

**69A-60.011 Informal, 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 as described under paragraph 69A-60.002(3)(a), F.A.C.

(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) "Contractor" 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 633.212, F.S.

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

(e) "Surcharge Funds" means funds from permit fees associated with the enforcement of the Florida Building Code, as described in section 553.721, F.S.

(2) Membership of the FCIC.

(a) The FCIC shall consist of seven members and seven alternate members. Each member and his or her alternate shall represent one of the following seven emergency management regions in the State:

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; and,

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

(b) 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, 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.MyFloridaCFO.com/divisions/SFM>.

The first seven applications received from individuals who meet the qualifications set forth in subsection 633.212(2), F.S., and the geographic requirements set forth in paragraph (a), and who are approved by the Division, shall be appointed as members. The next seven applications received from individuals who meet the qualifications set forth in subsection 633.212(2), F.S., and the geographic requirements set forth in paragraph (a), and who are approved by the Division, shall be appointed as alternate members. Applications to serve on the FCIC 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.

(c) 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 may voice an opinion or cast a vote as a member of the FCIC on a petition for an informal, non-binding interpretation.

(3) Procedures.

(a) To obtain an informal, non-binding interpretation of the Code, the petitioner shall submit to the Contractor a fully completed petition using Form DFS-K3-2050, "Petition for an Informal, Non-Binding Interpretation of the Florida Fire Prevention Code <http://www.flrules.org/Gateway/reference.asp?No=Ref-08918>," Rev. 9/17, adopted and incorporated by reference herein. This form may be obtained by visiting the Division's website located at <http://www.MyFloridaCFO.com/division/SFM>. The petitioner must include a fee of \$110.00 or elect to use Surcharge Funds to subsidize the fee.

(b) Petitioners may elect to use Surcharge Funds to subsidize the fee on Form DFS-K3-2050. Petitioners shall only be entitled to four (4) subsidized petitions per calendar year. Local authorities having jurisdiction shall only be entitled to four (4) subsidized petitions for the entire organization per calendar year, regardless of who in the organization submits the petition. Subsidized petitions shall only be granted until the Surcharge Funds are exhausted. If all of the Surcharge Funds have been exhausted, the

Contractor shall notify the petitioner and give petitioner an opportunity to pay the \$110.00 fee or withdraw the petition.

(c) The Contractor, through its designated representative or representatives, shall review each petition. If the petition does not qualify for consideration by the FCIC, the Contractor shall notify the petitioner in writing of the reason why it does not qualify for consideration, arrange for a refund of the fee (if paid), and shall take no further action. If the petition is proper and the fee of \$110.00 has been received or the petitioner's election to use Surcharge Funds has been granted, the Contractor shall assign the petition to the FCIC and provide a copy of the petition to the local fire official if the petition requests review of an interpretation of the Code made by the local fire official. The Contractor shall notify the local fire official that he or she may submit a written response to the petition to the FCIC within three (3) business days following the local fire official's receipt of the petition.

(d) If the FCIC deems it appropriate or necessary, it may initiate a review process which solicits comments for development of a response. The FCIC shall not 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.

(e) A meeting to consider the petition shall be held if requested by two or more FCIC members. The meeting may be conducted in person or as otherwise authorized by law.

(f) Each FCIC member participating in an informal, non-binding interpretation shall submit his or her individual response to the Contractor within eight (8) business days after the Contractor's receipt of the petition. The Contractor shall prepare a response that is the result of a vote of at least a majority of the members of the FCIC and each member of the FCIC who reviewed the petition must be identified in the response. The Contractor shall distribute the response to the FCIC for a final vote within nine (9) business days after the Contractor's receipt of the petition.

(g) Following the final vote, the Contractor shall forward the majority FCIC response without comment or amendment by the Contractor to the petitioner via electronic transmission or regular mail within 10 business days after the Contractor's receipt of the petition, unless that time period has been waived in compliance with subsection 633.212(3), F.S. The FCIC response must include the notice required by subsection 633.212(8), F.S., concerning the petitioner's right to request a formal interpretation from the State Fire Marshal pursuant to subsection 633.104(6), F.S.

(h) The Contractor shall send an electronic copy of all documentation received or produced in conjunction with any informal, non-binding interpretation to the Division at the e-mail address specified in the contract between the Division and Contractor.

(i) The Contractor shall publish on its Internet website each petition that is assigned to the FCIC by the Contractor, any response to the petition submitted by the local fire official, and the majority FCIC response to the petition.

(j) Each majority FCIC response is nonbinding and constitutes the opinion of the FCIC, and not the opinion of the Department, the State Fire Marshal, or the Contractor.

(k) 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, and the firesafety inspector's 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 petition provided to the FCIC, or if that person has provided input on the matter for the building or structure that is the subject of the petition.

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

*Rulemaking Authority 553.721, 633.104, 633.212 FS. Law Implemented 553.721, 633.212 FS. History—New 4-26-07, Amended 5-29-13, 1-18-18.*