

**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.*