

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Florida Building Code; amending s.
8 553.37, F.S.; providing for the approval, delivery, and
9 installation of lawn storage buildings and storage sheds;
10 amending s. 553.73, F.S.; specifying certain codes from
11 the International Code Congress and the International Code
12 Council as foundation codes for the updated Florida
13 Building Code; providing requirements for amendments to
14 the foundation codes; providing for the incorporation of
15 certain statements, decisions, and amendments into the
16 Florida Building Code; providing a timeframe for rule
17 updates to the Florida Building Code to become effective;
18 adding a requirement for technical amendments to the
19 Florida Building Code; providing code-amendment review
20 requirements; providing an exception; amending s. 553.74,
21 F.S.; revising the appointment of members to the Florida
22 Building Commission; amending s. 553.77, F.S.; revising
23 duties of the Florida Building Commission; deleting

24 requirements that the commission hear certain appeals and
 25 issue declaratory statements; creating s. 553.775, F.S.;
 26 providing legislative intent with respect to the
 27 interpretation of the Florida Building Code; providing for
 28 the commission to resolve disputes regarding
 29 interpretations of the code; requiring the commission to
 30 review decisions of local building officials and local
 31 enforcement agencies; providing for publication of an
 32 interpretation on the Building Code Information System and
 33 in the Florida Administrative Weekly; amending s. 553.79,
 34 F.S.; exempting truss-placement plans from certain
 35 requirements; amending s. 553.791, F.S.; providing
 36 conditions for use of private plans review and inspection;
 37 conforming cross references; amending s. 553.80, F.S.;
 38 authorizing local governments to impose certain fees for
 39 code enforcement; providing requirements and limitations;
 40 conforming a cross reference; requiring the commission to
 41 expedite adoption and implementation of the existing state
 42 building code as part of the Florida Building Code
 43 pursuant to limited procedures; amending s. 120.80, F.S.;
 44 authorizing the Florida Building Commission to conduct
 45 proceedings to review decisions of local officials;
 46 amending s. 553.841, F.S.; revising Building Code Training
 47 Program provisions; amending s. 553.8412, F.S.; conforming
 48 a cross reference; amending s. 553.842, F.S.; providing
 49 for products to be approved for statewide use; deleting an
 50 obsolete date; deleting a provision requiring the
 51 commission to adopt certain local program verification

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52 validation criteria by rule; providing for validation of
 53 certain products by inspection of certification mark or
 54 listing; adding an evaluation entity to the list of
 55 entities specifically approved by the commission; deleting
 56 a requirement that the commission establish a schedule for
 57 adoption of rules relating to product approvals under
 58 certain circumstances; providing an effective date.
 59

60 Be It Enacted by the Legislature of the State of Florida:
 61

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

64 553.37 Rules; inspections; and insignia.--

65 (3) All manufactured buildings issued and bearing insignia
 66 of approval pursuant to subsection (2) shall be deemed to comply
 67 with the Florida Building Code and are exempt from local
 68 amendments enacted by any local government. Lawn storage
 69 buildings and storage sheds bearing the insignia of approval of
 70 the department may be delivered and installed without need of a
 71 contractor's or specialty license.

72 Section 2. Paragraph (c) of subsection (4), subsection
 73 (6), and paragraphs (a) and (c) of subsection (7) of section
 74 553.73, Florida Statutes, are amended to read:

75 553.73 Florida Building Code.--

76 (4)

77 (c) Any amendment adopted by a local enforcing agency
 78 pursuant to this subsection shall not apply to state or school
 79 district owned buildings, manufactured buildings or factory-

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80 | built school buildings approved by the commission, or prototype
 81 | buildings approved pursuant to s. 553.77(3)~~(5)~~. The respective
 82 | responsible entities shall consider the physical performance
 83 | parameters substantiating such amendments when designing,
 84 | specifying, and constructing such exempt buildings.

85 | (6)(a) The commission, by rule adopted pursuant to ss.
 86 | 120.536(1) and 120.54, shall update the Florida Building Code
 87 | every 3 years. When updating the Florida Building Code, the
 88 | commission shall select the most current version of the
 89 | International Building Code, the International Fuel Gas Code,
 90 | the International Mechanical Code, the International Plumbing
 91 | Code, the International Residential Code, the International Code
 92 | Council Electrical Code, all of which are adopted by the
 93 | International Code Congress, to form the foundation codes of the
 94 | updated Florida Building Code, provided that the version has
 95 | been adopted by the International Code Congress and made
 96 | available to the public at least 6 months prior to its selection
 97 | by the commission.

98 | (b) The commission may modify any portion of the
 99 | foundation codes only as needed to accommodate the specific
 100 | needs of this state. Standards or criteria referenced by such
 101 | codes shall be incorporated by reference. If a referenced
 102 | standard or criterion requires amplification or modification to
 103 | be appropriate for use in this state, only the amplification or
 104 | modification shall be set forth in the Florida Building Code.
 105 | The commission may approve technical amendments to the updated
 106 | Florida Building Code after the amendments have been subject to
 107 | the conditions set forth in paragraphs (3)(a)-(d). Amendments to

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108 | the foundation codes that are adopted in accordance with this
 109 | subsection shall be clearly marked in printed versions of the
 110 | Florida Building Code so that the fact that the provisions are
 111 | Florida-specific amendments to the foundation codes is readily
 112 | apparent. ~~consider changes made by the adopting entity of any~~
 113 | ~~selected model code for any model code incorporated into the~~
 114 | ~~Florida Building Code, and may subsequently adopt the new~~
 115 | ~~edition or successor of the model code or any part of such code,~~
 116 | ~~no sooner than 6 months after such model code has been adopted~~
 117 | ~~by the adopting organization, which may then be modified for~~
 118 | ~~this state as provided in this section, and~~

119 | (c) The commission shall further consider the commission's
 120 | own interpretations, declaratory statements, appellate
 121 | decisions, and approved statewide and local technical amendments
 122 | and shall incorporate such interpretations, statements,
 123 | decisions, and amendments into the updated Florida Building Code
 124 | only to the extent that they are needed to modify the foundation
 125 | codes to accommodate the specific needs of the state. A change
 126 | made by an institute or standards organization to any standard
 127 | or criterion that is adopted by reference in the Florida
 128 | Building Code does not become effective statewide until it has
 129 | been adopted by the commission. Furthermore, the edition of the
 130 | Florida Building Code which is in effect on the date of
 131 | application for any permit authorized by the code governs the
 132 | permitted work for the life of the permit and any extension
 133 | granted to the permit.

134 | (d) A rule updating the Florida Building Code in
 135 | accordance with this subsection shall take effect no sooner than

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136 6 months after completion of the rule adoption process. Any
 137 amendment to the Florida Building Code which is adopted upon a
 138 finding by the commission that the amendment is necessary to
 139 protect the public from immediate threat of harm takes effect
 140 immediately.

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

144 1. Is needed in order to accommodate the specific needs of
 145 this state.

146 ~~2.1-~~ Has a reasonable and substantial connection with the
 147 health, safety, and welfare of the general public.

148 ~~3.2-~~ Strengthens or improves the Florida Building Code, or
 149 in the case of innovation or new technology, will provide
 150 equivalent or better products or methods or systems of
 151 construction.

152 ~~4.3-~~ Does not discriminate against materials, products,
 153 methods, or systems of construction of demonstrated
 154 capabilities.

155 ~~5.4-~~ Does not degrade the effectiveness of the Florida
 156 Building Code.

157
 158 Furthermore, the Florida Building Commission may approve
 159 technical amendments to the code once each year to incorporate
 160 into the Florida Building Code its own interpretations of the
 161 code which are embodied in its opinions, final orders, ~~and~~
 162 declaratory statements, and interpretations of hearing officer
 163 panels under s. 553.775(3)(c), but shall do so only to the

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164 extent that incorporation of interpretations is needed to modify
165 the foundation codes to accommodate the specific needs of this
166 state. Amendments approved under this paragraph shall be adopted
167 by rule pursuant to ss. 120.536(1) and 120.54, after the
168 amendments have been subjected to the provisions of subsection
169 (3).

170 (c) The commission may not approve any proposed amendment
171 that does not accurately and completely address all requirements
172 for amendment which are set forth in this section. The
173 commission shall require all proposed amendments and information
174 submitted with proposed amendments to be reviewed by commission
175 staff prior to consideration by any technical advisory
176 committee. These reviews shall be for sufficiency only and are
177 not intended to be qualitative in nature. Staff members shall
178 reject any proposed amendment that fails to include a fiscal
179 impact statement providing information responsive to all
180 criteria identified. Proposed amendments rejected by members of
181 the staff may not be considered by the commission or any
182 technical advisory committee. Notwithstanding the provisions of
183 this paragraph, within 60 days after the adoption by the
184 International Code Council of permitted standards and conditions
185 for unvented conditioned attic assemblies in the International
186 Residential Code, the commission shall initiate rulemaking to
187 incorporate such permitted standards and conditions in the
188 Florida Building Code.

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

191 553.74 Florida Building Commission.--

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192 (1) The Florida Building Commission is created and shall
 193 be located within the Department of Community Affairs for
 194 administrative purposes. Members shall be appointed by the
 195 Governor subject to confirmation by the Senate. The Governor
 196 shall appoint commission members from lists of candidates
 197 submitted by the respective professional organizations or may
 198 appoint any other person otherwise qualified according to this
 199 section. The commission shall be composed of 23 members,
 200 consisting of the following:

201 (a) One architect registered to practice in this state and
 202 actively engaged in the profession from a list of three
 203 candidates provided by the American Institute of Architecture,
 204 Florida Section.

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

208 (c) One air-conditioning or mechanical contractor
 209 certified to do business in this state and actively engaged in
 210 the profession from a list of three candidates provided by the
 211 Florida Air Conditioning Contractors Association and the Florida
 212 Refrigeration and Air Conditioning Contractors Association.

213 (d) One electrical contractor certified to do business in
 214 this state and actively engaged in the profession from a list of
 215 three candidates provided by the Florida Association of
 216 Electrical Contractors.

217 (e) One member from fire protection engineering or
 218 technology who is actively engaged in the profession from a list
 219 of three candidates provided by the Florida Fire Protection

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220 Engineers Society, the Fire Marshals and Inspectors Association,
221 and the Florida Fire Chiefs Association.

222 (f) One ~~general~~ contractor certified to do business in
223 this state and actively engaged in the profession from a list of
224 three candidates provided by the Associated Builders and
225 Contractors of Florida and the Florida Associated General
226 Contractors Council.

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

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

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

239 (j) Three members who are municipal or district codes
240 enforcement officials, two of whom shall be from a list of four
241 candidates provided by the Building Officials Association of
242 Florida and one of whom is also a fire official from a list of
243 three candidates provided by the Florida Fire Marshals and
244 Inspectors Association.

245 (k) One member who represents the Department of Financial
246 Services.

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

250 (m) One member of a Florida-based organization of persons
251 with disabilities or a nationally chartered organization of
252 persons with disabilities with chapters in this state.

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

257 (o) One mechanical or electrical engineer registered to
258 practice in this state and actively engaged in the profession
259 from a list of three candidates provided by the Florida
260 Engineering Society.

261 (p) One member who is a representative of a municipality
262 or a charter county from a list of three candidates provided by
263 the Florida League of Cities and the Florida Association of
264 Counties.

265 (q) One member of the building products manufacturing
266 industry who is authorized to do business in this state and is
267 actively engaged in the industry from a list of three candidates
268 provided by the Florida Building Materials Association, the
269 Florida Concrete and Products Association, and the Fenestration
270 Manufacturers Association.

271 (r) One member who is a representative of the building
272 owners and managers industry who is actively engaged in
273 commercial building ownership or management from a list of three

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274 | candidates provided by the Building Owners and Managers
 275 | Association.

276 | (s) One member who is a representative of the insurance
 277 | industry from a list of three candidates provided by the Florida
 278 | Insurance Council.

279 | (t) One member who is a representative of public
 280 | education.

281 | (u) One member who shall be the chair.

282 |
 283 | Any person serving on the commission under paragraph (c) or
 284 | paragraph (h) on October 1, 2004 ~~2003~~, and who has served less
 285 | than two full terms is eligible for reappointment to the
 286 | commission regardless of whether he or she meets the new
 287 | qualification.

288 | Section 4. Section 553.77, Florida Statutes, is amended to
 289 | read:

290 | 553.77 Specific powers of the commission.--

291 | (1) The commission shall:

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

294 | (b) Make a continual study of the operation of the Florida
 295 | Building Code and other laws relating to the design,
 296 | construction, erection, alteration, modification, repair, or
 297 | demolition of public or private buildings, structures, and
 298 | facilities, including manufactured buildings, and code
 299 | enforcement, to ascertain their effect upon the cost of building
 300 | construction and determine the effectiveness of their
 301 | provisions. Upon updating the Florida Building Code every 3

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302 | years, the commission shall review existing provisions of law
 303 | and make recommendations to the Legislature for the next regular
 304 | session of the Legislature regarding provisions of law that
 305 | should be revised or repealed to ensure consistency with the
 306 | Florida Building Code at the point the update goes into effect.
 307 | State agencies and local jurisdictions shall provide such
 308 | information as requested by the commission for evaluation of and
 309 | recommendations for improving the effectiveness of the system of
 310 | building code laws for reporting to the Legislature annually.
 311 | Failure to comply with this or other requirements of this act
 312 | must be reported to the Legislature for further action. Any
 313 | proposed legislation providing for the revision or repeal of
 314 | existing laws and rules relating to technical requirements
 315 | applicable to building structures or facilities should expressly
 316 | state that such legislation is not intended to imply any repeal
 317 | or sunset of existing general or special laws governing any
 318 | special district that are not specifically identified in the
 319 | legislation.

320 | (c) Upon written application by any substantially affected
 321 | person or a local enforcement agency, issue declaratory
 322 | statements pursuant to s. 120.565 relating to new technologies,
 323 | techniques, and materials which have been tested where necessary
 324 | and found to meet the objectives of the Florida Building Code.
 325 | This paragraph does not apply to the types of products,
 326 | materials, devices, or methods of construction required to be
 327 | approved under paragraph (f) ~~(i)~~.

328 | ~~(d) Upon written application by any substantially affected~~
 329 | ~~person, state agency, or a local enforcement agency, issue~~

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330 ~~declaratory statements pursuant to s. 120.565 relating to the~~
331 ~~enforcement or administration by local governments of the~~
332 ~~Florida Building Code. Paragraph (h) provides the exclusive~~
333 ~~remedy for addressing local interpretations of the code.~~

334 ~~(e) When requested in writing by any substantially~~
335 ~~affected person, state agency, or a local enforcing agency,~~
336 ~~shall issue declaratory statements pursuant to s. 120.565~~
337 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~
338 ~~515.37. Actions of the commission are subject to judicial~~
339 ~~review pursuant to s. 120.68.~~

340 (d)(f) Make recommendations to, and provide assistance
341 upon the request of, the Florida Commission on Human Relations
342 regarding rules relating to accessibility for persons with
343 disabilities.

344 (e)(g) Participate with the Florida Fire Code Advisory
345 Council created under s. 633.72, to provide assistance and
346 recommendations relating to firesafety code interpretations. The
347 administrative staff of the commission shall attend meetings of
348 the Florida Fire Code Advisory Council and coordinate efforts to
349 provide consistency between the Florida Building Code and the
350 Florida Fire Prevention Code and the Life Safety Code.

351 ~~(h) Hear appeals of the decisions of local boards of~~
352 ~~appeal regarding interpretation decisions of local building~~
353 ~~officials, or if no local board exists, hear appeals of~~
354 ~~decisions of the building officials regarding interpretations of~~
355 ~~the code. For such appeals:~~

356 ~~1. Local decisions declaring structures to be unsafe and~~
357 ~~subject to repair or demolition shall not be appealable to the~~

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358 ~~commission if the local governing body finds there is an~~
 359 ~~immediate danger to the health and safety of its citizens.~~

360 ~~2. All appeals shall be heard in the county of the~~
 361 ~~jurisdiction defending the appeal.~~

362 ~~3. Hearings shall be conducted pursuant to chapter 120 and~~
 363 ~~the uniform rules of procedure, and decisions of the commission~~
 364 ~~are subject to judicial review pursuant to s. 120.68.~~

365 (f)(i) Determine the types of products which may be
 366 approved by the commission requiring approval for local or
 367 statewide use and shall provide for the evaluation and approval
 368 of such products, materials, devices, and method of construction
 369 for statewide use. The commission may prescribe by rule a
 370 schedule of reasonable fees to provide for evaluation and
 371 approval of products, materials, devices, and methods of
 372 construction. Evaluation and approval shall be by action of the
 373 commission or delegated pursuant to s. 553.842. This paragraph
 374 does not apply to products approved by the State Fire Marshal.

375 (g)(j) Appoint experts, consultants, technical advisers,
 376 and advisory committees for assistance and recommendations
 377 relating to the major areas addressed in the Florida Building
 378 Code.

379 (h)(k) Establish and maintain a mutual aid program,
 380 organized through the department, to provide an efficient supply
 381 of various levels of code enforcement personnel, design
 382 professionals, commercial property owners, and construction
 383 industry individuals, to assist in the rebuilding effort in an
 384 area which has been hit with disaster. The program shall
 385 include provisions for:

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386 | 1. Minimum postdisaster structural, electrical, and
 387 | plumbing inspections and procedures.
 388 | 2. Emergency permitting and inspection procedures.
 389 | 3. Establishing contact with emergency management
 390 | personnel and other state and federal agencies.
 391 | (i)~~(1)~~ Maintain a list of interested parties for noticing
 392 | rulemaking workshops and hearings, disseminating information on
 393 | code adoption, revisions, amendments, and all other such actions
 394 | which are the responsibility of the commission.
 395 | (j)~~(m)~~ Coordinate with the state and local governments,
 396 | industry, and other affected stakeholders in the examination of
 397 | legislative provisions and make recommendations to fulfill the
 398 | responsibility to develop a consistent, single code.
 399 | (k)~~(n)~~ Provide technical assistance to local building
 400 | departments in order to implement policies, procedures, and
 401 | practices which would produce the most cost-effective property
 402 | insurance ratings.
 403 | (l)~~(o)~~ Develop recommendations for local governments to
 404 | use when pursuing partial or full privatization of building
 405 | department functions. The recommendations shall include, but not
 406 | be limited to, provisions relating to equivalency of service,
 407 | conflict of interest, requirements for competency, liability,
 408 | insurance, and long-term accountability.
 409 | ~~(2) Upon written application by any substantially affected~~
 410 | ~~person, the commission shall issue a declaratory statement~~
 411 | ~~pursuant to s. 120.565 relating to a state agency's~~
 412 | ~~interpretation and enforcement of the specific provisions of the~~
 413 | ~~Florida Building Code the agency is authorized to enforce. The~~

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414 ~~provisions of this subsection shall not be construed to provide~~
 415 ~~any powers, other than advisory, to the commission with respect~~
 416 ~~to any decision of the State Fire Marshal made pursuant to the~~
 417 ~~provisions of chapter 633.~~

418 ~~(3) The commission may designate a commission member with~~
 419 ~~demonstrated expertise in interpreting building plans to attend~~
 420 ~~each meeting of the advisory council created in s. 553.512. The~~
 421 ~~commission member may vary from meeting to meeting, shall serve~~
 422 ~~on the council in a nonvoting capacity, and shall receive per~~
 423 ~~diem and expenses as provided in s. 553.74(3).~~

424 (2)(4) For educational and public information purposes,
 425 the commission shall develop and publish an informational and
 426 explanatory document which contains descriptions of the roles
 427 and responsibilities of the licensed design professional,
 428 residential designer, contractor, and local building and fire
 429 code officials. The State Fire Marshal shall be responsible for
 430 developing and specifying roles and responsibilities for fire
 431 code officials. Such document may also contain descriptions of
 432 roles and responsibilities of other participants involved in the
 433 building codes system.

434 (3)(5) The commission may provide by rule for plans review
 435 and approval of prototype buildings owned by public and private
 436 entities to be replicated throughout the state. The rule must
 437 allow for review and approval of plans for prototype buildings
 438 to be performed by a public or private entity with oversight by
 439 the commission. The department may charge reasonable fees to
 440 cover the administrative costs of the program. Such approved
 441 plans or prototype buildings shall be exempt from further review

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442 required by s. 553.79(2), except changes to the prototype
443 design, site plans, and other site-related items. As provided in
444 s. 553.73, prototype buildings are exempt from any locally
445 adopted amendment to any part of the Florida Building Code.
446 Construction or erection of such prototype buildings is subject
447 to local permitting and inspections pursuant to this part.

448 (4)~~(6)~~ The commission may produce and distribute a
449 commentary document to accompany the Florida Building Code. The
450 commentary must be limited in effect to providing technical
451 assistance and must not have the effect of binding
452 interpretations of the code document itself.

453 ~~(7) The commission shall by rule establish an informal
454 process of rendering nonbinding interpretations of the Florida
455 Building Code. The commission is specifically authorized to
456 refer interpretive issues to organizations that represent those
457 engaged in the construction industry. The commission is
458 directed to immediately implement the process prior to the
459 completion of formal rulemaking. It is the intent of the
460 Legislature that the commission create a process to refer
461 questions to a small, rotating group of individuals licensed
462 under part XII of chapter 468, to which a party can pose
463 questions regarding the interpretation of code provisions. It
464 is the intent of the Legislature that the process provide for
465 the expeditious resolution of the issues presented and
466 publication of the resulting interpretation on the Building Code
467 Information System. Such interpretations are to be advisory
468 only and nonbinding on the parties or the commission.~~

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469 Section 5. Section 553.775, Florida Statutes, is created
470 to read:

471 553.775 Interpretations.--

472 (1) It is the intent of the Legislature that the Florida
473 Building Code be interpreted by building officials, local
474 enforcement agencies, and the commission in a manner that
475 protects the public safety, health, and welfare at the most
476 reasonable cost to the consumer by ensuring uniform
477 interpretations throughout the state and by providing processes
478 for resolving disputes regarding interpretations of the Florida
479 Building Code which are just and expeditious.

480 (2) Local enforcement agencies, local building officials,
481 state agencies, and the commission shall interpret provisions of
482 the Florida Building Code in a manner that is consistent with
483 declaratory statements and interpretations entered by the
484 commission, except that conflicts between the Florida Fire
485 Prevention Code and the Florida Building Code shall be resolved
486 in accordance with s. 553.73(9)(c) and (d).

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

489 (a) Upon written application by any substantially affected
490 person or state agency or by a local enforcement agency, the
491 commission shall issue declaratory statements pursuant to s.
492 120.565 relating to the enforcement or administration by local
493 governments of the Florida Building Code.

494 (b) When requested in writing by any substantially
495 affected person or state agency or by a local enforcement
496 agency, the commission shall issue a declaratory statement

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497 pursuant to s. 120.565 relating to this part and ss. 515.25,
 498 515.27, 515.29, and 515.37. Actions of the commission are
 499 subject to judicial review under s. 120.68.

500 (c) The commission shall review decisions of local
 501 building officials and local enforcement agencies regarding
 502 interpretations of the Florida Building Code after the local
 503 board of appeals has considered the decision, if such board
 504 exists, and provided such board of appeals process is concluded
 505 within 10 business days.

506 1. The commission shall coordinate with the Building
 507 Officials Association of Florida, Inc., to designate panels
 508 composed of five members to hear requests to review decisions of
 509 local building officials. The members must be licensed as
 510 building code administrators under part XII of chapter 468 and
 511 must have experience interpreting and enforcing provisions of
 512 the Florida Building Code.

513 2. Requests to review a decision of a local building
 514 official interpreting provisions of the Florida Building Code
 515 may be initiated by any substantially affected person, including
 516 an owner or builder subject to a decision of a local building
 517 official, or an association of owners or builders with members
 518 who are subject to a decision of a local building official. In
 519 order to initiate review, the substantially affected person must
 520 file a petition with the commission. The commission shall adopt
 521 a form for the petition, which shall be published on the
 522 Building Code Information System. The form shall, at a minimum,
 523 require the following:

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524 a. The name and address of the county or municipality in
 525 which provisions of the Florida Building Code are being
 526 interpreted.

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

529 c. The name, address, and telephone number of the
 530 petitioner; the name, address, and telephone number of the
 531 petitioner's representative, if any; and an explanation of how
 532 the petitioner's substantial interests are being affected by the
 533 local interpretation of the Florida Building Code.

534 d. A statement of the provisions of the Florida Building
 535 Code which are being interpreted by the local building official.

536 e. A statement of the interpretation given to provisions
 537 of the Florida Building Code by the local building official and
 538 the manner in which the interpretation was rendered.

539 f. A statement of the interpretation that the petitioner
 540 contends should be given to the provisions of the Florida
 541 Building Code and a statement supporting the petitioner's
 542 interpretation.

543 g. Space for the local building official to respond in
 544 writing. The space shall, at a minimum, require the local
 545 building official to respond by providing a statement admitting
 546 or denying the statements contained in the petition and a
 547 statement of the interpretation of the provisions of the Florida
 548 Building Code which the local jurisdiction or the local building
 549 official contends is correct, including the basis for the
 550 interpretation.

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551 3. The petitioner shall submit the petition to the local
552 building official, who shall place the date of receipt on the
553 petition. The local building official shall respond to the
554 petition in accordance with the form and shall return the
555 petition along with his or her response to the petitioner within
556 5 days after receipt, exclusive of Saturdays, Sundays, and legal
557 holidays. The petitioner may file the petition with the
558 commission at any time after the local building official
559 provides a response. If no response is provided by the local
560 building official, the petitioner may file the petition with the
561 commission 10 days after submission of the petition to the local
562 building official and shall note that the local building
563 official did not respond.

564 4. Upon receipt of a petition that meets the requirements
565 of subparagraph 2., the commission shall immediately provide
566 copies of the petition to a panel, and the commission shall
567 publish the petition, including any response submitted by the
568 local building official, on the Building Code Information System
569 in a manner that allows interested persons to address the issues
570 by posting comments.

571 5. The panel shall conduct proceedings as necessary to
572 resolve the issues; shall give due regard to the petitions, and
573 the response, and to comments posed on the Building Code
574 Information System; and shall issue an interpretation regarding
575 the provisions of the Florida Building Code within 21 days after
576 the filing of the petition. The panel shall render a
577 determination based upon the Florida Building Code or, if the
578 code is ambiguous, the intent of the code. The panel's

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579 interpretation shall be provided to the commission, which shall
580 publish the interpretation on the Building Code Information
581 System and in the Florida Administrative Weekly. The
582 interpretation shall be considered an interpretation entered by
583 the commission, and shall be binding upon the parties and upon
584 all jurisdictions subject to the Florida Building Code, unless
585 it is superseded by a declaratory statement issued by the
586 Florida Building Commission or by a final order entered after an
587 appeal proceeding conducted in accordance with subparagraph 7.

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

593 7. Any substantially affected person may appeal an
594 interpretation rendered by a hearing officer panel by filing a
595 petition with the commission. Such appeals shall be initiated in
596 accordance with chapter 120 and the uniform rules of procedure
597 and must be filed within 30 days after publication of the
598 interpretation on the Building Code Information System or in the
599 Florida Administrative Weekly. Hearings shall be conducted
600 pursuant to chapter 120 and the uniform rules of procedure.
601 Decisions of the commission are subject to judicial review
602 pursuant to s. 120.68. The final order of the commission is
603 binding upon the parties and upon all jurisdictions subject to
604 the Florida Building Code.

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

608 9. In any review proceeding initiated in accordance with
 609 this paragraph, including any proceeding initiated in accordance
 610 with subparagraph 7., the fact that an owner or builder has
 611 proceeded with construction shall not be grounds for determining
 612 an issue to be moot if the issue is one that is likely to arise
 613 in the future.

614
 615 This paragraph provides the exclusive remedy for addressing
 616 requests to review local interpretations of the code and appeals
 617 from review proceedings.

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

623 (e) Upon written application by any substantially affected
 624 person, the commission shall issue a declaratory statement
 625 pursuant to s. 120.565 relating to an agency's interpretation
 626 and enforcement of the specific provisions of the Florida
 627 Building Code which the agency is authorized to enforce. This
 628 subsection does not provide any powers, other than advisory, to
 629 the commission with respect to any decision of the State Fire
 630 Marshal made pursuant to chapter 633.

631 (f) The commission may designate a commission member with
 632 demonstrated expertise in interpreting building plans to attend

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633 each meeting of the advisory council created in s. 553.512. The
 634 commission member may vary from meeting to meeting, shall serve
 635 on the council in a nonvoting capacity, and shall receive per
 636 diem and expenses as provided in s. 553.74(3).

637 (g) The commission shall by rule establish an informal
 638 process of rendering nonbinding interpretations of the Florida
 639 Building Code. The commission is specifically authorized to
 640 refer interpretive issues to organizations that represent those
 641 engaged in the construction industry. The commission shall
 642 immediately implement the process prior to the completion of
 643 formal rulemaking. It is the intent of the Legislature that the
 644 commission create a process to refer questions to a small,
 645 rotating group of individuals licensed under part XII of chapter
 646 468, to which a party may pose questions regarding the
 647 interpretation of code provisions. It is the intent of the
 648 Legislature that the process provide for the expeditious
 649 resolution of the issues presented and publication of the
 650 resulting interpretation on the Building Code Information
 651 System. Such interpretations shall be advisory only and
 652 nonbinding on the parties and the commission.

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

655 553.79 Permits; applications; issuance; inspections.--

656 (14) Certifications by contractors authorized under the
 657 provisions of s. 489.115(4)(b) shall be considered equivalent to
 658 sealed plans and specifications by a person licensed under
 659 chapter 471 or chapter 481 by local enforcement agencies for
 660 plans review for permitting purposes relating to compliance with

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661 the wind resistance provisions of the code or alternate
 662 methodologies approved by the commission for one and two family
 663 dwellings. Local enforcement agencies may rely upon such
 664 certification by contractors that the plans and specifications
 665 submitted conform to the requirements of the code for wind
 666 resistance. Upon good cause shown, local government code
 667 enforcement agencies may accept or reject plans sealed by
 668 persons licensed under chapter 471, chapter 481, or chapter 489.
 669 A truss-placement plan is not required to be signed and sealed
 670 by an engineer or architect unless prepared by an engineer or
 671 architect or specifically required by the Florida Building Code.

672 Section 7. Subsections (2) and (4), paragraph (a) of
 673 subsection (6), subsection (11), paragraphs (b) and (c) of
 674 subsection (12), and subsections (14) and (15) of section
 675 553.791, Florida Statutes, are amended to read:

676 553.791 Alternative plans review and inspection.--

677 (2) Notwithstanding any other provision of law or local
 678 government ordinance or local policy to the contrary, the fee
 679 owner of a building, or the fee owner's contractor upon written
 680 authorization from the fee owner, may choose to use a private
 681 provider to provide building code inspection services with
 682 regard to such building and may make payment directly to the
 683 private provider for the provision of such services. All such
 684 services shall be the subject of a written contract between the
 685 private provider, or the private provider's firm, and the fee
 686 owner. The fee owner may elect to use a private provider to
 687 provide either plans review or required building inspections.
 688 The local building official, in his or her discretion and

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689 | pursuant to duly adopted policies of the local enforcement
 690 | agency, may require the fee owner who desires to use a private
 691 | provider to use the private provider to provide both plans
 692 | review and required building inspection services.

693 | (4) A fee owner or the fee owner's contractor using a
 694 | private provider to provide building code inspection services
 695 | shall notify the local building official at the time of permit
 696 | application or no less than 1 week prior to a private provider's
 697 | providing building code inspection services on a form to be
 698 | adopted by the commission. This notice shall include the
 699 | following information:

700 | (a) The services to be performed by the private provider.

701 | (b) The name, firm, address, telephone number, and
 702 | facsimile number of each private provider who is performing or
 703 | will perform such services, his or her professional license or
 704 | certification number, qualification statements or resumes, and,
 705 | if required by the local building official, a certificate of
 706 | insurance demonstrating that professional liability insurance
 707 | coverage is in place for the private provider's firm, the
 708 | private provider, and any duly authorized representative in the
 709 | amounts required by this section.

710 | (c) An acknowledgment from the fee owner in substantially
 711 | the following form:

712 |
 713 | I have elected to use one or more private providers to
 714 | provide building code plans review and/or inspection
 715 | services on the building that is the subject of the
 716 | enclosed permit application, as authorized by s.

717 553.791, Florida Statutes. I understand that the
 718 local building official may not review the plans
 719 submitted or perform the required building inspections
 720 to determine compliance with the applicable codes,
 721 except to the extent specified in said law. Instead,
 722 plans review and/or required building inspections will
 723 be performed by licensed or certified personnel
 724 identified in the application. The law requires
 725 minimum insurance requirements for such personnel, but
 726 I understand that I may require more insurance to
 727 protect my interests. By executing this form, I
 728 acknowledge that I have made inquiry regarding the
 729 competence of the licensed or certified personnel and
 730 the level of their insurance and am satisfied that my
 731 interests are adequately protected. I agree to
 732 indemnify, defend, and hold harmless the local
 733 government, the local building official, and their
 734 building code enforcement personnel from any and all
 735 claims arising from my use of these licensed or
 736 certified personnel to perform building code
 737 inspection services with respect to the building that
 738 is the subject of the enclosed permit application.

739
 740 If the fee owner or the fee owner's contractor makes any changes
 741 to the listed private providers or the services to be provided
 742 by those private providers, the fee owner or the fee owner's
 743 contractor shall, within 1 business day after any change, update
 744 the notice to reflect such changes.

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745 (6)(a) No more than ~~Within~~ 30 business days after receipt
 746 of a permit application and the affidavit from the private
 747 provider required pursuant to subsection (5), the local building
 748 official shall issue the requested permit or provide a written
 749 notice to the permit applicant identifying the specific plan
 750 features that do not comply with the applicable codes, as well
 751 as the specific code chapters and sections. If the local
 752 building official does not provide a written notice of the plan
 753 deficiencies within the prescribed 30-day period, the permit
 754 application shall be deemed approved as a matter of law, and the
 755 permit shall be issued by the local building official on the
 756 next business day.

757 (11) No more than ~~Within~~ 2 business days after receipt of
 758 a request for a certificate of occupancy or certificate of
 759 completion and the applicant's presentation of a certificate of
 760 compliance and approval of all other government approvals
 761 required by law, the local building official shall issue the
 762 certificate of occupancy or certificate of completion or provide
 763 a notice to the applicant identifying the specific deficiencies,
 764 as well as the specific code chapters and sections. If the
 765 local building official does not provide notice of the
 766 deficiencies within the prescribed 2-day period, the request for
 767 a certificate of occupancy or certificate of completion shall be
 768 deemed granted and the certificate of occupancy or certificate
 769 of completion shall be issued by the local building official on
 770 the next business day. To resolve any identified deficiencies,
 771 the applicant may elect to dispute the deficiencies pursuant to

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772 subsection (12) or to submit a corrected request for a
773 certificate of occupancy or certificate of completion.

774 (12) If the local building official determines that the
775 building construction or plans do not comply with the applicable
776 codes, the official may deny the permit or request for a
777 certificate of occupancy or certificate of completion, as
778 appropriate, or may issue a stop-work order for the project or
779 any portion thereof, if the official determines that such
780 noncompliance poses a threat to public safety and welfare,
781 subject to the following:

782 (b) If the local building official and private provider
783 are unable to resolve the dispute, the matter shall be referred
784 to the local enforcement agency's board of appeals, if one
785 exists, which shall consider the matter at its next scheduled
786 meeting or sooner. Any decisions by the local enforcement
787 agency's board of appeals, or local building official if there
788 is no board of appeals, may be appealed to the commission
789 pursuant to s. 553.775 ~~553.77(1)(h)~~.

790 (c) Notwithstanding any provision of this section, any
791 decisions regarding the issuance of a building permit,
792 certificate of occupancy, or certificate of completion may be
793 reviewed by the local enforcement agency's board of appeals, if
794 one exists. Any decision by the local enforcement agency's board
795 of appeals, or local building official if there is no board of
796 appeals, may be appealed to the commission pursuant to s.
797 553.775 ~~553.77(1)(h)~~, which shall consider the matter at the
798 commission's next scheduled meeting.

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799 (14) No local enforcement agency, local building official,
800 or local government may adopt or enforce any laws, rules,
801 procedures, policies, or standards more stringent than those
802 prescribed by this section.

803 (15) A private provider may perform building code
804 inspection services under this section only if the private
805 provider maintains insurance for professional ~~and comprehensive~~
806 ~~general~~ liability with minimum policy limits of \$1 million per
807 occurrence covering ~~relating to~~ all services performed as a
808 private provider. If the private provider chooses to secure
809 claims-made coverage to fulfill this requirement, the private
810 provider must also maintain, including tail coverage for a
811 minimum of 5 years subsequent to the performance of building
812 code inspection services. Occurrence-based coverage shall not be
813 subject to any tail coverage requirement.

814 Section 8. Paragraph (d) of subsection (1) of section
815 553.80, Florida Statutes, is amended, and subsection (7) is
816 added to said section, to read:

817 553.80 Enforcement.--

818 (1) Except as provided in paragraphs (a)-(f), each local
819 government and each legally constituted enforcement district
820 with statutory authority shall regulate building construction
821 and, where authorized in the state agency's enabling
822 legislation, each state agency shall enforce the Florida
823 Building Code required by this part on all public or private
824 buildings, structures, and facilities, unless such
825 responsibility has been delegated to another unit of government
826 pursuant to s. 553.79(9).

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827 (d) Building plans approved pursuant to s. 553.77~~(3)(5)~~
 828 and state-approved manufactured buildings, including buildings
 829 manufactured and assembled offsite and not intended for
 830 habitation, such as lawn storage buildings and storage sheds,
 831 are exempt from local code enforcing agency plan reviews except
 832 for provisions of the code relating to erection, assembly, or
 833 construction at the site. Erection, assembly, and construction
 834 at the site are subject to local permitting and inspections.

835
 836 The governing bodies of local governments may provide a schedule
 837 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
 838 section, for the enforcement of the provisions of this part.
 839 Such fees shall be used solely for carrying out the local
 840 government's responsibilities in enforcing the Florida Building
 841 Code. The authority of state enforcing agencies to set fees for
 842 enforcement shall be derived from authority existing on July 1,
 843 1998. However, nothing contained in this subsection shall
 844 operate to limit such agencies from adjusting their fee schedule
 845 in conformance with existing authority.

846 (7) The governing bodies of local governments may provide
 847 a schedule of reasonable fees, as authorized by s. 125.56(2) or
 848 s. 166.222 and this section, for enforcing this part. These
 849 fees, and any fines or investment earnings related to the fees,
 850 shall be used solely for carrying out the local government's
 851 responsibilities in enforcing the Florida Building Code. When
 852 providing a schedule of reasonable fees, the total estimated
 853 annual revenue derived from fees, and the fines and investment
 854 earnings related to the fees, may not exceed the total estimated

855 annual costs of allowable activities. Any unexpended balances
 856 shall be carried forward to future years for allowable
 857 activities or shall be refunded at the discretion of the local
 858 government. The basis for a fee structure for allowable
 859 activities shall relate to the level of service provided by the
 860 local government. Fees charged shall be consistently applied.

861 (a) As used in this subsection, the phrase "enforcing the
 862 Florida Building Code" includes the direct costs and reasonable
 863 indirect costs associated with review of building plans,
 864 building inspections, reinspections, building permit processing,
 865 and building code enforcement. The phrase may also include
 866 training costs associated with the enforcement of the Florida
 867 Building Code and enforcement action pertaining to unlicensed
 868 contractor activity to the extent not funded by other user fees.

869 (b) The following activities shall not be funded with fees
 870 adopted for enforcing the Florida Building Code:

871 1. Planning and zoning or other general government
 872 activities.

873 2. Inspections of public buildings for a reduced fee or no
 874 fee.

875 3. Public information requests, community functions,
 876 boards, and any program not directly related to enforcement of
 877 the Florida Building Code.

878 4. Enforcement and implementation of any other local
 879 ordinance, excluding validly adopted local amendments to the
 880 Florida Building Code and excluding any local ordinance directly
 881 related to enforcing the Florida Building Code as defined in
 882 paragraph (a).

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883 (c) A local government shall use recognized management,
 884 accounting, and oversight practices to ensure that fees, fines,
 885 and investment earnings generated under this subsection are
 886 maintained and allocated or used solely for the purposes
 887 described in paragraph (a).

888 Section 9. The Florida Building Commission shall expedite
 889 the adoption and implementation of the State Existing Building
 890 Code as part of the Florida Building Code pursuant only to the
 891 provisions of chapter 120, Florida Statutes. The special update
 892 and amendment requirements of s. 553.73, Florida Statutes, and
 893 the administrative rule requiring additional delay time between
 894 adoption and implementation of such code are waived.

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

897 120.80 Exceptions and special requirements; agencies.--

898 (17) FLORIDA BUILDING COMMISSION.--

899 (c) Notwithstanding ss. 120.565, 120.569, and 120.57, the
 900 Florida Building Commission and hearing officer panels appointed
 901 by the commission in accordance with s. 553.775(3)(c)1. may
 902 conduct proceedings to review decisions of local building code
 903 officials in accordance with s. 553.775(3)(c).

904 Section 11. Section 553.841, Florida Statutes, is amended
 905 to read:

906 553.841 Building Code Training Program ~~code training~~
 907 ~~program~~; participant competency requirements.--

908 ~~(1) The Legislature finds that the effectiveness of the~~
 909 ~~building codes of this state depends on the performance of all~~
 910 ~~participants, as demonstrated through knowledge of the codes and~~

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911 ~~commitment to compliance with code directives and that to~~
 912 ~~strengthen compliance by industry and enforcement by government,~~
 913 ~~a Building Code Training Program is needed.~~

914 (1)~~(2)~~ The commission shall establish by rule the Building
 915 Code Training Program to develop and provide a core curriculum
 916 and offer voluntary accreditation of advance module courses
 917 relating to the Florida Building Code and its enforcement a
 918 ~~system of administering and enforcing the Florida Building Code.~~

919 ~~(3) The program shall be developed, implemented, and~~
 920 ~~administered by the commission in consultation with the~~
 921 ~~Department of Education, the Department of Community Affairs,~~
 922 ~~the Department of Business and Professional Regulation, the~~
 923 ~~State Fire Marshal, the State University System, and the~~
 924 ~~Division of Community Colleges.~~

925 ~~(4) The commission may enter into contracts with the~~
 926 ~~Department of Education, the State University System, the~~
 927 ~~Division of Community Colleges, model code organizations,~~
 928 ~~professional organizations, vocational technical schools, trade~~
 929 ~~organizations, and private industry to administer the program.~~

930 (2)~~(5)~~ The program shall be affordable, accessible,
 931 meaningful, financially self-sufficient and shall make maximum
 932 use of existing sources, systems, institutions, and programs
 933 available through private sources.

934 (3)~~(6)~~ The commission, in coordination with the Department
 935 of Community Affairs, the Department of Business and
 936 Professional Regulation, the respective licensing boards, and
 937 the State Fire Marshal shall develop or cause to be developed+

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938 ~~(a)~~ a core curriculum that the professional licensing
 939 boards may designate as a ~~which is~~ prerequisite to initial
 940 licensure for those licensees not subject to testing on the
 941 Florida Building Code as a condition of licensure. These
 942 entities shall also identify subject areas that are inadequately
 943 addressed by specialized and advanced courses ~~all specialized~~
 944 ~~and advanced module coursework.~~

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

947 ~~(4)(7)~~ The core curriculum shall cover the information
 948 required to have all categories of participants appropriately
 949 informed as to their technical and administrative
 950 responsibilities in the effective execution of the code process
 951 by all individuals currently licensed under part XII of chapter
 952 468, chapter 471, chapter 481, or chapter 489, except as
 953 otherwise provided in s. 471.017. The core curriculum shall be
 954 prerequisite to the advanced module coursework for all licensees
 955 and shall be completed by individuals licensed in all categories
 956 under part XII of chapter 468, chapter 471, chapter 481, or
 957 chapter 489 by the date of license renewal in 2004 within the
 958 first 2-year period after establishment of the program. All
 959 approved courses ~~Core course hours~~ taken by licensees pursuant
 960 to this section ~~to complete this requirement~~ shall count toward
 961 fulfillment of required continuing education units under part
 962 XII of chapter 468, chapter 471, chapter 481, or chapter 489.

963 ~~(8) The commission, in consultation with the Department of~~
 964 ~~Business and Professional Regulation and the respective~~
 965 ~~licensing boards, shall develop or cause to be developed an~~

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966 ~~equivalency test for each category of licensee. Such test may~~
 967 ~~be taken in lieu of the core curriculum. A passing score on the~~
 968 ~~test shall be equivalent to completion of the core curriculum~~
 969 ~~and shall be credited toward the required number of hours of~~
 970 ~~continuing education.~~

971 (5)~~(9)~~ The commission, in consultation with the Department
 972 of Business and Professional Regulation, shall develop or cause
 973 to be developed, or approve as a part of the program,
 974 appropriate courses ~~a core curriculum and specialized or~~
 975 ~~advanced module coursework~~ for the construction workforce,
 976 including, but not limited to, superintendents and journeymen.

977 (6)~~(10)~~ The respective state boards under part XII of
 978 chapter 468, chapters 471, 481, and 489, and the State Fire
 979 Marshal under chapter 633, shall require specialized or advanced
 980 course modules as part of their regular continuing education
 981 requirements. Courses approved by the Department of Business and
 982 Professional Regulation as required by their respective practice
 983 acts and chapter 455 shall be deemed approved by the Florida
 984 Building Commission.

985 (7)~~(11)~~ The Legislature hereby establishes the Office of
 986 Building Code Training Program Administration within the
 987 Institute of Applied Technology in Construction Excellence at
 988 the Florida Community College at Jacksonville. The office is
 989 charged with the following responsibilities as recommended by
 990 the Florida Building Commission and as resources are provided by
 991 the Legislature:

992 (a) Provide research-to-practice capability for entry-
 993 level construction training development, delivery and quality

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994 assurance, as well as training and competency registry systems
995 and recruitment initiatives.

996 (b) Coordinate with the Department of Community Affairs
997 and the Florida Building Commission to serve as school liaison
998 to disseminate construction awareness and promotion programs and
999 materials to schools.

1000 (c) Develop model programs and approaches to construction
1001 career exploration to promote construction careers.

1002 Section 12. Subsection (3) of section 553.8412, Florida
1003 Statutes, is amended to read:

1004 553.8412 Legislative intent; delivery of training;
1005 outsourcing.--

1006 (3) To the extent available, funding for outreach,
1007 coordination of training, or training may come from existing
1008 resources. If necessary, the Florida Building Commission or the
1009 department may seek additional or supplemental funds pursuant to
1010 s. 215.559(5). This section does not preclude the Florida
1011 Building Commission from charging fees to fund the building code
1012 training program in a self-sufficient manner as provided in s.
1013 553.841 (2) ~~(5)~~.

1014 Section 13. Subsections (3), (4), (5), (6), (7), (8),
1015 paragraph (a) of subsection (9), and subsection (16) of section
1016 553.842, Florida Statutes, are amended to read:

1017 553.842 Product evaluation and approval.--

1018 (3) Products or methods or systems of construction that
1019 require approval under s. 553.77, that have standardized testing
1020 or comparative or rational analysis methods established by the
1021 code, and that are certified by an approved product evaluation

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1022 entity, testing laboratory, or certification agency as complying
 1023 with the standards specified by the code shall be approved for
 1024 local or statewide use. Products required to be approved for
 1025 statewide use shall be approved by one of the methods
 1026 established in subsection (6) without further evaluation.

1027 (4) ~~By October 1, 2003,~~ Products or methods or systems of
 1028 construction requiring approval under s. 553.77 must be approved
 1029 by one of the methods established in subsection (5) or
 1030 subsection (6) before their use in construction in this state.
 1031 Products may be approved either by the commission for statewide
 1032 use, or by a local building department for use in that
 1033 department's jurisdiction only. Notwithstanding a local
 1034 government's authority to amend the Florida Building Code as
 1035 provided in this act, statewide approval shall preclude local
 1036 jurisdictions from requiring further testing, evaluation, or
 1037 submission of other evidence as a condition of using the product
 1038 so long as the product is being used consistent with the
 1039 conditions of its approval.

1040 (5) Local approval of products or methods or systems of
 1041 construction may be achieved by the local building official
 1042 through building plans review and inspection to determine that
 1043 the product, method, or system of construction complies with the
 1044 prescriptive standards established in the code. ~~Alternatively,~~
 1045 ~~local approval may be achieved by one of the methods established~~
 1046 ~~in subsection (6).~~

1047 (6) Statewide ~~or local~~ approval of products, methods, or
 1048 systems of construction may be achieved by one of the following
 1049 methods. One of these methods must be used by ~~local officials or~~

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1050 the commission to approve the following categories of products:
 1051 panel walls, exterior doors, roofing, skylights, windows,
 1052 shutters, and structural components as established by the
 1053 commission by rule.

1054 (a) Products for which the code establishes standardized
 1055 testing or comparative or rational analysis methods shall be
 1056 approved by submittal and validation of one of the following
 1057 reports or listings indicating that the product or method or
 1058 system of construction was evaluated to be in compliance with
 1059 the Florida Building Code and that the product or method or
 1060 system of construction is, for the purpose intended, at least
 1061 equivalent to that required by the Florida Building Code:

- 1062 1. A certification mark or listing of an approved
 1063 certification agency;
- 1064 2. A test report from an approved testing laboratory;
- 1065 3. A product evaluation report based upon testing or
 1066 comparative or rational analysis, or a combination thereof, from
 1067 an approved product evaluation entity; or
- 1068 4. A product evaluation report based upon testing or
 1069 comparative or rational analysis, or a combination thereof,
 1070 developed and signed and sealed by a professional engineer or
 1071 architect, licensed in this state.

1072
 1073 A product evaluation report or a certification mark or listing
 1074 of an approved certification agency which demonstrates that the
 1075 product or method or system of construction complies with the
 1076 Florida Building Code for the purpose intended shall be

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1077 equivalent to a test report and test procedure as referenced in
1078 the Florida Building Code.

1079 (b) Products, methods, or systems of construction for
1080 which there are no specific standardized testing or comparative
1081 or rational analysis methods established in the code may be
1082 approved by submittal and validation of one of the following:

1083 1. A product evaluation report based upon testing or
1084 comparative or rational analysis, or a combination thereof, from
1085 an approved product evaluation entity indicating that the
1086 product or method or system of construction was evaluated to be
1087 in compliance with the intent of the Florida Building Code and
1088 that the product or method or system of construction is, for the
1089 purpose intended, at least equivalent to that required by the
1090 Florida Building Code; or

1091 2. A product evaluation report based upon testing or
1092 comparative or rational analysis, or a combination thereof,
1093 developed and signed and sealed by a professional engineer or
1094 architect, licensed in this state, who certifies that the
1095 product or method or system of construction is, for the purpose
1096 intended, at least equivalent to that required by the Florida
1097 Building Code.

1098 (7) The commission shall ensure that product manufacturers
1099 that obtain statewide product approval operate quality assurance
1100 programs for all approved products. The commission shall adopt
1101 by rule criteria for operation of the quality assurance
1102 programs.

1103 (8) For local approvals, validation shall be performed by
1104 the local building official. ~~The commission shall adopt by rule~~

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1105 ~~criteria constituting complete validation by the local official,~~
1106 ~~including, but not limited to, criteria governing verification~~
1107 ~~of a quality assurance program.~~ For state approvals, validation
1108 shall be performed by validation entities approved by the
1109 commission. The commission shall adopt by rule criteria for
1110 approval of validation entities, which shall be third-party
1111 entities independent of the product's manufacturer and which
1112 shall certify to the commission the product's compliance with
1113 the code. Products bearing a certification mark or listing from
1114 an approved certification agency shall be validated by
1115 inspection of the certification mark or listing.

1116 (9) The commission may adopt rules to approve the
1117 following types of entities that produce information on which
1118 product approvals are based. All of the following entities,
1119 including engineers and architects, must comply with a
1120 nationally recognized standard demonstrating independence or no
1121 conflict of interest:

1122 (a) Evaluation entities that meet the criteria for
1123 approval adopted by the commission by rule. The commission shall
1124 specifically approve the National Evaluation Service, the
1125 International Conference of Building Officials Evaluation
1126 Services, the International Code Council Evaluation Services,
1127 the Building Officials and Code Administrators International
1128 Evaluation Services, the Southern Building Code Congress
1129 International Evaluation Services, and the Miami-Dade County
1130 Building Code Compliance Office Product Control. Architects and
1131 engineers licensed in this state are also approved to conduct
1132 product evaluations as provided in subsection (6).

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1133 ~~(16) The commission shall establish a schedule for~~
1134 ~~adoption of the rules required in this section to ensure that~~
1135 ~~the product manufacturing industry has sufficient time to revise~~
1136 ~~products to meet the requirements for approval and submit them~~
1137 ~~for testing or evaluation before the system takes effect on~~
1138 ~~October 1, 2003, and to ensure that the availability of~~
1139 ~~statewide approval is not delayed.~~

1140 Section 14. This act shall take effect upon becoming a
1141 law.