

By Senator Bennett

21-331A-05

1 A bill to be entitled
2 An act relating to building safety; amending s.
3 553.37, F.S.; providing for the approval,
4 delivery, and installation of lawn storage
5 buildings and storage sheds; amending s.
6 553.73, F.S.; specifying certain codes from the
7 International Code Congress and the
8 International Code Council as foundation codes
9 for the updated Florida Building Code;
10 providing requirements for amendments to the
11 foundation codes; providing for the
12 incorporation of certain statements, decisions,
13 and amendments into the Florida Building Code;
14 providing a timeframe for rule updates to the
15 Florida Building Code to become effective;
16 adding a requirement for technical amendments
17 to the Florida Building Code; providing
18 requirements for the Florida Building
19 Commission in reviewing code amendments;
20 providing an exception; amending s. 553.74,
21 F.S.; revising the appointment of members to
22 the Florida Building Commission; amending s.
23 553.77, F.S.; revising duties of the Florida
24 Building Commission; deleting requirements that
25 the commission hear certain appeals and issue
26 declaratory statements; creating s. 553.775,
27 F.S.; providing legislative intent with respect
28 to the interpretation of the Florida Building
29 Code; providing for the commission to resolve
30 disputes regarding interpretations of the code;
31 requiring the commission to review decisions of

1 local building officials and local enforcement
2 agencies; providing for publication of an
3 interpretation on the Building Code Information
4 System and in the Florida Administrative
5 Weekly; amending s. 553.79, F.S.; exempting
6 truss-placement plans from certain
7 requirements; amending s. 553.791, F.S.;
8 providing conditions for use of private plans
9 review and inspection; conforming
10 cross-references; amending s. 553.80, F.S.;
11 authorizing local governments to impose certain
12 fees for code enforcement; providing
13 requirements and limitations; conforming a
14 cross-reference; requiring the commission to
15 expedite adoption and implementation of the
16 existing state building code as part of the
17 Florida Building Code pursuant to limited
18 procedures; amending s. 120.80, F.S.;
19 authorizing the Florida Building Commission to
20 conduct proceedings to review decisions of
21 local officials; amending s. 553.841, F.S.;
22 revising provisions governing the Building Code
23 Training Program; amending s. 553.842, F.S.;
24 providing for products to be approved for
25 statewide use; deleting an obsolete date;
26 deleting a provision requiring the commission
27 to adopt certain criteria for local program
28 verification and validation by rule; providing
29 for validation of certain products by
30 inspection of the certification mark or
31 listing; adding an evaluation entity to the

1 list of entities specifically approved by the
2 commission; deleting a requirement that the
3 commission establish a schedule for adopting
4 rules relating to product approvals under
5 certain circumstances; amending s. 633.702,
6 F.S.; providing a criminal penalty for
7 installing, servicing, testing, repairing,
8 improving, or inspecting a fire alarm system
9 without being in compliance with s. 489.5185,
10 F.S., relating to training; providing an
11 effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

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

17 553.37 Rules; inspections; and insignia.--

18 (3) All manufactured buildings issued and bearing
19 insignia of approval pursuant to subsection (2) shall be
20 deemed to comply with the Florida Building Code and are exempt
21 from local amendments enacted by any local government. Lawn
22 storage buildings and storage sheds bearing the insignia of
23 approval of the department may be delivered and installed
24 without need of a contractor's license or specialty license.

25 Section 2. Paragraph (c) of subsection (4), subsection
26 (6), and paragraphs (a) and (c) of subsection (7) of section
27 553.73, Florida Statutes, are amended to read:

28 553.73 Florida Building Code.--

29 (4)

30 (c) Any amendment adopted by a local enforcing agency
31 pursuant to this subsection shall not apply to state or school

1 district owned buildings, manufactured buildings or
2 factory-built school buildings approved by the commission, or
3 prototype buildings approved pursuant to s. 553.77~~(3)(5)~~. The
4 respective responsible entities shall consider the physical
5 performance parameters substantiating such amendments when
6 designing, specifying, and constructing such exempt buildings.

7 (6)~~(a)~~ The commission, by rule adopted pursuant to ss.
8 120.536(1) and 120.54, shall update the Florida Building Code
9 every 3 years. When updating the Florida Building Code, the
10 commission shall select the most current version of the
11 International Building Code, the International Fuel Gas Code,
12 the International Mechanical Code, the International Plumbing
13 Code, the International Residential Code, the International
14 Code Council Electrical Code, all of which are adopted by the
15 International Code Congress, to form the foundation codes of
16 the updated Florida Building Code, if the version has been
17 adopted by the International Code Congress and made available
18 to the public at least 6 months prior to its selection by the
19 commission.

20 (b) The commission may modify any portion of the
21 foundation codes only as needed to accommodate the specific
22 needs of this state. Standards or criteria referenced by such
23 codes shall be incorporated by reference. If a referenced
24 standard or criterion requires amplification or modification
25 to be appropriate for use in this state, only the
26 amplification or modification shall be set forth in the
27 Florida Building Code. The commission may approve technical
28 amendments to the updated Florida Building Code after the
29 amendments have been subject to the conditions set forth in
30 paragraphs (3)(a)-(d). Amendments to the foundation codes
31 which are adopted in accordance with this subsection shall be

1 clearly marked in printed versions of the Florida Building
2 Code so that the fact that the provisions are Florida-specific
3 amendments to the foundation codes is readily apparent.
4 ~~consider changes made by the adopting entity of any selected~~
5 ~~model code for any model code incorporated into the Florida~~
6 ~~Building Code, and may subsequently adopt the new edition or~~
7 ~~successor of the model code or any part of such code, no~~
8 ~~sooner than 6 months after such model code has been adopted by~~
9 ~~the adopting organization, which may then be modified for this~~
10 ~~state as provided in this section, and~~

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

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

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

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

6 1. Is needed in order to accommodate the specific
7 needs of this state.

8 ~~2.1.~~ Has a reasonable and substantial connection with
9 the health, safety, and welfare of the general public.

10 ~~3.2.~~ Strengthens or improves the Florida Building
11 Code, or in the case of innovation or new technology, will
12 provide equivalent or better products or methods or systems of
13 construction.

14 ~~4.3.~~ Does not discriminate against materials,
15 products, methods, or systems of construction of demonstrated
16 capabilities.

17 ~~5.4.~~ Does not degrade the effectiveness of the Florida
18 Building Code.

19

20 Furthermore, the Florida Building Commission may approve
21 technical amendments to the code once each year to incorporate
22 into the Florida Building Code its own interpretations of the
23 code which are embodied in its opinions, final orders, and
24 declaratory statements, and interpretations of hearing officer
25 panels under s. 553.775(3)(c), but shall do so only to the
26 extent that incorporation of interpretations is needed to
27 modify the foundation codes to accommodate the specific needs
28 of this state. Amendments approved under this paragraph shall
29 be adopted by rule pursuant to ss. 120.536(1) and 120.54,
30 after the amendments have been subjected to the provisions of
31 subsection (3).

1 (c) The commission may not approve any proposed
2 amendment that does not accurately and completely address all
3 requirements for amendment which are set forth in this
4 section. The commission shall require all proposed amendments
5 and information submitted with proposed amendments to be
6 reviewed by commission staff prior to consideration by any
7 technical advisory committee. These reviews shall be for
8 sufficiency only and are not intended to be qualitative in
9 nature. Staff members shall reject any proposed amendment that
10 fails to include a fiscal impact statement providing
11 information responsive to all criteria identified. Proposed
12 amendments rejected by members of the staff may not be
13 considered by the commission or any technical advisory
14 committee. Notwithstanding the provisions of this paragraph,
15 within 60 days after the adoption by the International Code
16 Council of permitted standards and conditions for unvented
17 conditioned attic assemblies in the International Residential
18 Code, the commission shall initiate rulemaking to incorporate
19 such permitted standards and conditions in the Florida
20 Building Code.

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

23 553.74 Florida Building Commission.--

24 (1) The Florida Building Commission is created and
25 shall be located within the Department of Community Affairs
26 for administrative purposes. Members shall be appointed by the
27 Governor subject to confirmation by the Senate. The Governor
28 shall appoint commission members from lists of candidates
29 submitted by the respective professional organizations or may
30 appoint any other person otherwise qualified according to this
31

1 section. The commission shall be composed of 23 members,
2 consisting of the following:

3 (a) One architect registered to practice in this state
4 and actively engaged in the profession from a list of three
5 candidates provided by the American Institute of Architecture,
6 Florida Section.

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

11 (c) One air-conditioning or mechanical contractor
12 certified to do business in this state and actively engaged in
13 the profession from a list of three candidates provided by the
14 Florida Air Conditioning Contractors Association and the
15 Florida Refrigeration and Air Conditioning Contractors
16 Association.

17 (d) One electrical contractor certified to do business
18 in this state and actively engaged in the profession from a
19 list of three candidates provided by the Florida Association
20 of Electrical Contractors.

21 (e) One member from fire protection engineering or
22 technology who is actively engaged in the profession from a
23 list of three candidates provided by the Florida Fire
24 Protection Engineers Society, the Fire Marshals and Inspectors
25 Association, and the Florida Fire Chiefs Association.

26 (f) One ~~general~~ contractor certified to do business in
27 this state and actively engaged in the profession from a list
28 of three candidates provided by the Associated Builders and
29 Contractors of Florida and the Florida Associated General
30 Contractors Council.

31

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

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

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

14 (j) Three members who are municipal or district codes
15 enforcement officials, two of whom shall be from a list of
16 four candidates provided by the Building Officials Association
17 of Florida and one of whom is also a fire official from a list
18 of three candidates provided by the Florida Fire Marshals and
19 Inspectors Association.

20 (k) One member who represents the Department of
21 Financial Services.

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

25 (m) One member of a Florida-based organization of
26 persons with disabilities or a nationally chartered
27 organization of persons with disabilities with chapters in
28 this state.

29 (n) One member of the manufactured buildings industry
30 who is licensed to do business in this state and is actively
31

1 engaged in the industry from a list of three candidates
2 provided by the Florida Manufactured Housing Association.

3 (o) One mechanical or electrical engineer registered
4 to practice in this state and actively engaged in the
5 profession from a list of three candidates provided by the
6 Florida Engineering Society.

7 (p) One member who is a representative of a
8 municipality or a charter county from a list of three
9 candidates provided by the Florida League of Cities and the
10 Florida Association of Counties.

11 (q) One member of the building products manufacturing
12 industry who is authorized to do business in this state and is
13 actively engaged in the industry from a list of three
14 candidates provided by the Florida Building Materials
15 Association, the Florida Concrete and Products Association,
16 and the Fenestration Manufacturers Association.

17 (r) One member who is a representative of the building
18 owners and managers industry who is actively engaged in
19 commercial building ownership or management from a list of
20 three candidates provided by the Building Owners and Managers
21 Association.

22 (s) One member who is a representative of the
23 insurance industry from a list of three candidates provided by
24 the Florida Insurance Council.

25 (t) One member who is a representative of public
26 education.

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

28
29 Any person serving on the commission under paragraph (c) or
30 paragraph (h) on October 1, 2005 ~~2003~~, and who has served less
31 than two full terms is eligible for reappointment to the

1 | commission regardless of whether he or she meets the new
2 | qualification.

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

5 | 553.77 Specific powers of the commission.--

6 | (1) The commission shall:

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

9 | (b) Make a continual study of the operation of the
10 | Florida Building Code and other laws relating to the design,
11 | construction, erection, alteration, modification, repair, or
12 | demolition of public or private buildings, structures, and
13 | facilities, including manufactured buildings, and code
14 | enforcement, to ascertain their effect upon the cost of
15 | building construction and determine the effectiveness of their
16 | provisions. Upon updating the Florida Building Code every 3
17 | years, the commission shall review existing provisions of law
18 | and make recommendations to the Legislature for the next
19 | regular session of the Legislature regarding provisions of law
20 | that should be revised or repealed to ensure consistency with
21 | the Florida Building Code at the point the update goes into
22 | effect. State agencies and local jurisdictions shall provide
23 | such information as requested by the commission for evaluation
24 | of and recommendations for improving the effectiveness of the
25 | system of building code laws for reporting to the Legislature
26 | annually. Failure to comply with this or other requirements of
27 | this act must be reported to the Legislature for further
28 | action. Any proposed legislation providing for the revision or
29 | repeal of existing laws and rules relating to technical
30 | requirements applicable to building structures or facilities
31 | should expressly state that such legislation is not intended

1 to imply any repeal or sunset of existing general or special
2 laws governing any special district that are not specifically
3 identified in the legislation.

4 (c) Upon written application by any substantially
5 affected person or a local enforcement agency, issue
6 declaratory statements pursuant to s. 120.565 relating to new
7 technologies, techniques, and materials which have been tested
8 where necessary and found to meet the objectives of the
9 Florida Building Code. This paragraph does not apply to the
10 types of products, materials, devices, or methods of
11 construction required to be approved under paragraph ~~(f)~~(i).

12 ~~(d) Upon written application by any substantially~~
13 ~~affected person, state agency, or a local enforcement agency,~~
14 ~~issue declaratory statements pursuant to s. 120.565 relating~~
15 ~~to the enforcement or administration by local governments of~~
16 ~~the Florida Building Code. Paragraph (h) provides the~~
17 ~~exclusive remedy for addressing local interpretations of the~~
18 ~~code.~~

19 ~~(e) When requested in writing by any substantially~~
20 ~~affected person, state agency, or a local enforcing agency,~~
21 ~~shall issue declaratory statements pursuant to s. 120.565~~
22 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~
23 ~~515.37. Actions of the commission are subject to judicial~~
24 ~~review pursuant to s. 120.68.~~

25 (d)(f) Make recommendations to, and provide assistance
26 upon the request of, the Florida Commission on Human Relations
27 regarding rules relating to accessibility for persons with
28 disabilities.

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

1 The administrative staff of the commission shall attend
2 meetings of the Florida Fire Code Advisory Council and
3 coordinate efforts to provide consistency between the Florida
4 Building Code and the Florida Fire Prevention Code and the
5 Life Safety Code.

6 ~~(h) Hear appeals of the decisions of local boards of~~
7 ~~appeal regarding interpretation decisions of local building~~
8 ~~officials, or if no local board exists, hear appeals of~~
9 ~~decisions of the building officials regarding interpretations~~
10 ~~of the code. For such appeals:~~

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

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

17 ~~3. Hearings shall be conducted pursuant to chapter 120~~
18 ~~and the uniform rules of procedure, and decisions of the~~
19 ~~commission are subject to judicial review pursuant to s.~~
20 ~~120.68.~~

21 ~~(f)(i)~~ Determine the types of products which may be
22 approved by the commission ~~requiring approval for local or~~
23 statewide use and shall provide for the evaluation and
24 approval of such products, materials, devices, and method of
25 construction for statewide use. The commission may prescribe
26 by rule a schedule of reasonable fees to provide for
27 evaluation and approval of products, materials, devices, and
28 methods of construction. Evaluation and approval shall be by
29 action of the commission or delegated pursuant to s. 553.842.
30 This paragraph does not apply to products approved by the
31 State Fire Marshal.

1 ~~(g)~~(j) Appoint experts, consultants, technical
2 advisers, and advisory committees for assistance and
3 recommendations relating to the major areas addressed in the
4 Florida Building Code.

5 ~~(h)~~(k) Establish and maintain a mutual aid program,
6 organized through the department, to provide an efficient
7 supply of various levels of code enforcement personnel, design
8 professionals, commercial property owners, and construction
9 industry individuals, to assist in the rebuilding effort in an
10 area which has been hit with disaster. The program shall
11 include provisions for:

12 1. Minimum postdisaster structural, electrical, and
13 plumbing inspections and procedures.

14 2. Emergency permitting and inspection procedures.

15 3. Establishing contact with emergency management
16 personnel and other state and federal agencies.

17 ~~(i)~~(l) Maintain a list of interested parties for
18 noticing rulemaking workshops and hearings, disseminating
19 information on code adoption, revisions, amendments, and all
20 other such actions which are the responsibility of the
21 commission.

22 ~~(j)~~(m) Coordinate with the state and local
23 governments, industry, and other affected stakeholders in the
24 examination of legislative provisions and make recommendations
25 to fulfill the responsibility to develop a consistent, single
26 code.

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

31

1 (1)~~(e)~~ Develop recommendations for local governments
2 to use when pursuing partial or full privatization of building
3 department functions. The recommendations shall include, but
4 not be limited to, provisions relating to equivalency of
5 service, conflict of interest, requirements for competency,
6 liability, insurance, and long-term accountability.

7 ~~(2) Upon written application by any substantially~~
8 ~~affected person, the commission shall issue a declaratory~~
9 ~~statement pursuant to s. 120.565 relating to a state agency's~~
10 ~~interpretation and enforcement of the specific provisions of~~
11 ~~the Florida Building Code the agency is authorized to enforce.~~
12 ~~The provisions of this subsection shall not be construed to~~
13 ~~provide any powers, other than advisory, to the commission~~
14 ~~with respect to any decision of the State Fire Marshal made~~
15 ~~pursuant to the provisions of chapter 633.~~

16 ~~(3) The commission may designate a commission member~~
17 ~~with demonstrated expertise in interpreting building plans to~~
18 ~~attend each meeting of the advisory council created in s.~~
19 ~~553.512. The commission member may vary from meeting to~~
20 ~~meeting, shall serve on the council in a nonvoting capacity,~~
21 ~~and shall receive per diem and expenses as provided in s.~~
22 ~~553.74(3).~~

23 (2)~~(4)~~ For educational and public information
24 purposes, the commission shall develop and publish an
25 informational and explanatory document which contains
26 descriptions of the roles and responsibilities of the licensed
27 design professional, residential designer, contractor, and
28 local building and fire code officials. The State Fire Marshal
29 shall be responsible for developing and specifying roles and
30 responsibilities for fire code officials. Such document may
31

1 also contain descriptions of roles and responsibilities of
2 other participants involved in the building codes system.

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

18 (4)~~(6)~~ The commission may produce and distribute a
19 commentary document to accompany the Florida Building Code.
20 The commentary must be limited in effect to providing
21 technical assistance and must not have the effect of binding
22 interpretations of the code document itself.

23 ~~(7) The commission shall by rule establish an informal
24 process of rendering nonbinding interpretations of the Florida
25 Building Code. The commission is specifically authorized to
26 refer interpretive issues to organizations that represent
27 those engaged in the construction industry. The commission is
28 directed to immediately implement the process prior to the
29 completion of formal rulemaking. It is the intent of the
30 Legislature that the commission create a process to refer
31 questions to a small, rotating group of individuals licensed~~

1 ~~under part XII of chapter 468, to which a party can pose~~
2 ~~questions regarding the interpretation of code provisions. It~~
3 ~~is the intent of the Legislature that the process provide for~~
4 ~~the expeditious resolution of the issues presented and~~
5 ~~publication of the resulting interpretation on the Building~~
6 ~~Code Information System. Such interpretations are to be~~
7 ~~advisory only and nonbinding on the parties or the commission.~~

8 Section 5. Section 553.775, Florida Statutes, is
9 created to read:

10 553.775 Interpretations.--

11 (1) It is the intent of the Legislature that the
12 Florida Building Code be interpreted by building officials,
13 local enforcement agencies, and the commission in a manner
14 that protects the public safety, health, and welfare at the
15 most reasonable cost to the consumer by ensuring uniform
16 interpretations throughout the state and by providing
17 processes for resolving disputes regarding interpretations of
18 the Florida Building Code which are just and expeditious.

19 (2) Local enforcement agencies, local building
20 officials, state agencies, and the commission shall interpret
21 provisions of the Florida Building Code in a manner that is
22 consistent with declaratory statements and interpretations
23 entered by the commission, except that conflicts between the
24 Florida Fire Prevention Code and the Florida Building Code
25 shall be resolved in accordance with s. 553.73(9)(c) and (d).

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

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

1 administration by local governments of the Florida Building
2 Code.

3 (b) When requested in writing by any substantially
4 affected person or state agency or by a local enforcement
5 agency, the commission shall issue a declaratory statement
6 pursuant to s. 120.565 relating to this part and ss. 515.25,
7 515.27, 515.29, and 515.37. Actions of the commission are
8 subject to judicial review under s. 120.68.

9 (c) The commission shall review decisions of local
10 building officials and local enforcement agencies regarding
11 interpretations of the Florida Building Code after the local
12 board of appeals has considered the decision, if such board
13 exists, and if such appeals process is concluded within 10
14 business days.

15 1. The commission shall coordinate with the Building
16 Officials Association of Florida, Inc., to designate panels
17 composed of five members to hear requests to review decisions
18 of local building officials. The members must be licensed as
19 building code administrators under part XII of chapter 468 and
20 must have experience interpreting and enforcing provisions of
21 the Florida Building Code.

22 2. Requests to review a decision of a local building
23 official interpreting provisions of the Florida Building Code
24 may be initiated by any substantially affected person,
25 including an owner or builder subject to a decision of a local
26 building official or an association of owners or builders
27 having members who are subject to a decision of a local
28 building official. In order to initiate review, the
29 substantially affected person must file a petition with the
30 commission. The commission shall adopt a form for the
31 petition, which shall be published on the Building Code

1 Information System. The form shall, at a minimum, require the
2 following:
3 a. The name and address of the county or municipality
4 in which provisions of the Florida Building Code are being
5 interpreted.
6 b. The name and address of the local building official
7 who has made the interpretation being appealed.
8 c. The name, address, and telephone number of the
9 petitioner; the name, address, and telephone number of the
10 petitioner's representative, if any; and an explanation of how
11 the petitioner's substantial interests are being affected by
12 the local interpretation of the Florida Building Code.
13 d. A statement of the provisions of the Florida
14 Building Code which are being interpreted by the local
15 building official.
16 e. A statement of the interpretation given to
17 provisions of the Florida Building Code by the local building
18 official and the manner in which the interpretation was
19 rendered.
20 f. A statement of the interpretation that the
21 petitioner contends should be given to the provisions of the
22 Florida Building Code and a statement supporting the
23 petitioner's interpretation.
24 g. Space for the local building official to respond in
25 writing. The space shall, at a minimum, require the local
26 building official to respond by providing a statement
27 admitting or denying the statements contained in the petition
28 and a statement of the interpretation of the provisions of the
29 Florida Building Code which the local jurisdiction or the
30 local building official contends is correct, including the
31 basis for the interpretation.

1 3. The petitioner shall submit the petition to the
2 local building official, who shall place the date of receipt
3 on the petition. The local building official shall respond to
4 the petition in accordance with the form and shall return the
5 petition along with his or her response to the petitioner
6 within 5 days after receipt, exclusive of Saturdays, Sundays,
7 and legal holidays. The petitioner may file the petition with
8 the commission at any time after the local building official
9 provides a response. If no response is provided by the local
10 building official, the petitioner may file the petition with
11 the commission 10 days after submission of the petition to the
12 local building official and shall note that the local building
13 official did not respond.

14 4. Upon receipt of a petition that meets the
15 requirements of subparagraph 2., the commission shall
16 immediately provide copies of the petition to a panel, and the
17 commission shall publish the petition, including any response
18 submitted by the local building official, on the Building Code
19 Information System in a manner that allows interested persons
20 to address the issues by posting comments.

21 5. The panel shall conduct proceedings as necessary to
22 resolve the issues; shall give due regard to the petitions,
23 the response, and to comments posed on the Building Code
24 Information System; and shall issue an interpretation
25 regarding the provisions of the Florida Building Code within
26 21 days after the filing of the petition. The panel shall
27 render a determination based upon the Florida Building Code
28 or, if the code is ambiguous, the intent of the code. The
29 panel's interpretation shall be provided to the commission,
30 which shall publish the interpretation on the Building Code
31 Information System and in the Florida Administrative Weekly.

1 The interpretation shall be considered an interpretation
2 entered by the commission, and shall be binding upon the
3 parties and upon all jurisdictions subject to the Florida
4 Building Code, unless it is superseded by a declaratory
5 statement issued by the Florida Building Commission or by a
6 final order entered after an appeal proceeding conducted in
7 accordance with subparagraph 7.

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

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

25 8. The burden of proof in any proceeding initiated in
26 accordance with subparagraph 7. is on the party who initiated
27 the appeal.

28 9. In any review proceeding initiated in accordance
29 with this paragraph, including any proceeding initiated in
30 accordance with subparagraph 7., the fact that an owner or
31 builder has proceeded with construction may not be grounds for

1 determining an issue to be moot if the issue is one that is
2 likely to arise in the future.

3
4 This paragraph provides the exclusive remedy for addressing
5 requests to review local interpretations of the code and
6 appeals from review proceedings.

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

12 (e) Upon written application by any substantially
13 affected person, the commission shall issue a declaratory
14 statement pursuant to s. 120.565 relating to an agency's
15 interpretation and enforcement of the specific provisions of
16 the Florida Building Code which the agency is authorized to
17 enforce. This subsection does not provide any powers, other
18 than advisory, to the commission with respect to any decision
19 of the State Fire Marshal made pursuant to chapter 633.

20 (f) The commission may designate a commission member
21 who has demonstrated expertise in interpreting building plans
22 to attend each meeting of the advisory council created in s.
23 553.512. The commission member may vary from meeting to
24 meeting, shall serve on the council in a nonvoting capacity,
25 and shall receive per diem and expenses as provided in s.
26 553.74(3).

27 (g) The commission shall by rule establish an informal
28 process of rendering nonbinding interpretations of the Florida
29 Building Code. The commission is specifically authorized to
30 refer interpretive issues to organizations that represent
31 those engaged in the construction industry. The commission

1 shall immediately implement the process before completing
2 formal rulemaking. It is the intent of the Legislature that
3 the commission create a process to refer questions to a small,
4 rotating group of individuals licensed under part XII of
5 chapter 468, to which a party may pose questions regarding the
6 interpretation of code provisions. It is the intent of the
7 Legislature that the process provide for the expeditious
8 resolution of the issues presented and publication of the
9 resulting interpretation on the Building Code Information
10 System. Such interpretations shall be advisory only and
11 nonbinding on the parties and the commission.

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

14 553.79 Permits; applications; issuance; inspections.--

15 (14) Certifications by contractors authorized under
16 the provisions of s. 489.115(4)(b) shall be considered
17 equivalent to sealed plans and specifications by a person
18 licensed under chapter 471 or chapter 481 by local enforcement
19 agencies for plans review for permitting purposes relating to
20 compliance with the wind resistance provisions of the code or
21 alternate methodologies approved by the commission for one and
22 two family dwellings. Local enforcement agencies may rely upon
23 such certification by contractors that the plans and
24 specifications submitted conform to the requirements of the
25 code for wind resistance. Upon good cause shown, local
26 government code enforcement agencies may accept or reject
27 plans sealed by persons licensed under chapter 471, chapter
28 481, or chapter 489. A truss-placement plan is not required to
29 be signed and sealed by an engineer or architect unless
30 prepared by an engineer or architect or specifically required
31 by the Florida Building Code.

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

5 553.791 Alternative plans review and inspection.--

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

23 (4) A fee owner or the fee owner's contractor using a
24 private provider to provide building code inspection services
25 shall notify the local building official at the time of permit
26 application or no less than 1 week prior to a private
27 provider's providing building code inspection services on a
28 form to be adopted by the commission. This notice shall
29 include the following information:

30 (a) The services to be performed by the private
31 provider.

1 (b) The name, firm, address, telephone number, and
2 facsimile number of each private provider who is performing or
3 will perform such services, his or her professional license or
4 certification number, qualification statements or resumes,
5 and, if required by the local building official, a certificate
6 of insurance demonstrating that professional liability
7 insurance coverage is in place for the private provider's
8 firm, the private provider, and any duly authorized
9 representative in the amounts required by this section.

10 (c) An acknowledgment from the fee owner in
11 substantially the following form:

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

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

5
6 If the fee owner or the fee owner's contractor makes any
7 changes to the listed private providers or the services to be
8 provided by those private providers, the fee owner or the fee
9 owner's contractor shall, within 1 business day after any
10 change, update the notice to reflect such changes.

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

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

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

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

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

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

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

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

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

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

23 553.80 Enforcement.--

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

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

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

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

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

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

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

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

19 1. Planning and zoning or other general government
20 activities.

21 2. Inspections of public buildings for a reduced fee
22 or no fee.

23 3. Public information requests, community functions,
24 boards, and any program not directly related to enforcement of
25 the Florida Building Code.

26 4. Enforcement and implementation of any other local
27 ordinance, excluding validly adopted local amendments to the
28 Florida Building Code and excluding any local ordinance
29 directly related to enforcing the Florida Building Code as
30 defined in paragraph (a).

31

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

6 Section 9. The Florida Building Commission shall
7 expedite the adoption and implementation of the State Existing
8 Building Code as part of the Florida Building Code pursuant
9 only to the provisions of chapter 120, Florida Statutes. The
10 special update and amendment requirements of section 553.73,
11 Florida Statutes, and the administrative rule requiring
12 additional delay time between adoption and implementation of
13 such code are waived.

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

16 120.80 Exceptions and special requirements;
17 agencies.--

18 (17) FLORIDA BUILDING COMMISSION.--

19 (c) Notwithstanding ss. 120.565, 120.569, and 120.57,
20 the Florida Building Commission and hearing officer panels
21 appointed by the commission in accordance with s.
22 553.775(3)(c)1. may conduct proceedings to review decisions of
23 local building code officials in accordance with s.
24 553.775(3)(c).

25 Section 11. Section 553.841, Florida Statutes, is
26 amended to read:

27 553.841 Building Code Training Program ~~code training~~
28 ~~program~~; participant competency requirements.--

29 ~~(1) The Legislature finds that the effectiveness of~~
30 ~~the building codes of this state depends on the performance of~~
31 ~~all participants, as demonstrated through knowledge of the~~

1 ~~codes and commitment to compliance with code directives and~~
2 ~~that to strengthen compliance by industry and enforcement by~~
3 ~~government, a Building Code Training Program is needed.~~

4 ~~(1)(2)~~ The commission shall establish by rule the
5 Building Code Training Program to develop and provide a core
6 curriculum and offer voluntary accreditation of advance module
7 courses relating to the Florida Building Code and its
8 enforcement ~~a system of administering and enforcing the~~
9 ~~Florida Building Code.~~

10 ~~(3)~~ ~~The program shall be developed, implemented, and~~
11 ~~administered by the commission in consultation with the~~
12 ~~Department of Education, the Department of Community Affairs,~~
13 ~~the Department of Business and Professional Regulation, the~~
14 ~~State Fire Marshal, the State University System, and the~~
15 ~~Division of Community Colleges.~~

16 ~~(4)~~ ~~The commission may enter into contracts with the~~
17 ~~Department of Education, the State University System, the~~
18 ~~Division of Community Colleges, model code organizations,~~
19 ~~professional organizations, career centers, trade~~
20 ~~organizations, and private industry to administer the program.~~

21 ~~(2)(5)~~ The program shall be affordable, accessible,
22 meaningful, financially self-sufficient and shall make maximum
23 use of existing sources, systems, institutions, and programs
24 available through private sources.

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

30 ~~(a)~~ a core curriculum that the professional licensing
31 boards may designate as a ~~which is~~ prerequisite to initial

1 licensure for those licensees not subject to testing on the
2 Florida Building Code as a condition of licensure. These
3 entities shall also identify subject areas that are
4 inadequately addressed by specialized and advanced courses all
5 ~~specialized and advanced module coursework.~~

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

8 ~~(4)(7)~~ The core curriculum shall cover the information
9 required to have all categories of participants appropriately
10 informed as to their technical and administrative
11 responsibilities in the effective execution of the code
12 process by all individuals currently licensed under part XII
13 of chapter 468, chapter 471, chapter 481, or chapter 489,
14 except as otherwise provided in s. 471.017. The core
15 curriculum shall ~~be prerequisite to the advanced module~~
16 ~~coursework for all licensees and shall~~ be completed by
17 individuals licensed in all categories under part XII of
18 chapter 468, chapter 471, chapter 481, or chapter 489 by the
19 date of license renewal in 2005 within the first 2 year period
20 ~~after establishment of the program. All approved courses~~ Core
21 ~~course hours~~ taken by licensees pursuant to this section ~~to~~
22 ~~complete this requirement~~ shall count toward fulfillment of
23 required continuing education units under part XII of chapter
24 468, chapter 471, chapter 481, or chapter 489.

25 ~~(8) The commission, in consultation with the~~
26 ~~Department of Business and Professional Regulation and the~~
27 ~~respective licensing boards, shall develop or cause to be~~
28 ~~developed an equivalency test for each category of licensee.~~
29 ~~Such test may be taken in lieu of the core curriculum. A~~
30 ~~passing score on the test shall be equivalent to completion of~~
31

1 ~~the core curriculum and shall be credited toward the required~~
2 ~~number of hours of continuing education.~~

3 ~~(5)(9)~~ The commission, in consultation with the
4 Department of Business and Professional Regulation, shall
5 develop or cause to be developed, or approve as a part of the
6 program, appropriate courses ~~a core curriculum and specialized~~
7 ~~or advanced module coursework~~ for the construction workforce,
8 including, but not limited to, superintendents and journeymen.

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

17 ~~(7)(11)~~ The Legislature ~~hereby~~ establishes the Office
18 of Building Code Training Program Administration within the
19 Institute of Applied Technology in Construction Excellence at
20 the Florida Community College at Jacksonville. The office is
21 charged with the following responsibilities as recommended by
22 the Florida Building Commission and as resources are provided
23 by the Legislature:

24 (a) Provide research-to-practice capability for
25 entry-level construction training development, delivery and
26 quality assurance, as well as training and competency registry
27 systems and recruitment initiatives.

28 (b) Coordinate with the Department of Community
29 Affairs and the Florida Building Commission to serve as school
30 liaison to disseminate construction awareness and promotion
31 programs and materials to schools.

1 (c) Develop model programs and approaches to
2 construction career exploration to promote construction
3 careers.

4 Section 12. Subsections (3), (4), (5), (6), (7), (8),
5 paragraph (a) of subsection (9), and subsection (16) of
6 section 553.842, Florida Statutes, are amended to read:

7 553.842 Product evaluation and approval.--

8 (3) Products or methods or systems of construction
9 that require approval under s. 553.77, that have standardized
10 testing or comparative or rational analysis methods
11 established by the code, and that are certified by an approved
12 product evaluation entity, testing laboratory, or
13 certification agency as complying with the standards specified
14 by the code shall be approved for local or statewide use.
15 Products required to be approved for statewide use shall be
16 approved by one of the methods established in subsection (6)
17 without further evaluation.

18 (4) ~~By October 1, 2003,~~ Products or methods or systems
19 of construction requiring approval under s. 553.77 must be
20 approved by one of the methods established in subsection (5)
21 or subsection (6) before their use in construction in this
22 state. Products may be approved either by the commission for
23 statewide use, or by a local building department for use in
24 that department's jurisdiction only. Notwithstanding a local
25 government's authority to amend the Florida Building Code as
26 provided in this act, statewide approval shall preclude local
27 jurisdictions from requiring further testing, evaluation, or
28 submission of other evidence as a condition of using the
29 product so long as the product is being used consistent with
30 the conditions of its approval.

31

1 (5) Local approval of products or methods or systems
2 of construction may be achieved by the local building official
3 through building plans review and inspection to determine that
4 the product, method, or system of construction complies with
5 the prescriptive standards established in the code.

6 ~~Alternatively, local approval may be achieved by one of the~~
7 ~~methods established in subsection (6).~~

8 (6) Statewide ~~or local~~ approval of products, methods,
9 or systems of construction may be achieved by one of the
10 following methods. One of these methods must be used by ~~local~~
11 ~~officials~~ or the commission to approve the following
12 categories of products: panel walls, exterior doors, roofing,
13 skylights, windows, shutters, and structural components as
14 established by the commission by rule.

15 (a) Products for which the code establishes
16 standardized testing or comparative or rational analysis
17 methods shall be approved by submittal and validation of one
18 of the following reports or listings indicating that the
19 product or method or system of construction was evaluated to
20 be in compliance with the Florida Building Code and that the
21 product or method or system of construction is, for the
22 purpose intended, at least equivalent to that required by the
23 Florida Building Code:

- 24 1. A certification mark or listing of an approved
25 certification agency;
- 26 2. A test report from an approved testing laboratory;
- 27 3. A product evaluation report based upon testing or
28 comparative or rational analysis, or a combination thereof,
29 from an approved product evaluation entity; or
- 30 4. A product evaluation report based upon testing or
31 comparative or rational analysis, or a combination thereof,

1 developed and signed and sealed by a professional engineer or
2 architect, licensed in this state.

3
4 A product evaluation report or a certification mark or listing
5 of an approved certification agency which demonstrates that
6 the product or method or system of construction complies with
7 the Florida Building Code for the purpose intended shall be
8 equivalent to a test report and test procedure as referenced
9 in the Florida Building Code.

10 (b) Products, methods, or systems of construction for
11 which there are no specific standardized testing or
12 comparative or rational analysis methods established in the
13 code may be approved by submittal and validation of one of the
14 following:

15 1. A product evaluation report based upon testing or
16 comparative or rational analysis, or a combination thereof,
17 from an approved product evaluation entity indicating that the
18 product or method or system of construction was evaluated to
19 be in compliance with the intent of the Florida Building Code
20 and that the product or method or system of construction is,
21 for the purpose intended, at least equivalent to that required
22 by the Florida Building Code; or

23 2. A product evaluation report based upon testing or
24 comparative or rational analysis, or a combination thereof,
25 developed and signed and sealed by a professional engineer or
26 architect, licensed in this state, who certifies that the
27 product or method or system of construction is, for the
28 purpose intended, at least equivalent to that required by the
29 Florida Building Code.

30 (7) The commission shall ensure that product
31 manufacturers that obtain statewide product approval operate

1 quality assurance programs for all approved products. The
2 commission shall adopt by rule criteria for operation of the
3 quality assurance programs.

4 (8) For local approvals, validation shall be performed
5 by the local building official. ~~The commission shall adopt by~~
6 ~~rule criteria constituting complete validation by the local~~
7 ~~official, including, but not limited to, criteria governing~~
8 ~~verification of a quality assurance program.~~ For state
9 approvals, validation shall be performed by validation
10 entities approved by the commission. The commission shall
11 adopt by rule criteria for approval of validation entities,
12 which shall be third-party entities independent of the
13 product's manufacturer and which shall certify to the
14 commission the product's compliance with the code. Products
15 bearing a certification mark or listing from an approved
16 certification agency shall be validated by inspection of the
17 certification mark or listing.

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

24 (a) Evaluation entities that meet the criteria for
25 approval adopted by the commission by rule. The commission
26 shall specifically approve the National Evaluation Service,
27 the International Conference of Building Officials Evaluation
28 Services, the International Code Council Evaluation Services,
29 the Building Officials and Code Administrators International
30 Evaluation Services, the Southern Building Code Congress
31 International Evaluation Services, and the Miami-Dade County

1 Building Code Compliance Office Product Control. Architects
2 and engineers licensed in this state are also approved to
3 conduct product evaluations as provided in subsection (6).

4 ~~(16) The commission shall establish a schedule for~~
5 ~~adoption of the rules required in this section to ensure that~~
6 ~~the product manufacturing industry has sufficient time to~~
7 ~~revise products to meet the requirements for approval and~~
8 ~~submit them for testing or evaluation before the system takes~~
9 ~~effect on October 1, 2003, and to ensure that the availability~~
10 ~~of statewide approval is not delayed.~~

11 Section 13. Subsection (4) is added to section
12 633.702, Florida Statutes, to read:

13 633.702 Prohibited acts regarding alarm system
14 contractors or certified unlimited electrical contractors;
15 penalties.--

16 (4) It is a misdemeanor of the first degree,
17 punishable as provided in s. 775.082 or s. 775.083, for any
18 person to intentionally or willfully install, service, test,
19 repair, improve, or inspect a fire alarm system without being
20 in compliance with s. 489.5185.

21 Section 14. This act shall take effect October 1,
22 2005.

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SENATE SUMMARY

Provides for the approval, delivery, and installation of lawn storage buildings and storage sheds. Specifies certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code. Provides requirements for amendments to the foundation codes. Provides for the incorporation of certain statements, decisions, and amendments into the Florida Building Code. Provides a timeframe for rule updates to the Florida Building Code. Revises the appointment of members to the Florida Building Commission. Revises duties of the Florida Building Commission. Provides for the commission to resolve disputes regarding interpretations of the code. Requires the commission to review decisions of local building officials and local enforcement agencies. Provides for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly. Authorizes local governments to impose certain fees for code enforcement. Requires the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures. Authorizes the Florida Building Commission to conduct proceedings to review decisions of local officials. Revises provisions of the Building Code Training Program. Deletes a provision requiring the commission to adopt certain criteria by rule.