

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

29 | in the Florida Administrative Weekly; amending s. 553.79,  
30 | F.S.; exempting truss-placement plans from certain  
31 | requirements; amending s. 553.791, F.S.; providing  
32 | conditions for use of private plans review and inspection;  
33 | conforming cross-references; amending s. 553.80, F.S.;  
34 | authorizing local governments to impose certain fees for  
35 | code enforcement; providing requirements and limitations;  
36 | conforming a cross-reference; requiring the commission to  
37 | expedite adoption and implementation of the existing state  
38 | building code as part of the Florida Building Code  
39 | pursuant to limited procedures; amending s. 120.80, F.S.;  
40 | authorizing the Florida Building Commission to conduct  
41 | proceedings to review decisions of local officials;  
42 | amending s. 553.841, F.S.; revising provisions governing  
43 | the Building Code Training Program; amending s. 553.842,  
44 | F.S.; providing for products to be approved for statewide  
45 | use; deleting an obsolete date; deleting a provision  
46 | requiring the commission to adopt certain criteria for  
47 | local program verification and validation by rule;  
48 | providing for validation of certain products by inspection  
49 | of the certification mark or listing; adding an evaluation  
50 | entity to the list of entities specifically approved by  
51 | the commission; deleting a requirement that the commission  
52 | establish a schedule for adopting rules relating to  
53 | product approvals under certain circumstances; amending s.  
54 | 633.702, F.S.; providing a criminal penalty for  
55 | installing, servicing, testing, repairing, improving, or  
56 | inspecting a fire alarm system without being in compliance

57 with s. 489.5185, F.S., relating to training; providing an  
 58 effective date.

59  
 60 Be It Enacted by the Legislature of the State of Florida:

61  
 62 Section 1. Subsection (3) of section 553.37, Florida  
 63 Statutes, is amended to read:

64 553.37 Rules; inspections; and insignia.--

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

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

75 553.73 Florida Building Code.--

76 (4)

77 (c) Any amendment adopted by a local enforcing agency  
 78 pursuant to this subsection shall not apply to state or school  
 79 district owned buildings, manufactured buildings or factory-  
 80 built school buildings approved by the commission, or prototype  
 81 buildings approved pursuant to s. 553.77~~(3)(5)~~. The respective  
 82 responsible entities shall consider the physical performance  
 83 parameters substantiating such amendments when designing,  
 84 specifying, and constructing such exempt buildings.

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

98           (b) The commission may modify any portion of the  
 99 foundation codes only as needed to accommodate the specific  
 100 needs of this state. Standards or criteria referenced by such  
 101 codes shall be incorporated by reference. If a referenced  
 102 standard or criterion requires amplification or modification to  
 103 be appropriate for use in this state, only the amplification or  
 104 modification shall be set forth in the Florida Building Code.  
 105 The commission may approve technical amendments to the updated  
 106 Florida Building Code after the amendments have been subject to  
 107 the conditions set forth in paragraphs (3)(a)-(d). Amendments to  
 108 the foundation codes which are adopted in accordance with this  
 109 subsection shall be clearly marked in printed versions of the  
 110 Florida Building Code so that the fact that the provisions are  
 111 Florida-specific amendments to the foundation codes is readily  
 112 apparent. ~~consider changes made by the adopting entity of any~~

113 ~~selected model code for any model code incorporated into the~~  
 114 ~~Florida Building Code, and may subsequently adopt the new~~  
 115 ~~edition or successor of the model code or any part of such code,~~  
 116 ~~no sooner than 6 months after such model code has been adopted~~  
 117 ~~by the adopting organization, which may then be modified for~~  
 118 ~~this state as provided in this section, and~~

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

134 (d) A rule updating the Florida Building Code in  
 135 accordance with this subsection shall take effect no sooner than  
 136 6 months after completion of the rule adoption process. Any  
 137 amendment to the Florida Building Code which is adopted upon a  
 138 finding by the commission that the amendment is necessary to  
 139 protect the public from immediate threat of harm takes effect  
 140 immediately.

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

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

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

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

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

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

157  
 158 Furthermore, the Florida Building Commission may approve  
 159 technical amendments to the code once each year to incorporate  
 160 into the Florida Building Code its own interpretations of the  
 161 code which are embodied in its opinions, final orders, ~~and~~  
 162 declaratory statements, and interpretations of hearing officer  
 163 panels under s. 553.775(3)(c), but shall do so only to the  
 164 extent that incorporation of interpretations is needed to modify  
 165 the foundation codes to accommodate the specific needs of this  
 166 state. Amendments approved under this paragraph shall be adopted  
 167 by rule pursuant to ss. 120.536(1) and 120.54, after the  
 168 amendments have been subjected to the provisions of subsection

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169 (3).

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

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

191 553.74 Florida Building Commission.--

192 (1) The Florida Building Commission is created and shall  
193 be located within the Department of Community Affairs for  
194 administrative purposes. Members shall be appointed by the  
195 Governor subject to confirmation by the Senate. The Governor  
196 shall appoint commission members from lists of candidates

197 submitted by the respective professional organizations or may  
 198 appoint any other person otherwise qualified according to this  
 199 section. The commission shall be composed of 23 members,  
 200 consisting of the following:

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

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

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

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

217 (e) One member from fire protection engineering or  
 218 technology who is actively engaged in the profession from a list  
 219 of three candidates provided by the Florida Fire Protection  
 220 Engineers Society, the Fire Marshals and Inspectors Association,  
 221 and the Florida Fire Chiefs Association.

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

225 Contractors of Florida and the Florida Associated General  
 226 Contractors Council.

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

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

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

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

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

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

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

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

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

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

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

271 (r) One member who is a representative of the building  
 272 owners and managers industry who is actively engaged in  
 273 commercial building ownership or management from a list of three  
 274 candidates provided by the Building Owners and Managers  
 275 Association.

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

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

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

282  
 283 Any person serving on the commission under paragraph (c) or  
 284 paragraph (h) on October 1, 2005 ~~2003~~, and who has served less  
 285 than two full terms is eligible for reappointment to the  
 286 commission regardless of whether he or she meets the new  
 287 qualification.

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

290 553.77 Specific powers of the commission.--

291 (1) The commission shall:

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

294 (b) Make a continual study of the operation of the Florida  
 295 Building Code and other laws relating to the design,  
 296 construction, erection, alteration, modification, repair, or  
 297 demolition of public or private buildings, structures, and  
 298 facilities, including manufactured buildings, and code  
 299 enforcement, to ascertain their effect upon the cost of building  
 300 construction and determine the effectiveness of their  
 301 provisions. Upon updating the Florida Building Code every 3  
 302 years, the commission shall review existing provisions of law  
 303 and make recommendations to the Legislature for the next regular  
 304 session of the Legislature regarding provisions of law that  
 305 should be revised or repealed to ensure consistency with the  
 306 Florida Building Code at the point the update goes into effect.  
 307 State agencies and local jurisdictions shall provide such  
 308 information as requested by the commission for evaluation of and

309 recommendations for improving the effectiveness of the system of  
 310 building code laws for reporting to the Legislature annually.  
 311 Failure to comply with this or other requirements of this act  
 312 must be reported to the Legislature for further action. Any  
 313 proposed legislation providing for the revision or repeal of  
 314 existing laws and rules relating to technical requirements  
 315 applicable to building structures or facilities should expressly  
 316 state that such legislation is not intended to imply any repeal  
 317 or sunset of existing general or special laws governing any  
 318 special district that are not specifically identified in the  
 319 legislation.

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

328 ~~(d) Upon written application by any substantially affected~~  
 329 ~~person, state agency, or a local enforcement agency, issue~~  
 330 ~~declaratory statements pursuant to s. 120.565 relating to the~~  
 331 ~~enforcement or administration by local governments of the~~  
 332 ~~Florida Building Code. Paragraph (h) provides the exclusive~~  
 333 ~~remedy for addressing local interpretations of the code.~~

334 ~~(e) When requested in writing by any substantially~~  
 335 ~~affected person, state agency, or a local enforcing agency,~~  
 336 ~~shall issue declaratory statements pursuant to s. 120.565~~

337 ~~relating to this part and ss. 515.25, 515.27, 515.29, and~~  
 338 ~~515.37. Actions of the commission are subject to judicial review~~  
 339 ~~pursuant to s. 120.68.~~

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

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

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

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

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

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

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

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

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

- 386            1. Minimum postdisaster structural, electrical, and
- 387 plumbing inspections and procedures.
- 388            2. Emergency permitting and inspection procedures.
- 389            3. Establishing contact with emergency management
- 390 personnel and other state and federal agencies.

391            (i)~~(l)~~ Maintain a list of interested parties for noticing  
 392 rulemaking workshops and hearings, disseminating information on

393 code adoption, revisions, amendments, and all other such actions  
 394 which are the responsibility of the commission.

395 (j)~~(m)~~ Coordinate with the state and local governments,  
 396 industry, and other affected stakeholders in the examination of  
 397 legislative provisions and make recommendations to fulfill the  
 398 responsibility to develop a consistent, single code.

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

403 (l)~~(o)~~ Develop recommendations for local governments to  
 404 use when pursuing partial or full privatization of building  
 405 department functions. The recommendations shall include, but not  
 406 be limited to, provisions relating to equivalency of service,  
 407 conflict of interest, requirements for competency, liability,  
 408 insurance, and long-term accountability.

409 ~~(2) Upon written application by any substantially affected~~  
 410 ~~person, the commission shall issue a declaratory statement~~  
 411 ~~pursuant to s. 120.565 relating to a state agency's~~  
 412 ~~interpretation and enforcement of the specific provisions of the~~  
 413 ~~Florida Building Code the agency is authorized to enforce. The~~  
 414 ~~provisions of this subsection shall not be construed to provide~~  
 415 ~~any powers, other than advisory, to the commission with respect~~  
 416 ~~to any decision of the State Fire Marshal made pursuant to the~~  
 417 ~~provisions of chapter 633.~~

418 ~~(3) The commission may designate a commission member with~~  
 419 ~~demonstrated expertise in interpreting building plans to attend~~  
 420 ~~each meeting of the advisory council created in s. 553.512. The~~

421 ~~commission member may vary from meeting to meeting, shall serve~~  
422 ~~on the council in a nonvoting capacity, and shall receive per~~  
423 ~~diem and expenses as provided in s. 553.74(3).~~

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

434 (3)~~(5)~~ The commission may provide by rule for plans review  
435 and approval of prototype buildings owned by public and private  
436 entities to be replicated throughout the state. The rule must  
437 allow for review and approval of plans for prototype buildings  
438 to be performed by a public or private entity with oversight by  
439 the commission. The department may charge reasonable fees to  
440 cover the administrative costs of the program. Such approved  
441 plans or prototype buildings shall be exempt from further review  
442 required by s. 553.79(2), except changes to the prototype  
443 design, site plans, and other site-related items. As provided in  
444 s. 553.73, prototype buildings are exempt from any locally  
445 adopted amendment to any part of the Florida Building Code.  
446 Construction or erection of such prototype buildings is subject  
447 to local permitting and inspections pursuant to this part.

448 (4)~~(6)~~ The commission may produce and distribute a

449 commentary document to accompany the Florida Building Code. The  
450 commentary must be limited in effect to providing technical  
451 assistance and must not have the effect of binding  
452 interpretations of the code document itself.

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

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

471 553.775 Interpretations.--

472 (1) It is the intent of the Legislature that the Florida  
473 Building Code be interpreted by building officials, local  
474 enforcement agencies, and the commission in a manner that  
475 protects the public safety, health, and welfare at the most  
476 reasonable cost to the consumer by ensuring uniform

477 interpretations throughout the state and by providing processes  
478 for resolving disputes regarding interpretations of the Florida  
479 Building Code which are just and expeditious.

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

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

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

494 (b) When requested in writing by any substantially  
495 affected person or state agency or by a local enforcement  
496 agency, the commission shall issue a declaratory statement  
497 pursuant to s. 120.565 relating to this part and ss. 515.27,  
498 515.29, and 515.37. Actions of the commission are subject to  
499 judicial review under s. 120.68.

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

505 business days.

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

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

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

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

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

533 local interpretation of the Florida Building Code.

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

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

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

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

551 3. The petitioner shall submit the petition to the local  
552 building official, who shall place the date of receipt on the  
553 petition. The local building official shall respond to the  
554 petition in accordance with the form and shall return the  
555 petition along with his or her response to the petitioner within  
556 5 days after receipt, exclusive of Saturdays, Sundays, and legal  
557 holidays. The petitioner may file the petition with the  
558 commission at any time after the local building official  
559 provides a response. If no response is provided by the local  
560 building official, the petitioner may file the petition with the

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561 commission 10 days after submission of the petition to the local  
562 building official and shall note that the local building  
563 official did not respond.

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

571 5. The panel shall conduct proceedings as necessary to  
572 resolve the issues; shall give due regard to the petitions, the  
573 response, and to comments posed on the Building Code Information  
574 System; and shall issue an interpretation regarding the  
575 provisions of the Florida Building Code within 21 days after the  
576 filing of the petition. The panel shall render a determination  
577 based upon the Florida Building Code or, if the code is  
578 ambiguous, the intent of the code. The panel's interpretation  
579 shall be provided to the commission, which shall publish the  
580 interpretation on the Building Code Information System and in  
581 the Florida Administrative Weekly. The interpretation shall be  
582 considered an interpretation entered by the commission, and  
583 shall be binding upon the parties and upon all jurisdictions  
584 subject to the Florida Building Code, unless it is superseded by  
585 a declaratory statement issued by the commission or by a final  
586 order entered after an appeal proceeding conducted in accordance  
587 with subparagraph 7.

588 6. It is the intent of the Legislature that review

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

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

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

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

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

617 from review proceedings.

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

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

631 (f) The commission may designate a commission member who  
632 has demonstrated expertise in interpreting building plans to  
633 attend each meeting of the advisory council created in s.  
634 553.512. The commission member may vary from meeting to meeting,  
635 shall serve on the council in a nonvoting capacity, and shall  
636 receive per diem and expenses as provided in s. 553.74(3).

637 (g) The commission shall by rule establish an informal  
638 process of rendering nonbinding interpretations of the Florida  
639 Building Code. The commission is specifically authorized to  
640 refer interpretive issues to organizations that represent those  
641 engaged in the construction industry. The commission shall  
642 immediately implement the process before completing formal  
643 rulemaking. It is the intent of the Legislature that the  
644 commission create a process to refer questions to a small,

645 rotating group of individuals licensed under part XII of chapter  
 646 468, to which a party may pose questions regarding the  
 647 interpretation of code provisions. It is the intent of the  
 648 Legislature that the process provide for the expeditious  
 649 resolution of the issues presented and publication of the  
 650 resulting interpretation on the Building Code Information  
 651 System. Such interpretations shall be advisory only and  
 652 nonbinding on the parties and the commission.

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

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

656 (14) Certifications by contractors authorized under the  
 657 provisions of s. 489.115(4)(b) shall be considered equivalent to  
 658 sealed plans and specifications by a person licensed under  
 659 chapter 471 or chapter 481 by local enforcement agencies for  
 660 plans review for permitting purposes relating to compliance with  
 661 the wind resistance provisions of the code or alternate  
 662 methodologies approved by the commission for one and two family  
 663 dwellings. Local enforcement agencies may rely upon such  
 664 certification by contractors that the plans and specifications  
 665 submitted conform to the requirements of the code for wind  
 666 resistance. Upon good cause shown, local government code  
 667 enforcement agencies may accept or reject plans sealed by  
 668 persons licensed under chapter 471, chapter 481, or chapter 489.  
 669 A truss-placement plan is not required to be signed and sealed  
 670 by an engineer or architect unless prepared by an engineer or  
 671 architect or specifically required by the Florida Building Code.

672 Section 7. Subsections (2) and (4), paragraph (a) of

673 subsection (6), subsection (11), paragraphs (b) and (c) of  
 674 subsection (12), and subsections (14) and (15) of section  
 675 553.791, Florida Statutes, are amended to read:

676 553.791 Alternative plans review and inspection.--

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

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

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

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

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

712  
 713 I have elected to use one or more private providers to provide  
 714 building code plans review and/or inspection services on the  
 715 building that is the subject of the enclosed permit application,  
 716 as authorized by s. 553.791, Florida Statutes. I understand that  
 717 the local building official may not review the plans submitted  
 718 or perform the required building inspections to determine  
 719 compliance with the applicable codes, except to the extent  
 720 specified in said law. Instead, plans review and/or required  
 721 building inspections will be performed by licensed or certified  
 722 personnel identified in the application. The law requires  
 723 minimum insurance requirements for such personnel, but I  
 724 understand that I may require more insurance to protect my  
 725 interests. By executing this form, I acknowledge that I have  
 726 made inquiry regarding the competence of the licensed or  
 727 certified personnel and the level of their insurance and am  
 728 satisfied that my interests are adequately protected. I agree to

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729 indemnify, defend, and hold harmless the local government, the  
730 local building official, and their building code enforcement  
731 personnel from any and all claims arising from my use of these  
732 licensed or certified personnel to perform building code  
733 inspection services with respect to the building that is the  
734 subject of the enclosed permit application.

735

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

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

753 (11) No more than ~~Within~~ 2 business days after receipt of  
754 a request for a certificate of occupancy or certificate of  
755 completion and the applicant's presentation of a certificate of  
756 compliance and approval of all other government approvals

757 required by law, the local building official shall issue the  
758 certificate of occupancy or certificate of completion or provide  
759 a notice to the applicant identifying the specific deficiencies,  
760 as well as the specific code chapters and sections. If the local  
761 building official does not provide notice of the deficiencies  
762 within the prescribed 2-day period, the request for a  
763 certificate of occupancy or certificate of completion shall be  
764 deemed granted and the certificate of occupancy or certificate  
765 of completion shall be issued by the local building official on  
766 the next business day. To resolve any identified deficiencies,  
767 the applicant may elect to dispute the deficiencies pursuant to  
768 subsection (12) or to submit a corrected request for a  
769 certificate of occupancy or certificate of completion.

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

778 (b) If the local building official and private provider  
779 are unable to resolve the dispute, the matter shall be referred  
780 to the local enforcement agency's board of appeals, if one  
781 exists, which shall consider the matter at its next scheduled  
782 meeting or sooner. Any decisions by the local enforcement  
783 agency's board of appeals, or local building official if there  
784 is no board of appeals, may be appealed to the commission

785 pursuant to s. 553.775 ~~553.77(1)(h)~~.

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

795 (14) No local enforcement agency, local building official,  
 796 or local government may adopt or enforce any laws, rules,  
 797 procedures, policies, or standards more stringent than those  
 798 prescribed by this section.

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

810 Section 8. Paragraph (d) of subsection (1) of section  
 811 553.80, Florida Statutes, is amended, and subsection (7) is  
 812 added to that section, to read:

813 553.80 Enforcement.--

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

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

831  
 832 The governing bodies of local governments may provide a schedule  
 833 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
 834 section, for the enforcement of the provisions of this part.  
 835 Such fees shall be used solely for carrying out the local  
 836 government's responsibilities in enforcing the Florida Building  
 837 Code. The authority of state enforcing agencies to set fees for  
 838 enforcement shall be derived from authority existing on July 1,  
 839 1998. However, nothing contained in this subsection shall  
 840 operate to limit such agencies from adjusting their fee schedule

841 in conformance with existing authority.

842 (7) The governing bodies of local governments may provide  
843 a schedule of reasonable fees, as authorized by s. 125.56(2) or  
844 s. 166.222 and this section, for enforcing this part. These  
845 fees, and any fines or investment earnings related to the fees,  
846 shall be used solely for carrying out the local government's  
847 responsibilities in enforcing the Florida Building Code. When  
848 providing a schedule of reasonable fees, the total estimated  
849 annual revenue derived from fees, and the fines and investment  
850 earnings related to the fees, may not exceed the total estimated  
851 annual costs of allowable activities. Any unexpended balances  
852 shall be carried forward to future years for allowable  
853 activities or shall be refunded at the discretion of the local  
854 government. The basis for a fee structure for allowable  
855 activities shall relate to the level of service provided by the  
856 local government. Fees charged shall be consistently applied.

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

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

867 1. Planning and zoning or other general government  
868 activities.

869        2. Inspections of public buildings for a reduced fee or no  
 870 fee.

871        3. Public information requests, community functions,  
 872 boards, and any program not directly related to enforcement of  
 873 the Florida Building Code.

874        4. Enforcement and implementation of any other local  
 875 ordinance, excluding validly adopted local amendments to the  
 876 Florida Building Code and excluding any local ordinance directly  
 877 related to enforcing the Florida Building Code as defined in  
 878 paragraph (a).

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

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

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

893        120.80 Exceptions and special requirements; agencies.--

894        (17) FLORIDA BUILDING COMMISSION.--

895        (c) Notwithstanding ss. 120.565, 120.569, and 120.57, the  
 896 Florida Building Commission and hearing officer panels appointed

897 by the commission in accordance with s. 553.775(3)(c)1. may  
 898 conduct proceedings to review decisions of local building code  
 899 officials in accordance with s. 553.775(3)(c).

900 Section 11. Section 553.841, Florida Statutes, is amended  
 901 to read:

902 553.841 Building Code Training Program; participant  
 903 competency requirements.--

904 ~~(1) The Legislature finds that the effectiveness of the~~  
 905 ~~building codes of this state depends on the performance of all~~  
 906 ~~participants, as demonstrated through knowledge of the codes and~~  
 907 ~~commitment to compliance with code directives and that to~~  
 908 ~~strengthen compliance by industry and enforcement by government,~~  
 909 ~~a Building Code Training Program is needed.~~

910 (1)(2) The commission shall establish by rule the Building  
 911 Code Training Program to develop and provide a core curriculum  
 912 and offer voluntary accreditation of advance module courses  
 913 relating to the Florida Building Code and its enforcement a  
 914 ~~system of administering and enforcing the Florida Building Code.~~

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

921 ~~(4) The commission may enter into contracts with the~~  
 922 ~~Department of Education, the State University System, the~~  
 923 ~~Division of Community Colleges, model code organizations,~~  
 924 ~~professional organizations, career centers, trade organizations,~~

925 ~~and private industry to administer the program.~~

926 (2)(5) The program shall be affordable, accessible,  
 927 meaningful, financially self-sufficient and shall make maximum  
 928 use of existing sources, systems, institutions, and programs  
 929 available through private sources.

930 (3)(6) The commission, in coordination with the Department  
 931 of Community Affairs, the Department of Business and  
 932 Professional Regulation, the respective licensing boards, and  
 933 the State Fire Marshal shall develop or cause to be developed:

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

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

943 (4)(7) The core curriculum shall cover the information  
 944 required to have all categories of participants appropriately  
 945 informed as to their technical and administrative  
 946 responsibilities in the effective execution of the code process  
 947 by all individuals currently licensed under part XII of chapter  
 948 468, chapter 471, chapter 481, or chapter 489, except as  
 949 otherwise provided in s. 471.017. The core curriculum shall ~~be~~  
 950 ~~prerequisite to the advanced module coursework for all licensees~~  
 951 ~~and shall~~ be completed by individuals licensed in all categories  
 952 under part XII of chapter 468, chapter 471, chapter 481, or

953 chapter 489 by the date of license renewal in 2005 ~~within the~~  
 954 ~~first 2-year period after establishment of the program.~~ All  
 955 approved courses ~~Core course hours~~ taken by licensees pursuant  
 956 to this section ~~to complete this requirement~~ shall count toward  
 957 fulfillment of required continuing education units under part  
 958 XII of chapter 468, chapter 471, chapter 481, or chapter 489.

959 ~~(8) The commission, in consultation with the Department of~~  
 960 ~~Business and Professional Regulation and the respective~~  
 961 ~~licensing boards, shall develop or cause to be developed an~~  
 962 ~~equivalency test for each category of licensee. Such test may be~~  
 963 ~~taken in lieu of the core curriculum. A passing score on the~~  
 964 ~~test shall be equivalent to completion of the core curriculum~~  
 965 ~~and shall be credited toward the required number of hours of~~  
 966 ~~continuing education.~~

967 ~~(5)(9)~~ The commission, in consultation with the Department  
 968 of Business and Professional Regulation, shall develop or cause  
 969 to be developed, or approve as a part of the program,  
 970 appropriate courses ~~a core curriculum and specialized or~~  
 971 ~~advanced module coursework~~ for the construction workforce,  
 972 including, but not limited to, superintendents and journeymen.

973 ~~(6)(10)~~ The respective state boards under part XII of  
 974 chapter 468, chapters 471, 481, and 489, and the State Fire  
 975 Marshal under chapter 633, shall require specialized or advanced  
 976 course modules as part of their regular continuing education  
 977 requirements. Courses approved by the Department of Business and  
 978 Professional Regulation as required by their respective practice  
 979 acts and chapter 455 shall be deemed approved by the Florida  
 980 Building Commission.

981            (7)~~(11)~~ The Legislature ~~hereby~~ establishes the Office of  
 982 Building Code Training Program Administration within the  
 983 Institute of Applied Technology in Construction Excellence at  
 984 the Florida Community College at Jacksonville. The office is  
 985 charged with the following responsibilities as recommended by  
 986 the Florida Building Commission and as resources are provided by  
 987 the Legislature:

988            (a) Provide research-to-practice capability for entry-  
 989 level construction training development, delivery and quality  
 990 assurance, as well as training and competency registry systems  
 991 and recruitment initiatives.

992            (b) Coordinate with the Department of Community Affairs  
 993 and the Florida Building Commission to serve as school liaison  
 994 to disseminate construction awareness and promotion programs and  
 995 materials to schools.

996            (c) Develop model programs and approaches to construction  
 997 career exploration to promote construction careers.

998            Section 12. Subsections (3), (4), (5), (6), (7), (8),  
 999 paragraph (a) of subsection (9), and subsection (16) of section  
 1000 553.842, Florida Statutes, are amended to read:

1001            553.842 Product evaluation and approval.--

1002            (3) Products or methods or systems of construction that  
 1003 require approval under s. 553.77, that have standardized testing  
 1004 or comparative or rational analysis methods established by the  
 1005 code, and that are certified by an approved product evaluation  
 1006 entity, testing laboratory, or certification agency as complying  
 1007 with the standards specified by the code shall be approved for  
 1008 local or statewide use. Products required to be approved for

1009 statewide use shall be approved by one of the methods  
 1010 established in subsection (6) without further evaluation.

1011 (4) ~~By October 1, 2003,~~ Products or methods or systems of  
 1012 construction requiring approval under s. 553.77 must be approved  
 1013 by one of the methods established in subsection (5) or  
 1014 subsection (6) before their use in construction in this state.  
 1015 Products may be approved either by the commission for statewide  
 1016 use, or by a local building department for use in that  
 1017 department's jurisdiction only. Notwithstanding a local  
 1018 government's authority to amend the Florida Building Code as  
 1019 provided in this act, statewide approval shall preclude local  
 1020 jurisdictions from requiring further testing, evaluation, or  
 1021 submission of other evidence as a condition of using the product  
 1022 so long as the product is being used consistent with the  
 1023 conditions of its approval.

1024 (5) Local approval of products or methods or systems of  
 1025 construction may be achieved by the local building official  
 1026 through building plans review and inspection to determine that  
 1027 the product, method, or system of construction complies with the  
 1028 prescriptive standards established in the code. ~~Alternatively,~~  
 1029 ~~local approval may be achieved by one of the methods established~~  
 1030 ~~in subsection (6).~~

1031 (6) Statewide ~~or local~~ approval of products, methods, or  
 1032 systems of construction may be achieved by one of the following  
 1033 methods. One of these methods must be used by ~~local officials or~~  
 1034 the commission to approve the following categories of products:  
 1035 panel walls, exterior doors, roofing, skylights, windows,  
 1036 shutters, and structural components as established by the

1037 commission by rule.

1038 (a) Products for which the code establishes standardized  
1039 testing or comparative or rational analysis methods shall be  
1040 approved by submittal and validation of one of the following  
1041 reports or listings indicating that the product or method or  
1042 system of construction was evaluated to be in compliance with  
1043 the Florida Building Code and that the product or method or  
1044 system of construction is, for the purpose intended, at least  
1045 equivalent to that required by the Florida Building Code:

- 1046 1. A certification mark or listing of an approved  
1047 certification agency;
- 1048 2. A test report from an approved testing laboratory;
- 1049 3. A product evaluation report based upon testing or  
1050 comparative or rational analysis, or a combination thereof, from  
1051 an approved product evaluation entity; or
- 1052 4. A product evaluation report based upon testing or  
1053 comparative or rational analysis, or a combination thereof,  
1054 developed and signed and sealed by a professional engineer or  
1055 architect, licensed in this state.

1056  
1057 A product evaluation report or a certification mark or listing  
1058 of an approved certification agency which demonstrates that the  
1059 product or method or system of construction complies with the  
1060 Florida Building Code for the purpose intended shall be  
1061 equivalent to a test report and test procedure as referenced in  
1062 the Florida Building Code.

1063 (b) Products, methods, or systems of construction for  
1064 which there are no specific standardized testing or comparative

1065 or rational analysis methods established in the code may be  
 1066 approved by submittal and validation of one of the following:

1067 1. A product evaluation report based upon testing or  
 1068 comparative or rational analysis, or a combination thereof, from  
 1069 an approved product evaluation entity indicating that the  
 1070 product or method or system of construction was evaluated to be  
 1071 in compliance with the intent of the Florida Building Code and  
 1072 that the product or method or system of construction is, for the  
 1073 purpose intended, at least equivalent to that required by the  
 1074 Florida Building Code; or

1075 2. A product evaluation report based upon testing or  
 1076 comparative or rational analysis, or a combination thereof,  
 1077 developed and signed and sealed by a professional engineer or  
 1078 architect, licensed in this state, who certifies that the  
 1079 product or method or system of construction is, for the purpose  
 1080 intended, at least equivalent to that required by the Florida  
 1081 Building Code.

1082 (7) The commission shall ensure that product manufacturers  
 1083 that obtain statewide product approval operate quality assurance  
 1084 programs for all approved products. The commission shall adopt  
 1085 by rule criteria for operation of the quality assurance  
 1086 programs.

1087 (8) For local approvals, validation shall be performed by  
 1088 the local building official. ~~The commission shall adopt by rule~~  
 1089 ~~criteria constituting complete validation by the local official,~~  
 1090 ~~including, but not limited to, criteria governing verification~~  
 1091 ~~of a quality assurance program.~~ For state approvals, validation  
 1092 shall be performed by validation entities approved by the

1093 commission. The commission shall adopt by rule criteria for  
 1094 approval of validation entities, which shall be third-party  
 1095 entities independent of the product's manufacturer and which  
 1096 shall certify to the commission the product's compliance with  
 1097 the code. Products bearing a certification mark or listing from  
 1098 an approved certification agency shall be validated by  
 1099 inspection of the certification mark or listing.

1100 (9) The commission may adopt rules to approve the  
 1101 following types of entities that produce information on which  
 1102 product approvals are based. All of the following entities,  
 1103 including engineers and architects, must comply with a  
 1104 nationally recognized standard demonstrating independence or no  
 1105 conflict of interest:

1106 (a) Evaluation entities that meet the criteria for  
 1107 approval adopted by the commission by rule. The commission shall  
 1108 specifically approve the National Evaluation Service, the  
 1109 International Conference of Building Officials Evaluation  
 1110 Services, the International Code Council Evaluation Services,  
 1111 the Building Officials and Code Administrators International  
 1112 Evaluation Services, the Southern Building Code Congress  
 1113 International Evaluation Services, and the Miami-Dade County  
 1114 Building Code Compliance Office Product Control. Architects and  
 1115 engineers licensed in this state are also approved to conduct  
 1116 product evaluations as provided in subsection (6).

1117 ~~(16) The commission shall establish a schedule for~~  
 1118 ~~adoption of the rules required in this section to ensure that~~  
 1119 ~~the product manufacturing industry has sufficient time to revise~~  
 1120 ~~products to meet the requirements for approval and submit them~~

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1121 ~~for testing or evaluation before the system takes effect on~~  
 1122 ~~October 1, 2003, and to ensure that the availability of~~  
 1123 ~~statewide approval is not delayed.~~

1124 Section 13. Subsection (4) is added to section 633.702,  
 1125 Florida Statutes, to read:

1126 633.702 Prohibited acts regarding alarm system contractors  
 1127 or certified unlimited electrical contractors; penalties.--

1128 (4) It is a misdemeanor of the first degree, punishable as  
 1129 provided in s. 775.082 or s. 775.083, for any person to  
 1130 intentionally or willfully install, service, test, repair,  
 1131 improve, or inspect a fire alarm system without being in  
 1132 compliance with s. 489.5185.

1133 Section 14. This act shall take effect October 1, 2005.