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1 administering the programs set forth in this subsection in  
 2 accordance with established policy and procedures. The  
 3 administrative entity working with the advisory council set up  
 4 under subsection~~(6)(5)~~ shall develop a list of mobile home  
 5 parks and counties that may be eligible to participate in the  
 6 tie-down program.

7           (4) Of moneys provided to the Department of Community  
 8 Affairs in paragraph (2)(a), 10 percent shall be allocated to  
 9 a Type I Center within the State University System dedicated  
 10 to hurricane research. The Type I Center shall develop a  
 11 preliminary work plan approved by the advisory council set  
 12 forth in subsection~~(6)(5)~~ to eliminate the state and local  
 13 barriers to upgrading existing mobile homes and communities,  
 14 research and develop a program for the recycling of existing  
 15 older mobile homes, and support programs of research and  
 16 development relating to hurricane loss reduction devices and  
 17 techniques for site-built residences. The State University  
 18 System also shall consult with the Department of Community  
 19 Affairs and assist the department with the report required  
 20 under subsection~~(8)(7)~~.

21           (5) Fifteen percent of the total appropriation in  
 22 paragraph (2)(a) shall be used for education awareness  
 23 concerning the Florida Building Code and the operation of the  
 24 disaster contractors network. Not more than 30 days after the  
 25 effective date of each subsequent appropriation, the  
 26 Department of Community Affairs shall contract with a  
 27 nonprofit tax-exempt entity having prior contracting  
 28 experience with building code training, development, and  
 29 coordination and whose membership is representative of all of  
 30 the statewide construction and design licensee associations.  
 31 The entity shall allocate 20 percent of these resources to the

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1 disaster contractors network for the education of the  
 2 construction industry and hurricane response if needed to  
 3 coordinate the industry in the event of a natural disaster.  
 4 The entity shall allocate 20 percent of these resources to the  
 5 largest residential construction trade show in the state for  
 6 the education of the residential construction industry on  
 7 building code and mitigation issues. The remaining resources  
 8 shall be used by the entity for outreach building code  
 9 activities after consultation with the building code program  
 10 under the Florida Building Commission as provided for in s.  
 11 553.841.

12 Section 2. Paragraph (a) of subsection (3) of section  
 13 489.537, Florida Statutes, is amended to read:

14 489.537 Application of this part.--

15 (3) Nothing in this act limits the power of a  
 16 municipality or county:

17 (a) To regulate the quality and character of work  
 18 performed by contractors through a system of permits, fees,  
 19 and inspections which is designed to secure compliance with,  
 20 and aid in the implementation of, state and local building  
 21 laws or to enforce other local laws for the protection of the  
 22 public health and safety. However, a certified alarm system  
 23 contractor or certified electrical contractor is not subject  
 24 to any additional certification or licensure requirements that  
 25 are not required by this part.

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

28 553.37 Rules; inspections; and insignia.--

29 (3) All manufactured buildings issued and bearing  
 30 insignia of approval pursuant to subsection (2) shall be  
 31 deemed to comply with the Florida Building Code and are exempt

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1 from local amendments enacted by any local government. Lawn  
 2 storage buildings and storage sheds bearing the insignia of  
 3 approval of the department may be delivered and installed  
 4 without need of a contractor's license or specialty license.

5 Section 4. Subsection (2), paragraph (c) of subsection  
 6 (4), subsection (6), and paragraphs (a) and (c) of subsection  
 7 (7) of section 553.73, Florida Statutes, are amended, and  
 8 subsection (12) is added to that section, to read:

9 553.73 Florida Building Code.--

10 (2) The Florida Building Code shall contain provisions  
 11 or requirements for public and private buildings, structures,  
 12 and facilities relative to structural, mechanical, electrical,  
 13 plumbing, energy, and gas systems, existing buildings,  
 14 historical buildings, manufactured buildings, elevators,  
 15 coastal construction, lodging facilities, food sales and food  
 16 service facilities, health care facilities, including assisted  
 17 living facilities, adult day care facilities, and facilities  
 18 for the control of radiation hazards, public or private  
 19 educational facilities, swimming pools, and correctional  
 20 facilities and enforcement of and compliance with such  
 21 provisions or requirements. Further, the Florida Building Code  
 22 must provide for uniform implementation of ss. 515.25, 515.27,  
 23 and 515.29 by including standards and criteria for residential  
 24 swimming pool barriers, pool covers, latching devices, door  
 25 and window exit alarms, and other equipment required therein,  
 26 which are consistent with the intent of s. 515.23. With  
 27 respect to the exit alarm provision from all doors and windows  
 28 providing direct access from the home to the pool, as  
 29 specified in ss. 515.25(4) and 515.27(1), such alarm must be  
 30 of the battery-powered, hard-wired, or plug-in type. Technical  
 31 provisions to be contained within the Florida Building Code

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1 are restricted to requirements related to the types of  
 2 materials used and construction methods and standards employed  
 3 in order to meet criteria specified in the Florida Building  
 4 Code. Provisions relating to the personnel, supervision or  
 5 training of personnel, or any other professional qualification  
 6 requirements relating to contractors or their workforce may  
 7 not be included within the Florida Building Code, and  
 8 subsections (4), (5), (6), and (7) are not to be construed to  
 9 allow the inclusion of such provisions within the Florida  
 10 Building Code by amendment. This restriction applies to both  
 11 initial development and amendment of the Florida Building  
 12 Code.

13 (4)

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

22 (6)(a) The commission, by rule adopted pursuant to ss.  
 23 120.536(1) and 120.54, shall update the Florida Building Code  
 24 every 3 years. When updating the Florida Building Code, the  
 25 commission shall select the most current version of the  
 26 International Building Code, the International Fuel Gas Code,  
 27 the International Mechanical Code, the International Plumbing  
 28 Code, the International Residential Code, the International  
 29 Code Council Electrical Code, and the federal code regarding  
 30 noise contour lines, all of which are adopted by the  
 31 International Code Council, to form the foundation codes of

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1 the updated Florida Building Code, if the version has been  
2 adopted by the International Code Council and made available  
3 to the public at least 6 months prior to its selection by the  
4 commission.

5 (b) The commission may modify any portion of the  
6 foundation codes only as needed to accommodate the specific  
7 needs of this state. Standards or criteria referenced by such  
8 codes shall be incorporated by reference. If a referenced  
9 standard or criterion requires amplification or modification  
10 to be appropriate for use in this state, only the  
11 amplification or modification shall be set forth in the  
12 Florida Building Code. The commission may approve technical  
13 amendments to the updated Florida Building Code after the  
14 amendments have been subject to the conditions set forth in  
15 paragraphs (3)(a)-(d). Amendments to the foundation codes  
16 which are adopted in accordance with this subsection shall be  
17 clearly marked in printed versions of the Florida Building  
18 Code so that the fact that the provisions are Florida-specific  
19 amendments to the foundation codes is readily apparent.

20 ~~consider changes made by the adopting entity of any selected~~  
21 ~~model code for any model code incorporated into the Florida~~  
22 ~~Building Code, and may subsequently adopt the new edition or~~  
23 ~~successor of the model code or any part of such code, no~~  
24 ~~sooner than 6 months after such model code has been adopted by~~  
25 ~~the adopting organization, which may then be modified for this~~  
26 ~~state as provided in this section, and~~

27 (c) The commission shall further consider the  
28 commission's own interpretations, declaratory statements,  
29 appellate decisions, and approved statewide and local  
30 technical amendments and shall incorporate such  
31 interpretations, statements, decisions, and amendments into

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1 the updated Florida Building Code only to the extent that they  
 2 are needed to modify the foundation codes to accommodate the  
 3 specific needs of the state. A change made by an institute or  
 4 standards organization to any standard or criterion that is  
 5 adopted by reference in the Florida Building Code does not  
 6 become effective statewide until it has been adopted by the  
 7 commission. Furthermore, the edition of the Florida Building  
 8 Code which is in effect on the date of application for any  
 9 permit authorized by the code governs the permitted work for  
 10 the life of the permit and any extension granted to the  
 11 permit.

12 (d) A rule updating the Florida Building Code in  
 13 accordance with this subsection shall take effect no sooner  
 14 than 6 months after publication of the updated code. Any  
 15 amendment to the Florida Building Code which is adopted upon a  
 16 finding by the commission that the amendment is necessary to  
 17 protect the public from immediate threat of harm takes effect  
 18 immediately.

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

22 1. Is needed in order to accommodate the specific  
 23 needs of this state.

24 ~~2.1.~~ Has a reasonable and substantial connection with  
 25 the health, safety, and welfare of the general public.

26 ~~3.2.~~ Strengthens or improves the Florida Building  
 27 Code, or in the case of innovation or new technology, will  
 28 provide equivalent or better products or methods or systems of  
 29 construction.

30 ~~4.3.~~ Does not discriminate against materials,  
 31 products, methods, or systems of construction of demonstrated

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1 capabilities.

2 ~~5.4.~~ Does not degrade the effectiveness of the Florida  
3 Building Code.

4  
5 Furthermore, the Florida Building Commission may approve  
6 technical amendments to the code once each year to incorporate  
7 into the Florida Building Code its own interpretations of the  
8 code which are embodied in its opinions, final orders, and  
9 declaratory statements, and interpretations of hearing officer  
10 panels under s. 553.775(3)(c), but shall do so only to the  
11 extent that incorporation of interpretations is needed to  
12 modify the foundation codes to accommodate the specific needs  
13 of this state. Amendments approved under this paragraph shall  
14 be adopted by rule pursuant to ss. 120.536(1) and 120.54,  
15 after the amendments have been subjected to the provisions of  
16 subsection (3).

17 (c) The commission may not approve any proposed  
18 amendment that does not accurately and completely address all  
19 requirements for amendment which are set forth in this  
20 section. The commission shall require all proposed amendments  
21 and information submitted with proposed amendments to be  
22 reviewed by commission staff prior to consideration by any  
23 technical advisory committee. These reviews shall be for  
24 sufficiency only and are not intended to be qualitative in  
25 nature. Staff members shall reject any proposed amendment that  
26 fails to include a fiscal impact statement providing  
27 information responsive to all criteria identified. Proposed  
28 amendments rejected by members of the staff may not be  
29 considered by the commission or any technical advisory  
30 committee. Notwithstanding the provisions of this paragraph,  
31 within 60 days after the adoption by the International Code



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1 Council of permitted standards and conditions for unvented  
 2 conditioned attic assemblies in the International Residential  
 3 Code, the commission shall initiate rulemaking to incorporate  
 4 such permitted standards and conditions in the Florida  
 5 Building Code.

6 (12) Notwithstanding any other provision of this  
 7 section, the permitted standards and conditions for unvented  
 8 conditioned attic assemblies in the International Residential  
 9 Code are incorporated by reference as an authorized  
 10 alternative in the Florida Building Code. The commission shall  
 11 incorporate such permitted standards and conditions in the  
 12 Florida Building Code by rule as provided in this section.  
 13 However, the effectiveness of such permitted standards and  
 14 conditions shall not be delayed in adopting pending rules.  
 15 This subsection is repealed upon the adoption of such  
 16 permitted standards and conditions by rule as an authorized  
 17 alternative in the Florida Building Code.

18 (13) For type "S" buildings, as defined in the Florida  
 19 Building Code, all space under mezzanines, both enclosed and  
 20 not enclosed, shall be included in the determination of the  
 21 size of the room or space in which the mezzanine is located. A  
 22 mezzanine may not exceed one-third of the room or space in  
 23 which it is located. The fee owner or the fee owner's  
 24 architect may elect, but may not be required by rule or  
 25 action, to have mezzanines that are less than one-third of the  
 26 room or space in which they are located. The requirements of  
 27 this subsection apply retroactively to January 1, 2001.

28 (14) Travel distance from all floor areas, including  
 29 the most remote point of the mezzanine shall comply with Table  
 30 1004 of the Florida Building Code, chapter 10, s. 1005, Table  
 31 1004. A single unenclosed stair is permitted for mezzanines if

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1 the criteria of the Florida Building Code, chapter 10, s.  
 2 1005.7.1 and Table 1005.7 travel distance is not exceed from  
 3 the most remote point of the mezzanine to a point where there  
 4 is a choice of more than one means of egress and the limits of  
 5 Table 1004 are met. The requirements of this subsection shall  
 6 take effect upon this act becoming law.

7 Section 5. Subsection (1) of section 553.74, Florida  
 8 Statutes, is amended to read:

9 553.74 Florida Building Commission.--

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

19 (a) One architect registered to practice in this state  
 20 and actively engaged in the profession from a list of three  
 21 candidates provided by the American Institute of Architecture,  
 22 Florida Section.

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

27 (c) One air-conditioning or mechanical contractor  
 28 certified to do business in this state and actively engaged in  
 29 the profession from a list of three candidates provided by the  
 30 Florida Air Conditioning Contractors Association, the Florida  
 31 Refrigeration and Air Conditioning Contractors Association,

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1 and the Mechanical Contractors Association of Florida.

2 (d) One electrical contractor certified to do business  
3 in this state and actively engaged in the profession from a  
4 list of two candidates, one provided by the Florida  
5 Association of Electrical Contractors and one provided by the  
6 National Electrical Contractors Association, Florida Chapter.

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

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

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

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

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

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

7           (k) One member who represents the Department of  
8 Financial Services.

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

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

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

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

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

28           (q) One member of the building products manufacturing  
29 industry who is authorized to do business in this state and is  
30 actively engaged in the industry from a list of three  
31 candidates provided by the Florida Building Materials

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1 Association, the Florida Concrete and Products Association,  
2 and the Fenestration Manufacturers Association.

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

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

11 (t) One member who is a representative of K-12 public  
12 education who is actively involved as an administrator in the  
13 construction of school facilities.

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

15  
16 ~~Any person serving on the commission under paragraph (c) or~~  
17 ~~paragraph (h) on October 1, 2003, and who has served less than~~  
18 ~~two full terms is eligible for reappointment to the commission~~  
19 ~~regardless of whether he or she meets the new qualification.~~

20 Section 6. Section 553.77, Florida Statutes, is  
21 amended to read:

22 553.77 Specific powers of the commission.--

23 (1) The commission shall:

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

26 (b) Make a continual study of the operation of the  
27 Florida Building Code and other laws relating to the design,  
28 construction, erection, alteration, modification, repair, or  
29 demolition of public or private buildings, structures, and  
30 facilities, including manufactured buildings, and code  
31 enforcement, to ascertain their effect upon the cost of

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

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

29 ~~(d) Upon written application by any substantially~~  
30 ~~affected person, state agency, or a local enforcement agency,~~  
31 ~~issue declaratory statements pursuant to s. 120.565 relating~~

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1 ~~to the enforcement or administration by local governments of~~  
2 ~~the Florida Building Code. Paragraph (h) provides the~~  
3 ~~exclusive remedy for addressing local interpretations of the~~  
4 ~~code.~~

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

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

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

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

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

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

3           ~~3. Hearings shall be conducted pursuant to chapter 120~~  
4 ~~and the uniform rules of procedure, and decisions of the~~  
5 ~~commission are subject to judicial review pursuant to s.~~  
6 ~~120.68.~~

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

18           (g)(j) Appoint experts, consultants, technical  
19 advisers, and advisory committees for assistance and  
20 recommendations relating to the major areas addressed in the  
21 Florida Building Code.

22           (h)(k) Establish and maintain a mutual aid program,  
23 organized through the department, to provide an efficient  
24 supply of various levels of code enforcement personnel, design  
25 professionals, commercial property owners, and construction  
26 industry individuals, to assist in the rebuilding effort in an  
27 area which has been hit with disaster. The program shall  
28 include provisions for:

29           1. Minimum postdisaster structural, electrical, and  
30 plumbing inspections and procedures.

31           2. Emergency permitting and inspection procedures.



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1           3. Establishing contact with emergency management  
2 personnel and other state and federal agencies.

3           (i)~~(l)~~ Maintain a list of interested parties for  
4 noticing rulemaking workshops and hearings, disseminating  
5 information on code adoption, revisions, amendments, and all  
6 other such actions which are the responsibility of the  
7 commission.

8           (j)~~(m)~~ Coordinate with the state and local  
9 governments, industry, and other affected stakeholders in the  
10 examination of legislative provisions and make recommendations  
11 to fulfill the responsibility to develop a consistent, single  
12 code.

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

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

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

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

18           (3)(5) The commission may provide by rule for plans  
19 review and approval of prototype buildings owned by public and  
20 private entities to be replicated throughout the state. The  
21 rule must allow for review and approval of plans and changes  
22 to approved plans for prototype buildings to be performed by a  
23 public or private entity with oversight by the commission. The  
24 department may charge reasonable fees to cover the  
25 administrative costs of the program. Such approved plans or  
26 prototype buildings shall be exempt from further review  
27 required by s. 553.79(2), except changes to the prototype  
28 design, site plans, and other site-related items. Changes to  
29 an approved plan may be approved by the local building  
30 department or by the public or private entity that approved  
31 the plan. As provided in s. 553.73, prototype buildings are

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1 exempt from any locally adopted amendment to any part of the  
2 Florida Building Code. Construction or erection of such  
3 prototype buildings is subject to local permitting and  
4 inspections pursuant to this part.

5 ~~(4)(6)~~ The commission may produce and distribute a  
6 commentary document to accompany the Florida Building Code.  
7 The commentary must be limited in effect to providing  
8 technical assistance and must not have the effect of binding  
9 interpretations of the code document itself.

10 (5) If a member of the commission has a present or  
11 potential personal or financial interest in the outcome of a  
12 vote or other action of the commission, the member shall  
13 abstain from voting or taking action on the matter.

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

30 Section 7. Section 553.775, Florida Statutes, is  
31 created to read:

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1           553.775 Interpretations.--

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

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

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

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

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

31           (c) The commission shall review decisions of local

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

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

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

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

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

30           c. The name, address, and telephone number of the  
31 petitioner; the name, address, and telephone number of the

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1 petitioner's representative, if any; and an explanation of how  
2 the petitioner's substantial interests are being affected by  
3 the local interpretation of the Florida Building Code.

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

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

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

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

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

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1 building official, the petitioner may file the petition with  
2 the commission 10 days after submission of the petition to the  
3 local building official and shall note that the local building  
4 official did not respond.

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

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

30 6. It is the intent of the Legislature that review  
31 proceedings be completed within 21 days after the date that a

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1 petition seeking review is filed with the commission, and the  
2 time periods set forth in this paragraph may be waived only  
3 upon consent of all parties.

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

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

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

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

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



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

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

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

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

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

3 (4) In order to administer this section, the  
4 commission may adopt by rule and impose a fee that may not  
5 exceed \$50 for each request for a review or interpretation.

6 Section 8. Subsection (14) of section 553.79, Florida  
7 Statutes, is amended to read:

8 553.79 Permits; applications; issuance; inspections.--

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

26 Section 9. Paragraph (f) of subsection (1),  
27 subsections (2) and (4), paragraph (a) of subsection (6), and  
28 subsections (7), (9), (11), (12), (14), (15), and (17) of  
29 section 553.791, Florida Statutes, are amended to read:

30 553.791 Alternative plans review and inspection.--

31 (1) As used in this section, the term:

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1 (f) "Permit application" means a properly completed  
 2 and submitted application for:  
 3 ~~1.~~ the requested building or construction permit,  
 4 including:-  
 5 ~~1.2.~~ The plans reviewed by the private provider.  
 6 ~~2.3.~~ The affidavit from the private provider required  
 7 pursuant to subsection (5).  
 8 ~~3.4.~~ Any applicable fees.  
 9 ~~4.5.~~ Any documents required by the local building  
 10 official to determine that the fee owner has secured all other  
 11 government approvals required by law.

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

29 (4) A fee owner or the fee owner's contractor using a  
 30 private provider to provide building code inspection services  
 31 shall notify the local building official at the time of permit

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1 application, or no less than 7 business days prior to the  
 2 first scheduled inspection by the local building official or  
 3 building code enforcement agency for a private provider  
 4 performing required inspections of construction under this  
 5 section, on a form to be adopted by the commission. This  
 6 notice shall include the following information:

7           (a) The services to be performed by the private  
 8 provider.

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

18           (c) An acknowledgment from the fee owner in  
 19 substantially the following form:

20  
 21 I have elected to use one or more private providers to provide  
 22 building code plans review and/or inspection services on the  
 23 building that is the subject of the enclosed permit  
 24 application, as authorized by s. 553.791, Florida Statutes. I  
 25 understand that the local building official may not review the  
 26 plans submitted or perform the required building inspections  
 27 to determine compliance with the applicable codes, except to  
 28 the extent specified in said law. Instead, plans review and/or  
 29 required building inspections will be performed by licensed or  
 30 certified personnel identified in the application. The law  
 31 requires minimum insurance requirements for such personnel,

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1 but I understand that I may require more insurance to protect  
 2 my interests. By executing this form, I acknowledge that I  
 3 have made inquiry regarding the competence of the licensed or  
 4 certified personnel and the level of their insurance and am  
 5 satisfied that my interests are adequately protected. I agree  
 6 to indemnify, defend, and hold harmless the local government,  
 7 the local building official, and their building code  
 8 enforcement personnel from any and all claims arising from my  
 9 use of these licensed or certified personnel to perform  
 10 building code inspection services with respect to the building  
 11 that is the subject of the enclosed permit application.

12  
 13 If the fee owner or the fee owner's contractor makes any  
 14 changes to the listed private providers or the services to be  
 15 provided by those private providers, the fee owner or the fee  
 16 owner's contractor shall, within 1 business day after any  
 17 change, update the notice to reflect such changes. In  
 18 addition, the fee owner or the fee owner's contractor shall  
 19 post at the project site, prior to the commencement of  
 20 construction and updated within 1 business day after any  
 21 change, on a form to be adopted by the commission, the name,  
 22 firm, address, telephone number, and facsimile number of each  
 23 private provider who is performing or will perform building  
 24 code inspection services, the type of service being performed,  
 25 and similar information for the primary contact of the private  
 26 provider on the project.

27 (6)(a) No more than ~~Within~~ 30 business days after  
 28 receipt of a permit application and the affidavit from the  
 29 private provider required pursuant to subsection (5), the  
 30 local building official shall issue the requested permit or  
 31 provide a written notice to the permit applicant identifying

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1 the specific plan features that do not comply with the  
 2 applicable codes, as well as the specific code chapters and  
 3 sections. If the local building official does not provide a  
 4 written notice of the plan deficiencies within the prescribed  
 5 30-day period, the permit application shall be deemed approved  
 6 as a matter of law, and the permit shall be issued by the  
 7 local building official on the next business day.

8 (7) A private provider performing required inspections  
 9 under this section shall inspect each phase of construction as  
 10 required by the applicable codes. The private provider shall  
 11 be permitted to send a duly authorized representative to the  
 12 building site to perform the required inspections, provided  
 13 all required reports and certifications are prepared by and  
 14 bear the signature of the private provider. The duly  
 15 authorized representative must be an employee of the private  
 16 provider entitled to receive unemployment compensation  
 17 benefits under chapter 443. The contractor's contractual or  
 18 legal obligations are not relieved by any action of the  
 19 private provider.

20 (9) Upon completing the required inspections at each  
 21 applicable phase of construction, the private provider shall  
 22 record such inspections on a form acceptable to the local  
 23 building official. These inspection records shall reflect  
 24 those inspections required by the applicable codes of each  
 25 phase of construction for which permitting by a local  
 26 enforcement agency is required. The private provider, before  
 27 leaving the project site, shall post each completed inspection  
 28 record, indicating pass or fail, at the site and provide the  
 29 record to the local building official within 2 business days.  
 30 The local building official may waive the requirement to  
 31 provide a record of each inspection within 2 business days if

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1 the record is posted at the project site and all such  
 2 inspection records are submitted with the certificate of  
 3 compliance. Records of all required and completed inspections  
 4 shall be maintained at the building site at all times and made  
 5 available for review by the local building official. The  
 6 private provider shall report to the local enforcement agency  
 7 any condition that poses an immediate threat to public safety  
 8 and welfare.

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

27           (12) If the local building official determines that  
 28 the building construction or plans do not comply with the  
 29 applicable codes, the official may deny the permit or request  
 30 for a certificate of occupancy or certificate of completion,  
 31 as appropriate, or may issue a stop-work order for the project

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1 or any portion thereof as provided by law, if the official  
2 determines that such noncompliance poses a threat to public  
3 safety and welfare, subject to the following:

4 (a) The local building official shall be available to  
5 meet with the private provider within 2 business days to  
6 resolve any dispute after issuing a stop-work order or  
7 providing notice to the applicant denying a permit or request  
8 for a certificate of occupancy or certificate of completion.

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 as provided by this chapter ~~pursuant to s.~~  
17 ~~553.77(1)(h)~~.

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

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



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1       (b) A local enforcement agency, local building  
 2 official, or local government may establish, for private  
 3 providers and duly authorized representatives working within  
 4 that jurisdiction, a system of registration to verify  
 5 compliance with the licensure requirements of paragraph (1)(g)  
 6 and the insurance requirements of subsection (15).

7       (c) Nothing in this section limits the authority of  
 8 the local building official to issue a stop-work order for a  
 9 building project or any portion of such order, as provided by  
 10 law, if the official determines that a condition on the  
 11 building site constitutes an immediate threat to public safety  
 12 and welfare.

13       (15) A private provider may perform building code  
 14 inspection services under this section only if the private  
 15 provider maintains insurance for professional ~~and~~  
 16 ~~comprehensive general~~ liability with minimum policy limits of  
 17 ~~\$251~~ million per occurrence for commercial projects and \$1  
 18 million per occurrence for private residential projects  
 19 covering relating to all services performed as a private  
 20 provider. If the private provider chooses to secure  
 21 claims-made coverage to fulfill this requirement, the private  
 22 provider must also maintain, including tail coverage for a  
 23 minimum of 5 years subsequent to the performance of building  
 24 code inspection services. Before providing building code  
 25 inspection services within a local building official's  
 26 jurisdiction, a private provider must provide to the local  
 27 building official a certificate of insurance evidencing that  
 28 the coverages required under this subsection are in force.

29       (17) Each local building code enforcement agency shall  
 30 develop and maintain a process to audit the performance of  
 31 building code inspection services by private providers

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1 operating within the local jurisdiction. Work on a building  
 2 may proceed after inspection and approval by a private  
 3 provider if the provider has given notice of the inspection  
 4 pursuant to subsection (8) and, subsequent to such inspection  
 5 and approval, the work may not be delayed for completion of an  
 6 inspection audit by the local building code enforcement  
 7 agency.

8           Section 10. Paragraph (d) of subsection (1) of section  
 9 553.80, Florida Statutes, is amended, and subsections (7) and  
 10 (8) are added to that section, to read:

11           553.80 Enforcement.--

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

21           (d) Building plans approved pursuant to s.  
 22 553.77~~(3)(5)~~ and state-approved manufactured buildings,  
 23 including buildings manufactured and assembled offsite and not  
 24 intended for habitation, such as lawn storage buildings and  
 25 storage sheds, are exempt from local code enforcing agency  
 26 plan reviews except for provisions of the code relating to  
 27 erection, assembly, or construction at the site. Erection,  
 28 assembly, and construction at the site are subject to local  
 29 permitting and inspections.

30  
 31 The governing bodies of local governments may provide a

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

10 (7) The governing bodies of local governments may  
 11 provide a schedule of reasonable fees, as authorized by s.  
 12 125.56(2) or s. 166.222 and this section, for enforcing this  
 13 part. These fees, and any fines or investment earnings related  
 14 to the fees, shall be used solely for carrying out the local  
 15 government's responsibilities in enforcing the Florida  
 16 Building Code. When providing a schedule of reasonable fees,  
 17 the total estimated annual revenue derived from fees, and the  
 18 fines and investment earnings related to the fees, may not  
 19 exceed the total estimated annual costs of allowable  
 20 activities. Any unexpended balances shall be carried forward  
 21 to future years for allowable activities or shall be refunded  
 22 at the discretion of the local government. The basis for a fee  
 23 structure for allowable activities shall relate to the level  
 24 of service provided by the local government. Fees charged  
 25 shall be consistently applied.

26 (a) As used in this subsection, the phrase "enforcing  
 27 the Florida Building Code" includes the direct costs and  
 28 reasonable indirect costs associated with review of building  
 29 plans, building inspections, reinspections, building permit  
 30 processing; building code enforcement; and fire inspections  
 31 associated with new construction. The phrase may also include

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1 training costs associated with the enforcement of the Florida  
2 Building Code and enforcement action pertaining to unlicensed  
3 contractor activity to the extent not funded by other user  
4 fees.

5 (b) The following activities may not be funded with  
6 fees adopted for enforcing the Florida Building Code:

7 1. Planning and zoning or other general government  
8 activities.

9 2. Inspections of public buildings for a reduced fee  
10 or no fee.

11 3. Public information requests, community functions,  
12 boards, and any program not directly related to enforcement of  
13 the Florida Building Code.

14 4. Enforcement and implementation of any other local  
15 ordinance, excluding validly adopted local amendments to the  
16 Florida Building Code and excluding any local ordinance  
17 directly related to enforcing the Florida Building Code as  
18 defined in paragraph (a).

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

24 (8) The Department of Agriculture and Consumer  
25 Services is not subject to local government permitting  
26 requirements, plan review, or inspection fees for nonoccupied  
27 structures, such as equipment storage sheds and polebarns that  
28 are not used by the public.

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

31 120.80 Exceptions and special requirements;

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1 agencies.--

2 (17) FLORIDA BUILDING COMMISSION.--

3 (c) Notwithstanding ss. 120.565, 120.569, and 120.57,

4 the Florida Building Commission and hearing officer panels

5 appointed by the commission in accordance with s.

6 553.775(3)(c)1. may conduct proceedings to review decisions of

7 local building code officials in accordance with s.

8 553.775(3)(c).

9 Section 12. Section 553.841, Florida Statutes, is  
10 amended to read:

11 (Substantial rewording of section. See

12 s. 533.841, F.S., for present text.)

13 553.841 Building code education and outreach

14 program.--

15 (1) The Legislature finds that the effectiveness of  
16 the building codes of this state depends on the performance of  
17 all participants, as demonstrated through knowledge of the  
18 codes and commitment to compliance with code directives, and  
19 that to strengthen compliance by industry and enforcement by  
20 government, a building code education and outreach program is  
21 needed.

22 (2) There is created the Building Code Education and  
23 Outreach Council to coordinate, develop, and maintain  
24 education and outreach to ensure administration and  
25 enforcement of the Florida Building Code.

26 (3) The Building Code Education and Outreach Council  
27 shall be composed of the following members:

28 (a) Three members of the Florida Building Commission,  
29 selected by the commission;

30 (b) One member of the Florida Building Code  
31 Administrators and Inspectors Board, selected by that board;

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1       (c) One member of the Construction Industry Licensing  
2 Board, selected by that board;

3       (d) One member of the Electrical Contractors Licensing  
4 Board, selected by that board;

5       (e) One member of the Florida Board of Professional  
6 Engineers, selected by that board;

7       (f) One architect member of the Board of Architecture  
8 and Interior Design, selected by that board;

9       (g) One interior designer member of the Board of  
10 Architecture and Interior Design, selected by that board;

11       (h) One member of the Board of Landscape Architecture,  
12 selected by that board; and

13       (i) One member from the office of the State Fire  
14 Marshal, selected by that office.

15  
16 Each member shall be appointed to a 2-year term and may be  
17 reappointed at the discretion of the appointing body. A chair  
18 shall be elected by majority vote of the council and shall  
19 serve a term of 1 year.

20       (4) The Building Code Education and Outreach Council  
21 shall meet in Tallahassee at least semiannually. The council  
22 may meet more often but not more than monthly, and such  
23 additional meetings may be by telephone conference call. All  
24 costs for travel shall be borne by the respective appointing  
25 entity. Administrative support, including meeting space if  
26 requested, shall be provided by Building A Safer Florida, Inc.

27       (5) The Building Code Education and Outreach Council  
28 shall:

29       (a) Consider and determine any policies or procedures  
30 needed to administer ss. 489.109(3) and 489.509(3).

31       (b) Administer the provisions of this section.

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1       (c) Determine the areas of priority for which funds  
2 should be expended for research and continuing education.

3       (d) Review all proposed continuing education courses  
4 concerning the Florida Building Code and recommend to the  
5 commission any related courses that should be approved for  
6 continuing education.

7       (6) The Building Code Education and Outreach Council  
8 shall develop or cause to be developed:

9           (a) A core curriculum that is prerequisite to all  
10 specialized and advanced module coursework.

11           (b) A set of specialized and advanced modules  
12 specifically designed for use by each profession.

13       (7) The core curriculum shall cover the information  
14 required to have all categories of participants appropriately  
15 informed as to their technical and administrative  
16 responsibilities in the effective execution of the code  
17 process by all individuals currently licensed under part XII  
18 of chapter 468, chapter 471, chapter 481, or chapter 489,  
19 except as otherwise provided in s. 471.017. The core  
20 curriculum shall be prerequisite to the advanced module  
21 coursework for all licensees and shall be completed by  
22 individuals licensed in all categories under part XII of  
23 chapter 468, chapter 471, chapter 481, or chapter 489 within  
24 the first 2-year period after establishment of the program.  
25 Core course hours taken by licensees to complete this  
26 requirement shall count toward fulfillment of required  
27 continuing education units under part XII of chapter 468,  
28 chapter 471, chapter 481, or chapter 489.

29       (8) The Building Code Education and Outreach Council  
30 shall develop, cause to be developed, or maintain an  
31 equivalency test for each category of licensee. Such test may

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1 be taken in lieu of the core curriculum. A passing score on  
2 the test shall be equivalent to completion of the core  
3 curriculum and shall be credited toward the required number of  
4 hours of continuing education.

5 (9) Each biennium, upon receipt of funds by the  
6 Department of Community Affairs from the Construction Industry  
7 Licensing Board and the Electrical Contractors' Licensing  
8 Board provided under ss. 489.109(3) and 489.509(3), the  
9 commission shall determine the amount of funds available for  
10 research projects from the proceeds of contractor licensing  
11 fees and identify, solicit, and accept funds from other  
12 sources for research and continuing education projects.

13 (10) If funds collected for research projects in any  
14 year do not require the use of all available funds, the unused  
15 funds shall be carried forward and allocated for use during  
16 the following fiscal year.

17 Section 13. Section 553.8413, Florida Statutes, is  
18 repealed.

19 Section 14. Subsections (3), (4), (5), (6), (7), (8),  
20 paragraph (a) of subsection (9), and subsection (16) of  
21 section 553.842, Florida Statutes, are amended to read:

22 553.842 Product evaluation and approval.--

23 (3) Products or methods or systems of construction  
24 that require approval under s. 553.77, that have standardized  
25 testing or comparative or rational analysis methods  
26 established by the code, and that are certified by an approved  
27 product evaluation entity, testing laboratory, or  
28 certification agency as complying with the standards specified  
29 by the code shall be approved for ~~local~~ or statewide use.  
30 Products required to be approved for statewide use shall be  
31 approved by one of the methods established in subsection (6)



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1 without further evaluation.

2           (4) ~~By October 1, 2003,~~ Products or methods or systems  
3 of construction requiring approval under s. 553.77 must be  
4 approved by one of the methods established in subsection (5)  
5 or subsection (6) before their use in construction in this  
6 state. Products may be approved ~~either~~ by the commission for  
7 statewide use, ~~or by a local building department for use in~~  
8 ~~that department's jurisdiction only.~~ Notwithstanding a local  
9 government's authority to amend the Florida Building Code as  
10 provided in this act, statewide approval shall preclude local  
11 jurisdictions from requiring further testing, evaluation, or  
12 submission of other evidence as a condition of using the  
13 product so long as the product is being used consistent with  
14 the conditions of its approval.

15           ~~(5) Local approval of products or methods or systems~~  
16 ~~of construction may be achieved by the local building official~~  
17 ~~through building plans review and inspection to determine that~~  
18 ~~the product, method, or system of construction complies with~~  
19 ~~the prescriptive standards established in the code.~~  
20 ~~Alternatively, local approval may be achieved by one of the~~  
21 ~~methods established in subsection (6).~~

22           (5)(6) Statewide ~~or local~~ approval of products,  
23 methods, or systems of construction may be achieved by one of  
24 the following methods. One of these methods must be used by  
25 ~~local officials~~ or the commission to approve the following  
26 categories of products: panel walls, exterior doors, roofing,  
27 skylights, windows, shutters, and structural components as  
28 established by the commission by rule.

29           (a) Products for which the code establishes  
30 standardized testing or comparative or rational analysis  
31 methods shall be approved by submittal and validation of one

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1 of the following reports or listings indicating that the  
 2 product or method or system of construction was evaluated to  
 3 be in compliance with the Florida Building Code and that the  
 4 product or method or system of construction is, for the  
 5 purpose intended, at least equivalent to that required by the  
 6 Florida Building Code:

- 7           1. A certification mark or listing of an approved
- 8 certification agency;
- 9           2. A test report from an approved testing laboratory;
- 10           3. A product evaluation report based upon testing or
- 11 comparative or rational analysis, or a combination thereof,
- 12 from an approved product evaluation entity; or
- 13           4. A product evaluation report based upon testing or
- 14 comparative or rational analysis, or a combination thereof,
- 15 developed and signed and sealed by a professional engineer or
- 16 architect, licensed in this state.

17  
 18 A product evaluation report or a certification mark or listing  
 19 of an approved certification agency which demonstrates that  
 20 the product or method or system of construction complies with  
 21 the Florida Building Code for the purpose intended shall be  
 22 equivalent to a test report and test procedure as referenced  
 23 in the Florida Building Code.

24           (b) Products, methods, or systems of construction for  
 25 which there are no specific standardized testing or  
 26 comparative or rational analysis methods established in the  
 27 code may be approved by submittal and validation of one of the  
 28 following:

- 29           1. A product evaluation report based upon testing or
- 30 comparative or rational analysis, or a combination thereof,
- 31 from an approved product evaluation entity indicating that the

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1 product or method or system of construction was evaluated to  
 2 be in compliance with the intent of the Florida Building Code  
 3 and that the product or method or system of construction is,  
 4 for the purpose intended, at least equivalent to that required  
 5 by the Florida Building Code; or

6       2. A product evaluation report based upon testing or  
 7 comparative or rational analysis, or a combination thereof,  
 8 developed and signed and sealed by a professional engineer or  
 9 architect, licensed in this state, who certifies that the  
 10 product or method or system of construction is, for the  
 11 purpose intended, at least equivalent to that required by the  
 12 Florida Building Code.

13       ~~(6)(7)~~ The commission shall ensure that product  
 14 manufacturers that obtain statewide product approval operate  
 15 quality assurance programs for all approved products. The  
 16 commission shall adopt by rule criteria for operation of the  
 17 quality assurance programs.

18       ~~(7)(8)~~ ~~For local approvals, validation shall be~~  
 19 ~~performed by the local building official. The commission shall~~  
 20 ~~adopt by rule criteria constituting complete validation by the~~  
 21 ~~local official, including, but not limited to, criteria~~  
 22 ~~governing verification of a quality assurance program. For~~  
 23 state approvals, validation shall be performed by validation  
 24 entities approved by the commission. The commission shall  
 25 adopt by rule criteria for approval of validation entities,  
 26 which shall be third-party entities independent of the  
 27 product's manufacturer and which shall certify to the  
 28 commission the product's compliance with the code. Products  
 29 bearing a certification mark or listing from an approved  
 30 certification agency shall be validated by inspection of the  
 31 certification mark or listing.

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1           ~~(8)(9)~~ The commission may adopt rules to approve the  
 2 following types of entities that produce information on which  
 3 product approvals are based. All of the following entities,  
 4 including engineers and architects, must comply with a  
 5 nationally recognized standard demonstrating independence or  
 6 no conflict of interest:

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

18           ~~(16) The commission shall establish a schedule for~~  
 19 ~~adoption of the rules required in this section to ensure that~~  
 20 ~~the product manufacturing industry has sufficient time to~~  
 21 ~~revise products to meet the requirements for approval and~~  
 22 ~~submit them for testing or evaluation before the system takes~~  
 23 ~~effect on October 1, 2003, and to ensure that the availability~~  
 24 ~~of statewide approval is not delayed.~~

25           Section 15. Section 633.026, Florida Statutes, is  
 26 created to read:

27           633.026 Informal interpretations of the Florida Fire  
 28 Prevention Code.--The Division of State Fire Marshal shall by  
 29 rule establish an informal process of rendering nonbinding  
 30 interpretations of the Florida Fire Prevention Code. The  
 31 Division of State Fire Marshal may contract with and refer

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1 interpretive issues to a nonprofit organization that has  
2 experience in fire safety and control issues. The Division of  
3 State Fire Marshal shall immediately implement the process  
4 prior to the completion of formal rulemaking. It is the intent  
5 of the Legislature that the Division of State Fire Marshal  
6 create a process to refer questions to a small group of  
7 individuals certified under s. 633.081(2), to which a party  
8 can pose questions regarding the interpretation of code  
9 provisions. It is the intent of the Legislature that the  
10 process provide for the expeditious resolution of the issues  
11 presented and publication of the resulting interpretation on  
12 the website of the Division of State Fire Marshal. It is the  
13 intent of the Legislature that this program be similar to the  
14 program established by the Florida Building Commission in s.  
15 553.77(7). Such interpretations shall be advisory only and  
16 nonbinding on the parties or the State Fire Marshal. This  
17 program shall be funded from the Insurance Regulatory Trust  
18 Fund.

19 Section 16. Local product approval.--

20 (1) For local product approval, products or systems of  
21 construction shall demonstrate compliance with the structural  
22 windload requirements of the Florida Building Code through one  
23 of the following methods:

24 (a) A certification mark, listing, or label from a  
25 commission-approved certification agency indicating that the  
26 product complies with the code;

27 (b) A test report from a commission-approved testing  
28 laboratory indicating that the product tested complies with  
29 the code;

30 (c) A product-evaluation report based upon testing,  
31 comparative or rational analysis, or a combination thereof,

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1 from a commission-approved product evaluation entity which  
2 indicates that the product evaluated complies with the code;

3 (d) A product-evaluation report or certification based  
4 upon testing or comparative or rational analysis, or a  
5 combination thereof, developed and signed and sealed by a  
6 Florida professional engineer or Florida registered architect,  
7 which indicates that the product complies with the code; or

8 (e) A statewide product approval issued by the Florida  
9 Building Commission.

10 (2) For product-evaluation reports that indicate  
11 compliance with the code based upon a test report from an  
12 approved testing laboratory and rational or comparative  
13 analysis by a Florida registered architect or Florida  
14 professional engineer, the testing laboratory or the  
15 evaluating architect or engineer must certify independence  
16 from the product manufacturer.

17 (3) Local building officials may accept modifications  
18 to products or their installations if sufficient evidence is  
19 submitted to the local building official to demonstrate  
20 compliance with the code or the intent of the code, including  
21 such evidence as certifications from a Florida registered  
22 architect or Florida professional engineer.

23 (4) Products demonstrating compliance shall be  
24 manufactured under a quality assurance program audited by an  
25 approved quality assurance entity.

26 (5) Products bearing a certification mark, label, or  
27 listing by an approved certification agency require no further  
28 documentation to establish compliance with the code.

29 (6) Upon review of the compliance documentation, the  
30 authority having jurisdiction or a local building official  
31 shall deem the product approved for use in accordance with its

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1 approval and limitation of use.

2       (7) Approval shall be valid until such time as the  
3 product changes and decreases in performance; the standards of  
4 the code change, requiring increased performance; or the  
5 approval is otherwise suspended or revoked. Changes to the  
6 code do not void the approval of products previously installed  
7 in existing buildings if such products met building code  
8 requirements at the time the product was installed.

9           Section 17. This act shall take effect October 1,  
10 2005.

11  
12

13 ===== T I T L E   A M E N D M E N T =====

14 And the title is amended as follows:

15           Delete everything before the enacting clause

16  
17 and insert:

18                           A bill to be entitled  
19           An act relating to building safety; amending s.  
20           215.559, F.S.; requiring that a specified  
21           percentage of the funds appropriated under the  
22           Hurricane Loss Mitigation Program be used for  
23           education concerning the Florida Building Code  
24           and for the operation of the disaster  
25           contractors network; requiring the Department  
26           of Community Affairs to contract with a  
27           nonprofit tax-exempt entity for training,  
28           development, and coordination; amending s.  
29           489.537, F.S.; providing that certain alarm  
30           system contractors and electrical contractors  
31           may not be required by a municipality or county

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1 to obtain additional certification or meet  
2 additional licensure requirements; amending s.  
3 553.37, F.S.; providing requirements for exit  
4 alarms; providing for the approval, delivery,  
5 and installation of lawn storage buildings and  
6 storage sheds; amending s. 553.73, F.S.;  
7 specifying certain codes from the International  
8 Code Congress and the International Code  
9 Council as foundation codes for the updated  
10 Florida Building Code; providing requirements  
11 for amendments to the foundation codes;  
12 providing for the incorporation of certain  
13 statements, decisions, and amendments into the  
14 Florida Building Code; providing a timeframe  
15 for rule updates to the Florida Building Code  
16 to become effective; adding a requirement for  
17 technical amendments to the Florida Building  
18 Code; providing requirements for the Florida  
19 Building Commission in reviewing code  
20 amendments; providing an exception;  
21 incorporating by reference certain standards  
22 for unvented conditioned attic assemblies;  
23 amending s. 553.74, F.S.; revising the  
24 appointment of members to the Florida Building  
25 Commission; amending s. 553.77, F.S.; revising  
26 duties of the Florida Building Commission;  
27 authorizing local building departments or other  
28 entities to approve changes to an approved  
29 building plan; prohibiting a commission member  
30 from voting or taking action on matters of a  
31 personal or financial interest to the member;



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1 deleting requirements that the commission hear  
2 certain appeals and issue declaratory  
3 statements; creating s. 553.775, F.S.;  
4 providing legislative intent with respect to  
5 the interpretation of the Florida Building  
6 Code; providing for the commission to resolve  
7 disputes regarding interpretations of the code;  
8 requiring the commission to review decisions of  
9 local building officials and local enforcement  
10 agencies; providing for publication of an  
11 interpretation on the Building Code Information  
12 System and in the Florida Administrative  
13 Weekly; authorizing the commission to adopt a  
14 fee; amending s. 553.79, F.S.; exempting  
15 truss-placement plans from certain  
16 requirements; amending s. 553.791, F.S.;  
17 clarifying a definition; expanding  
18 authorization to use private providers to  
19 provide building code inspection services;  
20 including fee owner contractors within such  
21 authorization; revising notice requirements for  
22 using private providers; revising procedures  
23 for issuing permits; providing requirements for  
24 representatives of private providers; providing  
25 for waiver of certain inspection records  
26 requirements under certain circumstances;  
27 requiring that issuance of stop-work orders be  
28 pursuant to law; providing for establishment of  
29 a registration system for private providers and  
30 authorized representatives of private providers  
31 for licensure compliance purposes; preserving

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1 authority to issue emergency stop-work orders;  
2 revising insurance requirements for private  
3 providers; specifying conditions for proceeding  
4 with building work; amending s. 553.80, F.S.;  
5 authorizing local governments to impose certain  
6 fees for code enforcement; providing  
7 requirements and limitations; conforming a  
8 cross-reference; requiring the commission to  
9 expedite adoption and implementation of the  
10 existing state building code as part of the  
11 Florida Building Code pursuant to limited  
12 procedures; exempting certain buildings of the  
13 Department of Agriculture and Consumer Services  
14 from local permitting requirements, review, or  
15 fees; amending s. 120.80, F.S.; authorizing the  
16 Florida Building Commission to conduct  
17 proceedings to review decisions of local  
18 officials; amending s. 553.841, F.S.; revising  
19 provisions governing the Building Code Training  
20 Program; creating the Building Code Education  
21 and Outreach Council to coordinate, develop,  
22 and ensure enforcement of the Florida Building  
23 Code; providing for membership, terms of  
24 office, and meetings; providing duties of the  
25 council; requiring Building A Safer Florida,  
26 Inc., to provide administrative support for the  
27 council; requiring the council to develop a  
28 core curriculum and equivalency test for  
29 specified licensees; providing for the use of  
30 funds by the council; repealing s. 553.8413,  
31 F.S., relating to the Education Technical

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1 | Advisory Committee; amending s. 553.842, F.S.;

2 | providing for products to be approved for

3 | statewide use; deleting an obsolete date;

4 | deleting a provision requiring the commission

5 | to adopt certain criteria for local program

6 | verification and validation by rule; providing

7 | for validation of certain products by

8 | inspection of the certification mark or

9 | listing; adding an evaluation entity to the

10 | list of entities specifically approved by the

11 | commission; deleting a requirement that the

12 | commission establish a schedule for adopting

13 | rules relating to product approvals under

14 | certain circumstances; creating s. 633.026,

15 | F.S.; requiring that the State Fire Marshal

16 | establish by rule a process for rendering

17 | nonbinding interpretations of the Florida Fire

18 | Prevention Code; authorizing the State Fire

19 | Marshal to enter into contracts and refer

20 | interpretations to a nonprofit organization;

21 | providing for the interpretations to be

22 | advisory; providing for funding the program

23 | from the Insurance Regulatory Trust Fund;

24 | providing requirements for local product

25 | approval of products or systems of

26 | construction; specifying methods for

27 | demonstrating compliance with the structural

28 | windload requirements of the Florida Building

29 | Code; providing for certification to be issued

30 | by a professional engineer or registered

31 | architect; providing for audits under a quality

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1 assurance program and other types of  
2 certification; providing that changes to the  
3 Florida Building Code do not void the approval  
4 of previously installed products; providing an  
5 effective date.

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