Fire Marshal shall either approve or deny the application.

(e) If the application is approved, the Division of State Fire Marshal shall issue a certificate to the applicant evidencing its designation as a Nationally Recognized Testing Laboratory qualified in Florida, and the purposes to which the designation is limited. The designation may be for any of the purposes set forth in subsection (1) above, as approved by the Division of State Fire Marshal, but only for those purposes.

(f) If the application is denied, the applicant shall be notified in writing, together with the reasons for denial and rights under Chapter 120, F.S.

(g) An application that is approved in part but denied for one or more requested purposes shall be treated procedurally as a denied application.

(4) Material Changes. Any testing laboratory designated in Florida as "nationally recognized" for one or more of the purposes in the statutes listed in subsection (1) above:

(a) Will be subject to ongoing verification that it continues to meet the Florida designation criteria, and

(b) Shall notify the Division of State Fire Marshal within 30 days of the occurrence of any of the following:

- 1. A change in the company name or the company address;
- 2. A change in any major test equipment;
- 3. The establishment of a new branch office or facility at which items are to be tested;
- 4. A change in principal officers, key supervisory personnel or key testing personnel in the company.