

By Senator Bennett

21-86B-04

1 A bill to be entitled
2 An act relating to building safety; amending s.
3 399.106, F.S.; revising the membership of the
4 Elevator Safety Technical Advisory Committee;
5 removing provisions terminating the committee;
6 amending s. 553.73, F.S.; providing
7 code-amendment review requirements; amending s.
8 553.74, F.S.; revising the appointment of
9 members to the Florida Building Commission;
10 providing requirements relating to regional
11 emergency elevator access; requiring elevators
12 in certain newly constructed or substantially
13 renovated buildings to be keyed alike within
14 each of the state emergency response regions;
15 providing for these requirements to be phased
16 in for certain existing buildings; restricting
17 the duplication and issuance of master elevator
18 keys; requiring the labeling of master elevator
19 keys; allowing local fire marshals to allow
20 substitute emergency measures for elevator
21 access in certain circumstances; providing for
22 appeal of the local fire marshal's decision;
23 providing for the State Fire Marshal to enforce
24 these provisions; encouraging builders to use
25 applicable new technology to provide regional
26 emergency elevator access; providing an
27 exemption; amending s. 553.77, F.S.; revising
28 duties of the Florida Building Commission;
29 deleting requirements that the commission hear
30 certain appeals and issue declaratory
31 statements; creating s. 553.775, F.S.;

1 providing legislative intent with respect to
2 the interpretation of the Florida Building
3 Code; providing for the commission to resolve
4 disputes regarding interpretations of the code;
5 requiring the commission to review decisions of
6 local building officials and local enforcement
7 agencies; providing for publication of an
8 interpretation on the Building Code Information
9 System and in the Florida Administrative
10 Weekly; amending s. 553.79, F.S.; exempting
11 truss-placement plans from certain
12 requirements; amending s. 553.791, F.S.;
13 providing conditions for use of private plans
14 review and inspection; amending s. 553.80,
15 F.S.; authorizing local governments to impose
16 certain fees for code enforcement; providing
17 requirements and limitations; requiring the
18 commission to expedite adoption and
19 implementation of the existing state building
20 code as part of the Florida Building Code
21 pursuant to limited procedures; amending s.
22 120.80, F.S.; authorizing the Florida Building
23 Commission to conduct proceedings to review
24 decisions of local officials; creating the
25 Florida Construction Council as a nonprofit
26 corporation; requiring the council to provide
27 administrative, technical, and code-development
28 services to the Florida Building Commission;
29 providing for staff for the council to be
30 provided by Florida State University; providing
31 for a board of directors; providing terms of

1 office; providing requirements for operations;
2 providing rulemaking authority; amending s.
3 553.841, F.S.; revising the Building Code
4 Training Program; amending s. 553.842, F.S.;
5 adding an evaluation entity to the list of
6 entities specifically approved by the
7 commission; amending s. 633.171, F.S.;
8 establishing penalties for unauthorized use of
9 fireworks and pyrotechnic devices; providing
10 effective dates.

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

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14 Section 1. Section 399.106, Florida Statutes, is
15 amended to read:

16 399.106 Elevator Safety Technical Advisory
17 Committee.--

18 (1) The Elevator Safety Technical Advisory Committee
19 is created within the Department of Business and Professional
20 Regulation, Division of Hotels and Restaurants, consisting of
21 eight ~~seven~~ members to be appointed by the secretary of the
22 Department of Business and Professional Regulation as follows:
23 one representative from a major elevator manufacturing company
24 or its authorized representative; one representative from an
25 elevator servicing company; one representative from a building
26 design profession; one representative of the general public;
27 one representative of a local government in this state; one
28 representative of a building owner or manager; one
29 representative of labor involved in the installation,
30 maintenance, and repair of elevators; and one representative
31 who is a certified elevator inspector from a private

1 inspection service. The purpose of the committee is to provide
2 technical assistance to the division in support of protecting
3 the health, safety, and welfare of the public; to give the
4 division the benefit of the committee members' knowledge and
5 experience concerning the industries and individual businesses
6 affected by the laws and rules administered by the division.

7 (2) The committee members shall serve staggered terms
8 of 4 years to be set by rule without salary, but may receive
9 from the state expenses for per diem and travel. The committee
10 shall appoint one of the members to serve as chair.

11 ~~(3) The committee shall meet and organize not later~~
12 ~~than 45 days prior to the convening of the 2002 Legislature.~~
13 ~~This committee terminates December 31, 2003.~~

14 (3)~~(4)~~ The committee may consult with engineering
15 authorities and organizations concerned with standard safety
16 codes for recommendations to the department regarding rules
17 and regulations governing the operation, maintenance,
18 servicing, construction, alteration, installation, or
19 inspection of vertical conveyances subject to this chapter.

20 Section 2. Subsection (2) and paragraphs (a) and (c)
21 of subsection (7) section 553.73, Florida Statutes, are
22 amended to read:

23 553.73 Florida Building Code.--

24 (2) The Florida Building Code shall contain provisions
25 or requirements for public and private buildings, structures,
26 and facilities relative to structural, mechanical, electrical,
27 plumbing, energy, and gas systems, existing buildings,
28 historical buildings, manufactured buildings, elevators,
29 coastal construction, lodging facilities, food sales and food
30 service facilities, health care facilities, including assisted
31 living facilities, adult day care facilities, hospice

1 residential facilities, inpatient facilities,and facilities
2 for the control of radiation hazards, public or private
3 educational facilities, swimming pools, and correctional
4 facilities and enforcement of and compliance with such
5 provisions or requirements. Further, the Florida Building Code
6 must provide for uniform implementation of ss. 515.25, 515.27,
7 and 515.29 by including standards and criteria for residential
8 swimming pool barriers, pool covers, latching devices, door
9 and window exit alarms, and other equipment required therein,
10 which are consistent with the intent of s. 515.23. Technical
11 provisions to be contained within the Florida Building Code
12 are restricted to requirements related to the types of
13 materials used and construction methods and standards employed
14 in order to meet criteria specified in the Florida Building
15 Code. Provisions relating to the personnel, supervision or
16 training of personnel, or any other professional qualification
17 requirements relating to contractors or their workforce may
18 not be included within the Florida Building Code, and
19 subsections (4), (5), (6), and are not to be construed to
20 allow the inclusion of such provisions within the Florida
21 Building Code by amendment. This restriction applies to both
22 initial development and amendment of the Florida Building
23 Code.

24 (7)(a) The commission may approve technical amendments
25 to the Florida Building Code once each year for statewide or
26 regional application upon a finding that the amendment:

- 27 1. Has a reasonable and substantial connection with
28 the health, safety, and welfare of the general public.
- 29 2. Strengthens or improves the Florida Building Code,
30 or in the case of innovation or new technology, will provide

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1 equivalent or better products or methods or systems of
2 construction.

3 3. Does not discriminate against materials, products,
4 methods, or systems of construction of demonstrated
5 capabilities.

6 4. Does not degrade the effectiveness of the Florida
7 Building Code.

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9 Furthermore, the Florida Building Commission may approve
10 technical amendments to the code once each year to incorporate
11 into the Florida Building Code its own interpretations of the
12 code which are embodied in its opinions, final orders, and
13 declaratory statements, and in interpretations of hearing
14 officer panels under s. 553.775(3)(c). Amendments approved
15 under this paragraph shall be adopted by rule pursuant to ss.
16 120.536(1) and 120.54, after the amendments have been
17 subjected to the provisions of subsection (3).

18 (c) The commission may not approve any proposed
19 amendment that does not accurately and completely address all
20 requirements for amendment which are set forth in this
21 section. The commission shall require all proposed amendments
22 and information submitted with proposed amendments to be
23 reviewed by commission staff prior to consideration by any
24 technical advisory committee. These reviews shall be for
25 sufficiency only and are not intended to be qualitative in
26 nature. Staff members shall reject any proposed amendment that
27 fails to include a fiscal impact statement providing
28 information responsive to all criteria identified. Proposed
29 amendments rejected by members of the staff may not be
30 considered by the commission or any technical advisory
31 committee.

1 Section 3. Subsection (1) of section 553.74, Florida
2 Statutes, is amended to read:

3 553.74 Florida Building Commission.--

4 (1) The Florida Building Commission is created and
5 shall be located within the Department of Community Affairs
6 for administrative purposes. Members shall be appointed by the
7 Governor subject to confirmation by the Senate. The Governor
8 may appoint commission members from lists of candidates
9 submitted by the respective professional organizations or may
10 appoint any other person otherwise qualified according to this
11 section.The commission shall be composed of 23 members,
12 consisting of the following:

13 (a) One architect registered to practice in this state
14 and actively engaged in the profession from a list of three
15 candidates provided by the American Institute of Architecture,
16 Florida Section.

17 (b) One structural engineer registered to practice in
18 this state and actively engaged in the profession from a list
19 of three candidates provided by the Florida Engineering
20 Society.

21 (c) One air-conditioning or mechanical contractor
22 certified to do business in this state and actively engaged in
23 the profession from a list of three candidates provided by the
24 Florida Air Conditioning Contractors Association and the
25 Florida Refrigeration and Air Conditioning Contractors
26 Association.

27 (d) One electrical contractor certified to do business
28 in this state and actively engaged in the profession from a
29 list of three candidates provided by the Florida Electrical
30 Contractors Association.

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1 (e) One member from fire protection engineering or
2 technology who is actively engaged in the profession from a
3 list of three candidates provided by the Florida Fire
4 Protection Engineers Society and the Florida Fire Marshals
5 Association.

6 (f) One ~~general~~ contractor certified to do business in
7 this state and actively engaged in the profession from a list
8 of three candidates provided by the Associated Builders and
9 Contractors of Florida and the Florida Associated General
10 Contractors Council.

11 (g) One plumbing contractor licensed to do business in
12 this state and actively engaged in the profession from a list
13 of three candidates provided by the Florida Association of
14 Plumbing, Heating, and Cooling Contractors.

15 (h) One roofing or sheet metal contractor certified to
16 do business in this state and actively engaged in the
17 profession from a list of three candidates provided by the
18 Florida Roofing, Sheet Metal and Air Conditioning Contractors
19 Association.

20 (i) One ~~residential~~ contractor licensed to do business
21 in this state and actively engaged in the profession from a
22 list of three candidates provided by the Florida Home Builders
23 Association.

24 (j) Three members who are municipal or district codes
25 enforcement officials, two of whom shall be from a list of
26 four candidates provided by the Building Officials Association
27 of Florida and one of whom is also a fire official from a list
28 of three candidates provided by the Florida Fire Marshals
29 Association.

30 (k) One member who represents the Department of
31 Financial Services.

1 (l) One member who is a county codes enforcement
2 official from a list of three candidates provided by the
3 Building Officials Association of Florida.

4 (m) One member of a Florida-based organization of
5 persons with disabilities or a nationally chartered
6 organization of persons with disabilities with chapters in
7 this state.

8 (n) One member of the manufactured buildings industry
9 who is licensed to do business in this state and is actively
10 engaged in the industry from a list of three candidates
11 provided by the Florida Manufactured Housing Association.

12 (o) One mechanical or electrical engineer registered
13 to practice in this state and actively engaged in the
14 profession from a list of three candidates provided by the
15 Florida Engineering Society.

16 (p) One member who is an elected ~~a~~ representative of a
17 municipality or a charter county from a list of three
18 candidates provided by the Florida League of Cities and
19 Florida Association of Counties.

20 (q) One member of the building products manufacturing
21 industry who is authorized to do business in this state and is
22 actively engaged in the industry from a list of candidates
23 provided by the Florida Building Materials Association,
24 Florida Concrete and Products Association, and Fenestration
25 Manufacturers Association.

26 (r) One member who is a representative of the building
27 owners and managers industry who is actively engaged in
28 commercial building ownership or management from a list of
29 three candidates provided by the Building Owners and Managers
30 Association.

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1 (s) One member who is a representative of the
2 insurance industry from a list of three candidates provided by
3 the Florida Insurance Council.

4 (t) One member who is a representative of public
5 education.

6 (u) One member who shall be the chair.

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8 Any person serving on the commission under paragraph (c) or
9 paragraph (h) on October 1, 2004 ~~2003~~, and who has served less
10 than two full terms is eligible for reappointment to the
11 commission regardless of whether he or she meets the new
12 qualification.

13 Section 4. Regional emergency elevator access.--

14 (1) In order to provide emergency access to elevators:

15 (a) For each building in this state which is six or
16 more stories in height, including, but not limited to, hotels
17 and condominiums, and on which construction is begun after
18 June 30, 2004, all of the keys for elevators that allow public
19 access, including, but not limited to, service and freight
20 elevators, must be keyed so as to allow all elevators within
21 each of the seven state emergency response regions to be
22 operated in fire service emergency situations with one master
23 elevator key.

24 (b) Any building in this state which is six or more
25 stories in height and is "substantially renovated" as defined
26 in the Americans with Disabilities Act, as amended, after June
27 30, 2004, must also comply with paragraph (a).

28 (2) Each building existing in this state on the
29 effective date of this act which is six or more stories in
30 height must comply with subsection (1) before July 1, 2007.

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1 (3) In addition to elevator owners, owners' agents,
2 elevator contractors, state certified inspectors, and state
3 agency representatives, master elevator keys may be issued
4 only to the fire department and may not be issued to any other
5 emergency-response agency. A person may not duplicate a master
6 elevator key for issuance to, or issue such a key to, anyone
7 other than authorized fire-department personnel. Each master
8 elevator key must be marked "DO NOT DUPLICATE."

9 (4) If it is technically or physically impossible to
10 bring a building into compliance with this section, the local
11 fire marshal may allow substitute emergency measures that will
12 provide reasonable emergency elevator access. The local fire
13 marshal's decision regarding substitute measures may be
14 appealed to the State Fire Marshal.

15 (5) The Division of State Fire Marshal of the
16 Department of Financial Services shall enforce this section.

17 (6) Builders should make every effort to use new
18 technology and developments in keying systems which make it
19 possible to convert existing equipment so as to provide
20 efficient regional emergency elevator access.

21 (7) Any building operated by an independent special
22 district or airport that has 24-hour emergency response
23 services is exempt from this section.

24 Section 5. Section 553.77, Florida Statutes, is
25 amended to read:

26 553.77 Specific powers of the commission.--

27 (1) The commission shall:

28 (a) Adopt and update the Florida Building Code or
29 amendments thereto, pursuant to ss. 120.536(1) and 120.54.

30 (b) Make a continual study of the operation of the
31 Florida Building Code and other laws relating to the design,

1 construction, erection, alteration, modification, repair, or
2 demolition of public or private buildings, structures, and
3 facilities, including manufactured buildings, and code
4 enforcement, to ascertain their effect upon the cost of
5 building construction and determine the effectiveness of their
6 provisions. Upon updating the Florida Building Code every 3
7 years, the commission shall review existing provisions of law
8 and make recommendations to the Legislature for the next
9 regular session of the Legislature regarding provisions of law
10 that should be revised or repealed to ensure consistency with
11 the Florida Building Code at the point the update goes into
12 effect. State agencies and local jurisdictions shall provide
13 such information as requested by the commission for evaluation
14 of and recommendations for improving the effectiveness of the
15 system of building code laws for reporting to the Legislature
16 annually. Failure to comply with this or other requirements of
17 this act must be reported to the Legislature for further
18 action. Any proposed legislation providing for the revision or
19 repeal of existing laws and rules relating to technical
20 requirements applicable to building structures or facilities
21 should expressly state that such legislation is not intended
22 to imply any repeal or sunset of existing general or special
23 laws governing any special district that are not specifically
24 identified in the legislation.

25 (c) Upon written application by any substantially
26 affected person or a local enforcement agency, issue
27 declaratory statements pursuant to s. 120.565 relating to new
28 technologies, techniques, and materials which have been tested
29 where necessary and found to meet the objectives of the
30 Florida Building Code. This paragraph does not apply to the
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1 types of products, materials, devices, or methods of
2 construction required to be approved under paragraph (f) ~~(i)~~.

3 ~~(d) Upon written application by any substantially~~
4 ~~affected person, state agency, or a local enforcement agency,~~
5 ~~issue declaratory statements pursuant to s. 120.565 relating~~
6 ~~to the enforcement or administration by local governments of~~
7 ~~the Florida Building Code. Paragraph (h) provides the~~
8 ~~exclusive remedy for addressing local interpretations of the~~
9 ~~code.~~

10 ~~(e) When requested in writing by any substantially~~
11 ~~affected person, state agency, or a local enforcing agency,~~
12 ~~shall issue declaratory statements pursuant to s. 120.565~~
13 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~
14 ~~515.37. Actions of the commission are subject to judicial~~
15 ~~review pursuant to s. 120.68.~~

16 (d)(f) Make recommendations to, and provide assistance
17 upon the request of, the Florida Commission on Human Relations
18 regarding rules relating to accessibility for persons with
19 disabilities.

20 (e)(g) Participate with the Florida Fire Code Advisory
21 Council created under s. 633.72, to provide assistance and
22 recommendations relating to firesafety code interpretations.
23 The administrative staff of the commission shall attend
24 meetings of the Florida Fire Code Advisory Council and
25 coordinate efforts to provide consistency between the Florida
26 Building Code and the Florida Fire Prevention Code and the
27 Life Safety Code.

28 ~~(h) Hear appeals of the decisions of local boards of~~
29 ~~appeal regarding interpretation decisions of local building~~
30 ~~officials, or if no local board exists, hear appeals of~~

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1 ~~decisions of the building officials regarding interpretations~~
2 ~~of the code. For such appeals:~~

3 1. ~~Local decisions declaring structures to be unsafe~~
4 ~~and subject to repair or demolition shall not be appealable to~~
5 ~~the commission if the local governing body finds there is an~~
6 ~~immediate danger to the health and safety of its citizens.~~

7 2. ~~All appeals shall be heard in the county of the~~
8 ~~jurisdiction defending the appeal.~~

9 3. ~~Hearings shall be conducted pursuant to chapter 120~~
10 ~~and the uniform rules of procedure, and decisions of the~~
11 ~~commission are subject to judicial review pursuant to s.~~
12 ~~120.68.~~

13 (f)(i) Determine the types of products which may be
14 approved by the commission ~~requiring approval~~ for local or
15 statewide use and shall provide for the evaluation and
16 approval of such products, materials, devices, and method of
17 construction for statewide use. The commission may prescribe
18 by rule a schedule of reasonable fees to provide for
19 evaluation and approval of products, materials, devices, and
20 methods of construction. Evaluation and approval shall be by
21 action of the commission or delegated pursuant to s. 553.842.
22 This paragraph does not apply to products approved by the
23 State Fire Marshal.

24 (g)(j) Appoint experts, consultants, technical
25 advisers, and advisory committees for assistance and
26 recommendations relating to the major areas addressed in the
27 Florida Building Code.

28 (h)(k) Establish and maintain a mutual aid program,
29 organized through the department, to provide an efficient
30 supply of various levels of code enforcement personnel, design
31 professionals, commercial property owners, and construction

1 industry individuals, to assist in the rebuilding effort in an
2 area which has been hit with disaster. The program shall
3 include provisions for:

4 1. Minimum postdisaster structural, electrical, and
5 plumbing inspections and procedures.

6 2. Emergency permitting and inspection procedures.

7 3. Establishing contact with emergency management
8 personnel and other state and federal agencies.

9 (i)~~(1)~~ Maintain a list of interested parties for
10 noticing rulemaking workshops and hearings, disseminating
11 information on code adoption, revisions, amendments, and all
12 other such actions which are the responsibility of the
13 commission.

14 (j)~~(m)~~ Coordinate with the state and local
15 governments, industry, and other affected stakeholders in the
16 examination of legislative provisions and make recommendations
17 to fulfill the responsibility to develop a consistent, single
18 code.

19 (k)~~(n)~~ Provide technical assistance to local building
20 departments in order to implement policies, procedures, and
21 practices which would produce the most cost-effective property
22 insurance ratings.

23 (l)~~(o)~~ Develop recommendations for local governments
24 to use when pursuing partial or full privatization of building
25 department functions. The recommendations shall include, but
26 not be limited to, provisions relating to equivalency of
27 service, conflict of interest, requirements for competency,
28 liability, insurance, and long-term accountability.

29 ~~(2) Upon written application by any substantially~~
30 ~~affected person, the commission shall issue a declaratory~~
31 ~~statement pursuant to s. 120.565 relating to a state agency's~~

1 ~~interpretation and enforcement of the specific provisions of~~
2 ~~the Florida Building Code the agency is authorized to enforce.~~
3 ~~The provisions of this subsection shall not be construed to~~
4 ~~provide any powers, other than advisory, to the commission~~
5 ~~with respect to any decision of the State Fire Marshal made~~
6 ~~pursuant to the provisions of chapter 633.~~

7 ~~(3) The commission may designate a commission member~~
8 ~~with demonstrated expertise in interpreting building plans to~~
9 ~~attend each meeting of the advisory council created in s.~~
10 ~~553.512. The commission member may vary from meeting to~~
11 ~~meeting, shall serve on the council in a nonvoting capacity,~~
12 ~~and shall receive per diem and expenses as provided in s.~~
13 ~~553.74(3).~~

14 (2)~~(4)~~ For educational and public information
15 purposes, the commission shall develop and publish an
16 informational and explanatory document which contains
17 descriptions of the roles and responsibilities of the licensed
18 design professional, residential designer, contractor, and
19 local building and fire code officials. The State Fire Marshal
20 shall be responsible for developing and specifying roles and
21 responsibilities for fire code officials. Such document may
22 also contain descriptions of roles and responsibilities of
23 other participants involved in the building codes system.

24 (3)~~(5)~~ The commission may provide by rule for plans
25 review and approval of prototype buildings owned by public and
26 private entities to be replicated throughout the state. The
27 rule must allow for review and approval of plans for prototype
28 buildings to be performed by a public or private entity with
29 oversight by the commission. The department may charge
30 reasonable fees to cover the administrative costs of the
31 program. Such approved plans or prototype buildings shall be

1 exempt from further review required by s. 553.79(2), except
2 changes to the prototype design, site plans, and other
3 site-related items. As provided in s. 553.73, prototype
4 buildings are exempt from any locally adopted amendment to any
5 part of the Florida Building Code. Construction or erection of
6 such prototype buildings is subject to local permitting and
7 inspections pursuant to this part.

8 (4)~~(6)~~ The commission may produce and distribute a
9 commentary document to accompany the Florida Building Code.
10 The commentary must be limited in effect to providing
11 technical assistance and must not have the effect of binding
12 interpretations of the code document itself.

13 ~~(7) The commission shall by rule establish an informal
14 process of rendering nonbinding interpretations of the Florida
15 Building Code. The commission is specifically authorized to
16 refer interpretive issues to organizations that represent
17 those engaged in the construction industry. The commission is
18 directed to immediately implement the process prior to the
19 completion of formal rulemaking. It is the intent of the
20 Legislature that the commission create a process to refer
21 questions to a small, rotating group of individuals licensed
22 under part XII of chapter 468, to which a party can pose
23 questions regarding the interpretation of code provisions. It
24 is the intent of the Legislature that the process provide for
25 the expeditious resolution of the issues presented and
26 publication of the resulting interpretation on the Building
27 Code Information System. Such interpretations are to be
28 advisory only and nonbinding on the parties or the commission.~~

29 Section 6. Section 553.775, Florida Statutes, is
30 created to read:

31 553.775 Interpretations.--

1 (1) It is the intent of the Legislature that the
2 Florida Building Code be interpreted by building officials,
3 local enforcement agencies, and the commission in a manner
4 that protects the public safety, health, and welfare at the
5 most reasonable cost to the consumer by ensuring uniform
6 interpretations throughout the state and by providing
7 processes for resolving disputes regarding interpretations of
8 the Florida Building Code which are just and expeditious.

9 (2) Local enforcement agencies, local building
10 officials, state agencies, and the commission shall interpret
11 provisions of the Florida Building Code in a manner that is
12 consistent with declaratory statements and interpretations
13 entered by the commission, except that conflicts between the
14 Florida Fire Prevention Code and the Florida Building Code
15 shall be resolved in accordance with s. 553.73(9)(c) and (d).

16 (3) The following procedures may be invoked regarding
17 interpretations of the Florida Building Code:

18 (a) Upon written application by any substantially
19 affected person, state agency, or a local enforcement agency,
20 the commission shall issue declaratory statements pursuant to
21 s. 120.565 relating to the enforcement or administration by
22 local governments of the Florida Building Code.

23 (b) When requested in writing by any substantially
24 affected person, state agency, or a local enforcing agency,
25 the commission shall issue a declaratory statement pursuant to
26 s. 120.565 relating to this part and ss. 515.25, 515.27,
27 515.29, and 515.37. Actions of the commission are subject to
28 judicial review under s. 120.68.

29 (c) The commission shall review decisions of local
30 building officials and local enforcement agencies regarding
31 interpretations of the Florida Building Code as follows:

1 1. The commission shall coordinate with the Building
2 Officials Association of Florida, Inc., to designate panels
3 composed of five members to hear requests to review decisions
4 of local building officials. The members must be licensed as
5 building code administrators under part XII of chapter 468 and
6 must have experience interpreting and enforcing provisions of
7 the Florida Building Code.

8 2. Requests to review a decision of a local building
9 official interpreting provisions of the Florida Building Code
10 may be initiated by any substantially affected person,
11 including an owner or builder subject to a decision of a local
12 building official, or an association of owners or builders
13 with members who are subject to a decision of a local building
14 official. In order to initiate review, the substantially
15 affected person must file a petition with the commission. The
16 commission shall adopt a form for the petition, which shall be
17 published on the Building Code Information System. The form
18 shall, at a minimum, require the following:

19 a. The name and address of the county or municipality
20 in which provisions of the Florida Building Code are being
21 interpreted.

22 b. The name and address of the local building official
23 who has made the interpretation being appealed.

24 c. The name, address, and telephone number of the
25 petitioner; the name, address, and telephone number of the
26 petitioner's representative, if any; and an explanation of how
27 the petitioner's substantial interests are being affected by
28 the local interpretation of the Florida Building Code.

29 d. A statement of the provisions of the Florida
30 Building Code which are being interpreted by the local
31 building official.

1 e. A statement of the interpretation given to
2 provisions of the Florida Building Code by the local building
3 official and the manner in which the interpretation was
4 rendered.

5 f. A statement of the interpretation that the
6 petitioner contends should be given to the provisions of the
7 Florida Building Code and a statement supporting the
8 petitioner's interpretation.

9 g. Space for the local building official to respond in
10 writing. The space shall, at a minimum, require the local
11 building official to respond by providing a statement
12 admitting or denying the statements containing in the petition
13 and a statement of the interpretation of the provisions of the
14 Florida Building Code which the local jurisdiction or the
15 local building official contends is correct, including the
16 basis for the interpretation.

17 3. The petitioner shall submit the petition to the
18 local building official, who shall place the date of receipt
19 on the petition. The local building official shall respond to
20 the petition in accordance with the form, and shall return the
21 petition along with his or her response to the petitioner
22 within 5 days after receipt, exclusive of Saturdays, Sundays,
23 and legal holidays. The petitioner may file the petition with
24 the commission at any time after the local building official
25 provides a response. If no response is provided by the local
26 building official, the petitioner may file the petition with
27 the commission 10 days after submission of the petition to the
28 local building official, and shall note that the local
29 building official did not respond.

30 4. Upon receipt of a petition that meets the
31 requirements of subparagraph 2., the commission shall

1 immediately provide copies of the petition to a panel, and the
2 commission shall publish the petition, including any response
3 submitted by the local building official, on the Building Code
4 Information System in a manner that allows interested persons
5 to address the issues by posting comments.

6 5. The panel shall conduct proceedings as necessary to
7 resolve the issues; shall give due regard to the petitions,
8 and the response, and to comments posed on the Building Code
9 Information System; and shall issue an interpretation
10 regarding the provisions of the Florida Building Code within
11 21 days after the filing of the petition. The panel shall
12 render a determination based upon the Florida Building Code
13 or, if the code is ambiguous, the intent of the code. The
14 panel's interpretation shall be provided to the commission,
15 which shall publish the interpretation on the Building Code
16 Information System and in the Florida Administrative Weekly.
17 The interpretation shall be considered an interpretation
18 entered by the commission, and shall be binding upon the
19 parties and upon all jurisdictions subject to the Florida
20 Building Code, unless it is superseded by a declaratory
21 statement issued by the Florida Building Commission or by a
22 final order entered after an appeal proceeding conducted in
23 accordance with subparagraph 7.

24 6. It is the intent of the Legislature that review
25 proceedings be completed within 21 days after the date that a
26 petition seeking review is filed with the commission, and the
27 time periods set forth in this paragraph may be waived only
28 upon consent of all parties.

29 7. Any substantially affected person may appeal an
30 interpretation rendered by a hearing officer panel by filing a
31 petition with the commission. Such appeals shall be initiated

1 in accordance with chapter 120 and the uniform rules of
2 procedure, and must be filed within 30 days after publication
3 of the interpretation on the Building Code Information System
4 or in the Florida Administrative Weekly. Hearings shall be
5 conducted pursuant to chapter 120 and the uniform rules of
6 procedure. Decisions of the commission are subject to judicial
7 review pursuant to s. 120.68. The final order of the
8 commission is binding upon the parties and upon all
9 jurisdictions subject to the Florida Building Code.

10 8. The burden of proof in any proceeding initiated in
11 accordance with subparagraph 7. shall be on the party who
12 initiated the appeal.

13 9. In any review proceeding initiated in accordance
14 with this paragraph, including any proceeding initiated in
15 accordance with subparagraph 7., the fact that an owner or
16 builder has proceeded with construction shall not be grounds
17 for determining the issues to be moot, if the issue is one
18 that is likely to arise in the future.

19
20 This paragraph provides the exclusive remedy for addressing
21 requests to review local interpretations of the code and
22 appeals from review proceedings.

23 (d) Local decisions declaring structures to be unsafe
24 and subject to repair or demolition are not subject to review
25 under this subsection and may not be appealed to the
26 commission if the local governing body finds that there is an
27 immediate danger to the health and safety of the public.

28 (e) Upon written application by any substantially
29 affected person, the commission shall issue a declaratory
30 statement pursuant to s. 120.565 relating to an agency's
31 interpretation and enforcement of the specific provisions of

1 the Florida Building Code which the agency is authorized to
2 enforce. This subsection does not provide any powers, other
3 than advisory, to the commission with respect to any decision
4 of the State Fire Marshal made pursuant to chapter 633.

5 (f) The commission may designate a commission member
6 with demonstrated expertise in interpreting building plans to
7 attend each meeting of the advisory council created in s.
8 553.512. The commission member may vary from meeting to
9 meeting, shall serve on the council in a nonvoting capacity,
10 and shall receive per diem and expenses as provided in s.
11 553.74(3).

12 (g) The commission shall by rule establish an informal
13 process of rendering nonbinding interpretations of the Florida
14 Building Code. The commission is specifically authorized to
15 refer interpretive issues to organizations that represent
16 those engaged in the construction industry. The commission
17 shall immediately implement the process prior to the
18 completion of formal rulemaking. It is the intent of the
19 Legislature that the commission create a process to refer
20 questions to a small, rotating group of individuals licensed
21 under part XII of chapter 468, to which a party may pose
22 questions regarding the interpretation of code provisions. It
23 is the intent of the Legislature that the process provide for
24 the expeditious resolution of the issues presented and
25 publication of the resulting interpretation on the Building
26 Code Information System. Such interpretations shall be
27 advisory only and nonbinding on the parties and the
28 commission.

29 Section 7. Subsection (14) of section 553.79, Florida
30 Statutes, is amended to read:

31 553.79 Permits; applications; issuance; inspections.--

1 (14) Certifications by contractors authorized under
2 the provisions of s. 489.115(4)(b) shall be considered
3 equivalent to sealed plans and specifications by a person
4 licensed under chapter 471 or chapter 481 by local enforcement
5 agencies for plans review for permitting purposes relating to
6 compliance with the wind resistance provisions of the code or
7 alternate methodologies approved by the commission for one and
8 two family dwellings. Local enforcement agencies may rely upon
9 such certification by contractors that the plans and
10 specifications submitted conform to the requirements of the
11 code for wind resistance. Upon good cause shown, local
12 government code enforcement agencies may accept or reject
13 plans sealed by persons licensed under chapter 471, chapter
14 481, or chapter 489. A truss-placement plan is not required to
15 be signed and sealed by an engineer or architect unless
16 prepared by an engineer or architect or specifically required
17 by the Florida Building Code.

18 Section 8. Subsections (2), (4), (6), (11), (14), and
19 (15) of section 553.791, Florida Statutes, are amended to
20 read:

21 553.791 Alternative plans review and inspection.--

22 (2) Notwithstanding any other provision of law or
23 local government ordinance or local policy to the contrary,
24 the fee owner of a building, or the fee owner's contractor
25 upon written authorization from the fee owner, may choose to
26 use a private provider to provide building code inspection
27 services with regard to such building and may make payment
28 directly to the private provider for the provision of such
29 services. All such services shall be the subject of a written
30 contract between the private provider, or the private
31 provider's firm, and the fee owner. The fee owner may elect to

1 use a private provider to provide either plans review or
2 required building inspections. The local building official, in
3 his or her discretion and pursuant to duly adopted policies of
4 the local enforcement agency, may require the fee owner who
5 desires to use a private provider to use the private provider
6 to provide both plans review and required building inspection
7 services.

8 (4) A fee owner or the fee owner's contractor using a
9 private provider to provide building code inspection services
10 shall notify the local building official at the time of permit
11 application or no less than 1 week prior to a private provider
12 providing building code inspection services on a form to be
13 adopted by the commission. This notice shall include the
14 following information:

15 (a) The services to be performed by the private
16 provider.

17 (b) The name, firm, address, telephone number, and
18 facsimile number of each private provider who is performing or
19 will perform such services, his or her professional license or
20 certification number, qualification statements or resumes,
21 and, if required by the local building official, a certificate
22 of insurance demonstrating that professional liability
23 insurance coverage is in place for the private provider's
24 firm, the private provider, and any duly authorized
25 representative in the amounts required by this section.

26 (c) An acknowledgment from the fee owner in
27 substantially the following form:

28
29 I have elected to use one or more private
30 providers to provide building code plans review
31 and/or inspection services on the building that

1 is the subject of the enclosed permit
2 application, as authorized by s. 553.791,
3 Florida Statutes. I understand that the local
4 building official may not review the plans
5 submitted or perform the required building
6 inspections to determine compliance with the
7 applicable codes, except to the extent
8 specified in said law. Instead, plans review
9 and/or required building inspections will be
10 performed by licensed or certified personnel
11 identified in the application. The law requires
12 minimum insurance requirements for such
13 personnel, but I understand that I may require
14 more insurance to protect my interests. By
15 executing this form, I acknowledge that I have
16 made inquiry regarding the competence of the
17 licensed or certified personnel and the level
18 of their insurance and am satisfied that my
19 interests are adequately protected. I agree to
20 indemnify, defend, and hold harmless the local
21 government, the local building official, and
22 their building code enforcement personnel from
23 any and all claims arising from my use of these
24 licensed or certified personnel to perform
25 building code inspection services with respect
26 to the building that is the subject of the
27 enclosed permit application.

28
29 If the fee owner or a fee owner's contractor makes any changes
30 to the listed private providers or the services to be provided
31 by those private providers, the fee owner or fee owner's

1 contractor shall, within 1 business day after any change,
2 update the notice to reflect such changes.

3 (6)(a) No more than ~~Within~~ 30 ~~business~~ days after
4 receipt of a permit application and the affidavit from the
5 private provider required pursuant to subsection (5), the
6 local building official shall issue the requested permit or
7 provide a written notice to the permit applicant identifying
8 the specific plan features that do not comply with the
9 applicable codes, as well as the specific code chapters and
10 sections. If the local building official does not provide a
11 written notice of the plan deficiencies within the prescribed
12 30-day period, the permit application shall be deemed approved
13 as a matter of law, and the permit shall be issued by the
14 local building official on the next business day.

15 (b) If the local building official provides a written
16 notice of plan deficiencies to the permit applicant within the
17 prescribed 30-day period, the 30-day period shall be tolled
18 pending resolution of the matter. To resolve the plan
19 deficiencies, the permit applicant may elect to dispute the
20 deficiencies pursuant to subsection (12) or to submit
21 revisions to correct the deficiencies.

22 (c) If the permit applicant submits revisions, the
23 local building official has the remainder of the tolled 30-day
24 period plus 5 business days to issue the requested permit or
25 to provide a second written notice to the permit applicant
26 stating which of the previously identified plan features
27 remain in noncompliance with the applicable codes, with
28 specific reference to the relevant code chapters and sections.
29 If the local building official does not provide the second
30 written notice within the prescribed time period, the permit
31

1 shall be issued by the local building official on the next
2 business day.

3 (d) If the local building official provides a second
4 written notice of plan deficiencies to the permit applicant
5 within the prescribed time period, the permit applicant may
6 elect to dispute the deficiencies pursuant to subsection (12)
7 or to submit additional revisions to correct the deficiencies.
8 For all revisions submitted after the first revision, the
9 local building official has an additional 5 business days to
10 issue the requested permit or to provide a written notice to
11 the permit applicant stating which of the previously
12 identified plan features remain in noncompliance with the
13 applicable codes, with specific reference to the relevant code
14 chapters and sections.

15 (11) No more than ~~within~~ 2 business days after receipt
16 of a request for a certificate of occupancy or certificate of
17 completion and the applicant's presentation of a certificate
18 of compliance and approval of all other government approvals
19 required by law, the local building official shall issue the
20 certificate of occupancy or certificate of completion or
21 provide a notice to the applicant identifying the specific
22 deficiencies, as well as the specific code chapters and
23 sections. If the local building official does not provide
24 notice of the deficiencies within the prescribed 2-day period,
25 the request for a certificate of occupancy or certificate of
26 completion shall be deemed granted and the certificate of
27 occupancy or certificate of completion shall be issued by the
28 local building official on the next business day. To resolve
29 any identified deficiencies, the applicant may elect to
30 dispute the deficiencies pursuant to subsection (12) or to

31

1 submit a corrected request for a certificate of occupancy or
2 certificate of completion.

3 (14) No local enforcement agency, local building
4 official, or local government may adopt or enforce any laws,
5 rules, procedures, policies, or standards more stringent than
6 those prescribed by this section.

7 (15) A private provider may perform building code
8 inspection services under this section only if the private
9 provider maintains insurance for professional ~~and~~
10 ~~comprehensive general~~ liability with minimum policy limits of
11 \$1 million per occurrence covering relating to all services
12 performed as a private provider. If the private provider
13 chooses to secure claims-made coverage to fulfill this
14 requirement, the private provider must also maintain,
15 including tail coverage for a minimum of 5 years subsequent to
16 the performance of building code inspection services.
17 Occurrence-based coverage shall not be subject to any tail
18 coverage requirement.

19 Section 9. Subsection (7) is added to section 553.80,
20 Florida Statutes, to read:

21 553.80 Enforcement.--

22 (7) The governing bodies of local governments may
23 provide a schedule of reasonable fees, as authorized by s.
24 125.56(2) or s. 166.222 and this section, for enforcing this
25 part. These fees, and any fines or investment earnings related
26 to the fees, shall be used solely for carrying out the local
27 government's responsibilities in enforcing the Florida
28 Building Code. When providing a schedule of reasonable fees,
29 the total estimated annual revenue derived from fees and the
30 fines and investment earnings related to the fees may not
31 exceed the total estimated annual costs of allowable

1 activities. Any unexpended balances must be carried forward to
2 future years for allowable activities or shall be refunded at
3 the discretion of the local government. The basis for a fee
4 structure for allowable activities shall relate to the level
5 of service provided by the local government. Fees charged
6 shall be consistently applied.

7 (a) As used in this subsection, the phrase "enforcing
8 the Florida Building Code" includes the direct costs and
9 reasonable indirect costs associated with review of building
10 plans, building inspections, reinspections, building permit
11 processing, and building code enforcement. The phrase may also
12 include enforcement action pertaining to unlicensed contractor
13 activity to the extent not funded by other user fees. Costs
14 related to planning and zoning or other general government
15 activities; costs related to the inspections of public
16 buildings for a reduced fee or no fee; costs incurred in
17 connection with public information requests, community
18 functions, boards, and programs that are not directly related
19 to enforcement of the Florida Building Code; and costs
20 associated with the enforcement and implementation of any
21 other local ordinance, excluding validly adopted local
22 amendments to the Florida Building Code and excluding any
23 local ordinance directly related to enforcing the Florida
24 Building Code as defined in this paragraph, may not be
25 financed with fees adopted under this subsection.

26 (b) A local government shall use recognized
27 management, accounting, and oversight practices to ensure that
28 fees, fines, and investment earnings generated under this
29 subsection are maintained and allocated or used solely for the
30 purposes described in paragraph (a).

31

1 Section 10. The Florida Building Commission shall
2 expedite the adoption and implementation of the State Existing
3 Building Code as part of the Florida Building Code pursuant
4 only to the provisions of chapter 120, Florida Statutes. The
5 special update and amendment requirements of section 553.73,
6 Florida Statutes, and the administrative rule requiring
7 additional delay time between adoption and implementation of
8 such code are waived.

9 Section 11. Paragraph (c) is added to subsection (17)
10 of section 120.80, Florida Statutes, to read:

11 120.80 Exceptions and special requirements;
12 agencies.--

13 (17) FLORIDA BUILDING COMMISSION.--

14 (c) Notwithstanding ss. 120.565, 120.569, and 120.57,
15 the Florida Building Commission and hearing officer panels
16 appointed by the commission in accordance with s.
17 553.775(3)(c)1., may conduct proceedings to review decisions
18 of local building code officials in accordance with s.
19 553.775(3)(c).

20 Section 12. Florida Construction Council.--

21 (1) This section may be cited as the "Florida
22 Construction Council Act."

23 (2) The purpose of this section is to create a
24 public-private partnership by providing that a single
25 nonprofit corporation be established to provide
26 administrative, technical, interpretive, and code-development
27 services to the Florida Building Commission and that no
28 additional nonprofit corporation be created for these
29 purposes.

30 (3) The Florida Construction Council is created to
31 provide administrative, technical, and code-development

1 services to the Florida Building Commission in accordance with
2 chapter 553, Florida Statutes. The council may hire staff
3 members as necessary to carry out its functions. Such staff
4 members are not public employees for the purposes of chapter
5 110 or chapter 112, Florida Statutes, except that the board of
6 directors and the staff are subject to the provisions of
7 section 112.061, Florida Statutes. However, the council may
8 also use staff members provided by the Florida State
9 University who may be public employees for the purposes of
10 chapter 110 or chapter 112, Florida Statutes. The provisions
11 of section 768.28, Florida Statutes, apply to the Florida
12 Construction Council, which is deemed to be a corporation
13 primarily acting as an instrumentality of the state, but which
14 is not an agency within the meaning of section 20.03(11),
15 Florida Statutes. The council shall:

16 (a) Be a Florida corporation not for profit,
17 incorporated under the provisions of chapter 617, Florida
18 Statutes.

19 (b) Provide administrative, technical, and
20 code-development services to the Florida Building Commission
21 in accordance with chapter 553, Florida Statutes, and the
22 contract required by this section. For the administrative
23 purposes of this act, the Florida Construction Council shall
24 be administratively attached to Florida State University and
25 shall be provided the administrative services that the council
26 and Florida State University find necessary.

27 (c) Receive, hold, and administer property and make
28 only prudent expenditures directly related to the
29 responsibilities of the Florida Building Commission, and in
30 accordance with the contract required by this section.

31

1 (d) Operate under a fiscal year that begins on July 1
2 of each year and ends on June 30 of the following year.

3 (e) Have a five-member board of directors, which shall
4 consist of the Secretary of Community Affairs or his or her
5 designee, two members appointed by the Florida Building
6 Commission, one member appointed by the Department of
7 Community Affairs who is a layperson not performing work
8 within the construction industry, and one member appointed by
9 Florida State University. Members shall be appointed to terms
10 of 4 years each. All initial appointments shall expire on
11 October 31, 2008. A member may not serve more than two
12 consecutive terms. Failure to attend three consecutive
13 meetings shall be deemed a resignation from the council and
14 the vacancy shall be filled by a new appointment.

15 (f) Select its officers in accordance with its bylaws.

16 (g) Operate under an annual written contract with the
17 Department of Community Affairs or the responsible budgeting
18 entity. The contract must provide for, but need not be limited
19 to:

20 1. Approval of the articles of incorporation and
21 bylaws of the council by the Florida Building Commission.

22 2. Submission by the council of an annual budget.

23 3. Annual certification by the Department of Community
24 Affairs or the responsible budgeting entity that the council
25 is complying with the terms of the contract in a manner
26 consistent with the goals and purposes of the Florida Building
27 Commission and in the best interest of the state. The contract
28 must also provide for methods and mechanisms to resolve any
29 situation in which the certification process determines
30 noncompliance.

31

1 4. Employment by the Florida Building Council of an
2 administrator to actively supervise the administrative,
3 technical, and code-development services of the council to
4 ensure compliance with the contract and chapter 553, Florida
5 Statutes, and to act as a liaison for the Florida Building
6 Commission and the council to ensure the effective operation
7 of the council.

8 5. Funding of the council through appropriations and
9 private sources.

10 6. The reversion to the state, if the commission
11 ceases to exist, of moneys, records, data, and property held
12 in trust by the council for the benefit of the commission, or
13 if the council is no longer approved to operate for the
14 commission. All records and data in a computerized database
15 shall be returned to the state in a form that is compatible
16 with the computerized database of the commission.

17 7. The securing and maintaining by the council, during
18 the term of the contract and for all acts performed during the
19 term of the contract, of all liability insurance coverage in
20 an amount to be approved by the Florida Construction Council
21 to defend, indemnify, and hold harmless the council and its
22 officers and employees, the Florida Building Commission and
23 its commissioners and employees, and the state against all
24 claims arising from state and federal laws. Such insurance
25 coverage must be with insurers qualified and doing business in
26 the state.

27 8. Payment by the council, out of its allocated
28 budget, to the Florida Building Commission of all costs of
29 representation by the commission counsel, including salary and
30 benefits, travel, and any other compensation traditionally
31 paid by the commission to other commission counsels.

1 9. Payment by the council, out of its allocated
2 budget, of all costs incurred by the council or the commission
3 for the Division of Administrative Hearings of the Department
4 of Management Services and any other costs for use of these
5 state services.

6 10. Payment by the council, out of its allocated
7 budget, of all costs associated with the contract
8 administrator of the commission, including salary and
9 benefits, travel, and other related costs traditionally paid
10 to state employees.

11 11. Performance of an annual financial audit of its
12 financial accounts and records by an independent certified
13 public accountant. The annual audit report must include a
14 management letter in accordance with section 11.45, Florida
15 Statutes, and a detailed supplemental schedule of expenditures
16 for each expenditure category. The annual audit report must be
17 submitted to the Auditor General for review.

18 12. The securing and maintaining of a performance bond
19 in an amount and according to the terms specified in the
20 contract for persons charged with the responsibility of
21 receiving and depositing fee and fine revenues.

22 13. Submission to the Legislature, on or before
23 January 1 of each year, a report on the status of the council
24 which includes, but is not limited to, information concerning
25 the programs and funds that have been transferred to the
26 council. The report must include the number of inquiries
27 received, the number of technical issues or questions
28 addressed, the number of code or other interpretations
29 provided, and the number of instances of code development
30 undertaken by the council.

31

1 14. In conjunction with the Florida Building
2 Commission, the development of performance standards and
3 measurable outcomes for the commission to adopt by rule in
4 order to facilitate efficient and cost-effective services and
5 regulation.

6 (4) The Florida Construction Council shall provide by
7 rule the procedures the council must follow to ensure that all
8 product and proprietary information is secure while under the
9 responsibility of the council and that there is an appropriate
10 level of protection and monitoring during any review or
11 code-development activities.

12 (5) The Florida Building Commission shall review this
13 act and make recommendations to the Legislature regarding the
14 implementation thereof as part of its report submitted to the
15 Florida Legislature pursuant to section 553.77(1)(b), Florida
16 Statutes, on or before January 1, 2005.

17 (6) This section takes effect July 1, 2005.

18 Section 13. Section 553.841, Florida Statutes, is
19 amended to read:

20 553.841 Building code training program; participant
21 competency requirements.--

22 ~~(1) The Legislature finds that the effectiveness of~~
23 ~~the building codes of this state depends on the performance of~~
24 ~~all participants, as demonstrated through knowledge of the~~
25 ~~codes and commitment to compliance with code directives and~~
26 ~~that to strengthen compliance by industry and enforcement by~~
27 ~~government, a Building Code Training Program is needed.~~

28 (1)(2) The commission shall establish by rule the
29 Building Code Training Program to develop and provide a core
30 curriculum and offer voluntary accreditation of advance module
31 courses relating to the Florida Building Code and its

1 ~~enforcement a system of administering and enforcing the~~
2 ~~Florida Building Code.~~

3 ~~(3) The program shall be developed, implemented, and~~
4 ~~administered by the commission in consultation with the~~
5 ~~Department of Education, the Department of Community Affairs,~~
6 ~~the Department of Business and Professional Regulation, the~~
7 ~~State Fire Marshal, the State University System, and the~~
8 ~~Division of Community Colleges.~~

9 ~~(4) The commission may enter into contracts with the~~
10 ~~Department of Education, the State University System, the~~
11 ~~Division of Community Colleges, model code organizations,~~
12 ~~professional organizations, vocational-technical schools,~~
13 ~~trade organizations, and private industry to administer the~~
14 ~~program.~~

15 ~~(2)(5)~~ The program shall be affordable, accessible,
16 meaningful, financially self-sufficient and shall make maximum
17 use of existing sources, systems, institutions, and programs
18 available through private sources.

19 ~~(3)(6)~~ The commission, in coordination with the
20 Department of Community Affairs, the Department of Business
21 and Professional Regulation, the respective licensing boards,
22 and the State Fire Marshal shall develop or cause to be
23 developed:

24 ~~(a)~~ a core curriculum that ~~which~~ is prerequisite to
25 initial licensure for those licensees not subject to testing
26 on the Florida Building Code as a condition of licensure.
27 These entities shall also identify subject areas that are
28 inadequately addressed by specialized and advanced courses.
29 ~~all specialized and advanced module coursework.~~

30 ~~(b) A set of specialized and advanced modules~~
31 ~~specifically designed for use by each profession.~~

1 ~~(4)(7)~~ The core curriculum shall cover the information
2 required to have all categories of participants appropriately
3 informed as to their technical and administrative
4 responsibilities in the effective execution of the code
5 process by all individuals currently licensed under part XII
6 of chapter 468, chapter 471, chapter 481, or chapter 489,
7 except as otherwise provided in s. 471.017. The core
8 curriculum shall ~~be prerequisite to the advanced module~~
9 ~~coursework for all licensees and shall be completed by~~
10 individuals licensed in all categories under part XII of
11 chapter 468, chapter 471, chapter 481, or chapter 489 by the
12 date of license renewal in 2004.~~within the first 2-year~~
13 ~~period after establishment of the program. Core course hours~~
14 All approved courses taken by licensees pursuant to this
15 section ~~to complete this requirement~~ shall count toward
16 fulfillment of required continuing education units under part
17 XII of chapter 468, chapter 471, chapter 481, or chapter 489.

18 ~~(8)~~ ~~The commission, in consultation with the~~
19 ~~Department of Business and Professional Regulation and the~~
20 ~~respective licensing boards, shall develop or cause to be~~
21 ~~developed an equivalency test for each category of licensee.~~
22 ~~Such test may be taken in lieu of the core curriculum. A~~
23 ~~passing score on the test shall be equivalent to completion of~~
24 ~~the core curriculum and shall be credited toward the required~~
25 ~~number of hours of continuing education.~~

26 ~~(5)(9)~~ The commission, in consultation with the
27 Department of Business and Professional Regulation, shall
28 develop or cause to be developed, or approve as a part of the
29 program, appropriate courses ~~a core curriculum and specialized~~
30 ~~or advanced module coursework~~ for the construction workforce,
31 including, but not limited to, superintendents and journeymen.

1 (6)~~(10)~~ The respective state boards under part XII of
2 chapter 468, chapters 471, 481, and 489, and the State Fire
3 Marshal under chapter 633, shall require specialized or
4 advanced course modules as part of their regular continuing
5 education requirements.

6 (7)~~(11)~~ The Legislature hereby establishes the Office
7 of Building Code Training Program Administration within the
8 Institute of Applied Technology in Construction Excellence at
9 the Florida Community College at Jacksonville. The office is
10 charged with the following responsibilities as recommended by
11 the Florida Building Commission and as resources are provided
12 by the Legislature:

13 (a) Provide research-to-practice capability for
14 entry-level construction training development, delivery and
15 quality assurance, as well as training and competency registry
16 systems and recruitment initiatives.

17 (b) Coordinate with the Department of Community
18 Affairs and the Florida Building Commission to serve as school
19 liaison to disseminate construction awareness and promotion
20 programs and materials to schools.

21 (c) Develop model programs and approaches to
22 construction career exploration to promote construction
23 careers.

24 Section 14. Subsection (9) of section 553.842, Florida
25 Statutes, is amended to read:

26 553.842 Product evaluation and approval.--

27 (9) The commission may adopt rules to approve the
28 following types of entities that produce information on which
29 product approvals are based. All of the following entities,
30 including engineers and architects, must comply with a
31

1 nationally recognized standard demonstrating independence or
2 no conflict of interest:

3 (a) Evaluation entities that meet the criteria for
4 approval adopted by the commission by rule. The commission
5 shall specifically approve the National Evaluation Service,
6 the International Conference of Building Officials Evaluation
7 Services, the International Code Council Evaluation Services,
8 the Building Officials and Code Administrators International
9 Evaluation Services, the Southern Building Code Congress
10 International Evaluation Services, and the Miami-Dade County
11 Building Code Compliance Office Product Control. Architects
12 and engineers licensed in this state are also approved to
13 conduct product evaluations as provided in subsection (6).

14 (b) Testing laboratories accredited by national
15 organizations, such as A2LA and the National Voluntary
16 Laboratory Accreditation Program, laboratories accredited by
17 evaluation entities approved under paragraph (a), and
18 laboratories that comply with other guidelines for testing
19 laboratories selected by the commission and adopted by rule.

20 (c) Quality assurance entities approved by evaluation
21 entities approved under paragraph (a) and by certification
22 agencies approved under paragraph (d) and other quality
23 assurance entities that comply with guidelines selected by the
24 commission and adopted by rule.

25 (d) Certification agencies accredited by nationally
26 recognized accreditors and other certification agencies that
27 comply with guidelines selected by the commission and adopted
28 by rule.

29 (e) Validation entities that comply with accreditation
30 standards established by the commission by rule.

31

1 Section 15. Subsection (3) is added to section
2 633.171, Florida Statutes, to read:

3 633.171 Penalty for violation of law, rule, or order
4 to cease and desist or for failure to comply with corrective
5 order.--

6 (3)(a) An owner or operator of an indoor facility may
7 not knowingly allow the installation of a pyrotechnic device
8 or fireworks inside his or her facility without a
9 fire-suppression system or without a copy of a local fire
10 marshal's permit furnished to the owner or operator by a
11 vendor or licensee who wishes to install a pyrotechnic device
12 or fireworks inside the indoor facility.

13 (b) A vendor or licensee may not install fireworks or
14 a pyrotechnic device in an indoor facility without a
15 fire-suppression system unless he or she first obtains a local
16 fire marshal's permit, furnishes a copy of that permit to the
17 owner or operator of the indoor facility, and obtains prior
18 written consent of the owner or operator to install the
19 fireworks or a pyrotechnic device inside his or her indoor
20 facility.

21 (c) A person who violates this subsection commits a
22 felony of the third degree, punishable as provided in s.
23 775.082, s. 775.083, or s. 775.084.

24 Section 16. Except as otherwise expressly provided in
25 this act, this act shall take effect upon becoming a law.

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SENATE SUMMARY

Provides code-amendment review requirements. Revises the process for appointing members to the Florida Building Commission. Creates requirements relating to regional emergency elevator access. Requires that elevators in certain newly constructed or substantially renovated buildings be keyed alike within each of the state emergency response regions. Authorizes these requirements to be phased in for certain existing buildings. Restricts the duplication and issuance of master elevator keys. Requires the labeling of master elevator keys. Permits the local fire marshals to substitute alternative emergency measures for elevator access under certain circumstances. Authorizes appeals of a local fire marshal's decision. Requires the State Fire Marshal to enforce these emergency elevator provisions. Encourages builders to use applicable new technology to provide regional emergency elevator access. Revises the duties of the Florida Building Commission. Deletes requirements that the commission hear certain appeals and issue declaratory statements. Creates legislative intent with respect to the interpretation of the Florida Building Code. Provides for the commission to resolve disputes regarding interpretations of the code. Requires the commission to review decisions of local building officials and local enforcement agencies. Provides for publishing interpretations on the Building Code Information System and in the Florida Administrative Weekly. Exempts truss-placement plans under certain circumstances. Provides conditions for a private provider to perform plans review and building inspections. Authorizes local governments to impose certain fees for code enforcement. Requires the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures. Authorizes the Florida Building Commission to conduct proceedings to review decisions of local officials. Creates the Florida Construction Council as a nonprofit corporation. Requires the council to provide administrative, technical, and code-development services to the Florida Building Commission. Authorizes staff for the council, including staff that may be provided by Florida State University. Establishes a board of directors with terms of office. Provides requirements for the council board's operations. Provides the council with rulemaking authority. Revises the membership of the Elevator Safety Technical Advisory Committee. Removes the provisions terminating the committee. Revises the Building Code Training Program. Adds an evaluation entity to the list of entities specifically approved by the commission. Establishes penalties for unauthorized use of fireworks and pyrotechnic devices by the owner or operator of an indoor facility.