

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

311-2653-04

1 A bill to be entitled  
2 An act relating to the Florida Building Code;  
3 amending s. 553.37, F.S.; amending s. 553.415,  
4 F.S.; deleting a time deadline requiring the  
5 Department of Community Affairs to adopt  
6 emergency rules; deleting the department's  
7 authority to charge manufacturers a fee for the  
8 review of its plans and specifications for  
9 construction of a factory-built school  
10 building; authorizing the department to  
11 delegate its authority to renew plans to  
12 another entity having a certified plans  
13 examiner; providing that, if a certified plans  
14 examiner certifies that plans and  
15 specifications of construction are in  
16 compliance, the department is required to give  
17 its approval; requiring that review and  
18 approval for any site plan locating a  
19 factory-built school building be performed by  
20 the specified school district; requiring each  
21 factory-built school building to bear the  
22 insignia of the department and a data plate;  
23 providing application for the insignia;  
24 providing that the manufacturer or the  
25 contractor performing the alterations to the  
26 factory-built school building may permanently  
27 affix the insignia and identification label;  
28 providing for the approval, delivery, and  
29 installation of lawn storage buildings and  
30 storage sheds; amending s. 553.73, F.S.;  
31 providing code-amendment review requirements;

1 conforming a cross-reference; providing  
2 rulemaking authority; amending s. 553.77, F.S.;  
3 revising duties of the Florida Building  
4 Commission; deleting requirements that the  
5 commission hear certain appeals and issue  
6 declaratory statements; creating s. 553.775,  
7 F.S.; providing legislative intent with respect  
8 to the interpretation of the Florida Building  
9 Code; providing for the commission to resolve  
10 disputes regarding interpretations of the code;  
11 requiring the commission to review decisions of  
12 local building officials and local enforcement  
13 agencies; providing for publication of an  
14 interpretation on the Building code Information  
15 System and in the Florida Administrative  
16 Weekly; amending s. 553.79, F.S.; exempting  
17 truss-placement plans from certain  
18 requirements; amending s. 553.791, F.S.;  
19 providing conditions for use of private plans  
20 review and inspection; conforming  
21 cross-references; amending s. 553.80, F.S.;  
22 authorizing local governments to impose certain  
23 fees for code enforcement; providing  
24 requirements and limitations; requiring the  
25 commission to expedite adoption and  
26 implementation of the existing state building  
27 code as part of the Florida Building Code  
28 pursuant to limited procedures; conforming a  
29 cross-reference; amending s. 120.80, F.S.;  
30 authorizing the Florida Building Commission to  
31 conduct proceedings to review decisions of

1 local officials; amending s. 553.841, F.S.;  
2 revising Building Code Training Program  
3 provisions; amending s. 553.8412, F.S.;  
4 conforming a cross-reference; amending s.  
5 553.842, F.S.; adding an evaluation entity to  
6 the list of entities specifically approved by  
7 the commission; suspending a Florida Building  
8 Commission Rule relating to local product  
9 approval; establishing a product approval  
10 advisory committee to study the rule; requiring  
11 a report; requiring all new or retrofitted  
12 construction on essential facilities which  
13 utilizes state or federal grants to meet a  
14 higher standard for impact protections;  
15 amending s. 633.539, F.S.; requiring that  
16 installation of fire protection equipment be  
17 done by a contractor licensed under ch. 633,  
18 F.S.; specifying the scope of coverage of an  
19 above ground materials and test certificate and  
20 of an underground materials and test  
21 certificate; providing that a fire protection  
22 contractor is not required to assume  
23 responsibility for providing a materials and  
24 test certificate on work done by others;  
25 requiring the commission to study accessibility  
26 issues; requiring a report; providing effective  
27 dates.

28  
29 Be It Enacted by the Legislature of the State of Florida:  
30  
31

1           Section 1. Subsection (3) of section 553.37, Florida  
2 Statutes, is amended to read:

3           553.37 Rules; inspections; and insignia.--

4           (3) All manufactured buildings issued and bearing  
5 insignia of approval pursuant to subsection (2) shall be  
6 deemed to comply with the Florida Building Code and are exempt  
7 from local amendments enacted by any local government. Lawn  
8 storage buildings and storage sheds bearing the insignia of  
9 approval of the department may be delivered and installed  
10 without need of a contractor's or specialty license.

11           Section 2. Subsections (3), (4), (5), (6), (7), and  
12 (12) of section 553.415, Florida Statutes, are amended, to  
13 read:

14           553.415 Factory-built school buildings.--

15           (3) ~~Within 90 days after the effective date of this~~  
16 ~~section,~~ The department shall adopt by emergency rule  
17 regulations to carry out the provisions of this section. Such  
18 rule shall ensure the safety of design, construction,  
19 accessibility, alterations, and inspections and shall also  
20 prescribe procedures for the plans, specifications, and  
21 methods of construction to be submitted to the department for  
22 approval.

23           (4) A manufacturer of factory-built school buildings  
24 designed or intended for use as school buildings shall submit  
25 to the department ~~for approval~~ the manufacturer's plans,  
26 specifications, alterations, and methods of construction for  
27 any factory-built school building that has not previously been  
28 submitted to the department together with the approval of a  
29 certified plans examiner for such building. ~~The department is~~  
30 ~~authorized to charge manufacturers a fee which reflects the~~  
31

1 ~~actual expenses incurred for the review of such plans and~~  
2 ~~specifications.~~

3           (5) ~~The department, in accordance with the standards~~  
4 ~~and procedures adopted pursuant to this section and as such~~  
5 ~~standards and procedures may thereafter be modified,~~ shall  
6 approve or reject such plans, specifications, and methods of  
7 construction. The department may delegate its plans-review  
8 authority to a state agency or public or private entity;  
9 however, the department shall ensure that any person  
10 conducting plan reviews is a certified plans examiner pursuant  
11 to part XII of chapter 468. Any person employed by a municipal  
12 or county government, school, or community college district or  
13 a private entity who is a certified plans examiner under part  
14 XII of chapter 468 may approve a manufacturer's plans,  
15 specifications, and methods of construction. Approval of the  
16 department shall not be given if a certified plans examiner  
17 certifies that unless such plans, specifications, and methods  
18 of construction are in compliance with the Florida State  
19 Uniform Building Code for Public Educational Facilities and  
20 department rule. After March 1, 2002, the Uniform Code for  
21 Public Educational Facilities shall be incorporated into the  
22 Florida Building Code, including specific requirements for  
23 public educational facilities and department rule.

24           (6) The review and approval of any site plan locating  
25 a factory-built school building shall be performed solely by  
26 the school district or community college district acquiring  
27 the factory-built school building. The department may delegate  
28 its plans review authority to a state agency or public or  
29 private entity; however, the department shall ensure that any  
30 person conducting plans reviews is a certified plans examiner,  
31 pursuant to part XII of chapter 468.

1           (7) A standard plan approval may be obtained from the  
2 department for factory-built school buildings and such  
3 department-approved plans shall be accepted by the enforcement  
4 agency as approved for the purpose of obtaining a construction  
5 permit for the structure itself. The department, or its  
6 designated representative, shall determine if the plans  
7 qualify for purposes of a factory-built school shelter, as  
8 defined in s. 553.36. The department may delegate its  
9 plans-review authority to a state agency or public or private  
10 entity; however, the department shall ensure that any person  
11 conducting plans reviews is a certified plans examiner  
12 pursuant to part XII of chapter 468.

13           (12) Each factory-built school building used for  
14 educational purposes shall bear the insignia of the department  
15 and a data plate. Application for insignia shall be made by  
16 the third-party-approved inspection agency designated in  
17 accordance with s. 553.37(9). The data plate shall be  
18 fabricated by the manufacturer of durable material in  
19 accordance with s. 553.11. Such insignia and identification  
20 label shall be permanently affixed by the manufacturer in the  
21 case of newly constructed factory-built school buildings, or  
22 by the manufacturer or contractor performing the alterations  
23 ~~department or its designee~~ in the case of an existing  
24 factory-built building altered to comply with provisions of s.  
25 1013.20.

26           Section 3. Paragraphs (a) and (c) of subsection (4),  
27 subsection (6), and paragraphs (a) and (c) of subsection (7)  
28 of section 553.73, Florida Statutes, are amended to read:

29           553.73 Florida Building Code.--

30           (4)(a) All entities authorized to enforce the Florida  
31 Building Code pursuant to s. 553.80 shall comply with

1 applicable standards for issuance of mandatory certificates of  
2 occupancy, minimum types of inspections, and procedures for  
3 plans review and inspections as established by the commission  
4 by rule. Notwithstanding any other provision of law, a local  
5 government may issue an annual permit for construction  
6 activity of the type and pursuant to the conditions  
7 established within the Florida Building Code. Local  
8 governments may adopt amendments to the administrative  
9 provisions of the Florida Building Code, subject to the  
10 limitations of this paragraph. Local amendments shall be more  
11 stringent than the minimum standards described herein and  
12 shall be transmitted to the commission within 30 days after  
13 enactment. The local government shall make such amendments  
14 available to the general public in a usable format. The State  
15 Fire Marshal is responsible for establishing the standards and  
16 procedures required in this paragraph for governmental  
17 entities with respect to applying the Florida Fire Prevention  
18 Code and the Life Safety Code.

19 (c) Any amendment adopted by a local enforcing agency  
20 pursuant to this subsection shall not apply to state or school  
21 district owned buildings, manufactured buildings or  
22 factory-built school buildings approved by the commission, or  
23 prototype buildings approved pursuant to s. 553.77~~(3)(5)~~. The  
24 respective responsible entities shall consider the physical  
25 performance parameters substantiating such amendments when  
26 designing, specifying, and constructing such exempt buildings.

27 ~~(6)~~(a) The commission, by rule adopted pursuant to ss.  
28 120.536(1) and 120.54, shall update the Florida Building Code  
29 every 3 years. When updating the Florida Building Code, the  
30 commission shall consider changes made by the adopting entity  
31 of any selected model code for any model code incorporated

1 into the Florida Building Code, and may subsequently adopt the  
2 new edition or successor of the model code or any part of such  
3 code, no sooner than 6 months after such model code has been  
4 adopted by the adopting organization, which may then be  
5 modified for this state as provided in this section, ~~and~~

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

22 (c) A rule updating the Florida Building Code in  
23 accordance with this paragraph shall become effective no  
24 sooner than 6 months after completion of the rule adoption  
25 process. Any amendment to the Florida Building Code which is  
26 adopted upon a finding by the commission that the amendment is  
27 necessary to protect the public from immediate threat of harm  
28 takes effect immediately.

29 (7)(a) The commission may approve technical amendments  
30 to the Florida Building Code once each year for statewide or  
31



1 regional application upon a finding that the amendment  
2 conforms to the following:

3 1. Is necessary to provide for ~~Has a reasonable and~~  
4 ~~substantial connection with~~ the health, safety, and welfare of  
5 the general public.

6 2. Strengthens or improves the Florida Building Code,  
7 or in the case of innovation or new technology, will provide  
8 equivalent or better products or methods or systems of  
9 construction.

10 3. Does not discriminate against materials, products,  
11 methods, or systems of construction of demonstrated  
12 capabilities.

13 4. Does not degrade the effectiveness of the Florida  
14 Building Code.

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

25 (c) The commission may not consider ~~approve~~ any  
26 proposed amendment that does not accurately and completely  
27 address all requirements for amendment which are set forth in  
28 this section. The commission shall require all proposed  
29 amendments and information submitted with proposed amendments  
30 to be reviewed by commission staff prior to consideration by  
31 any technical advisory committee. These reviews shall be for

1 sufficiency only and are not intended to be qualitative in  
2 nature. Proposed amendments without a fiscal impact statement  
3 may not be considered by the commission or any technical  
4 advisory committee. The provisions of this paragraph  
5 notwithstanding, within 60 days after the adoption by the  
6 International Code Council of permitted standards and  
7 conditions for unvented conditioned attic assemblies in the  
8 International Residential Code, the commission shall initiate  
9 rulemaking to incorporate such permitted standards and  
10 conditions as an authorized alternative in the Florida  
11 Building Code.

12 Section 4. Section 553.77, Florida Statutes, is  
13 amended to read:

14 553.77 Specific powers of the commission.--

15 (1) The commission shall:

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

18 (b) Make a continual study of the operation of the  
19 Florida Building Code and other laws relating to the design,  
20 construction, erection, alteration, modification, repair, or  
21 demolition of public or private buildings, structures, and  
22 facilities, including manufactured buildings, and code  
23 enforcement, to ascertain their effect upon the cost of  
24 building construction and determine the effectiveness of their  
25 provisions. Upon updating the Florida Building Code every 3  
26 years, the commission shall review existing provisions of law  
27 and make recommendations to the Legislature for the next  
28 regular session of the Legislature regarding provisions of law  
29 that should be revised or repealed to ensure consistency with  
30 the Florida Building Code at the point the update goes into  
31 effect. State agencies and local jurisdictions shall provide

1 such information as requested by the commission for evaluation  
2 of and recommendations for improving the effectiveness of the  
3 system of building code laws for reporting to the Legislature  
4 annually. Failure to comply with this or other requirements of  
5 this act must be reported to the Legislature for further  
6 action. Any proposed legislation providing for the revision or  
7 repeal of existing laws and rules relating to technical  
8 requirements applicable to building structures or facilities  
9 should expressly state that such legislation is not intended  
10 to imply any repeal or sunset of existing general or special  
11 laws governing any special district that are not specifically  
12 identified in the legislation.

13 (c) Upon written application by any substantially  
14 affected person or a local enforcement agency, issue  
15 declaratory statements pursuant to s. 120.565 relating to new  
16 technologies, techniques, and materials which have been tested  
17 where necessary and found to meet the objectives of the  
18 Florida Building Code. This paragraph does not apply to the  
19 types of products, materials, devices, or methods of  
20 construction required to be approved under paragraph(f)(i).

21 ~~(d) Upon written application by any substantially~~  
22 ~~affected person, state agency, or a local enforcement agency,~~  
23 ~~issue declaratory statements pursuant to s. 120.565 relating~~  
24 ~~to the enforcement or administration by local governments of~~  
25 ~~the Florida Building Code. Paragraph (h) provides the~~  
26 ~~exclusive remedy for addressing local interpretations of the~~  
27 ~~code.~~

28 ~~(e) When requested in writing by any substantially~~  
29 ~~affected person, state agency, or a local enforcing agency,~~  
30 ~~shall issue declaratory statements pursuant to s. 120.565~~  
31 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~

1 ~~515.37. Actions of the commission are subject to judicial~~  
2 ~~review pursuant to s. 120.68.~~

3 (d)(f) Make recommendations to, and provide assistance  
4 upon the request of, the Florida Commission on Human Relations  
5 regarding rules relating to accessibility for persons with  
6 disabilities.

7 (e)(g) Participate with the Florida Fire Code Advisory  
8 Council created under s. 633.72, to provide assistance and  
9 recommendations relating to firesafety code interpretations.

10 The administrative staff of the commission shall attend  
11 meetings of the Florida Fire Code Advisory Council and  
12 coordinate efforts to provide consistency between the Florida  
13 Building Code and the Florida Fire Prevention Code and the  
14 Life Safety Code.

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

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

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

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

30 (f)(i) Determine the types of products which may be  
31 approved by the commission requiring approval for local or

1 statewide use and shall provide for the evaluation and  
2 approval of such products, materials, devices, and method of  
3 construction for statewide use. The commission may prescribe  
4 by rule a schedule of reasonable fees to provide for  
5 evaluation and approval of products, materials, devices, and  
6 methods of construction. Evaluation and approval shall be by  
7 action of the commission or delegated pursuant to s. 553.842.  
8 This paragraph does not apply to products approved by the  
9 State Fire Marshal.

10 (g)~~(j)~~ Appoint experts, consultants, technical  
11 advisers, and advisory committees for assistance and  
12 recommendations relating to the major areas addressed in the  
13 Florida Building Code.

14 (h)~~(k)~~ Establish and maintain a mutual aid program,  
15 organized through the department, to provide an efficient  
16 supply of various levels of code enforcement personnel, design  
17 professionals, commercial property owners, and construction  
18 industry individuals, to assist in the rebuilding effort in an  
19 area which has been hit with disaster. The program shall  
20 include provisions for:

- 21 1. Minimum postdisaster structural, electrical, and  
22 plumbing inspections and procedures.
- 23 2. Emergency permitting and inspection procedures.
- 24 3. Establishing contact with emergency management  
25 personnel and other state and federal agencies.

26 (i)~~(l)~~ Maintain a list of interested parties for  
27 noticing rulemaking workshops and hearings, disseminating  
28 information on code adoption, revisions, amendments, and all  
29 other such actions which are the responsibility of the  
30 commission.

31

1           (j)(m) Coordinate with the state and local  
2 governments, industry, and other affected stakeholders in the  
3 examination of legislative provisions and make recommendations  
4 to fulfill the responsibility to develop a consistent, single  
5 code.

6           (k)(n) Provide technical assistance to local building  
7 departments in order to implement policies, procedures, and  
8 practices which would produce the most cost-effective property  
9 insurance ratings.

10           (l)(o) Develop recommendations for local governments  
11 to use when pursuing partial or full privatization of building  
12 department functions. The recommendations shall include, but  
13 not be limited to, provisions relating to equivalency of  
14 service, conflict of interest, requirements for competency,  
15 liability, insurance, and long-term accountability.

16           ~~(2) Upon written application by any substantially~~  
17 ~~affected person, the commission shall issue a declaratory~~  
18 ~~statement pursuant to s. 120.565 relating to a state agency's~~  
19 ~~interpretation and enforcement of the specific provisions of~~  
20 ~~the Florida Building Code the agency is authorized to enforce.~~  
21 ~~The provisions of this subsection shall not be construed to~~  
22 ~~provide any powers, other than advisory, to the commission~~  
23 ~~with respect to any decision of the State Fire Marshal made~~  
24 ~~pursuant to the provisions of chapter 633.~~

25           ~~(3) The commission may designate a commission member~~  
26 ~~with demonstrated expertise in interpreting building plans to~~  
27 ~~attend each meeting of the advisory council created in s.~~  
28 ~~553.512. The commission member may vary from meeting to~~  
29 ~~meeting, shall serve on the council in a nonvoting capacity,~~  
30 ~~and shall receive per diem and expenses as provided in s.~~  
31 ~~553.74(3).~~

1           ~~(2)~~(4) For educational and public information  
2 purposes, the commission shall develop and publish an  
3 informational and explanatory document which contains  
4 descriptions of the roles and responsibilities of the licensed  
5 design professional, residential designer, contractor, and  
6 local building and fire code officials. The State Fire Marshal  
7 shall be responsible for developing and specifying roles and  
8 responsibilities for fire code officials. Such document may  
9 also contain descriptions of roles and responsibilities of  
10 other participants involved in the building codes system.

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

26           ~~(4)~~(6) The commission may produce and distribute a  
27 commentary document to accompany the Florida Building Code.  
28 The commentary must be limited in effect to providing  
29 technical assistance and must not have the effect of binding  
30 interpretations of the code document itself.

31

1           ~~(7) The commission shall by rule establish an informal~~  
2 ~~process of rendering nonbinding interpretations of the Florida~~  
3 ~~Building Code. The commission is specifically authorized to~~  
4 ~~refer interpretive issues to organizations that represent~~  
5 ~~those engaged in the construction industry. The commission is~~  
6 ~~directed to immediately implement the process prior to the~~  
7 ~~completion of formal rulemaking. It is the intent of the~~  
8 ~~Legislature that the commission create a process to refer~~  
9 ~~questions to a small, rotating group of individuals licensed~~  
10 ~~under part XII of chapter 468, to which a party can pose~~  
11 ~~questions regarding the interpretation of code provisions. It~~  
12 ~~is the intent of the Legislature that the process provide for~~  
13 ~~the expeditious resolution of the issues presented and~~  
14 ~~publication of the resulting interpretation on the Building~~  
15 ~~Code Information System. Such interpretations are to be~~  
16 ~~advisory only and nonbinding on the parties or the commission.~~

17           Section 5. Section 553.775, Florida Statutes, is  
18 created to read:

19           553.775 Interpretations.--

20           (1) It is the intent of the Legislature that the  
21 Florida Building Code be interpreted by government officials  
22 who have experience in building code enforcement and the  
23 commission in a manner that protects the public safety,  
24 health, and welfare at the most reasonable cost to the  
25 consumer by ensuring uniform interpretations throughout the  
26 state and by providing processes for resolving disputes  
27 regarding interpretations of the Florida Building Code which  
28 are just and expeditious.

29           (2) Local enforcement agencies, local building  
30 officials, state agencies, and the commission shall interpret  
31 provisions of the Florida Building Code in a manner that is



1 consistent with declaratory statements and interpretations  
2 entered by the commission, except that conflicts between the  
3 Florida Fire Prevention Code and the Florida Building Code  
4 shall be resolved in accordance with s. 553.73(9)(c) and (d).

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

7 (a) Upon written application by any substantially  
8 affected person, state agency or by a local enforcement  
9 agency, the commission shall issue declaratory statements  
10 pursuant to s. 120.565 relating to the enforcement or  
11 administration by local governments of the Florida Building  
12 Code.

13 (b) When requested in writing by any substantially  
14 affected person, state agency or by a local enforcement  
15 agency, the commission shall issue a declaratory statement  
16 pursuant to s. 120.565 relating to this part and ss. 515.25,  
17 515.27, 515.29, and 515.37. Actions of the commission are  
18 subject to judicial review under s. 120.68.

19 (c) The commission shall review decisions of local  
20 building officials and local enforcement agencies regarding  
21 interpretations of the Florida Building Code after the local  
22 board of appeals has considered the decision, if such board  
23 exists and if the board-of-appeals process is concluded within  
24 10 business days.

25 1. The commission shall coordinate with the Building  
26 Officials Association of Florida, Inc., to designate panels  
27 composed of five members to hear requests to review decisions  
28 of local building officials. The members must be licensed as  
29 building code administrators under part XII of chapter 468 and  
30 must have experience interpreting and enforcing provisions of  
31 the Florida Building Code.

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

12           a. The name and address of the county or municipality  
13 in which provisions of the Florida Building Code are being  
14 interpreted.

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

17           c. The name, address, and telephone number of the  
18 petitioner; the name, address, and telephone number of the  
19 petitioner's representative, if any; and an explanation of how  
20 the petitioner's substantial interests are being affected by  
21 the local interpretation of the Florida Building Code.

22           d. A statement of the provisions of the Florida  
23 Building Code which are being interpreted by the local  
24 building official.

25           e. A statement of the interpretation given to  
26 provisions of the Florida Building Code by the local building  
27 official and the manner in which the interpretation was  
28 rendered.

29           f. A statement of the interpretation that the  
30 petitioner contends should be given to the provisions of the  
31

1 Florida Building Code and a statement supporting the  
2 petitioner's interpretation.

3 g. Space for the local building official to respond in  
4 writing. The space shall, at a minimum, require the local  
5 building official to respond by providing a statement  
6 admitting or denying the statements contained in the petition  
7 and a statement of the interpretation of the provisions of the  
8 Florida Building Code which the local jurisdiction or the  
9 local building official contends is correct, including the  
10 basis for the interpretation.

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

24 4. Upon receipt of a petition that meets the  
25 requirements of subparagraph 2., the commission shall  
26 immediately provide copies of the petition to a panel, and the  
27 commission shall publish the petition, including any response  
28 submitted by the local building official, on the Building Code  
29 Information System in a manner that allows interested persons  
30 to address the issues by posting comments.

31

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

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

24           7. Any substantially affected person may appeal an  
25 interpretation rendered by a hearing officer panel by filing a  
26 petition with the commission. Such appeals shall be initiated  
27 in accordance with chapter 120 and the uniform rules of  
28 procedure and must be filed within 30 days after publication  
29 of the interpretation on the Building Code Information System  
30 or in the Florida Administrative Weekly. Hearings shall be  
31 conducted pursuant to chapter 120 and the uniform rules of

1 procedure. Decisions of the commission are subject to judicial  
2 review pursuant to s. 120.68. The final order of the  
3 commission is binding upon the parties and upon all  
4 jurisdictions subject to the Florida Building Code.

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

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

14  
15 This paragraph provides the exclusive remedy for addressing  
16 requests to review local interpretations of the code and  
17 appeals from review proceedings.

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

23 (e) Upon written application by any substantially  
24 affected person, the commission shall issue a declaratory  
25 statement pursuant to s. 120.565 relating to an agency's  
26 interpretation and enforcement of the specific provisions of  
27 the Florida Building Code which the agency is authorized to  
28 enforce. This subsection does not provide any powers, other  
29 than advisory, to the commission with respect to any decision  
30 of the State Fire Marshal made pursuant to chapter 633.

31

1           (f) The commission may designate a commission member  
2 with demonstrated expertise in interpreting building plans to  
3 attend each meeting of the advisory council created in s.  
4 553.512. The commission member may vary from meeting to  
5 meeting, shall serve on the council in a nonvoting capacity,  
6 and shall receive per diem and expenses as provided in s.  
7 553.74(3).

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

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

27           553.79 Permits; applications; issuance; inspections.--

28           (14) Certifications by contractors authorized under  
29 the provisions of s. 489.115(4)(b) shall be considered  
30 equivalent to sealed plans and specifications by a person  
31 licensed under chapter 471 or chapter 481 by local enforcement

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

14 Section 7. Subsections (2), (4), paragraph (a) of  
15 subsection (6), subsection (11), paragraphs (b) and (c) of  
16 subsection (12), and subsections (14) and (15) of section  
17 553.791, Florida Statutes, are amended to read:

18 553.791 Alternative plans review and inspection.--

19 (2) Notwithstanding any other provision of law or  
20 local government ordinance or local policy to the contrary,  
21 the fee owner of a building, or the fee owner's contractor  
22 upon written authorization from the fee owner, may choose to  
23 use a private provider to provide building code inspection  
24 services with regard to such building and may make payment  
25 directly to the private provider for the provision of such  
26 services. All such services shall be the subject of a written  
27 contract between the private provider, or the private  
28 provider's firm, and the fee owner. The fee owner may elect to  
29 use a private provider to provide either plans review or  
30 required building inspections. The local building official, in  
31 his or her discretion and pursuant to duly adopted policies of

1 the local enforcement agency, may require the fee owner who  
2 desires to use a private provider to use the private provider  
3 to provide both plans review and required building inspection  
4 services.

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

12 (a) The services to be performed by the private  
13 provider.

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

23 (c) An acknowledgment from the fee owner in  
24 substantially the following form:

25  
26 I have elected to use one or more private  
27 providers to provide building code plans review  
28 and/or inspection services on the building that  
29 is the subject of the enclosed permit  
30 application, as authorized by s. 553.791,  
31 Florida Statutes. I understand that the local



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

25  
26 If the fee owner or the fee owner's contractor makes any  
27 changes to the listed private providers or the services to be  
28 provided by those private providers, the fee owner or the fee  
29 owner's contractor shall, within 1 business day after any  
30 change, update the notice to reflect such changes.

31

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

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

31

1           (12) If the local building official determines that  
2 the building construction or plans do not comply with the  
3 applicable codes, the official may deny the permit or request  
4 for a certificate of occupancy or certificate of completion,  
5 as appropriate, or may issue a stop-work order for the project  
6 or any portion thereof, if the official determines that such  
7 noncompliance poses a threat to public safety and welfare,  
8 subject to the following:

9           (b) If the local building official and private  
10 provider are unable to resolve the dispute, the matter shall  
11 be referred to the local enforcement agency's board of  
12 appeals, if one exists, which shall consider the matter at its  
13 next scheduled meeting or sooner. Any decisions by the local  
14 enforcement agency's board of appeals, or local building  
15 official if there is no board of appeals, may be appealed to  
16 the commission pursuant to s. 553.775 ~~553.77(1)(h)~~.

17           (c) Notwithstanding any provision of this section, any  
18 decisions regarding the issuance of a building permit,  
19 certificate of occupancy, or certificate of completion may be  
20 reviewed by the local enforcement agency's board of appeals,  
21 if one exists. Any decision by the local enforcement agency's  
22 board of appeals, or local building official if there is no  
23 board of appeals, may be appealed to the commission pursuant  
24 to s. 553.775 ~~553.77(1)(h)~~, which shall consider the matter at  
25 the commission's next scheduled meeting.

26           (14) No local enforcement agency, local building  
27 official, or local government may adopt or enforce any laws,  
28 rules, procedures, policies, or standards more stringent than  
29 those prescribed by this section.

30           (15) A private provider may perform building code  
31 inspection services under this section only if the private

1 provider maintains insurance for professional ~~and~~  
2 ~~comprehensive general~~ liability with minimum policy limits of  
3 \$1 million per occurrence covering ~~relating to~~ all services  
4 performed as a private provider. If the private provider  
5 chooses to secure claims-made coverage to fulfill this  
6 requirement, the private provider must also maintain,  
7 ~~including~~ tail coverage for a minimum of 5 years subsequent to  
8 the performance of building code inspection services.  
9 Occurrence-based coverage shall not be subject to any tail  
10 coverage requirement.

11 Section 8. Paragraph (d) of subsection (1) of section  
12 553.80, Florida Statutes, is amended, and subsections (7) and  
13 (8) are added to that section, to read:

14 553.80 Enforcement.--

15 (1) Except as provided in paragraphs (a)-(f), each  
16 local government and each legally constituted enforcement  
17 district with statutory authority shall regulate building  
18 construction and, where authorized in the state agency's  
19 enabling legislation, each state agency shall enforce the  
20 Florida Building Code required by this part on all public or  
21 private buildings, structures, and facilities, unless such  
22 responsibility has been delegated to another unit of  
23 government pursuant to s. 553.79(9).

24 (d) Building plans approved pursuant to s.  
25 553.77(3)(5) and state-approved manufactured buildings,  
26 including buildings manufactured and assembled offsite and not  
27 intended for habitation, such as lawn storage buildings and  
28 storage sheds, are exempt from local code enforcing agency  
29 plan reviews except for provisions of the code relating to  
30 erection, assembly, or construction at the site. Erection,  
31

1 assembly, and construction at the site are subject to local  
2 permitting and inspections.

3  
4 The governing bodies of local governments may provide a  
5 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
6 and this section, for the enforcement of the provisions of  
7 this part. Such fees shall be used solely for carrying out the  
8 local government's responsibilities in enforcing the Florida  
9 Building Code. The authority of state enforcing agencies to  
10 set fees for enforcement shall be derived from authority  
11 existing on July 1, 1998. However, nothing contained in this  
12 subsection shall operate to limit such agencies from adjusting  
13 their fee schedule in conformance with existing authority.

14 (7) The governing bodies of local governments may  
15 provide a schedule of reasonable fees, as authorized by s.  
16 125.56(2) or s. 166.222 and this section, for enforcing this  
17 part. These fees, and any fines or investment earnings related  
18 to the fees, shall be used solely for carrying out the local  
19 government's responsibilities in enforcing the Florida  
20 Building Code. When providing a schedule of reasonable fees,  
21 the total estimated annual revenue derived from fees and the  
22 fines and investment earnings related to the fees may not  
23 exceed the total estimated annual costs of allowable  
24 activities. Any unexpended balances shall be carried forward  
25 to future years for allowable activities or shall be refunded  
26 at the discretion of the local government. The basis for a fee  
27 structure for allowable activities shall relate to the level  
28 of service provided by the local government. Fees charged  
29 shall be consistently applied.

30 (a) As used in this subsection, the phrase "enforcing  
31 the Florida Building Code" includes the direct costs and

1 reasonable indirect costs associated with review of building  
2 plans, building inspections, reinspections, building permit  
3 processing, provision of training courses, educational  
4 materials, and public building safety awareness related to the  
5 building code, and building code enforcement. The phrase may  
6 also include enforcement action pertaining to unlicensed  
7 contractor activity to the extent not funded by other user  
8 fees.

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

20       **(c)** A local government shall use recognized  
21 management, accounting, and oversight practices to ensure that  
22 fees, fines, and investment earnings generated under this  
23 subsection are maintained and allocated or used solely for the  
24 purposes described in paragraph (a).

25       **(8)** The Florida Department of Agriculture and Consumer  
26 Services shall not be subject to local government permitting  
27 requirements, plan review, and inspection fees for nonoccupied  
28 structures such as equipment storage sheds and polebarns not  
29 used by the general public.

30       Section 9. The Florida Building Commission shall  
31 expedite the adoption and implementation of the State Existing

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

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

9 120.80 Exceptions and special requirements;  
10 agencies.--

11 (17) FLORIDA BUILDING COMMISSION.--

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

18 Section 11. 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 all  
29 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~~  
22 ~~licensee. Such test may be taken in lieu of the core~~  
23 ~~curriculum. A passing score on the test shall be equivalent to~~  
24 ~~completion of the core curriculum and shall be credited toward~~  
25 ~~the required 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. Courses approved by the Department of  
6 Business and Professional Regulation as required by the  
7 respective practice acts and chapter 455 shall be deemed as  
8 approved by the Florida Building Commission.

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

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

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

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

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

29           553.8412 Legislative intent; delivery of training;  
30 outsourcing.--  
31

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

9           Section 13. Subsections (9) and (15) of section  
10 553.842, Florida Statutes, are amended to read:

11           553.842 Product evaluation and approval.--

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

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

29           (b) Testing laboratories accredited by national  
30 organizations, such as A2LA and the National Voluntary  
31 Laboratory Accreditation Program, laboratories accredited by

1 evaluation entities approved under paragraph (a), and  
2 laboratories that comply with other guidelines for testing  
3 laboratories selected by the commission and adopted by rule.

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

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

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

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

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

25 (1) The Florida Building Commission shall create a  
26 product approval advisory group to conduct a study to  
27 determine the effectiveness and financial impact on the  
28 construction industry by the local and state product approval  
29 process established in section 553.842, Florida Statutes, and  
30 the requirements of Chapter 9B-72 of the Florida  
31 Administrative Code. The product approval advisory group shall

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

9 (a) One member selected by the Building Officials  
10 Association of Florida;

11 (b) One member selected by the Florida Construction  
12 Coalition;

13 (c) One member selected by the Florida Engineering  
14 Society;

15 (d) One member selected by the Florida Association of  
16 the American Institute of Architects;

17 (e) One member selected by the Florida League of  
18 Cities; and

19 (f) One member selected by the Florida Association of  
20 Counties.

21  
22 The Chairman of the Program Oversight Committee shall serve as  
23 the Chairman of the product approval advisory group and the  
24 Vice Chairman shall be selected from among the remaining six  
25 members selected by the entities specified in paragraphs (a)  
26 through (f).

27 (2) The report submitted to the Legislature pursuant  
28 to subsection (1) shall contain specific recommendations on  
29 how and whether the product approval process should be  
30 modified or amended to enhance and facilitate compliance with  
31

1 Chapter 9B-72 Florida Administrative Code and section 553.842,  
2 Florida Statutes.

3 Section 15. Paragraph (c) of subsection (1) of section  
4 633.539, Florida Statutes, is amended to read:

5 633.539 Requirements for installation, inspection, and  
6 maintenance of fire protection systems.--

7 (1) The requirements for installation of fire  
8 protection systems are as follows:

9 (c) Equipment shall be installed in accordance with  
10 the applicable standards of the National Fire Protection  
11 Association and the manufacturer's specifications, and the  
12 installation shall be undertaken by a fire protection  
13 contractor licensed under this chapter and within the scope of  
14 licensure as defined in this subsection. The above ground  
15 materials and test certificate required by the standards shall  
16 be provided by a Contractor I, Contractor II, or Contractor  
17 IV. The scope of the above ground material and test  
18 certificate begins 1 foot above the finished floor to and  
19 including the most remote fire protection device. The  
20 Contractor I, Contractor II, or Contractor V is responsible  
21 for providing the underground materials and test certificate  
22 as required by the standards. The scope of the underground  
23 material and test certificate begins at the point of service  
24 as defined in this chapter, adopted plumbing code provisions  
25 notwithstanding, and finishes no more than 1 foot above the  
26 finished floor. A fire protection contractor is not required  
27 to assume responsibility for providing a materials and test  
28 certificate on work done by others.

29 Section 16. Effective January 1, 2005, all new or  
30 retrofitted construction on essential facilities, as defined  
31 in ASTM E 1996-02, paragraph 6.2.1.1 (enhanced protection for

1 window and door coverings), which utilizes state or federal  
2 grants shall meet ASTM level E impact protections.

3           Section 17. The Florida Building Commission shall  
4 study the following issues related to the Americans with  
5 Disabilities Act, as adopted in section 553.503, Florida  
6 Statutes, and the Americans with Disabilities Accessibility  
7 Guidelines, as adopted in section 553.504, Florida Statutes:  
8 the placement of grab rails in water closets, the placement of  
9 access aisles for disabled parking spaces, and the "discipline  
10 of accessibility" to review building plans for accessibility.  
11 The commission must consider what the current federal law and  
12 the Florida Building Code require, if applicable, and the cost  
13 implications of any recommendations the commission may offer.  
14 The commission must report its findings and recommendations to  
15 the Legislature by December 31, 2004.

16           Section 18. This act shall take effect upon becoming a  
17 law.

18  
19                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
20   COMMITTEE SUBSTITUTE FOR  
21   CS/SB 520 and CS/SB 494

22 Amends requirements for the the submission and review of  
23 factory-built school building plans.

24 Eliminates provisions that would have revised the appointment  
25 process and membership of the Florida Building Commission.

26 States the installation of a fire protection system must be  
27 made by a licensed fire protection contractor, and states that  
28 a fire protection contractor is not required to certify work  
29 done by others.

30 Provides that effective January 1, 2005, all new or  
31 retrofitted construction on essential that utilizes state or  
federal grants must meet ASTM Level E impact protections.

Requires that the Florida Building Commission must study three  
issues related to the Americans with Disabilities Act.