

By the Committee on Community Affairs; and Senator Bennett

578-1634-05

1                                   A bill to be entitled  
2           An act relating to building safety; amending s.  
3           215.559, F.S.; requiring that a specified  
4           percentage of the funds appropriated under the  
5           Hurricane Loss Mitigation Program be used for  
6           education concerning the Florida Building Code  
7           and for the operation of the disaster  
8           contractors network; requiring the Department  
9           of Community Affairs to contract with a  
10          nonprofit tax-exempt entity for training,  
11          development, and coordination; amending s.  
12          489.537, F.S.; providing that certain alarm  
13          system contractors and electrical contractors  
14          may not be required by a municipality or county  
15          to obtain additional certification or meet  
16          additional licensure requirements; amending s.  
17          553.37, F.S.; providing requirements for exit  
18          alarms; providing for the approval, delivery,  
19          and installation of lawn storage buildings and  
20          storage sheds; amending s. 553.73, F.S.;  
21          specifying certain codes from the International  
22          Code Congress and the International Code  
23          Council as foundation codes for the updated  
24          Florida Building Code; providing requirements  
25          for amendments to the foundation codes;  
26          providing for the incorporation of certain  
27          statements, decisions, and amendments into the  
28          Florida Building Code; providing a timeframe  
29          for rule updates to the Florida Building Code  
30          to become effective; adding a requirement for  
31          technical amendments to the Florida Building

1 Code; providing requirements for the Florida  
2 Building Commission in reviewing code  
3 amendments; providing an exception;  
4 incorporating by reference certain standards  
5 for unvented conditioned attic assemblies;  
6 amending s. 553.74, F.S.; revising the  
7 appointment of members to the Florida Building  
8 Commission; amending s. 553.77, F.S.; revising  
9 duties of the Florida Building Commission;  
10 authorizing local building departments or other  
11 entities to approve changes to an approved  
12 building plan; prohibiting a commission member  
13 from voting or taking action on matters of a  
14 personal or financial interest to the member;  
15 deleting requirements that the commission hear  
16 certain appeals and issue declaratory  
17 statements; creating s. 553.775, F.S.;  
18 providing legislative intent with respect to  
19 the interpretation of the Florida Building  
20 Code; providing for the commission to resolve  
21 disputes regarding interpretations of the code;  
22 requiring the commission to review decisions of  
23 local building officials and local enforcement  
24 agencies; providing for publication of an  
25 interpretation on the Building Code Information  
26 System and in the Florida Administrative  
27 Weekly; authorizing the commission to adopt a  
28 fee; amending s. 553.79, F.S.; exempting  
29 truss-placement plans from certain  
30 requirements; amending s. 553.791, F.S.;  
31 clarifying a definition; expanding

1 authorization to use private providers to  
2 provide building code inspection services;  
3 including fee owner contractors within such  
4 authorization; revising notice requirements for  
5 using private providers; revising procedures  
6 for issuing permits; providing requirements for  
7 representatives of private providers; providing  
8 for waiver of certain inspection records  
9 requirements under certain circumstances;  
10 requiring that issuance of stop-work orders be  
11 pursuant to law; providing for establishment of  
12 a registration system for private providers and  
13 authorized representatives of private providers  
14 for licensure compliance purposes; preserving  
15 authority to issue emergency stop-work orders;  
16 revising insurance requirements for private  
17 providers; specifying conditions for proceeding  
18 with building work; amending s. 553.80, F.S.;  
19 authorizing local governments to impose certain  
20 fees for code enforcement; providing  
21 requirements and limitations; conforming a  
22 cross-reference; requiring the commission to  
23 expedite adoption and implementation of the  
24 existing state building code as part of the  
25 Florida Building Code pursuant to limited  
26 procedures; exempting certain buildings of the  
27 Department of Agriculture and Consumer Services  
28 from local permitting requirements, review, or  
29 fees; amending s. 120.80, F.S.; authorizing the  
30 Florida Building Commission to conduct  
31 proceedings to review decisions of local

1 officials; amending s. 553.841, F.S.; revising  
2 provisions governing the Building Code Training  
3 Program; creating the Building Code Education  
4 and Outreach Council to coordinate, develop,  
5 and ensure enforcement of the Florida Building  
6 Code; providing for membership, terms of  
7 office, and meetings; providing duties of the  
8 council; requiring Building A Safer Florida,  
9 Inc., to provide administrative support for the  
10 council; requiring the council to develop a  
11 core curriculum and equivalency test for  
12 specified licensees; providing for the use of  
13 funds by the council; repealing s. 553.8413,  
14 F.S., relating to the Education Technical  
15 Advisory Committee; amending s. 553.842, F.S.;  
16 providing for products to be approved for  
17 statewide use; deleting an obsolete date;  
18 deleting a provision requiring the commission  
19 to adopt certain criteria for local program  
20 verification and validation by rule; providing  
21 for validation of certain products by  
22 inspection of the certification mark or  
23 listing; adding an evaluation entity to the  
24 list of entities specifically approved by the  
25 commission; deleting a requirement that the  
26 commission establish a schedule for adopting  
27 rules relating to product approvals under  
28 certain circumstances; creating s. 633.026,  
29 F.S.; requiring that the State Fire Marshal  
30 establish by rule a process for rendering  
31 nonbinding interpretations of the Florida Fire

1           Prevention Code; authorizing the State Fire  
2           Marshal to enter into contracts and refer  
3           interpretations to a nonprofit organization;  
4           providing for the interpretations to be  
5           advisory; providing for funding the program  
6           from the Insurance Regulatory Trust Fund;  
7           providing requirements for local product  
8           approval of products or systems of  
9           construction; specifying methods for  
10          demonstrating compliance with the structural  
11          windload requirements of the Florida Building  
12          Code; providing for certification to be issued  
13          by a professional engineer or registered  
14          architect; providing for audits under a quality  
15          assurance program and other types of  
16          certification; providing that changes to the  
17          Florida Building Code do not void the approval  
18          of previously installed products; providing an  
19          effective date.

20  
21   Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Subsections (3) and (4) of section 215.559,  
24   Florida Statutes, are amended, present subsections (5), (6),  
25   and (7) of that section are redesignated as subsections (6),  
26   (7), and (8), respectively, and a new subsection (5) is added  
27   to that section, to read:

28           215.559 Hurricane Loss Mitigation Program.--  
29           (3) Forty percent of the total appropriation in  
30   paragraph (2)(a) shall be used to inspect and improve  
31   tie-downs for mobile homes. Within 30 days after the effective

1 date of that appropriation, the department shall contract with  
2 a public higher educational institution in this state which  
3 has previous experience in administering the programs set  
4 forth in this subsection to serve as the administrative entity  
5 and fiscal agent pursuant to s. 216.346 for the purpose of  
6 administering the programs set forth in this subsection in  
7 accordance with established policy and procedures. The  
8 administrative entity working with the advisory council set up  
9 under subsection~~(6)(5)~~ shall develop a list of mobile home  
10 parks and counties that may be eligible to participate in the  
11 tie-down program.

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

26 (5) Fifteen percent of the total appropriation in  
27 paragraph (2)(a) shall be used for education awareness  
28 concerning the Florida Building Code and the operation of the  
29 disaster contractors network. Not more than 30 days after the  
30 effective date of each subsequent appropriation, the  
31 Department of Community Affairs shall contract with a

1 nonprofit tax-exempt entity having prior contracting  
2 experience with building code training, development, and  
3 coordination and whose membership is representative of all of  
4 the statewide construction and design licensee associations.  
5 The entity shall allocate 20 percent of these resources to the  
6 disaster contractors network for the education of the  
7 construction industry and hurricane response if needed to  
8 coordinate the industry in the event of a natural disaster.  
9 The entity shall allocate 20 percent of these resources to the  
10 largest residential construction trade show in the state for  
11 the education of the residential construction industry on  
12 building code and mitigation issues. The remaining resources  
13 shall be used by the entity for outreach building code  
14 activities after consultation with the building code program  
15 under the Florida Building Commission as provided for in s.  
16 553.841.

17 Section 2. Paragraph (a) of subsection (3) of section  
18 489.537, Florida Statutes, is amended to read:

19 489.537 Application of this part.--

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

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

31

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

3           553.37 Rules; inspections; and insignia.--

4           (3) All manufactured buildings issued and bearing  
5 insignia of approval pursuant to subsection (2) shall be  
6 deemed to comply with the Florida Building Code and are exempt  
7 from local amendments enacted by any local government. Lawn  
8 storage buildings and storage sheds not exceeding 200 square  
9 feet and bearing the insignia of approval of the department  
10 may be delivered and installed without need of a contractor's  
11 license or specialty license.

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

16           553.73 Florida Building Code.--

17           (2) The Florida Building Code shall contain provisions  
18 or requirements for public and private buildings, structures,  
19 and facilities relative to structural, mechanical, electrical,  
20 plumbing, energy, and gas systems, existing buildings,  
21 historical buildings, manufactured buildings, elevators,  
22 coastal construction, lodging facilities, food sales and food  
23 service facilities, health care facilities, including assisted  
24 living facilities, adult day care facilities, and facilities  
25 for the control of radiation hazards, public or private  
26 educational facilities, swimming pools, and correctional  
27 facilities and enforcement of and compliance with such  
28 provisions or requirements. Further, the Florida Building Code  
29 must provide for uniform implementation of ss. 515.25, 515.27,  
30 and 515.29 by including standards and criteria for residential  
31 swimming pool barriers, pool covers, latching devices, door



1 and window exit alarms, and other equipment required therein,  
2 which are consistent with the intent of s. 515.23. With  
3 respect to the exit alarm provision from all doors and windows  
4 providing direct access from the home to the pool, as  
5 specified in ss. 515.25(4) and 515.27(1), such alarm must be  
6 of the battery-powered, hard-wired, or plug-in type. Technical  
7 provisions to be contained within the Florida Building Code  
8 are restricted to requirements related to the types of  
9 materials used and construction methods and standards employed  
10 in order to meet criteria specified in the Florida Building  
11 Code. Provisions relating to the personnel, supervision or  
12 training of personnel, or any other professional qualification  
13 requirements relating to contractors or their workforce may  
14 not be included within the Florida Building Code, and  
15 subsections (4), (5), (6), and (7) are not to be construed to  
16 allow the inclusion of such provisions within the Florida  
17 Building Code by amendment. This restriction applies to both  
18 initial development and amendment of the Florida Building  
19 Code.

20 (4)

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

29 ~~(6)~~(a) The commission, by rule adopted pursuant to ss.  
30 120.536(1) and 120.54, shall update the Florida Building Code  
31 every 3 years. When updating the Florida Building Code, the

1 commission shall select the most current version of the  
2 International Building Code, the International Fuel Gas Code,  
3 the International Mechanical Code, the International Plumbing  
4 Code, the International Residential Code, the International  
5 Code Council Electrical Code, and the federal code regarding  
6 noise contour lines, all of which are adopted by the  
7 International Code Council, to form the foundation codes of  
8 the updated Florida Building Code, if the version has been  
9 adopted by the International Code Council and made available  
10 to the public at least 6 months prior to its selection by the  
11 commission.

12 (b) The commission may modify any portion of the  
13 foundation codes only as needed to accommodate the specific  
14 needs of this state. Standards or criteria referenced by such  
15 codes shall be incorporated by reference. If a referenced  
16 standard or criterion requires amplification or modification  
17 to be appropriate for use in this state, only the  
18 amplification or modification shall be set forth in the  
19 Florida Building Code. The commission may approve technical  
20 amendments to the updated Florida Building Code after the  
21 amendments have been subject to the conditions set forth in  
22 paragraphs (3)(a)-(d). Amendments to the foundation codes  
23 which are adopted in accordance with this subsection shall be  
24 clearly marked in printed versions of the Florida Building  
25 Code so that the fact that the provisions are Florida-specific  
26 amendments to the foundation codes is readily apparent.  
27 ~~consider changes made by the adopting entity of any selected~~  
28 ~~model code for any model code incorporated into the Florida~~  
29 ~~Building Code, and may subsequently adopt the new edition or~~  
30 ~~successor of the model code or any part of such code, no~~  
31 ~~sooner than 6 months after such model code has been adopted by~~

1 ~~the adopting organization, which may then be modified for this~~  
2 ~~state as provided in this section, and~~

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

19       (d) A rule updating the Florida Building Code in  
20 accordance with this subsection shall take effect no sooner  
21 than 6 months after publication of the updated code. Any  
22 amendment to the Florida Building Code which is adopted upon a  
23 finding by the commission that the amendment is necessary to  
24 protect the public from immediate threat of harm takes effect  
25 immediately.

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

29           1. Is needed in order to accommodate the specific  
30 needs of this state.

31

1           ~~2.1-~~ Has a reasonable and substantial connection with  
2 the health, safety, and welfare of the general public.

3           ~~3.2-~~ Strengthens or improves the Florida Building  
4 Code, or in the case of innovation or new technology, will  
5 provide equivalent or better products or methods or systems of  
6 construction.

7           ~~4.3-~~ Does not discriminate against materials,  
8 products, methods, or systems of construction of demonstrated  
9 capabilities.

10          ~~5.4-~~ Does not degrade the effectiveness of the Florida  
11 Building Code.

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

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

1 sufficiency only and are not intended to be qualitative in  
2 nature. Staff members shall reject any proposed amendment that  
3 fails to include a fiscal impact statement providing  
4 information responsive to all criteria identified. Proposed  
5 amendments rejected by members of the staff may not be  
6 considered by the commission or any technical advisory  
7 committee.

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

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

30 (14) Travel distance from all floor areas, including  
31 the most remote point of the mezzanine shall comply with Table

1 1004 of the Florida Building Code, chapter 10, s. 1005, Table  
2 1004. A single unenclosed stair is permitted for mezzanines if  
3 the criteria of the Florida Building Code, chapter 10, s.  
4 1005.7.1 and Table 1005.7 travel distance is not exceed from  
5 the most remote point of the mezzanine to a point where there  
6 is a choice of more than one means of egress and the limits of  
7 Table 1004 are met. The requirements of this subsection shall  
8 take effect upon this act becoming law.

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

11           553.74 Florida Building Commission.--

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

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

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

29           (c) One air-conditioning or mechanical contractor  
30 certified to do business in this state and actively engaged in  
31 the profession from a list of three candidates provided by the

1 Florida Air Conditioning Contractors Association, the Florida  
2 Refrigeration and Air Conditioning Contractors Association,  
3 and the Mechanical Contractors Association of Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

17

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

22 Section 6. Section 553.77, Florida Statutes, is  
23 amended to read:

24 553.77 Specific powers of the commission.--

25 (1) The commission shall:

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

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

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

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

31

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

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

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

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

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

31

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

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

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

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

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

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

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

3 1. Minimum postdisaster structural, electrical, and  
4 plumbing inspections and procedures.

5 2. Emergency permitting and inspection procedures.

6 3. Establishing contact with emergency management  
7 personnel and other state and federal agencies.

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

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

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

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

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

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

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

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

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

1 required by s. 553.79(2), except changes to the prototype  
2 design, site plans, and other site-related items. Changes to  
3 an approved plan may be approved by the local building  
4 department or by the public or private entity that approved  
5 the plan. As provided in s. 553.73, prototype buildings are  
6 exempt from any locally adopted amendment to any part of the  
7 Florida Building Code. Construction or erection of such  
8 prototype buildings is subject to local permitting and  
9 inspections pursuant to this part.

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

15 (5) If a member of the commission has a present or  
16 potential personal or financial interest in the outcome of a  
17 vote or other action of the commission, the member shall  
18 abstain from voting or taking action on the matter.

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

1 ~~publication of the resulting interpretation on the Building~~  
2 ~~Code Information System. Such interpretations are to be~~  
3 ~~advisory only and nonbinding on the parties or the commission.~~

4 Section 7. Section 553.775, Florida Statutes, is  
5 created to read:

6 553.775 Interpretations.--

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

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

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

24 (a) Upon written application by any substantially  
25 affected person or state agency or by a local enforcement  
26 agency, the commission shall issue declaratory statements  
27 pursuant to s. 120.565 relating to the enforcement or  
28 administration by local governments of the Florida Building  
29 Code.

30 (b) When requested in writing by any substantially  
31 affected person or state agency or by a local enforcement



1 agency, the commission shall issue a declaratory statement  
2 pursuant to s. 120.565 relating to this part and ss. 515.25,  
3 515.27, 515.29, and 515.37. Actions of the commission are  
4 subject to judicial review under s. 120.68.

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

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

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

1           a. The name and address of the county or municipality  
2 in which provisions of the Florida Building Code are being  
3 interpreted.

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

6           c. The name, address, and telephone number of the  
7 petitioner; the name, address, and telephone number of the  
8 petitioner's representative, if any; and an explanation of how  
9 the petitioner's substantial interests are being affected by  
10 the local interpretation of the Florida Building Code.

11           d. A statement of the provisions of the Florida  
12 Building Code which are being interpreted by the local  
13 building official.

14           e. A statement of the interpretation given to  
15 provisions of the Florida Building Code by the local building  
16 official and the manner in which the interpretation was  
17 rendered.

18           f. A statement of the interpretation that the  
19 petitioner contends should be given to the provisions of the  
20 Florida Building Code and a statement supporting the  
21 petitioner's interpretation.

22           g. Space for the local building official to respond in  
23 writing. The space shall, at a minimum, require the local  
24 building official to respond by providing a statement  
25 admitting or denying the statements contained in the petition  
26 and a statement of the interpretation of the provisions of the  
27 Florida Building Code which the local jurisdiction or the  
28 local building official contends is correct, including the  
29 basis for the interpretation.

30           3. The petitioner shall submit the petition to the  
31 local building official, who shall place the date of receipt

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

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

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

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

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

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

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

26 9. In any review proceeding initiated in accordance  
27 with this paragraph, including any proceeding initiated in  
28 accordance with subparagraph 7., the fact that an owner or  
29 builder has proceeded with construction may not be grounds for  
30 determining an issue to be moot if the issue is one that is  
31 likely to arise in the future.

1  
2 This paragraph provides the exclusive remedy for addressing  
3 requests to review local interpretations of the code and  
4 appeals from review proceedings.

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

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

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

25 (g) The commission shall by rule establish an informal  
26 process of rendering nonbinding interpretations of the Florida  
27 Building Code. The commission is specifically authorized to  
28 refer interpretive issues to organizations that represent  
29 those engaged in the construction industry. The commission  
30 shall immediately implement the process before completing  
31 formal rulemaking. It is the intent of the Legislature that

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

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

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

15 553.79 Permits; applications; issuance; inspections.--

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

1 prepared by an engineer or architect or specifically required  
2 by the Florida Building Code.

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

7 553.791 Alternative plans review and inspection.--

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

9 (f) "Permit application" means a properly completed  
10 and submitted application for+

11 ~~1.~~ the requested building or construction permit,  
12 including:-

13 ~~1.2.~~ The plans reviewed by the private provider.

14 ~~2.3.~~ The affidavit from the private provider required  
15 pursuant to subsection (5).

16 ~~3.4.~~ Any applicable fees.

17 ~~4.5.~~ Any documents required by the local building  
18 official to determine that the fee owner has secured all other  
19 government approvals required by law.

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

1 her discretion and pursuant to duly adopted policies of the  
2 local enforcement agency, may require the fee owner who  
3 desires to use a private provider to use the private provider  
4 to provide both plans review and required building inspection  
5 services.

6 (4) A fee owner or the fee owner's contractor using a  
7 private provider to provide building code inspection services  
8 shall notify the local building official at the time of permit  
9 application, or no less than 7 business days prior to the  
10 first scheduled inspection by the local building official or  
11 building code enforcement agency for a private provider  
12 performing required inspections of construction under this  
13 section, on a form to be adopted by the commission. This  
14 notice shall include the following information:

15 (a) The services to be performed by the private  
16 provider.

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

26 (c) An acknowledgment from the fee owner in  
27 substantially the following form:

28  
29 I have elected to use one or more private providers to provide  
30 building code plans review and/or inspection services on the  
31 building that is the subject of the enclosed permit



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

21 If the fee owner or the fee owner's contractor makes any  
22 changes to the listed private providers or the services to be  
23 provided by those private providers, the fee owner or the fee  
24 owner's contractor shall, within 1 business day after any  
25 change, update the notice to reflect such changes. In  
26 addition, the fee owner or the fee owner's contractor shall  
27 post at the project site, prior to the commencement of  
28 construction and updated within 1 business day after any  
29 change, on a form to be adopted by the commission, the name,  
30 firm, address, telephone number, and facsimile number of each  
31 private provider who is performing or will perform building

1 code inspection services, the type of service being performed,  
2 and similar information for the primary contact of the private  
3 provider on the project.

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

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

28 (9) Upon completing the required inspections at each  
29 applicable phase of construction, the private provider shall  
30 record such inspections on a form acceptable to the local  
31 building official. These inspection records shall reflect

1 | those inspections required by the applicable codes of each  
2 | phase of construction for which permitting by a local  
3 | enforcement agency is required. The private provider, before  
4 | leaving the project site, shall post each completed inspection  
5 | record, indicating pass or fail, at the site and provide the  
6 | record to the local building official within 2 business days.  
7 | The local building official may waive the requirement to  
8 | provide a record of each inspection within 2 business days if  
9 | the record is posted at the project site and all such  
10 | inspection records are submitted with the certificate of  
11 | compliance. Records of all required and completed inspections  
12 | shall be maintained at the building site at all times and made  
13 | available for review by the local building official. The  
14 | private provider shall report to the local enforcement agency  
15 | any condition that poses an immediate threat to public safety  
16 | and welfare.

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

1 | dispute the deficiencies pursuant to subsection (12) or to  
2 | submit a corrected request for a certificate of occupancy or  
3 | certificate of completion.

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

12 |         (a) The local building official shall be available to  
13 | meet with the private provider within 2 business days to  
14 | resolve any dispute after issuing a stop-work order or  
15 | providing notice to the applicant denying a permit or request  
16 | for a certificate of occupancy or certificate of completion.

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

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

9 (b) A local enforcement agency, local building  
10 official, or local government may establish, for private  
11 providers and duly authorized representatives working within  
12 that jurisdiction, a system of registration to verify  
13 compliance with the licensure requirements of paragraph (1)(g)  
14 and the insurance requirements of subsection (15).

15 (c) Nothing in this section limits the authority of  
16 the local building official to issue a stop-work order for a  
17 building project or any portion of such order, as provided by  
18 law, if the official determines that a condition on the  
19 building site constitutes an immediate threat to public safety  
20 and welfare.

21 (15) A private provider may perform building code  
22 inspection services under this section only if the private  
23 provider maintains insurance for professional ~~and~~  
24 ~~comprehensive general~~ liability with minimum policy limits of  
25 ~~\$2\$1~~ million per occurrence for commercial projects and \$1  
26 million per occurrence for private residential projects  
27 covering relating to all services performed as a private  
28 provider. If the private provider chooses to secure  
29 claims-made coverage to fulfill this requirement, the private  
30 provider must also maintain, including tail coverage for a  
31 minimum of 5 years subsequent to the performance of building

1 code inspection services. Before providing building code  
2 inspection services within a local building official's  
3 jurisdiction, a private provider must provide to the local  
4 building official a certificate of insurance evidencing that  
5 the coverages required under this subsection are in force.

6 (17) Each local building code enforcement agency shall  
7 develop and maintain a process to audit the performance of  
8 building code inspection services by private providers  
9 operating within the local jurisdiction. Work on a building  
10 may proceed after inspection and approval by a private  
11 provider if the provider has given notice of the inspection  
12 pursuant to subsection (8) and, subsequent to such inspection  
13 and approval, the work may not be delayed for completion of an  
14 inspection audit by the local building code enforcement  
15 agency.

16 Section 10. Paragraph (d) of subsection (1) of section  
17 553.80, Florida Statutes, is amended, and subsections (7) and  
18 (8) are added to that section, to read:

19 553.80 Enforcement.--

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

29 (d) Building plans approved pursuant to s.  
30 553.77~~(3)(5)~~ and state-approved manufactured buildings,  
31 including buildings manufactured and assembled offsite and not

1 | intended for habitation, such as lawn storage buildings and  
2 | storage sheds, are exempt from local code enforcing agency  
3 | plan reviews except for provisions of the code relating to  
4 | erection, assembly, or construction at the site. Erection,  
5 | assembly, and construction at the site are subject to local  
6 | permitting and inspections.

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

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

1 of service provided by the local government. Fees charged  
2 shall be consistently applied.

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

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

15 1. Planning and zoning or other general government  
16 activities.

17 2. Inspections of public buildings for a reduced fee  
18 or no fee.

19 3. Public information requests, community functions,  
20 boards, and any program not directly related to enforcement of  
21 the Florida Building Code.

22 4. Enforcement and implementation of any other local  
23 ordinance, excluding validly adopted local amendments to the  
24 Florida Building Code and excluding any local ordinance  
25 directly related to enforcing the Florida Building Code as  
26 defined in paragraph (a).

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



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

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

8           120.80 Exceptions and special requirements;  
9 agencies.--

10           (17) FLORIDA BUILDING COMMISSION.--

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

17           Section 12. Section 553.841, Florida Statutes, is  
18 amended to read:

19           (Substantial rewording of section. See  
20 s. 533.841, F.S., for present text.)

21           553.841 Building code education and outreach  
22 program.--

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

30           (2) There is created the Building Code Education and  
31 Outreach Council to coordinate, develop, and maintain

1 education and outreach to ensure administration and  
2 enforcement of the Florida Building Code.

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

5 (a) Three members of the Florida Building Commission,  
6 selected by the commission;

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

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

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

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

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

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

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

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

23  
24 Each member shall be appointed to a 2-year term and may be  
25 reappointed at the discretion of the appointing body. A chair  
26 shall be elected by majority vote of the council and shall  
27 serve a term of 1 year.

28 (4) The Building Code Education and Outreach Council  
29 shall meet in Tallahassee at least semiannually. The council  
30 may meet more often but not more than monthly, and such  
31 additional meetings may be by telephone conference call. All

1 costs for travel shall be borne by the respective appointing  
2 entity. Administrative support, including meeting space if  
3 requested, shall be provided by Building A Safer Florida, Inc.

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

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

8 (b) Administer the provisions of this section.

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

11 (d) Review all proposed continuing education courses  
12 concerning the Florida Building Code and recommend to the  
13 commission any related courses that should be approved for  
14 continuing education.

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

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

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

21 (7) The core curriculum shall cover the information  
22 required to have all categories of participants appropriately  
23 informed as to their technical and administrative  
24 responsibilities in the effective execution of the code  
25 process by all individuals currently licensed under part XII  
26 of chapter 468, chapter 471, chapter 481, or chapter 489,  
27 except as otherwise provided in s. 471.017. The core  
28 curriculum shall be prerequisite to the advanced module  
29 coursework for all licensees and shall be completed by  
30 individuals licensed in all categories under part XII of  
31 chapter 468, chapter 471, chapter 481, or chapter 489 within

1 the first 2-year period after establishment of the program.  
2 Core course hours taken by licensees to complete this  
3 requirement shall count toward fulfillment of required  
4 continuing education units under part XII of chapter 468,  
5 chapter 471, chapter 481, or chapter 489.

6 (8) The Building Code Education and Outreach Council  
7 shall develop, cause to be developed, or maintain an  
8 equivalency test for each category of licensee. Such test may  
9 be taken in lieu of the core curriculum. A passing score on  
10 the test shall be equivalent to completion of the core  
11 curriculum and shall be credited toward the required number of  
12 hours of continuing education.

13 (9) Each biennium, upon receipt of funds by the  
14 Department of Community Affairs from the Construction Industry  
15 Licensing Board and the Electrical Contractors' Licensing  
16 Board provided under ss. 489.109(3) and 489.509(3), the  
17 commission shall determine the amount of funds available for  
18 research projects from the proceeds of contractor licensing  
19 fees and identify, solicit, and accept funds from other  
20 sources for research and continuing education projects.

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

25 Section 13. Section 553.8413, Florida Statutes, is  
26 repealed.

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

30 553.842 Product evaluation and approval.--  
31

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

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

24           ~~(5) Local approval of products or methods or systems~~  
25 ~~of construction may be achieved by the local building official~~  
26 ~~through building plans review and inspection to determine that~~  
27 ~~the product, method, or system of construction complies with~~  
28 ~~the prescriptive standards established in the code.~~  
29 ~~Alternatively, local approval may be achieved by one of the~~  
30 ~~methods established in subsection (6).~~

31

1           (5)~~(6)~~ Statewide ~~or local~~ approval of products,  
2 methods, or systems of construction may be achieved by one of  
3 the following methods. One of these methods must be used by  
4 ~~local officials or~~ the commission to approve the following  
5 categories of products: panel walls, exterior doors, roofing,  
6 skylights, windows, shutters, and structural components as  
7 established by the commission by rule.

8           (a) Products for which the code establishes  
9 standardized testing or comparative or rational analysis  
10 methods shall be approved by submittal and validation of one  
11 of the following reports or listings indicating that the  
12 product or method or system of construction was evaluated to  
13 be in compliance with the Florida Building Code and that the  
14 product or method or system of construction is, for the  
15 purpose intended, at least equivalent to that required by the  
16 Florida Building Code:

- 17           1. A certification mark or listing of an approved  
18 certification agency;
- 19           2. A test report from an approved testing laboratory;
- 20           3. A product evaluation report based upon testing or  
21 comparative or rational analysis, or a combination thereof,  
22 from an approved product evaluation entity; or
- 23           4. 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.

27  
28 A product evaluation report or a certification mark or listing  
29 of an approved certification agency which demonstrates that  
30 the product or method or system of construction complies with  
31 the Florida Building Code for the purpose intended shall be

1 equivalent to a test report and test procedure as referenced  
2 in the Florida Building Code.

3 (b) Products, methods, or systems of construction for  
4 which there are no specific standardized testing or  
5 comparative or rational analysis methods established in the  
6 code may be approved by submittal and validation of one of the  
7 following:

8 1. A product evaluation report based upon testing or  
9 comparative or rational analysis, or a combination thereof,  
10 from an approved product evaluation entity indicating that the  
11 product or method or system of construction was evaluated to  
12 be in compliance with the intent of the Florida Building Code  
13 and that the product or method or system of construction is,  
14 for the purpose intended, at least equivalent to that required  
15 by the Florida Building Code; or

16 2. A product evaluation report based upon testing or  
17 comparative or rational analysis, or a combination thereof,  
18 developed and signed and sealed by a professional engineer or  
19 architect, licensed in this state, who certifies that the  
20 product or method or system of construction is, for the  
21 purpose intended, at least equivalent to that required by the  
22 Florida Building Code.

23 ~~(6)(7)~~ The commission shall ensure that product  
24 manufacturers that obtain statewide product approval operate  
25 quality assurance programs for all approved products. The  
26 commission shall adopt by rule criteria for operation of the  
27 quality assurance programs.

28 ~~(7)(8)~~ ~~For local approvals, validation shall be~~  
29 ~~performed by the local building official. The commission shall~~  
30 ~~adopt by rule criteria constituting complete validation by the~~  
31 ~~local official, including, but not limited to, criteria~~

1 ~~governing verification of a quality assurance program.~~ For  
2 state approvals, validation shall be performed by validation  
3 entities approved by the commission. The commission shall  
4 adopt by rule criteria for approval of validation entities,  
5 which shall be third-party entities independent of the  
6 product's manufacturer and which shall certify to the  
7 commission the product's compliance with the code. Products  
8 bearing a certification mark or listing from an approved  
9 certification agency shall be validated by inspection of the  
10 certification mark or listing.

11 ~~(8)(9)~~ The commission may adopt rules to approve the  
12 following types of entities that produce information on which  
13 product approvals are based. All of the following entities,  
14 including engineers and architects, must comply with a  
15 nationally recognized standard demonstrating independence or  
16 no conflict of interest:

17 (a) Evaluation entities that meet the criteria for  
18 approval adopted by the commission by rule. The commission  
19 shall specifically approve the National Evaluation Service,  
20 the International Conference of Building Officials Evaluation  
21 Services, the International Code Council Evaluation Services,  
22 the Building Officials and Code Administrators International  
23 Evaluation Services, the Southern Building Code Congress  
24 International Evaluation Services, and the Miami-Dade County  
25 Building Code Compliance Office Product Control. Architects  
26 and engineers licensed in this state are also approved to  
27 conduct product evaluations as provided in subsection ~~(5)(6)~~.

28 ~~(16)~~ ~~The commission shall establish a schedule for~~  
29 ~~adoption of the rules required in this section to ensure that~~  
30 ~~the product manufacturing industry has sufficient time to~~  
31 ~~revise products to meet the requirements for approval and~~



1 ~~submit them for testing or evaluation before the system takes~~  
2 ~~effect on October 1, 2003, and to ensure that the availability~~  
3 ~~of statewide approval is not delayed.~~

4 Section 15. Section 633.026, Florida Statutes, is  
5 created to read:

6 633.026 Informal interpretations of the Florida Fire  
7 Prevention Code.--The Division of State Fire Marshal shall by  
8 rule establish an informal process of rendering nonbinding  
9 interpretations of the Florida Fire Prevention Code. The  
10 Division of State Fire Marshal may contract with and refer  
11 interpretive issues to a nonprofit organization that has  
12 experience in fire safety and control issues. The Division of  
13 State Fire Marshal shall immediately implement the process  
14 prior to the completion of formal rulemaking. It is the intent  
15 of the Legislature that the Division of State Fire Marshal  
16 create a process to refer questions to a small group of  
17 individuals certified under s. 633.081(2), to which a party  
18 can pose questions regarding the interpretation of code  
19 provisions. It is the intent of the Legislature that the  
20 process provide for the expeditious resolution of the issues  
21 presented and publication of the resulting interpretation on  
22 the website of the Division of State Fire Marshal. It is the  
23 intent of the Legislature that this program be similar to the  
24 program established by the Florida Building Commission in s.  
25 553.77(7). Such interpretations shall be advisory only and  
26 nonbinding on the parties or the State Fire Marshal. This  
27 program shall be funded from the Insurance Regulatory Trust  
28 Fund.

29 Section 16. Local product approval.--

30 (1) For local product approval, products or systems of  
31 construction shall demonstrate compliance with the structural

1 windload requirements of the Florida Building Code through one  
2 of the following methods:  
3       (a) A certification mark, listing, or label from a  
4 commission-approved certification agency indicating that the  
5 product complies with the code;  
6       (b) A test report from a commission-approved testing  
7 laboratory indicating that the product tested complies with  
8 the code;  
9       (c) A product-evaluation report based upon testing,  
10 comparative or rational analysis, or a combination thereof,  
11 from a commission-approved product evaluation entity which  
12 indicates that the product evaluated complies with the code;  
13       (d) A product-evaluation report or certification based  
14 upon testing or comparative or rational analysis, or a  
15 combination thereof, developed and signed and sealed by a  
16 Florida professional engineer or Florida registered architect,  
17 which indicates that the product complies with the code; or  
18       (e) A statewide product approval issued by the Florida  
19 Building Commission.  
20       (2) For product-evaluation reports that indicate  
21 compliance with the code based upon a test report from an  
22 approved testing laboratory and rational or comparative  
23 analysis by a Florida registered architect or Florida  
24 professional engineer, the testing laboratory or the  
25 evaluating architect or engineer must certify independence  
26 from the product manufacturer.  
27       (3) Local building officials may accept modifications  
28 to products or their installations if sufficient evidence is  
29 submitted to the local building official to demonstrate  
30 compliance with the code or the intent of the code, including  
31

1 such evidence as certifications from a Florida registered  
2 architect or Florida professional engineer.

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

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

9 (6) Upon review of the compliance documentation, the  
10 authority having jurisdiction or a local building official  
11 shall deem the product approved for use in accordance with its  
12 approval and limitation of use.

13 (7) Approval shall be valid until such time as the  
14 product changes and decreases in performance; the standards of  
15 the code change, requiring increased performance; or the  
16 approval is otherwise suspended or revoked. Changes to the  
17 code do not void the approval of products previously installed  
18 in existing buildings if such products met building code  
19 requirements at the time the product was installed.

20 Section 17. This act shall take effect October 1,  
21 2005.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2   COMMITTEE SUBSTITUTE FOR  
3   Senate Bill 442

4 The CS revises the distribution of funds for the Hurricane  
5 Loss Mitigation Program by providing that 15 percent of the  
6 funds designated to prevent or reduce losses or to reduce the  
7 cost of rebuilding after a disaster must be used for education  
8 awareness related to the Florida Building Code and the  
9 operation of the Disaster Contractor Network.

10 The CS provides that cities and counties may not impose  
11 additional certification or licensure requirements for state  
12 certified electrical and alarm contractors.

13 The CS specifies that certain exemptions for the delivery and  
14 installation of lawn sheds applies to the structures that are  
15 not more than 200 square feet.

16 The CS clarifies that battery-powered and plug-in door/window  
17 exit alarms satisfy the pool safety requirements of ch. 515,  
18 F.S.

19 The CS permits both enclosed and non-enclosed areas to be  
20 included within the calculation of foot area when determining  
21 the allowable size of a mezzanine located within a warehouse  
22 building.

23 The CS revises the professional organizations that are  
24 authorized to nominate members for the Florida Building Code  
25 Commission. The CS also provides that if a member of the  
26 Florida Building Commission has a potential personal or  
27 financial interest in the outcome of a vote or other action of  
28 the Commission, the member must abstain from voting or taking  
29 action on the matter.

30 The CS authorizes the Commission to establish a fee of up to  
31 \$50 for each review issued through the informal, binding Code  
interpretation program administered through Building Officials  
Association of Florida.

The CS revises provisions contained in the bill relating to  
private provider inspections. Specifically, the CS provides  
revised notification requirements for the use of private  
providers and authorizes local governments to register private  
providers for licensure and insurance requirements. In  
addition, local governments are permitted to issue stop work  
orders under specified conditions. Finally the CS provides  
that private providers must maintain professional liability  
insurance with minimum policy limits of two million dollars  
per occurrence for commercial projects.

The CS redesignates the Florida Building Code Training Program  
as the "Building Code Education and Outreach Program" and  
creates the Building Code Education and Outreach Council to  
coordinate, develop, and maintain education and outreach  
efforts associated with the Florida Building Code.

The CS repeals s. 553.8413, F.S., which created the Education  
Technical Advisory Committee.

1 The CS authorizes the State Fire Marshall to establish an  
2 informal process for rendering non-binding interpretations of  
3 the Florida Prevention Code.  
4  
5 Finally, the CS revises several provisions relating to the  
6 product approval and evaluation process, including  
7 requirements relating to local government approval of products  
8 for local application.  
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