

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 518

SPONSOR: Regulated Industries Committee and Senator Constantine

SUBJECT: Florida Building Code/Elevators

DATE: April 3, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>CP</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>BI</u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>
6.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

## I. Summary:

The bill amends the Florida Building Code and selected provisions of chapters 120 and 399 of the Florida Statutes as follows:

- Includes hospice residential facilities and inpatient facilities in the Florida Building Code.
- Specifies that the Florida Building Commission (Commission) shall consider changes made by the adopting entity of any selected model Code for any model Code incorporated into the Florida Building Code (Code) and may subsequently adopt any part of such Code, which may then be modified for the state.
- Includes final orders and interpretations of hearing officer panels in the types of technical amendments the Commission may adopt and incorporate into the Code.
- Provides that the Commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by staff for sufficiency only. Rejected proposed amendments by staff may not be considered by the Commission or any technical advisory committee.
- Provides for elevators in buildings in the state that are 6 or more stories be keyed with a master key to allow for emergency elevator access. The key would be issued to the fire department as well as elevator owners, owners' agents, elevator contractors, state certified inspectors, and state agency representatives.
- Provides for binding and nonbinding interpretation of the Code
- Excludes the requirement of an engineer or architect signature and seal for truss placement plans.
- Provides for a fee owner's contractor, rather than only the fee owner, to use a private provider for building Code inspection services.

- Provides for a schedule of reasonable fees for governing bodies of local governments. It specifies that the fees are to be used solely for carrying out the local government's responsibilities in enforcing the Code.
- Provides for product evaluation process that would have the Commission approve the evaluation entities, testing labs, certification agencies and quality assurance agencies. The local building officials are then given the authority to decide which products on the approved list that they will use.
- Provides an expedited adoption and implementation of the State Existing Building Code as part of the Code as provided under ch. 120, F.S.
- Provides for readoption of any technical amendments that were repealed by the legislature during the 2000 legislative session.
- Creates a public-private partnership called the Florida Construction Council. The Council provides administrative, technical, and Code-development services to the Commission.

This bill substantially amends the following sections of the Florida Statutes: 553.73, 553.77, 553.79, 553.791, 553.80, 553.842, 120.80, and 399.106. The bill also creates s. 553.775 and unnumbered sections of the Florida Statutes.

## **II. Present Situation:**

### **Building Code**

Building Codes establish minimum safety standards for the design and construction of buildings by addressing such issues as structural integrity; mechanical, plumbing, electrical, lighting, heating, air conditioning, ventilation, fireproofing, and exit systems; safe materials; energy efficiency; and accessibility by persons with physical disabilities. In doing so, these regulations protect lives and property, promotes innovation and new technology, and helps ensure economic viability through the availability of safe and affordable buildings and structures.

The reform of Florida's building Codes system has been an issue within the construction industry for many years. It was not until Florida endured back-to-back natural disasters - Hurricane Andrew in August 1992, the "Storm of the Century" in March 1993, Tropical Storms Alberto and Beryl in the Summer of 1994, and Hurricanes Erin and Opal during the 1995 Hurricane Season that the building Code system's effectiveness took on statewide significance for the construction industry and all of the stakeholders in the building Codes system, including local governments, the banking and real estate industries, the insurance industry, labor unions, state agencies, manufacturers, and Florida's citizens. While it was fortunate that these storms set no records with respect to loss of life, they (particularly Andrew) did break all records for insured losses. This was a direct cause of Florida's insurance crisis in the 1990's, which essentially affected every homeowner in the state.

In 1996, Governor Lawton Chiles established a Building Codes Study Commission to evaluate Florida's building Codes system and develop recommendations to reform and improve it. The Governor appointed 28 members to the study Commission, representing diverse stakeholders in the system, including building officials, local government officials, banking and real estate interests, the disabled, the design and construction industries, building owners, state agencies,

and the general public. In 1998, the study Commission issued its findings and proposed a building Codes system with the following characteristics:

- A single, statewide building Code that would govern all technical requirements for Florida's public and private buildings and take into account appropriate local variations such as the following: climatic conditions, soil types, termites, weather-related events, and risks associated with coastal development;
- Local enforcement of the statewide building Code, with updates and amendments accomplished by a newly constituted state-level entity;
- State review of decisions of local officials or boards of appeal, and state authority to issue binding interpretations to ensure statewide consistency;
- Strengthened enforcement and compliance to ensure accountability through expanded education and training of all participants involved in building construction, clear and precise definition of roles and responsibilities, and discipline; and
- A strong product evaluation and approval process which is responsible, streamlined, and affordable, and which promotes innovation and new technology.

The 1998 Legislature considered the findings and recommendations of the study Commission and enacted major legislation reflecting a majority of its proposals. Chapter 98-287, L.O.F., implemented many of the study Commission's recommendations, to include the development of a statewide unified building Code and the renaming of the Board of Building Codes and Standards as the Florida Building Commission.

On February 14, 2000, the Commission adopted the Florida Building Code as an administrative rule and submitted it, together with proposed conforming amendments to the Florida Statutes, to the 2000 Legislature for consideration. The Commission also adopted the South Florida Building Code for application in Miami-Dade and Broward Counties.

In response, the Legislature directed the Commission to incorporate specific changes to the adopted Florida Building Code, and directed the Commission to recommend a statewide product approval system to the Legislature by February 2001. [Ch. 2000-141, L.O.F.]

In the 2001 session, the Legislature delayed implementation of the Code from July 1, 2001, to January 1, 2002. In addition, it adopted recommendations of the Commission providing for a state product approval system and other issues relating to the Florida Building Code. [Ch. 2001-186, L.O.F.]

In the 2001 special session "C", the Legislature enacted ch. 2001-372, L.O.F., to further delay the effective date of the Florida Building Code to March 1, 2002.

In the 2002 regular session, the Legislature enacted ch. 2002-293, L.O.F., to, among other, things:

- Require the Florida Building Commission to develop building Code provisions to facilitate rehabilitation and use of existing structures;

- Amend ch. 399, F.S., to transfer from DBPR to the private sector the responsibility for inspecting elevators for temporary use while it is being installed or under alteration; to allow a local government that assumes elevator inspection duties to hire a private inspector to conduct inspections; to require an annual inspection for all elevators, regardless as to whether they are under service maintenance contracts; to restrict the use of elevator inspection program revenue to program uses; and to make a number of technical changes and clarifications;
- Require the Commission to establish an informal process of rendering non-binding interpretations of the Code; and
- Prescribe an alternative method for the use of private professionals to perform building Code inspection services, and prescribes requirements for private professionals, duties of local officials, and procedures for review and appeal of private Code inspection services.

### **Hospice Residential & Inpatient Facilities**

Section 553.73(2), F.S., requires the Code contain provisions or requirements for

public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements.

In addition, the Code must include standards and criteria for residential swimming pool barriers, pool covers, latching devices, and door and window exit alarms. However, the Code does not specifically include hospice residential and inpatient facilities.

### **Revising the Florida Building Code**

Section 553.73(6), F.S., requires the Commission to update, by rule, the Code every 3 years. The Commission must consider changes made for any model Code incorporated into the Code, and may then modify the Code for use in this state.

### **Amending the Florida Building Code**

Section 553.73(7) (a), F.S., authorizes the Commission to approve technical amendments to the Code once each year for statewide or regional application upon finding that the amendment:

- Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
- Strengthens or improves the Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
- Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
- Does not degrade the effectiveness of the Florida Building Code.

In addition, the Commission may approve technical amendments to the Code once each year to incorporate into the Code its own interpretations of the Code which are embodied in its opinions and declaratory statements. A proposed amendment must include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the Commission and must include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance.

However, the Commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth above.

### **Non-Binding Interpretations of the Florida Building Code**

The 2002 Legislature provided an additional mechanism for guidance on interpreting the Code. [s. 16, ch. 2002-193, L.O.F.] It authorized the Commission to recognize an outside entity to consult with Code officials and industry, and to issue non-binding advisory opinions. These advisory opinions were to be developed by licensed Code enforcement officials.

The Commission selected the Building Officials Association of Florida (BOAF) as the entity to work with toward this end. The Association met the criteria of law and had an established service for issuing advice to local Code officials and industry. BOAF was selected in May, and negotiations on expansion of the service and standards for its operation were completed and approved by the Commission in July.

Requests for opinions are received through the Commission's Web site, and are then forwarded to BOAF and its experts on varied subject matters from industry and local building departments. The advice of these experts is directed to an experienced building official who drafts a response and forwards it to a select group of licensed and active Building Code Enforcement Officials familiar with the subject matter as assigned by BOAF.

These officials make the final determination of the response, which then is forwarded to the questioner and posted on both the BOAF site and in the Commission's Building Code Information System. The electronic information system can be queried for advisory opinions and Declaratory Statements by subject area for any section of the Code.

### **Alternative Plans Review and Inspections**

Section 17 of Ch. 2002-293, L.O.F, created s. 553.791, F.S., to establish a procedure by which the public could choose to hire an engineer or architect to perform plans review and building inspection services for structures for which building permits are required.

Section 553.791(2), F.S., authorizes the fee owner of a building to use and pay a private provider to offer building Code inspection services, subject to a written contract between these parties. The fee owner may use a private provider to offer both plans review and required building inspections or to use the local enforcement agency for one or both of these purposes.

Subsection (15) authorizes a private provider to perform building Code inspection services under this section only if the private provider maintains insurance for professional and comprehensive general liability with minimum policy limits of \$1 million per occurrence relating to all services

performed as a private provider, and including tail coverage for a minimum of 5 years subsequent to the performance of building Code inspection services.

### **Building Inspection Fees**

Section 553.80(1), F.S., authorizes local governments to assess fees to fund the enforcement of the Code. Use of fee revenues is restricted. This section provides that fees may “be used solely for carrying out the local government's responsibilities in enforcing the Code.”

Concerned over local government’s compliance with the fees provision of s. 553.80, F.S., several different local builders association’s requested the Florida Home Builders Association to conduct a study. The study found the following problems among twelve different local governments:

- Local governments not tracking and restricting the cumulative fund balance of building permit and inspection activities.
- There is no clear distinction between costs associated with enforcing the building Code and costs incurred in the planning and zoning departments, engineering departments, and other functions performed in the growth management division.
- Other non-enforcement costs are included in the same department and the costs are being subsidized by building permit fees and other fees.
- Some local governments, after subsidizing non-enforcement costs, are accumulating fund balances that could be considered unreasonable amounts.
- Local government overhead is not being applied consistently.
- Local governments in general have in place adequate accounting and reporting practices for the full range their financial management and reporting activities but in most instances, they simply and inexplicably do not appear to apply these tracking systems and accounting practices so that they comply with the Florida Statutes relative to building inspection fees.
- Many local governments have not established any type of public input process, which allows the building community to express their views on the appropriate level of service that they require and are paying for.

### **Product Approval**

Product performance standards are integral to the scheme used by building Codes to establish minimum building safety and performance standards. The reforms to the building Code system enacted by 98-287, L.O.F., specifically address how products' compliance with the Code are to be established and approved for use in Florida. The Commission was given the authority to complete the product approval system by administrative rule but was unable to achieve consensus on system specifics prior to the 2000 Legislative session. Consequently, the Commission recommended delaying implementation of the new state system, the continuation of the current system of local approvals until a consensus system is adopted by rule, and that a transition period is provided for implementation of the system after the rules are established.

The 2000 Legislature reviewed the Commission's recommendations and through ch. 2000-141, L.O.F., suspended rule adoption authority and directed the Commission to make consensus recommendations to the 2001 Legislature for their review and action. In addition, ch. 2000-141,

L.O.F., enhanced the existing intent language of the law by requiring the system to use private sector evaluations that indicate compliance with the Code and ensure that there is an effective government oversight, prior to approving a product's acceptance in Florida.

Section 30 of ch. 2001-186, L.O.F., significantly rewrote the product approval provisions in s. 553.842, F.S., consistent with the Commission's recommendations, as presented in its February, 2001 report to the Legislature. These changes provide for either state or local approval for all products for which the Code establishes standards. Approval of a product by the State would be voluntary and at the manufacturer's discretion. Approval is based on the evaluation of a product's compliance with the standards established by the Code and validation of the information supporting compliance presented to the approving entity. Manufacturers are also required to operate quality assurance programs to ensure approved products continue to comply with the requirements of the Code.

Rule 9B.72, F.A.C., codifies the Commission's recommendation on product approval. The rule provides that all products must comply with standards established by the Code and their use must be approved by a building official. Alternatively, certain new products and panel walls, external doors, roofing, skylights, windows, shutters and certain structural components may obtain approval by the Commission for statewide use as appropriate.

The rule has uniform requirements for product evaluation and approval which will rely upon national and international consensus standards for demonstrating compliance with the Code. The Commission will approve product evaluation entities testing laboratories, certification agencies, and quality assurance entities which will have the responsibility of determining products, methods and systems compliance with the Code and certifying compliance to the Commission. Once a product, method or system has received Commission approval based on such certification, it can be used statewide as appropriate without further evaluation. A local building official may deny the use of a product if he does so in writing substantiating the fact that the product application is inconsistent with the statewide approval. That denial is reviewable by a local board of appeal (if one exists), and then by the Commission. The Commission's statewide approval is also subject to review. A product may be approved for local use only by a local jurisdiction.

Staff of the Commission indicates that they plan to amend the rule to decrease costs to industry, and defer to local product approval processes to a greater extent.

### **Rehabilitation Code**

Section 22 of ch. 2001-186, L.O.F., directed the Commission to research the feasibility of adopting a rehabilitation Code for existing buildings. In its report to the 2002 Legislature, the Commission advised that such requirements were feasible and that developing such a Code was warranted. It recommended evaluating the effects of the 2001 Florida Building Code requirements for existing buildings after the Code went into effect, following which needed changes would be determined. It further recommended that the Legislature endorsed development of a rehabilitation Code for one and two family dwellings and that the model Codes are considered as the basis of this new state Code.

Section 2 of ch. 2002-293, L.O.F., in turn, directed the Commission to “develop building Code provisions that may be added to the Code to facilitate the rehabilitation and use of existing structures.” Lawmakers further directed the Commission to “select from available national or international model Codes or the Codes or Code provisions adopted by another State to form the foundation for the Code provisions.” The Legislature provided that the Commission could modify the selected model Codes to meet the specific needs of Florida and that it should seek consensus with fire safety professionals, building officials, land use planners, advocates for persons with disabilities, the construction industry and other interested parties.

The Commission established two committees to work with its Code Administration Technical Advisory Committee to develop draft provisions for the rehabilitation of one and two family dwellings and all other buildings. The International Existing Buildings Code promulgated by the International Code Council was selected as the foundation for these new building requirements. With this as a guide, the Commission then spent several months deliberating the model Code provisions and determining appropriate modifications. Their work was facilitated by the Florida Conflict Resolution Consortium and resulted in a proposed draft Code. The Code’s formula-based approach is based on the ratio of the area of a building being worked on to the total area of the building.

Industry interests have expressed concern about current Code requirements for existing buildings, as have been addressed to some extent in technical amendments. However, the topic of building rehabilitation is significant enough that the Commission recommended special treatment of it through the adoption of the proposed Existing Buildings Code.

The standard Ch. 120, F.S., Rule adoption procedures, coupled with the special procedures for Code development and implementation of s. 553.73, F.S., and the Commission’s rules of procedure for amending the Florida Building Code, would result in the new Existing Buildings Code not taking effect until July 2004. Therefore, the Commission recommended that adoption and implementation be expedited by legislative authorization to waive the procedures of s. 553.73, F.S., and apply only the standard procedures of Chapter 120, Florida Statutes. This expedited approach would provide for implementation to proceed in the summer of 2003. The commission maintains that the new Existing Buildings Code provisions to be included in Chapter 34 of the Florida Building Code, will improve clarity and consistency in application of the Code while providing flexibility for better tailoring of requirements to rehabilitation projects. They will also facilitate greater rehabilitation and reuse of existing structures, including historic buildings.

### **Universal Keys for Elevators**

Section 33 of ch. 2001-186, L.O.F., required the Commission to research the issue of requiring all primary elevators in building with more than five levels to operate with a universal key, which allows access and operation of elevators by emergency personnel.

In s. 943.0312, F.S., the legislature states that there is a need to develop and implement a statewide strategy to address preparation and response efforts by federal, state, and local law enforcement agencies, emergency management agencies, fire and rescue department, first responder personnel and others in dealing with potential or actual terrorist acts within or affecting the state. Regional domestic security task forces were established in each of the



Department of Law Enforcement's 7 operational regions. According to the Division of State Fire Marshals, there is a strain on harnessing emergency access to elevators in most of the regions due to the multitude of different fire departments within each region.

According to the Department of Business and Professional Regulation (department), uniformity of elevator key switches is not currently prescribed or regulated by state law. The department is the enforcement authority for ch. 399, F.S., the Florida Elevator Safety Act, and rules related to elevator construction, installation, permitting, inspection, and maintenance and promulgated in concert with the Florida Building Commission.

### **III. Effect of Proposed Changes:**

#### **Amendments to the Florida Building Code**

Subsection 553.73(2), F.S. is amended to include hospice residential and inpatient facilities. The commission maintains that including these facilities in the Code, it provides uniformity on construction standards for these facilities throughout the state. The standards for these facilities are contained in the provisions of the Department of Elder Affairs, which is not a regulatory agency. By including them specifically in the Code, it provides clarification for local building departments and fire officials that the structures should conform to the Code.

Subsection 553.73(6) specifies that the Commission shall consider changes made by the adopting entity of any selected model Code for any model Code incorporated into the Code and may subsequently adopt any part of such Code, which may then be modified for the state

Subsection 553.73(7) (a) is amended to include final orders and interpretations of hearing officer panels under s. 553.775(3) (c) (which is proposed in section 4 of this bill) in the technical amendments that the Commission may interpret, approve, and incorporate into the Code each year.

Subsection 553.73(7) (c) is amended to provide that all proposed amendments and information submitted with proposed amendments be reviewed by Commission staff prior to consideration by any technical advisory committee. The reviews shall be for sufficiency only. The staff members shall reject any proposed amendment that fails to include a fiscal impact statement providing information that is responsive to the criteria identified. Proposed amendments rejected by the staff may not be considered by the Commission or any technical advisory committee.

#### **Elevators**

Section 2 creates an unnumbered section of the Florida Statutes and provides that each building in the state on which construction is begun after June 30, 2003, and buildings with 6 or more stories that are substantially renovated buildings after June 30, 2003, must be keyed with one master key. The master key provides emergency elevator access in each of the seven state emergency response regions in fire emergency situations. The key would be issued to the fire department as well as elevator owners, owners' agents, elevator contractors, state certified inspectors, and state agency representatives.

The key cannot be duplicated for anyone other than authorized fire-department personnel. Compliance for existing buildings six or more stories is required by July 1, 2006. The bill gives the local fire marshal authority to allow substitute emergency measures for buildings which technically or physically cannot comply with the provisions of the section. The bill also gives the Division of the State Fire Marshal authority to enforce the provisions of the section.

**Binding Arbitration**

The bill deletes certain provisions of s. 553.77, F.S. regarding the specific powers of the Commission, including the Commission's ability to issue declaratory statements issued pursuant to s. 120.565, F.S., and the ability to hear appeals of the decisions of local boards. These powers are replaced in the bill by the creation of s. 553.775, F.S.

Subsection 553.775, F.S. sets forth procedures for the Commission to review decisions of local building officials and local enforcement agencies regarding interpretations of the Code as follows:

- The Commission coordinates with a statewide organization of municipal and county Codes enforcement officials to designate panels composed of three hearing officers to hear requests to review decisions of local building officials. The hearing officers must be members of a statewide organization of Codes enforcement officials and licensed as building Code administrators or building officials and have experience interpreting and enforcing provisions of the Code.
- The requests to review a decision of a local building official interpreting of the Code may be initiated by any substantially affected person.
- The substantially affected person must file a petition containing specific information provided in the section.
- The local building official shall provide a written response that meets the requirements of the section. The petitioner then replies.
- The hearing officer panel conducts proceeding necessary to resolve the issues and publishes its interpretation.
- The substantially affected person may file an appeal to Commission. The burden of proof in any proceeding is on the party who initiated the appeal. The prevailing party is awarded reasonable attorney's fees and costs if it is determined that the interpretation given to provisions of the Code by the nonprevailing party were unreasonable.

Local decisions declaring structures to be unsafe and subject to repair or demolition are not subject to review under this subsection, and may not be appealed to the Commission of the local governing body finds that there is an immediate danger to the health and safety of the public.

The Commission shall issue declaratory statements to any substantially affected person relating to an agency's interpretation and enforcement of specific provisions of the Code which the agency is authorized to enforce.

The Commission only has advisory powers with respect to any decision of the State Fire Marshal made under ch. 633, F.S.

**Nonbinding Interpretations**

The bill deletes provisions of s. 553.77(7), F.S., that establish nonbinding interpretations of the Code. It creates s. 553.775, F.S. which allows the Commission, by rule, to establish an informal process of rendering nonbinding interpretations of the Code.

**Trusses**

Section 5 amends s. 553.79(14), F.S., to include a provision that excludes a truss placement plan from being signed and sealed by an engineer or architect unless specifically required by the Code. Currently only Dade and Broward Counties require that truss placement plans be signed and sealed by an engineer or architect. This language clarifies that the Code does not require this process for trusses.

**Alternative Plans Review and Inspections**

Subsection 553.791, F.S. is amended to include a fee owner's contractor, upon written authorization from the fee owner, to choose a private provider to provide building inspection services. The fee owner's contractor would be under the same obligation to notify the local building official at the time of permit application. The bill amends language to include that the notification to the local building official can also take place prior to a private provider providing building Code inspection services.

**Fees**

Subsection 553.80, F.S. is amended to provide that the governing bodies of local governments may provide a schedule of reasonable fees for the enforcement of the Code as authorized in ss. 125.56(2) and 166.22, F.S. The fees and any fines or investment earnings related to the fees are to be used solely for carrying out the local government's responsibilities in enforcing the Code.

This language was created in response to a study requested by several different local builders associations regarding their concern over compliance with s. 553.80, F.S. The study found the following problems among twelve different local governments:

- Local governments not tracking and restricting the cumulative fund balance of building permit and inspection activities.
- There is no clear distinction between costs associated with enforcing the building Code and costs incurred in the planning and zoning departments, engineering departments, and other functions performed in the growth management division.
- Other non-enforcement costs are included in the same department and the costs are being subsidized by building permit fees and other fees.
- Some local governments, after subsidizing non-enforcement costs, are accumulating fund balances that could be considered unreasonable amounts.
- Local government overhead is not being applied consistently.
- Local governments in general have in place adequate accounting and reporting practices for the full range their financial management and reporting activities but in most instances, they simply and inexplicably do not appear to apply these tracking systems and accounting practices so that they comply with the Florida Statutes relative to building inspection fees.

- Many local governments have not established any type of public input process, which allows the building community to express their views on the appropriate level of service that they require and are paying for.

**Product Evaluation**

Section 553.842, F.S. is amended to provide a product evaluation and approval system that will allow the following:

- Reliance on demonstration of compliance with national and international consensus standards as adopted by the Code. Standards that exceed the intent of the Code are also acceptable.
- The approval system shall grant approvals for use. The local building official shall determine whether the product method or system is acceptable for its use.
- Products which have specific standardized testing or comparative or rational analysis methods established in the Code need no further evaluation if they meet the methods prescribed the section.
- For products, methods, or systems of construction without specific standardized testing or comparative or rational analysis methods established in the Code must demonstrate compliance with the intent of the Code through certain prescribed methods.
- Structural components comprised of materials or products assembled or placed in the field and are subject to standardized field testing procedures contained in the Code.
- The Commission shall adopt rules to approve product evaluation entities, testing laboratories, certification agencies, and quality assurance agencies.
- It includes the International Code Council Evaluation Service as one of the entities that the Commission shall specifically approve along with architects and engineers that are specifically qualified.
- It provides that the Commission shall approve certain product approval entities that are approved under a list of specified entities.
- It provides that building officials who deny the local use of an approved product submit a copy of the written report to the product manufacturer and notify the certification agency, testing laboratory, product evaluation entity or quality assurance agency that approved the product.
- It precludes local jurisdictions from requiring further testing, test reports, evaluations, or submission of other evidence of using the product if the product is being used in a consistent manner with the conditions of its approval.
- It provides for notifications of any appeal to the certification agency, testing laboratory, product evaluation entity, or quality assurance agency that approved the product.
- It requires the Commission to maintain a list of approved products, product evaluation entities, testing laboratories, quality assurance agencies and certification agencies on its website and provide website links to its directory databases.
- It includes suspension as a means to discipline approved entities.
- It provides for an effective date of October 1, 2003 for the product evaluation approval system.

**Rehabilitation Code**

The bill creates a section where the Commission may expedite the adoption and implementation of the State Existing Building Code (Rehabilitation Code) as part of the Florida Building Code

**Readoption of repealed amendments**

The bill creates a section that will allow all existing local technical amendments to any building Code adopted by any local government that were repealed by the legislature during the 2000 legislative session to be readopted if such amendments comply with the applicable provisions of the act.

**Exemptions from chapter 120, Florida Statutes**

During proceedings involving binding arbitration, the bill exempts the Commission and hearing officer panels appointed by the Commission from provisions of s. 120.565, 120.569., and 120.57.

**Privatization**

The bill creates the Florida Construction Council to provide administrative, technical, interpretive and Code-development services to the Commission.

**Elevator Safety Technical Advisory Committee**

The bill changes the members of the Elevator Safety Technical Advisory Committee from seven to eight and requires that one of the members be a representative who is a certified elevator inspector from a private inspection service.

It deletes obsolete language of the meeting dates for the committee.

The bill takes effect upon becoming a law.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

Subsection 553.80, F.S., of the bill restricts the use of building fee revenues in that such fees may only be used solely for carrying out the local government's responsibilities in enforcing the Code.

**B. Private Sector Impact:**

The department states that elevator manufacturers and existing building owners will be subject to costs of design, installation and retrofitting of elevator key switches to operate on a uniform master key.

Information on the other provisions of this bill is not presently available.

**C. Government Sector Impact:**

Subsection 553.80, F.S., of the bill restricts the use of building fee revenues in that such fees may only be used solely for carrying out the local government's responsibilities in enforcing the Code.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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