

By Representative Diaz-Balart

1 A bill to be entitled
 2 An act relating to the Florida Building Code;
 3 amending s. 489.509, F.S.; transferring certain
 4 electrical and alarm contracting fees from the
 5 Department of Education to the Department of
 6 Community Affairs; amending ss. 553.505 and
 7 553.507, F.S.; deleting application of a
 8 uniform traffic control enforcement provision
 9 relating to disabled parking; amending s.
 10 553.73, F.S.; requiring the Florida Building
 11 Commission to conduct certain hearings;
 12 authorizing the Florida Building Commission to
 13 adopt rules governing the status of
 14 construction projects on the date the Florida
 15 Building Code takes effect; exempting certain
 16 buildings from the wind impact resistance
 17 standards of the Florida Building Code;
 18 amending s. 553.77, F.S.; providing for
 19 administrative hearings; providing for rules
 20 for plan review of prototype buildings;
 21 authorizing the commission to produce a
 22 commentary to accompany the Florida Building
 23 Code; amending s. 553.79, F.S.; requiring the
 24 Florida Building Code to set standards and
 25 criteria for preliminary construction prior to
 26 completion of plan review; amending s. 553.842,
 27 F.S.; requiring the commission to adopt rules
 28 for certain purposes; providing requirements
 29 and procedures for local and statewide approval
 30 of products or methods or systems of
 31 construction; providing for validation of

1 approvals; requiring the commission to conduct
2 certain hearings; amending s. 553.895, F.S.;
3 exempting certain spaces within
4 telecommunications buildings from code
5 application under certain circumstances;
6 providing an effective date for the Florida
7 Building Code; repealing s. 553.77(2), F.S.,
8 relating to certification fees for special
9 inspectors of threshold buildings; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (3) of section 489.509, Florida
15 Statutes, is amended to read:

16 489.509 Fees.--

17 (3) Four dollars of each fee under subsection (1) paid
18 to the department at the time of application or renewal shall
19 be transferred at the end of each licensing period to the
20 Department of Community Affairs ~~Education~~ to fund projects
21 relating to the building construction industry or continuing
22 education programs offered to persons engaged in the building
23 construction industry in Florida. The board shall, at the time
24 the funds are transferred, advise the Department of Community
25 Affairs ~~Education~~ on the most needed areas of research or
26 continuing education based on significant changes in the
27 industry's practices or on the most common types of consumer
28 complaints or on problems costing the state or local
29 governmental entities substantial waste. The board's advice is
30 not binding on the Department of Community Affairs ~~Education~~.
31 ~~The Department of Education must allocate 50 percent of the~~

1 ~~funds to a graduate program in building construction in a~~
2 ~~Florida university and 50 percent of the funds to all~~
3 ~~accredited private and state universities and community~~
4 ~~colleges within the state offering approved courses in~~
5 ~~building construction, with each university or college~~
6 ~~receiving a pro rata share of such funds based upon the number~~
7 ~~of full-time building construction students enrolled at the~~
8 ~~institution.~~The Department of Community Affairs Education
9 shall ensure the distribution of research reports and the
10 availability of continuing education programs to all segments
11 of the building construction industry to which they relate.
12 The Department of Community Affairs Education shall report to
13 the board in October of each year, summarizing the allocation
14 of the funds by institution and summarizing the new projects
15 funded and the status of previously funded projects. ~~The~~
16 ~~Commissioner of Education is directed to appoint one~~
17 ~~electrical contractor and one certified alarm system~~
18 ~~contractor to the Building Construction Industry Advisory~~
19 ~~Committee.~~

20 Section 2. Effective July 1, 2001, section 553.505,
21 Florida Statutes, is amended to read:

22 553.505 Exceptions to applicability of the Americans
23 with Disabilities Act.--Notwithstanding the Americans with
24 Disabilities Act of 1990, private clubs are governed by ss.
25 553.501-553.513. Parking spaces, parking lots, and other
26 parking facilities are governed by s. 553.5041 ~~316.1955~~, when
27 that section provides increased accessibility.

28 Section 3. Section 553.507, Florida Statutes, is
29 amended to read:

30 553.507 Exemptions.--Sections 553.501-553.513 ~~and s.~~
31 ~~316.1955(4)~~do not apply to any of the following:

1 (1) Buildings, structures, or facilities that were
2 either under construction or under contract for construction
3 on October 1, 1997.

4 (2) Buildings, structures, or facilities that were in
5 existence on October 1, 1997, unless:

6 (a) The building, structure, or facility is being
7 converted from residential to nonresidential or mixed use, as
8 defined by local law;

9 (b) The proposed alteration or renovation of the
10 building, structure, or facility will affect usability or
11 accessibility to a degree that invokes the requirements of s.
12 303(a) of the Americans with Disabilities Act of 1990; or

13 (c) The original construction or any former alteration
14 or renovation of the building, structure, or facility was
15 carried out in violation of applicable permitting law.

16 Section 4. Paragraph (b) of subsection (4) and
17 subsection (5) of section 553.73, Florida Statutes, as amended
18 by chapters 98-287, 98-419, 2000-141, and 2000-154, Laws of
19 Florida, are amended, subsections (6), (7), (8), (9), and (10)
20 of said section are renumbered as subsections (7), (8), (9),
21 (10), and (11), respectively, a new subsection (6) is added to
22 said section, and paragraph (h) is added to renumbered
23 subsection (7) of said section, to read:

24 553.73 Florida Building Code.--

25 (4)

26 (b) Local governments may, subject to the limitations
27 of this section, adopt amendments to the technical provisions
28 of the Florida Building Code which apply solely within the
29 jurisdiction of such government and which provide for more
30 stringent requirements than those specified in the Florida
31 Building Code, not more than once every 6 months, provided:

- 1 1. The local governing body determines, following a
2 public hearing which has been advertised in a newspaper of
3 general circulation at least 10 days before the hearing, that
4 there is a need to strengthen the requirements of the Florida
5 Building Code. The determination must be based upon a review
6 of local conditions by the local governing body, which review
7 demonstrates that local conditions justify more stringent
8 requirements than those specified in the Florida Building Code
9 for the protection of life and property.
- 10 2. Such additional requirements are not discriminatory
11 against materials, products, or construction techniques of
12 demonstrated capabilities.
- 13 3. Such additional requirements may not introduce a
14 new subject not addressed in the Florida Building Code.
- 15 4. The enforcing agency shall make readily available,
16 in a usable format, all amendments adopted pursuant to this
17 section.
- 18 5. Any amendment to the Florida Building Code shall be
19 transmitted within 30 days by the adopting local government to
20 the commission. The commission shall maintain copies of all
21 such amendments in a format that is usable and obtainable by
22 the public.
- 23 6. Any amendment to the Florida Building Code adopted
24 by a local government pursuant to this paragraph shall be
25 effective only until the adoption by the commission of the new
26 edition of the Florida Building Code every third year. At
27 such time, the commission shall review such amendment for
28 consistency with the criteria in paragraph (6)(a) and adopt
29 such amendment as part of the Florida Building Code or rescind
30 the amendment. The commission shall immediately notify the
31 respective local government of the rescission of any

1 amendment. After receiving such notice, the respective local
2 government may readopt the rescinded amendment pursuant to the
3 provisions of this paragraph.

4 7. Each county and municipality desiring to make local
5 technical amendments to the Florida Building Code shall by
6 interlocal agreement establish a countywide compliance review
7 board to review any amendment to the Florida Building Code,
8 adopted by a local government within the county pursuant to
9 this paragraph, that is challenged by any substantially
10 affected party for purposes of determining the amendment's
11 compliance with this paragraph. If the compliance review board
12 determines such amendment is not in compliance with this
13 paragraph, the compliance review board shall notify such local
14 government of the noncompliance and that the amendment is
15 invalid and unenforceable until the local government corrects
16 the amendment to bring it into compliance. The local
17 government may appeal the decision of the compliance review
18 board to the commission, which shall conduct a hearing
19 pursuant to chapter 120 and the uniform rules of procedure
20 adopted pursuant to s. 120.54. If the compliance review board
21 determines such amendment to be in compliance with this
22 paragraph, any substantially affected party may appeal such
23 determination to the commission, which shall conduct a hearing
24 pursuant to chapter 120 and the uniform rules of procedure
25 adopted pursuant to s. 120.54. Actions of the commission are
26 subject to judicial review pursuant to s. 120.68. The
27 compliance review board shall determine whether its decisions
28 apply to a respective local jurisdiction or apply countywide.

29 8. An amendment adopted under this paragraph shall
30 include a fiscal impact statement which documents the costs
31 and benefits of the proposed amendment. Criteria for the

1 fiscal impact statement shall include the impact to local
2 government relative to enforcement, the impact to property and
3 building owners, as well as to industry, relative to the cost
4 of compliance. The fiscal impact statement may not be used as
5 a basis for challenging the amendment for compliance.

6 9. In addition to subparagraphs 7. and 8., the
7 commission may review any amendments adopted pursuant to this
8 subsection and make nonbinding recommendations related to
9 compliance of such amendments with this subsection.

10 (5) ~~The commission, by rule adopted pursuant to ss.~~
11 ~~120.536(1) and 120.54, shall update the Florida Building Code~~
12 ~~every 3 years.~~The initial adoption of, and any subsequent
13 update or amendment to, the Florida Building Code by the
14 commission is deemed adopted for use statewide without
15 adoptions by local government. The commission may adopt by
16 rule, pursuant to ss. 120.536(1) and 120.54, provisions
17 governing the status of construction projects in plan review
18 on the date the Florida Building Code takes effect. The rule
19 shall govern the extent to which projects may be permitted
20 under the statewide minimum building codes after the Florida
21 Building Code takes effect.

22 (6) The commission, by rule adopted pursuant to ss.
23 120.536(1) and 120.54, shall update the Florida Building Code
24 every 3 years.When updating the Florida Building Code, the
25 commission shall consider changes made by the adopting entity
26 of any selected model code for any model code incorporated
27 into the Florida Building Code, and may subsequently adopt the
28 new edition or successor of the model code or any part of such
29 code, which may then be modified for this state as provided in
30 this section, and shall further consider the commission's own
31 interpretations, declaratory statements, appellate decisions,

1 and approved statewide and local technical amendments. A
2 change made by an institute or standards organization to any
3 standard or criterion that is adopted by reference in the
4 Florida Building Code does not become effective statewide
5 until it has been adopted by the commission. The edition of
6 the Florida Building Code which is in effect on the date of
7 application of any permit authorized by the code governs the
8 permitted work for the life of the permit and any extension
9 granted to the permit. Any amendment to the Florida Building
10 Code which is adopted upon a finding by the commission that
11 the amendment is necessary to protect the public from
12 immediate threat of harm takes effect immediately.

13 (8)~~(7)~~ The following buildings, structures, and
14 facilities are exempt from the Florida Building Code as
15 provided by law, and any further exemptions shall be as
16 determined by the Legislature and provided by law:

17 (h) Storage sheds which are manufactured and assembled
18 offsite, are not designed for human habitation, and have a
19 floor area of 720 square feet or less, are exempt from the
20 mandatory wind impact resistance standards of the code.

21
22 With the exception of paragraphs (a), (b), (c), and (f), in
23 order to preserve the health, safety, and welfare of the
24 public, the Florida Building Commission may, by rule adopted
25 pursuant to chapter 120, provide for exceptions to the broad
26 categories of buildings exempted in this section, including
27 exceptions for application of specific sections of the code or
28 standards adopted therein. The Department of Agriculture and
29 Consumer Services shall have exclusive authority to adopt by
30 rule, pursuant to chapter 120, exceptions to nonresidential
31 farm buildings exempted in paragraph (c) when reasonably

1 necessary to preserve public health, safety, and welfare. The
2 exceptions must be based upon specific criteria, such as
3 under-roof floor area, aggregate electrical service capacity,
4 HVAC system capacity, or other building requirements. Further,
5 the commission may recommend to the Legislature additional
6 categories of buildings, structures, or facilities which
7 should be exempted from the Florida Building Code, to be
8 provided by law.

9 Section 5. Paragraph (h) of subsection (1) and
10 subsection (6) of section 553.77, Florida Statutes, as amended
11 by chapters 98-287, 98-419, 2000-141, and 2000-154, Laws of
12 Florida, are amended, and subsection (7) is added to said
13 section, to read:

14 553.77 Specific powers of the commission.--

15 (1) The commission shall:

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

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

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

27 3. Hearings shall be conducted pursuant to chapter 120
28 and the uniform rules of procedure adopted pursuant to s.
29 120.54 and decisions ~~Actions~~ of the commission are subject to
30 judicial review pursuant to s. 120.68.

31

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

17 (7) The commission may produce and distribute a
18 commentary document to accompany the Florida Building Code.
19 Such commentary shall be limited in effect to providing
20 technical assistance and shall not have the effect of binding
21 interpretations of the code document itself.

22 Section 6. Subsections (2) and (6) of section 553.79,
23 Florida Statutes, as amended by chapters 98-297 and 2000-141,
24 Laws of Florida, are amended to read:

25 553.79 Permits; applications; issuance; inspections.--

26 (2) Except as provided in subsection (6),no enforcing
27 agency may issue any permit for construction, erection,
28 alteration, modification, repair, or demolition of any
29 building or structure until the local building code
30 administrator or inspector has reviewed the plans and
31 specifications required by the Florida Building Code, or local

1 amendment to the Florida Building Code,for such proposal and
2 found the plans to be in compliance with the Florida Building
3 Code. In addition, an enforcing agency may not issue any
4 permit for construction, erection, alteration, modification,
5 repair, or demolition of any building until the appropriate
6 firesafety inspector certified pursuant to s. 633.081 has
7 reviewed the plans and specifications required by the Florida
8 Building Code, or local amendment to the Florida Building
9 Code,for such proposal and found that the plans comply with
10 the Florida Fire Prevention Code and the Life Safety Code. Any
11 building or structure which is not subject to a firesafety
12 code shall not be required to have its plans reviewed by the
13 firesafety inspector. Any building or structure that is exempt
14 from the local building permit process may not be required to
15 have its plans reviewed by the local building code
16 administrator. Industrial construction on sites where design,
17 construction, and firesafety are supervised by appropriate
18 design and inspection professionals and which contain adequate
19 in-house fire departments and rescue squads is exempt, subject
20 to local government option, from review of plans and
21 inspections, providing owners certify that applicable codes
22 and standards have been met and supply appropriate approved
23 drawings to local building and firesafety inspectors. The
24 enforcing agency shall issue a permit to construct, erect,
25 alter, modify, repair, or demolish any building or structure
26 when the plans and specifications for such proposal comply
27 with the provisions of the Florida Building Code and the
28 Florida Fire Prevention Code and the Life Safety Code as
29 determined by the local authority in accordance with this
30 chapter and chapter 633.
31

1 (6) A permit may not be issued for any building
2 construction, erection, alteration, modification, repair, or
3 addition unless the applicant for such permit complies with
4 the requirements for plan review established by the Florida
5 Building Commission within the Florida Building Code. However,
6 the code shall set standards and criteria to authorize
7 preliminary construction prior to completion of plan review.

8 Section 7. Section 553.842, Florida Statutes, is
9 amended to read:

10 553.842 Product evaluation and approval.--

11 (1) The commission shall adopt rules pursuant to ss.
12 120.536(1) and 120.54 ~~make recommendations to the President of~~
13 ~~the Senate and the Speaker of the House of Representatives~~
14 ~~prior to the 2001 Regular Session~~ to develop and implement a
15 product evaluation and approval system to operate in
16 coordination with the Florida Building Code. The product
17 evaluation and approval system shall provide:

18 (a) Appropriate promotion of innovation and new
19 technologies.

20 (b) Processing submittals of products from
21 manufacturers in a timely manner.

22 (c) Independent, third-party qualified and accredited
23 testing and laboratory facilities, product evaluation
24 entities, quality assurance agencies, certification agencies,
25 and validation entities.

26 (d) An easily accessible product acceptance list to
27 entities subject to the Florida Building Code.

28 (e) Development of stringent but reasonable testing
29 criteria based upon existing consensus standards, when
30 available, for products.

31

1 (f) Long-term approvals, where feasible. State and
2 local approvals shall be valid until the requirements of the
3 code on which the approval is based changes, the product
4 changes, or the approval is revoked.

5 (g) Criteria for ~~Recall or~~ revocation of a product
6 approval.

7 (h) Cost-effectiveness.

8 (2) The product evaluation and approval system shall
9 rely on regional, national, and international consensus
10 standards, whenever adopted by the Florida Building Code, for
11 demonstrating compliance with code standards. Other standards
12 which meet or exceed established state requirements shall also
13 be considered.

14 (3) Products or methods or systems of construction
15 which require approval pursuant to s. 553.77 and which are
16 ~~required to be approved and~~ certified by an approved product
17 evaluation entity as complying with the standards specified by
18 the code shall be permitted to be used statewide, without
19 further evaluation or approval.

20 (4) By October 1, 2003, products or methods or systems
21 of construction requiring approval pursuant to s. 553.77 shall
22 be approved by one of the methods established in subsections
23 (5) and (6) prior to being used in construction in this state.

24 Products may be approved either by the commission for
25 statewide use, or by a local building department for use in
26 that department's jurisdiction only. Notwithstanding a local
27 government's authority to amend the Florida Building Code as
28 provided in this act, statewide approval shall preclude local
29 jurisdictions from requiring further testing, evaluation, or
30 submission of other evidence as a condition of using the
31

1 product so long as the product is being used consistent with
2 the conditions of its approval.

3 (5) ~~Statewide and~~ Local approval of products or
4 methods or systems of construction ~~may shall~~ be achieved by
5 the local building official through building plans review and
6 inspection to determine that the product or method or system
7 of construction complies with the prescriptive standards
8 established in the code. This method of approval does not
9 apply to structural components as established by the
10 commission by rule, panel walls, exterior doors, roofing,
11 skylights, windows, and shutters. Alternatively, local
12 approval may be achieved as provided in subsection (6).

13 (6) Statewide or local approval of products or methods
14 or systems of construction may be achieved as provided in
15 paragraph (a) or paragraph (b). Local officials or the
16 commission shall apply paragraph (a) or paragraph (b) in
17 approving panel walls, exterior doors, roofing, skylights,
18 windows, shutters, and structural components.+

19 (a) Products for which the code establishes
20 performance measures shall be approved by submittal and
21 validation of one of the following reports indicating the
22 product or method or system of construction was evaluated to
23 be in compliance with the Florida Building Code and the product
24 or method or system of construction is, for the purpose
25 intended, at least equivalent of that required by the Florida
26 Building Code:

- 27 1. A certification mark or listing of an approved
28 certification agency;
29 2. A test report from an approved testing laboratory;
30 3. A product evaluation report based upon testing or
31 rational analysis, or a combination of testing and rational

1 ~~analysis, from an approved product evaluation entity~~
2 ~~indicating the product or method or system of construction was~~
3 ~~tested to be in compliance with the Florida Building Code or~~
4 ~~with the intent of the Florida Building Code and the product~~
5 ~~or method or system of construction is, for the purpose~~
6 ~~intended, at least equivalent of that required by the Florida~~
7 ~~Building Code; or~~
8 4.(b) Submittal and validation of A product evaluation
9 report based upon testing or rational analysis, or a
10 combination of testing and rational analysis, and which is
11 signed and sealed by a professional engineer or architect,
12 licensed in this state, who has no conflict of interest, as
13 established determined by the commission by rule national
14 guidelines, who certifies that the product or method or system
15 of construction is, for the purpose intended, at least
16 equivalent of that required by the Florida Building Code. Any
17 product approved under this procedure shall be required to be
18 manufactured under a quality assurance program, certified by
19 an approved product evaluation entity.
20 (b) Products or methods or systems of construction for
21 which there are no specific standards established in the code
22 may be approved by submittal and validation of:
23 1. A product evaluation report based upon testing or
24 rational analysis, or a combination of testing and rational
25 analysis, from an approved product evaluation entity
26 indicating the product or method or system of construction was
27 evaluated to be in compliance with the intent of the Florida
28 Building Code and the product or method or system of
29 construction is, for the purpose intended, at least equivalent
30 of that required by the Florida Building Code; or
31

1 2. A product evaluation report based upon testing or
2 rational analysis, or a combination of testing and rational
3 analysis, developed and signed and sealed by a professional
4 engineer or architect, licensed in this state, who has no
5 conflict of interest, as established by the commission by
6 rule, who certifies that the product or method or system of
7 construction is, for the purpose intended, at least the
8 equivalent of that required by the Florida Building Code.

9 (7) The commission shall ensure that product
10 manufacturers operate quality assurance programs for all
11 approved products. The commission shall adopt by rule criteria
12 for operation of such quality assurance programs.

13 (8) For local approvals, validation shall be performed
14 by the local building official. The commission shall adopt by
15 rule criteria constituting complete validation by the local
16 official. For state approvals, validation shall be performed
17 by validation entities approved by the commission. The
18 commission shall adopt by rule criteria for approval of
19 validation entities, which shall be third-party entities
20 independent of the product's manufacturer and which shall
21 certify to the commission the product's compliance with the
22 code.

23 (9) The commission shall adopt rules to approve the
24 following types of entities that produce information on which
25 product approvals are based:

26 (a) Evaluation entities which meet the criteria for
27 approval adopted by the commission by rule. The commission
28 shall specifically approve the National Evaluation Service,
29 the International Conference of Building Officials Evaluation
30 Services, the Building Officials and Code Administrators
31 International Evaluation Services, the Southern Building Code

1 Congress International Evaluation Services, and the Miami-Dade
2 County Product Control Division.

3 (b) Testing laboratories accredited by national
4 organizations, including, but not limited to, A2LA and the
5 National Voluntary Laboratory Accreditation Program, or
6 accredited by evaluation entities approved pursuant to
7 paragraph (a) and laboratories that comply with other
8 guidelines for testing laboratories selected by the commission
9 and adopted by rule.

10 (c) Quality assurance entities approved by evaluation
11 entities approved pursuant to paragraph (a) and by
12 certification agencies approved pursuant to paragraph (d), and
13 other quality assurance entities that comply with guidelines
14 selected by the commission and adopted by rule.

15 (d) Certification agencies accredited by nationally
16 recognized accreditors or other certification agencies that
17 comply with guidelines selected by the commission and adopted
18 by rule.

19 (e) Validation entities which comply with
20 accreditation standards established by the commission by rule.

21 (10)(6) A building official may deny the local
22 application of a product or method or system of construction
23 which has received statewide approval, based upon a written
24 report signed by the official that concludes the product
25 application is inconsistent with the statewide approval and
26 that states the reasons the application is inconsistent. Such
27 denial is subject to the provisions of s. 553.77 governing
28 appeal of the building official's interpretation of the code.

29 (11)(7) Products, other than manufactured buildings,
30 which are custom fabricated or assembled shall not require
31 separate approval under this section provided the component

1 parts have been approved for the fabricated or assembled
2 product's use and the components meet the standards and
3 requirements of the Florida Building Code which applies to the
4 product's intended use.

5 (12)~~(8)~~ A building official may appeal the required
6 approval for local use of a product or method or system of
7 construction to the commission. The commission shall conduct a
8 hearing pursuant to chapter 120 and the uniform rules of
9 procedure adopted pursuant to s. 120.54 and shall establish
10 ~~expedited procedures to handle such appeals~~ expeditiously.

11 (13)~~(9)~~ The decisions of local building officials
12 shall be appealable to the local board of appeals, if such
13 board exists, then to the commission which shall conduct a
14 hearing pursuant to chapter 120 and the uniform rules of
15 procedure adopted pursuant to s. 120.54. Decisions of the
16 commission regarding statewide product approvals and appeals
17 of local product approval shall be subject to judicial review
18 pursuant to s. 120.68.

19 (14)~~(10)~~ The commission shall maintain a list of the
20 state-approved ~~approved~~ products, and product evaluation
21 entities, testing laboratories, quality assurance agencies,
22 certification agencies, and validation entities and make such
23 list available in the most cost-effective manner. The
24 commission shall establish reasonable timeframes associated
25 with the product approval process and availability of the
26 lists ~~list~~.

27 (15) The commission shall by rule establish criteria
28 for revocation of product approvals as well as approvals of
29 product evaluation entities, testing laboratories, quality
30 assurance entities, certification agencies, and validation
31

1 entities. Revocation shall be governed by s. 120.60 and the
2 uniform rules of procedure adopted pursuant to s. 120.54.

3 (16) The commission shall establish a schedule for
4 adoption of the rules required in this section to ensure that
5 the product manufacturing industry has sufficient time to
6 revise products to meet the requirements for approval and
7 submit products for testing or evaluation prior to the system
8 taking effect on October 1, 2003, and to ensure that the
9 availability of statewide approval is not delayed.

10 ~~(11) The commission may establish reasonable and~~
11 ~~appropriate fees for the review of rational analyses and~~
12 ~~certification of manufactured buildings submitted pursuant to~~
13 ~~this section and may enter into any contracts the commission~~
14 ~~deems necessary in order to implement this section.~~

15 ~~(12) Products certified or approved for statewide or~~
16 ~~local use by an approved product evaluation entity prior to~~
17 ~~the effective date of this act shall be deemed to be approved~~
18 ~~for use in this state pursuant to this section and to comply~~
19 ~~with this section.~~

20
21 ~~For purposes of this section, an approved product evaluation~~
22 ~~entity is an entity that has been accredited by a nationally~~
23 ~~recognized independent evaluation authority or entity~~
24 ~~otherwise approved by the commission.~~

25 Section 8. Effective July 1, 2001, subsection (2) of
26 section 553.895, Florida Statutes, is amended to read:

27 553.895 Firesafety.--

28 (2) Except for single-family and two-family dwellings,
29 any building which is of three stories or more and for which
30 the construction contract is let after January 1, 1994,
31 regardless of occupancy classification and including any

1 building which is subject to s. 509.215, shall be equipped
2 with an automatic sprinkler system installed in compliance
3 with the provisions of chapter 633 and the rules and codes
4 adopted pursuant thereto. A stand-alone parking garage
5 constructed with noncombustible materials, the design of which
6 is such that all levels of the garage are uniformly open to
7 the atmosphere on all sides with percentages of openings as
8 prescribed in the applicable building code, and which parking
9 garage is separated from other structures by at least 20 feet,
10 is exempt from the requirements of this subsection.

11 Telecommunications spaces located within telecommunications
12 buildings, if such spaces are equipped to meet an equivalent
13 fire prevention standard approved by the Florida Building
14 Commission and the State Fire Marshal, are exempt from the
15 requirements of this subsection.

16 Section 9. Notwithstanding any provision of chapter
17 2000-141, Laws of Florida, relating to the effective date of
18 the Florida Building Code, the Florida Building Code shall
19 take effect October 1, 2001.

20 Section 10. Subsection (2) of section 553.77, Florida
21 Statutes, as amended by chapters 98-287 and 2000-141, Laws of
22 Florida, is repealed.

23 Section 11. Except as otherwise provided herein, this
24 act shall take effect October 1, 2001.
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

HOUSE SUMMARY

Revises various provisions relating to the Florida Building Code. Transfers electrical and alarm contracting fees from the Department of Education to the Department of Community Affairs. Authorizes the Florida Building Commission to adopt rules governing the status of construction projects on the date the Florida Building Code takes effect. Exempts specified buildings from the wind impact resistance standards of the Florida Building Code. Provides for rules for plan review of prototype buildings. Authorizes the commission to produce a commentary to accompany the Florida Building Code. Requires the Florida Building Code to set standards and criteria for preliminary construction prior to completion of plan review. Provides requirements and procedures for local and statewide approval of products or methods or systems of construction. Exempts specific spaces within telecommunications buildings from code application. Specifies an effective date for the Florida Building Code. See bill for details.