

By the Committees on Comprehensive Planning; Regulated Industries; and Senators Constantine and Bennett

316-2373-04

1 A bill to be entitled
2 An act relating to the Florida Building Code;
3 creating s. 553.8414, F.S.; creating the
4 Swimming Pool and Solar Technical Advisory
5 Committee of the Florida Building Commission;
6 providing for appointment and duties of
7 committee members; amending s. 553.73, F.S.;
8 providing code-amendment review requirements;
9 conforming a cross-reference; amending s.
10 553.74, F.S.; revising the appointment of
11 members to the Florida Building Commission;
12 amending s. 553.77, F.S.; revising duties of
13 the Florida Building Commission; deleting
14 requirements that the commission hear certain
15 appeals and issue declaratory statements;
16 creating s. 553.775, F.S.; providing
17 legislative intent with respect to the
18 interpretation of the Florida Building Code;
19 providing for the commission to resolve
20 disputes regarding interpretations of the code;
21 requiring the commission to review decisions of
22 local building officials and local enforcement
23 agencies; providing for publication of an
24 interpretation on the Building code Information
25 System and in the Florida Administrative
26 Weekly; amending s. 553.79, F.S.; exempting
27 truss-placement plans from certain
28 requirements; amending s. 553.791, F.S.;
29 providing conditions for use of private plans
30 review and inspection; conforming
31 cross-references; amending s. 553.80, F.S.;

1 authorizing local governments to impose certain
2 fees for code enforcement; providing
3 requirements and limitations; requiring the
4 commission to expedite adoption and
5 implementation of the existing state building
6 code as part of the Florida Building Code
7 pursuant to limited procedures; conforming a
8 cross-reference; amending s. 120.80, F.S.;
9 authorizing the Florida Building Commission to
10 conduct proceedings to review decisions of
11 local officials; amending s. 553.841, F.S.;
12 revising Building Code Training Program
13 provisions; amending s. 553.8412, F.S.;
14 conforming a cross-reference; amending s.
15 553.842, F.S.; adding an evaluation entity to
16 the list of entities specifically approved by
17 the commission; suspending a Florida Building
18 Commission Rule relating to local product
19 approval; establishing a product approval
20 advisory committee to study the rule; requiring
21 a report; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 553.8414, Florida Statutes, is
26 created to read:

27 553.8414 Swimming Pool and Solar Technical Advisory
28 Committee.--

29 (1) The Florida Building Commission shall, on or
30 before July 1, 2004, establish the Swimming Pool and Solar
31 Technical Advisory Committee of the Florida Building

1 Commission and appoint members of the committee in the same
2 manner as members are appointed to the commission's other
3 technical advisory committees. The Swimming Pool and Solar
4 Technical Advisory Committee must consist of no fewer than ten
5 persons who represent the swimming pool and solar construction
6 industry. The chairperson of the commission shall annually
7 designate a commission member to serve as chairperson of the
8 committee. A committee member must be appointed for a 2-year
9 term and may be reappointed at the discretion of the
10 commission.

11 (2) The Swimming Pool and Solar Technical Advisory
12 Committee shall advise the commission on any matters relating
13 to Building Code standards for swimming pools and spas and
14 solar equipment.

15 Section 2. Paragraphs (a) and (c) of subsection (4),
16 subsection (6), and paragraphs (a) and (c) of subsection (7)
17 of section 553.73, Florida Statutes, are amended to read:

18 553.73 Florida Building Code.--

19 (4)(a) All entities authorized to enforce the Florida
20 Building Code pursuant to s. 553.80 shall comply with
21 applicable standards for issuance of mandatory certificates of
22 occupancy, minimum types of inspections, and procedures for
23 plans review and inspections as established by the commission
24 by rule. Notwithstanding any other provision of law, a local
25 government may issue an annual permit for construction
26 activity of the type and pursuant to the conditions
27 established within the Florida Building Code.Local
28 governments may adopt amendments to the administrative
29 provisions of the Florida Building Code, subject to the
30 limitations of this paragraph. Local amendments shall be more
31 stringent than the minimum standards described herein and

1 shall be transmitted to the commission within 30 days after
2 enactment. The local government shall make such amendments
3 available to the general public in a usable format. The State
4 Fire Marshal is responsible for establishing the standards and
5 procedures required in this paragraph for governmental
6 entities with respect to applying the Florida Fire Prevention
7 Code and the Life Safety Code.

8 (c) Any amendment adopted by a local enforcing agency
9 pursuant to this subsection shall not apply to state or school
10 district owned buildings, manufactured buildings or
11 factory-built school buildings approved by the commission, or
12 prototype buildings approved pursuant to s. 553.77~~(3)~~~~(5)~~. The
13 respective responsible entities shall consider the physical
14 performance parameters substantiating such amendments when
15 designing, specifying, and constructing such exempt buildings.

16 (6)(a) The commission, by rule adopted pursuant to ss.
17 120.536(1) and 120.54, shall update the Florida Building Code
18 every 3 years. When updating the Florida Building Code, the
19 commission shall select the most current version of the
20 International Family of Codes to form the foundation of the
21 updated Florida Building Code, provided that the version has
22 been adopted by the International Code Congress and made
23 available to the public at least 6 months prior to its
24 selection by the commission.

25 (b) The commission may modify the foundation code only
26 as needed to accommodate the specific needs of this state.
27 Standards or criteria referenced by the foundation code shall
28 be incorporated by reference. If a reference standard or
29 criterion requires an amplification or modification to be
30 appropriate for use in this state, only the amplification or
31 modification shall be specifically set forth in the Florida

1 Building Code. The commission may approve technical amendments
2 to the updated code after the amendments have been subject to
3 the conditions set forth in paragraphs (3)(a)-(d). ~~consider~~
4 ~~changes made by the adopting entity of any selected model code~~
5 ~~for any model code incorporated into the Florida Building~~
6 ~~Code, and may subsequently adopt the new edition or successor~~
7 ~~of the model code or any part of such code, no sooner than 6~~
8 ~~months after such model code has been adopted by the adopting~~
9 ~~organization, which may then be modified for this state as~~
10 ~~provided in this section, and~~

11 (c) The commission shall further consider the
12 commission's own interpretations, declaratory statements,
13 appellate decisions, and approved statewide and local
14 technical amendments and shall incorporate such
15 interpretations, statements, decisions, and amendments into
16 the updated Florida Building Code only to the extent that they
17 are necessary to modify the foundation code to accommodate the
18 specific needs of this state. A change made by an institute or
19 standards organization to any standard or criterion that is
20 adopted by reference in the Florida Building Code does not
21 become effective statewide until it has been adopted by the
22 commission. Furthermore, the edition of the Florida Building
23 Code which is in effect on the date of application for any
24 permit authorized by the code governs the permitted work for
25 the life of the permit and any extension granted to the
26 permit.

27 (d) A rule updating the Florida Building Code in
28 accordance with this paragraph shall become effective no
29 sooner than 6 months after completion of the rule adoption
30 process. Any amendment to the Florida Building Code which is
31 adopted upon a finding by the commission that the amendment is

1 necessary to protect the public from immediate threat of harm
2 takes effect immediately.

3 (7)(a) The commission may approve technical amendments
4 to the Florida Building Code once each year for statewide or
5 regional application upon a finding that the amendment
6 conforms to the following:

7 1. Is necessary to provide for ~~Has a reasonable and~~
8 ~~substantial connection with~~ the health, safety, and welfare of
9 the general public.

10 2. Strengthens or improves the Florida Building Code,
11 or in the case of innovation or new technology, will provide
12 equivalent or better products or methods or systems of
13 construction.

14 3. Does not discriminate against materials, products,
15 methods, or systems of construction of demonstrated
16 capabilities.

17 4. Does not degrade the effectiveness of the Florida
18 Building Code.

19
20 Furthermore, the Florida Building Commission may approve
21 technical amendments to the code once each year to incorporate
22 into the Florida Building Code its own interpretations of the
23 code which are embodied in its opinions, final orders, ~~and~~
24 declaratory statements, and interpretations of hearing officer
25 panels under s. 553.775(3)(c). Amendments approved under this
26 paragraph shall be adopted by rule pursuant to ss. 120.536(1)
27 and 120.54, after the amendments have been subjected to the
28 provisions of subsection (3).

29 (c) The commission may not consider ~~approve~~ any
30 proposed amendment that does not accurately and completely
31 address all requirements for amendment which are set forth in

1 this section. The commission shall require all proposed
2 amendments and information submitted with proposed amendments
3 to be reviewed by commission staff prior to consideration by
4 any technical advisory committee. These reviews shall be for
5 sufficiency only and are not intended to be qualitative in
6 nature. Staff members shall reject any proposed amendment that
7 fails to include a fiscal impact statement providing
8 information responsive to all criteria identified. Proposed
9 amendments rejected by members of the staff may not be
10 considered by the commission or any technical advisory
11 committee.

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

14 553.74 Florida Building Commission.--

15 (1) The Florida Building Commission is created and
16 shall be located within the Department of Community Affairs
17 for administrative purposes. Members shall be appointed by the
18 Governor subject to confirmation by the Senate. The Governor
19 shall appoint commission members from lists of candidates
20 submitted by the respective professional organizations or may
21 appoint any other person otherwise qualified according to this
22 section.The commission shall be composed of 23 members,
23 consisting of the following:

24 (a) One architect registered to practice in this state
25 and actively engaged in the profession from a list of three
26 candidates provided by the American Institute of Architecture,
27 Florida Section.

28 (b) One structural engineer registered to practice in
29 this state and actively engaged in the profession from a list
30 of three candidates provided by the Florida Engineering
31 Society.

1 (c) One air-conditioning or mechanical contractor
2 certified to do business in this state and actively engaged in
3 the profession from a list of three candidates provided by the
4 Florida Air Conditioning Contractors Association and the
5 Florida Refrigeration and Air Conditioning Contractors
6 Association.

7 (d) One electrical contractor certified to do business
8 in this state and actively engaged in the profession from a
9 list of three candidates provided by the Florida Association
10 of Electrical Contractors.

11 (e) One member from fire protection engineering or
12 technology who is actively engaged in the profession from a
13 list of three candidates provided by the Florida Fire
14 Protection Engineers Society, the Fire Marshals and Inspectors
15 Association, and the Florida Fire Chiefs Association.

16 (f) One ~~general~~ contractor certified to do business in
17 this state and actively engaged in the profession from a list
18 of three candidates provided by the Associated Builders and
19 Contractors of Florida and the Florida Associated General
20 Contractors Council.

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

25 (h) One roofing or sheet metal contractor certified to
26 do business in this state and actively engaged in the
27 profession from a list of three candidates provided by the
28 Florida Roofing, Sheet Metal, and Air Conditioning Contractors
29 Association.

30 (i) One ~~residential~~ contractor licensed to do business
31 in this state and actively engaged in the profession from a

1 list of three candidates provided by the Florida Home Builders
2 Association.

3 (j) Three members who are municipal or district codes
4 enforcement officials, two of whom shall be from a list of
5 four candidates provided by the Building Officials Association
6 of Florida and one of whom is also a fire official from a list
7 of three candidates provided by the Florida Fire Marshals and
8 Inspectors Association.

9 (k) One member who represents the Department of
10 Financial Services.

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

14 (m) One member of a Florida-based organization of
15 persons with disabilities or a nationally chartered
16 organization of persons with disabilities with chapters in
17 this state.

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

22 (o) One mechanical or electrical engineer registered
23 to practice in this state and actively engaged in the
24 profession from a list of three candidates provided by the
25 Florida Engineering Society.

26 (p) One member who is a representative of a
27 municipality or a charter county from a list of three
28 candidates provided by the Florida League of Cities and the
29 Florida Association of Counties.

30 (q) One member of the building products manufacturing
31 industry who is authorized to do business in this state and is

1 actively engaged in the industry from a list of three
2 candidates provided by the Florida Building Materials
3 Association, the Florida Concrete and Products Association,
4 and the Fenestration Manufacturers Association.

5 (r) One member who is a representative of the building
6 owners and managers industry who is actively engaged in
7 commercial building ownership or management from a list of
8 three candidates provided by the Building Owners and Managers
9 Association.

10 (s) One member who is a representative of the
11 insurance industry from a list of three candidates provided by
12 the Florida Insurance Council.

13 (t) One member who is a representative of public
14 education.

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

16
17 Any person serving on the commission under paragraph (c) or
18 paragraph (h) on October 1, 2004 ~~2003~~, and who has served less
19 than two full terms is eligible for reappointment to the
20 commission regardless of whether he or she meets the new
21 qualification.

22 Section 4. Section 553.77, Florida Statutes, is
23 amended to read:

24 553.77 Specific powers of the commission.--

25 (1) The commission shall:

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

28 (b) Make a continual study of the operation of the
29 Florida Building Code and other laws relating to the design,
30 construction, erection, alteration, modification, repair, or
31 demolition of public or private buildings, structures, and

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

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

31

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

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

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

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

26 ~~(h) Hear appeals of the decisions of local boards of~~
27 ~~appeal regarding interpretation decisions of local building~~
28 ~~officials, or if no local board exists, hear appeals of~~
29 ~~decisions of the building officials regarding interpretations~~
30 ~~of the code. For such appeals:~~

31

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

5 ~~2. All appeals shall be heard in the county of the~~
6 ~~jurisdiction defending the appeal.~~

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

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

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

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

1 area which has been hit with disaster. The program shall
2 include provisions for:

- 3 1. Minimum postdisaster structural, electrical, and
4 plumbing inspections and procedures.
- 5 2. Emergency permitting and inspection procedures.
- 6 3. Establishing contact with emergency management
7 personnel and other state and federal agencies.

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

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

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

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

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

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

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

13 (2)~~(4)~~ For educational and public information
14 purposes, the commission shall develop and publish an
15 informational and explanatory document which contains
16 descriptions of the roles and responsibilities of the licensed
17 design professional, residential designer, contractor, and
18 local building and fire code officials. The State Fire Marshal
19 shall be responsible for developing and specifying roles and
20 responsibilities for fire code officials. Such document may
21 also contain descriptions of roles and responsibilities of
22 other participants involved in the building codes system.

23 (3)~~(5)~~ The commission may provide by rule for plans
24 review and approval of prototype buildings owned by public and
25 private entities to be replicated throughout the state. The
26 rule must allow for review and approval of plans for prototype
27 buildings to be performed by a public or private entity with
28 oversight by the commission. The department may charge
29 reasonable fees to cover the administrative costs of the
30 program. Such approved plans or prototype buildings shall be
31 exempt from further review required by s. 553.79(2), except

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

7 (4)~~(6)~~ The commission may produce and distribute a
8 commentary document to accompany the Florida Building Code.
9 The commentary must be limited in effect to providing
10 technical assistance and must not have the effect of binding
11 interpretations of the code document itself.

12 ~~(7) 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 is
17 directed to 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 can 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 are to be
27 advisory only and nonbinding on the parties or the commission.~~

28 Section 5. Section 553.775, Florida Statutes, is
29 created to read:

30 553.775 Interpretations.--
31

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 by a local enforcement
20 agency, the commission shall issue declaratory statements
21 pursuant to s. 120.565 relating to the enforcement or
22 administration by local governments of the Florida Building
23 Code.

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

30 (c) The commission shall review decisions of local
31 building officials and local enforcement agencies regarding

1 interpretations of the Florida Building Code after the local
2 board of appeals has considered the decision, if such board
3 exists and if the board-of-appeals process is concluded within
4 10 business days.

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

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

23 a. The name and address of the county or municipality
24 in which provisions of the Florida Building Code are being
25 interpreted.

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

28 c. The name, address, and telephone number of the
29 petitioner; the name, address, and telephone number of the
30 petitioner's representative, if any; and an explanation of how
31

1 the petitioner's substantial interests are being affected by
2 the local interpretation of the Florida Building Code.

3 d. A statement of the provisions of the Florida
4 Building Code which are being interpreted by the local
5 building official.

6 e. A statement of the interpretation given to
7 provisions of the Florida Building Code by the local building
8 official and the manner in which the interpretation was
9 rendered.

10 f. A statement of the interpretation that the
11 petitioner contends should be given to the provisions of the
12 Florida Building Code and a statement supporting the
13 petitioner's interpretation.

14 g. Space for the local building official to respond in
15 writing. The space shall, at a minimum, require the local
16 building official to respond by providing a statement
17 admitting or denying the statements contained in the petition
18 and a statement of the interpretation of the provisions of the
19 Florida Building Code which the local jurisdiction or the
20 local building official contends is correct, including the
21 basis for the interpretation.

22 3. The petitioner shall submit the petition to the
23 local building official, who shall place the date of receipt
24 on the petition. The local building official shall respond to
25 the petition in accordance with the form and shall return the
26 petition along with his or her response to the petitioner
27 within 5 days after receipt, exclusive of Saturdays, Sundays,
28 and legal holidays. The petitioner may file the petition with
29 the commission at any time after the local building official
30 provides a response. If no response is provided by the local
31 building official, the petitioner may file the petition with

1 the commission 10 days after submission of the petition to the
2 local building official and shall note that the local building
3 official did not respond.

4 4. Upon receipt of a petition that meets the
5 requirements of subparagraph 2., the commission shall
6 immediately provide copies of the petition to a panel, and the
7 commission shall publish the petition, including any response
8 submitted by the local building official, on the Building Code
9 Information System in a manner that allows interested persons
10 to address the issues by posting comments.

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

29 6. It is the intent of the Legislature that review
30 proceedings be completed within 21 days after the date that a
31 petition seeking review is filed with the commission, and the

1 time periods set forth in this paragraph may be waived only
2 upon consent of all parties.

3 7. Any substantially affected person may appeal an
4 interpretation rendered by a hearing officer panel by filing a
5 petition with the commission. Such appeals shall be initiated
6 in accordance with chapter 120 and the uniform rules of
7 procedure and must be filed within 30 days after publication
8 of the interpretation on the Building Code Information System
9 or in the Florida Administrative Weekly. Hearings shall be
10 conducted pursuant to chapter 120 and the uniform rules of
11 procedure. Decisions of the commission are subject to judicial
12 review pursuant to s. 120.68. The final order of the
13 commission is binding upon the parties and upon all
14 jurisdictions subject to the Florida Building Code.

15 8. The burden of proof in any proceeding initiated in
16 accordance with subparagraph 7. shall be on the party who
17 initiated the appeal.

18 9. In any review proceeding initiated in accordance
19 with this paragraph, including any proceeding initiated in
20 accordance with subparagraph 7., the fact that an owner or
21 builder has proceeded with construction shall not be grounds
22 for determining an issue to be moot if the issue is one that
23 is likely to arise in the future.

24
25 This paragraph provides the exclusive remedy for addressing
26 requests to review local interpretations of the code and
27 appeals from review proceedings.

28 (d) Local decisions declaring structures to be unsafe
29 and subject to repair or demolition are not subject to review
30 under this subsection and may not be appealed to the

31

1 commission if the local governing body finds that there is an
2 immediate danger to the health and safety of the public.

3 (e) Upon written application by any substantially
4 affected person, the commission shall issue a declaratory
5 statement pursuant to s. 120.565 relating to an agency's
6 interpretation and enforcement of the specific provisions of
7 the Florida Building Code which the agency is authorized to
8 enforce. This subsection does not provide any powers, other
9 than advisory, to the commission with respect to any decision
10 of the State Fire Marshal made pursuant to chapter 633.

11 (f) The commission may designate a commission member
12 with demonstrated expertise in interpreting building plans to
13 attend each meeting of the advisory council created in s.
14 553.512. The commission member may vary from meeting to
15 meeting, shall serve on the council in a nonvoting capacity,
16 and shall receive per diem and expenses as provided in s.
17 553.74(3).

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

1 Code Information System. Such interpretations shall be
2 advisory only and nonbinding on the parties and the
3 commission.

4 Section 6. Subsection (14) of section 553.79, Florida
5 Statutes, is amended to read:

6 553.79 Permits; applications; issuance; inspections.--

7 (14) Certifications by contractors authorized under
8 the provisions of s. 489.115(4)(b) shall be considered
9 equivalent to sealed plans and specifications by a person
10 licensed under chapter 471 or chapter 481 by local enforcement
11 agencies for plans review for permitting purposes relating to
12 compliance with the wind resistance provisions of the code or
13 alternate methodologies approved by the commission for one and
14 two family dwellings. Local enforcement agencies may rely upon
15 such certification by contractors that the plans and
16 specifications submitted conform to the requirements of the
17 code for wind resistance. Upon good cause shown, local
18 government code enforcement agencies may accept or reject
19 plans sealed by persons licensed under chapter 471, chapter
20 481, or chapter 489. A truss-placement plan is not required to
21 be signed and sealed by an engineer or architect unless
22 prepared by an engineer or architect or specifically required
23 by the Florida Building Code.

24 Section 7. Subsections (2), (4), paragraph (a) of
25 subsection (6), subsection (11), paragraphs (b) and (c) of
26 subsection (12), and subsections (14) and (15) of section
27 553.791, Florida Statutes, are amended to read:

28 553.791 Alternative plans review and inspection.--

29 (2) Notwithstanding any other provision of law or
30 local government ordinance or local policy to the contrary,
31 the fee owner of a building, or the fee owner's contractor

1 upon written authorization from the fee owner, may choose to
2 use a private provider to provide building code inspection
3 services with regard to such building and may make payment
4 directly to the private provider for the provision of such
5 services. All such services shall be the subject of a written
6 contract between the private provider, or the private
7 provider's firm, and the fee owner. The fee owner may elect to
8 use a private provider to provide either plans review or
9 required building inspections. The local building official, in
10 his or her discretion and pursuant to duly adopted policies of
11 the local enforcement agency, may require the fee owner who
12 desires to use a private provider to use the private provider
13 to provide both plans review and required building inspection
14 services.

15 (4) A fee owner or the fee owner's contractor using a
16 private provider to provide building code inspection services
17 shall notify the local building official at the time of permit
18 application or no less than 1 week prior to a private
19 provider's providing building code inspection services on a
20 form to be adopted by the commission. This notice shall
21 include the following information:

22 (a) The services to be performed by the private
23 provider.

24 (b) The name, firm, address, telephone number, and
25 facsimile number of each private provider who is performing or
26 will perform such services, his or her professional license or
27 certification number, qualification statements or resumes,
28 and, if required by the local building official, a certificate
29 of insurance demonstrating that professional liability
30 insurance coverage is in place for the private provider's
31

1 firm, the private provider, and any duly authorized
2 representative in the amounts required by this section.

3 (c) An acknowledgment from the fee owner in
4 substantially the following form:

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

1 licensed or certified personnel to perform
2 building code inspection services with respect
3 to the building that is the subject of the
4 enclosed permit application.
5

6 If the fee owner or the fee owner's contractor makes any
7 changes to the listed private providers or the services to be
8 provided by those private providers, the fee owner or the fee
9 owner's contractor shall, within 1 business day after any
10 change, update the notice to reflect such changes.

11 (6)(a) No more than ~~within~~ 30 business days after
12 receipt of a permit application and the affidavit from the
13 private provider required pursuant to subsection (5), the
14 local building official shall issue the requested permit or
15 provide a written notice to the permit applicant identifying
16 the specific plan features that do not comply with the
17 applicable codes, as well as the specific code chapters and
18 sections. If the local building official does not provide a
19 written notice of the plan deficiencies within the prescribed
20 30-day period, the permit application shall be deemed approved
21 as a matter of law, and the permit shall be issued by the
22 local building official on the next business day.

23 (11) No more than ~~within~~ 2 business days after receipt
24 of a request for a certificate of occupancy or certificate of
25 completion and the applicant's presentation of a certificate
26 of compliance and approval of all other government approvals
27 required by law, the local building official shall issue the
28 certificate of occupancy or certificate of completion or
29 provide a notice to the applicant identifying the specific
30 deficiencies, as well as the specific code chapters and
31 sections. If the local building official does not provide

1 notice of the deficiencies within the prescribed 2-day period,
2 the request for a certificate of occupancy or certificate of
3 completion shall be deemed granted and the certificate of
4 occupancy or certificate of completion shall be issued by the
5 local building official on the next business day. To resolve
6 any identified deficiencies, the applicant may elect to
7 dispute the deficiencies pursuant to subsection (12) or to
8 submit a corrected request for a certificate of occupancy or
9 certificate of completion.

10 (12) If the local building official determines that
11 the building construction or plans do not comply with the
12 applicable codes, the official may deny the permit or request
13 for a certificate of occupancy or certificate of completion,
14 as appropriate, or may issue a stop-work order for the project
15 or any portion thereof, if the official determines that such
16 noncompliance poses a threat to public safety and welfare,
17 subject to the following:

18 (b) If the local building official and private
19 provider are unable to resolve the dispute, the matter shall
20 be referred to the local enforcement agency's board of
21 appeals, if one exists, which shall consider the matter at its
22 next scheduled meeting or sooner. Any decisions by the local
23 enforcement agency's board of appeals, or local building
24 official if there is no board of appeals, may be appealed to
25 the commission pursuant to s. 553.775 ~~553.77(1)(h)~~.

26 (c) Notwithstanding any provision of this section, any
27 decisions regarding the issuance of a building permit,
28 certificate of occupancy, or certificate of completion may be
29 reviewed by the local enforcement agency's board of appeals,
30 if one exists. Any decision by the local enforcement agency's
31 board of appeals, or local building official if there is no

1 board of appeals, may be appealed to the commission pursuant
2 to s. 553.775 ~~553.77(1)(h)~~, which shall consider the matter at
3 the commission's next scheduled meeting.

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

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

20 Section 8. Paragraph (d) of subsection (1) of section
21 553.80, Florida Statutes, is amended, and subsection (7) is
22 added to that section, to read:

23 553.80 Enforcement.--

24 (1) Except as provided in paragraphs (a)-(f), each
25 local government and each legally constituted enforcement
26 district with statutory authority shall regulate building
27 construction and, where authorized in the state agency's
28 enabling legislation, each state agency shall enforce the
29 Florida Building Code required by this part on all public or
30 private buildings, structures, and facilities, unless such
31

1 responsibility has been delegated to another unit of
2 government pursuant to s. 553.79(9).

3 (d) Building plans approved pursuant to s.
4 ~~553.77(3)(5)~~ and state-approved manufactured buildings,
5 including buildings manufactured and assembled offsite and not
6 intended for habitation, such as lawn storage buildings and
7 storage sheds, are exempt from local code enforcing agency
8 plan reviews except for provisions of the code relating to
9 erection, assembly, or construction at the site. Erection,
10 assembly, and construction at the site are subject to local
11 permitting and inspections.

12
13 The governing bodies of local governments may provide a
14 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
15 and this section, for the enforcement of the provisions of
16 this part. Such fees shall be used solely for carrying out the
17 local government's responsibilities in enforcing the Florida
18 Building Code. The authority of state enforcing agencies to
19 set fees for enforcement shall be derived from authority
20 existing on July 1, 1998. However, nothing contained in this
21 subsection shall operate to limit such agencies from adjusting
22 their fee schedule in conformance with existing authority.

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

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

8 (a) As used in this subsection, the phrase "enforcing
9 the Florida Building Code" includes the direct costs and
10 reasonable indirect costs associated with review of building
11 plans, building inspections, reinspections, building permit
12 processing, and building code enforcement. The phrase may also
13 include enforcement action pertaining to unlicensed contractor
14 activity to the extent not funded by other user fees.

15 (b) The following activities may not be funded with
16 fees adopted for enforcing the Florida Building Code: planning
17 and zoning or other general government activities; inspections
18 of public buildings for a reduced fee or no fee; public
19 information requests, community functions, and any program not
20 directly related to enforcement of the Florida Building Code;
21 or enforcement and implementation of any other local
22 ordinance, excluding validly adopted local amendments to the
23 Florida Building Code and excluding any local ordinance
24 directly related to enforcing the Florida Building Code, as
25 defined in this paragraph.

26 (c) 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 9. 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 10. 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 of
18 local building code officials in accordance with s.
19 553.775(3)(c).

20 Section 11. Section 553.841, Florida Statutes, is
21 amended to read:

22 553.841 Building code training program; participant
23 competency requirements.--

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

30 (1)(2) The commission shall establish by rule the
31 Building Code Training Program to develop and provide a core

1 curriculum and offer voluntary accreditation of advance module
2 courses relating to the Florida Building Code and its
3 enforcement ~~a system of administering and enforcing the~~
4 ~~Florida Building Code.~~

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

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

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

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

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

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

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

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

28 (5)~~(9)~~ The commission, in consultation with the
29 Department of Business and Professional Regulation, shall
30 develop or cause to be developed, or approve as a part of the
31 program, appropriate courses ~~a core curriculum and specialized~~

1 ~~or advanced module coursework~~ for the construction workforce,
2 including, but not limited to, superintendents and journeymen.

3 (6)(10) The respective state boards under part XII of
4 chapter 468, chapters 471, 481, and 489, and the State Fire
5 Marshal under chapter 633, shall require specialized or
6 advanced course modules as part of their regular continuing
7 education requirements. Courses approved by the Department of
8 Business and Professional Regulation as required by the
9 respective practice acts and chapter 455 shall be deemed as
10 approved by the Florida Building Commission.

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

18 (a) Provide research-to-practice capability for
19 entry-level construction training development, delivery and
20 quality assurance, as well as training and competency registry
21 systems and recruitment initiatives.

22 (b) Coordinate with the Department of Community
23 Affairs and the Florida Building Commission to serve as school
24 liaison to disseminate construction awareness and promotion
25 programs and materials to schools.

26 (c) Develop model programs and approaches to
27 construction career exploration to promote construction
28 careers.

29 Section 12. Subsection (3) of section 553.8412,
30 Florida Statutes, is amended to read:

31

1 553.8412 Legislative intent; delivery of training;
2 outsourcing.--

3 (3) To the extent available, funding for outreach,
4 coordination of training, or training may come from existing
5 resources. If necessary, the Florida Building Commission or
6 the department may seek additional or supplemental funds
7 pursuant to s. 215.559(5). This section does not preclude the
8 Florida Building Commission from charging fees to fund the
9 building code training program in a self-sufficient manner as
10 provided in s. 553.841~~(2)~~(5).

11 Section 13. Subsections (9) and (15) of section
12 553.842, Florida Statutes, are amended to read:

13 553.842 Product evaluation and approval.--

14 (9) The commission may adopt rules to approve the
15 following types of entities that produce information on which
16 product approvals are based. All of the following entities,
17 including engineers and architects, must comply with a
18 nationally recognized standard demonstrating independence or
19 no conflict of interest:

20 (a) Evaluation entities that meet the criteria for
21 approval adopted by the commission by rule. The commission
22 shall specifically approve the National Evaluation Service,
23 the International Conference of Building Officials Evaluation
24 Services, the Building Officials and Code Administrators
25 International Evaluation Services, the Southern Building Code
26 Congress International Evaluation Services, the International
27 Code Council Evaluation Services, and the Miami-Dade County
28 Building Code Compliance Office Product Control. Architects
29 and engineers licensed in this state are also approved to
30 conduct product evaluations as provided in subsection (6).
31

1 (b) Testing laboratories accredited by national
2 organizations, such as A2LA and the National Voluntary
3 Laboratory Accreditation Program, laboratories accredited by
4 evaluation entities approved under paragraph (a), and
5 laboratories that comply with other guidelines for testing
6 laboratories selected by the commission and adopted by rule.

7 (c) Quality assurance entities approved by evaluation
8 entities approved under paragraph (a) and by certification
9 agencies approved under paragraph (d) and other quality
10 assurance entities that comply with guidelines selected by the
11 commission and adopted by rule.

12 (d) Certification agencies accredited by nationally
13 recognized accreditors and other certification agencies that
14 comply with guidelines selected by the commission and adopted
15 by rule.

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

18 (15) The commission shall by rule establish criteria
19 for revocation and suspension of product approvals as well as
20 revocation and suspension of approvals of product evaluation
21 entities, testing laboratories, quality assurance entities,
22 certification agencies, and validation entities. Revocation is
23 governed by s. 120.60 and the uniform rules of procedure.

24 Section 14. Notwithstanding section 533.842, Florida
25 Statutes, provisions in Chapter 9B-72, Florida Administrative
26 Code, relating to local government product evaluation and
27 approval are suspended until June 1, 2005.

28 (1) The Florida Building Commission shall create a
29 product approval advisory group to conduct a study to
30 determine the effectiveness and financial impact on the
31 construction industry by the local and state product approval

1 process established in section 553.842, Florida Statutes, and
2 the requirements of Chapter 9B-72 of the Florida
3 Administrative Code. The product approval advisory group shall
4 submit its findings in a report to the Governor, the President
5 of the Senate, and the Speaker of the House of Representatives
6 by January 15, 2005. The product approval advisory group shall
7 be comprised of 13 members, 7 of whom must be current members
8 of the Program Oversight Committee of the Florida Building
9 Commission. The remaining membership of the product approval
10 advisory group shall represent the broad geographical areas of
11 the state and shall be constituted as follows:

12 (a) One member selected by the Building Officials
13 Association of Florida;

14 (b) One member selected by the Florida Construction
15 Coalition;

16 (c) One member selected by the Florida Engineering
17 Society;

18 (d) One member selected by the Florida Association of
19 the American Institute of Architects;

20 (e) One member selected by the Florida League of
21 Cities; and

22 (f) One member selected by the Florida Association of
23 Counties.

24
25 The Chairman of the Program Oversight Committee shall serve as
26 the Chairman of the product approval advisory group and the
27 Vice Chairman shall be selected from among the remaining six
28 members selected by the entities specified in paragraphs (a)
29 through (f).

30 (2) The report submitted to the Legislature pursuant
31 to subsection (1) shall contain specific recommendations on

1 how and whether the product approval process should be
2 modified or amended to enhance and facilitate compliance with
3 Chapter 9B-72 Florida Administrative Code and section 553.842,
4 Florida Statutes.

5 Section 15. This act shall take effect upon becoming a
6 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 520 and CS/SB 494

4 SB 520 was combined with CS/SB 494. This CS retains the
5 restriction on local governments' ability to use building code
6 fee revenues for non-related activities and the provision
7 authorizing an expedited adoption of the State Rehabilitation
8 Code. The CS includes the following new provisions:

9 -Creates the Swimming Pool and Solar Technical
10 Advisory Committee of the Florida Building
11 Commission;

12 -Authorizes the commission to determine
13 facility types and criteria for the work
14 covered by issuance of facility maintenance
15 permits issued by local governments;

16 -Revises the Florida Building Code amendment
17 process;

18 -Revises the procedures for appointments to the
19 Florida Building Commission;

20 -Provides procedures for review of building
21 code decisions by local building officials;

22 -Clarifies provisions relating to truss
23 placement plans and the Code;

24 -Allows a fee owner's contractor, rather than
25 only the fee owner, to use a private provider
26 for building code inspection services;

27 -Eliminates the requirement that the private
28 provider maintain comprehensive general
29 liability insurance with minimum policy limits
30 of one million dollars per occurrence;

31 -Restricts local governments ability to use
 building code fee revenues for non-related
 activities;

 -Provides an expedited adoption of the State
 Rehabilitation Code;

 -Exempts commission and hearing officer panels
 from APA rule requirements when reviewing
 decisions of local building officials;

 -Changes the administration of the Florida
 Building Code Training Program;

 -Includes the International Code Council
 Evaluation Service as an authorized product
 evaluation entity;

 -Authorizes the commission to suspend (as well
 as revoke, as is in current law) product

1 approvals or approvals of product evaluation
2 entities; and
3 -Suspends Ch. 9B-72, F.A.C., which relates to
4 local government product evaluation and
5 approval, until June 1, 2005. Requires the
6 commission to study the rule.
7 The CS does not contain, from the original bill as
8 filed, provisions relating to the Elevator Safety
9 Technical Advisory Committee; hospice residential and
10 inpatient facilities; unauthorized use of pyrotechnic
11 devises; master keys of elevators to allow for
12 emergency access; and requirements that school
13 districts use life-cycle cost-analysis as one of the
14 criteria for selecting new, expanded, or reconstructed
15 facilities.
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