

By Senator Bennett

21-01698-09

20092100__

1 A bill to be entitled
2 An act relating to the Florida Building Code; amending
3 s. 553.73, F.S.; authorizing the Florida Building
4 Commission to adopt amendments to the Florida Building
5 Code to address equivalency standards; amending s.
6 553.842, F.S.; providing that products bearing a
7 certain certification mark or listing from certain
8 certification agencies are deemed to comply with the
9 Florida Building Code; requiring the commission to
10 specifically approve the International Association of
11 Plumbing and Mechanical Officials Evaluation Service
12 to produce information on which product approvals are
13 based; deleting a requirement that the commission
14 specifically approve the International Conference of
15 Building Officials Evaluation Services, the Building
16 Officials and Code Administrators International
17 Evaluation Services, and the Southern Building Code
18 Congress International Evaluation Services to produce
19 information on which product approvals are based;
20 deleting a requirement that the commission review the
21 list of statutorily authorized evaluation entities and
22 recommend changes to the list; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (7) of section 553.73, Florida
28 Statutes, is amended to read:

29 553.73 Florida Building Code.—

21-01698-09

20092100__

30 (7) Notwithstanding the provisions of subsection (3) or
31 subsection (6), the commission may address issues identified in
32 this subsection by amending the code pursuant only to the rule
33 adoption procedures contained in chapter 120. Provisions of the
34 Florida Building Code, including those contained in referenced
35 standards and criteria, relating to wind resistance or the
36 prevention of water intrusion may not be amended pursuant to
37 this subsection to diminish those construction requirements;
38 however, the commission may, subject to conditions in this
39 subsection, amend the provisions to enhance those construction
40 requirements. Following the approval of any amendments to the
41 Florida Building Code by the commission and publication of the
42 amendments on the commission's website, authorities having
43 jurisdiction to enforce the Florida Building Code may enforce
44 the amendments. The commission may approve amendments that are
45 needed to address:

46 (a) Conflicts within the updated code;

47 (b) Conflicts between the updated code and the Florida Fire
48 Prevention Code adopted pursuant to chapter 633;

49 (c) The omission of previously adopted Florida-specific
50 amendments to the updated code if such omission is not supported
51 by a specific recommendation of a technical advisory committee
52 or particular action by the commission;

53 (d) Unintended results from the integration of previously
54 adopted Florida-specific amendments with the model code;

55 (e) Equivalency standards;

56 (f) ~~(e)~~ Changes to federal or state law; or

57 (g) ~~(f)~~ Adoption of an updated edition of the National
58 Electrical Code if the commission finds that delay of

21-01698-09

20092100__

59 implementing the updated edition causes undue hardship to
60 stakeholders or otherwise threatens the public health, safety,
61 and welfare.

62 Section 2. Subsection (5), (8), and (17) of section
63 553.842, Florida Statutes, are amended to read:

64 553.842 Product evaluation and approval.—

65 (5) Statewide approval of products, methods, or systems of
66 construction may be achieved by one of the following methods.
67 One of these methods must be used by the commission to approve
68 the following categories of products: panel walls, exterior
69 doors, roofing, skylights, windows, shutters, and structural
70 components as established by the commission by rule.

71 (a) Products for which the code establishes standardized
72 testing or comparative or rational analysis methods shall be
73 approved by submittal and validation of one of the following
74 reports or listings indicating that the product or method or
75 system of construction was evaluated to be in compliance with
76 the Florida Building Code and that the product or method or
77 system of construction is, for the purpose intended, at least
78 equivalent to that required by the Florida Building Code:

79 1. A certification mark or listing of an approved
80 certification agency, which may be used only for products for
81 which the code designates standardized testing;

82 2. A test report from an approved testing laboratory;

83 3. A product evaluation report based upon testing or
84 comparative or rational analysis, or a combination thereof, from
85 an approved product evaluation entity; or

86 4. A product evaluation report based upon testing or
87 comparative or rational analysis, or a combination thereof,

21-01698-09

20092100__

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

90
91 A product evaluation report or a certification mark or listing
92 of an approved certification agency which demonstrates that the
93 product or method or system of construction complies with the
94 Florida Building Code for the purpose intended shall be
95 equivalent to a test report and test procedure as referenced in
96 the Florida Building Code. Products bearing a certification mark
97 or listing from an approved certification agency demonstrating
98 compliance with the Florida Building Code shall be deemed to
99 comply with this section without further action by the
100 commission.

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

105 1. A product evaluation report based upon testing or
106 comparative or rational analysis, or a combination thereof, from
107 an approved product evaluation entity indicating that the
108 product or method or system of construction was evaluated to be
109 in compliance with the intent of the Florida Building Code and
110 that the product or method or system of construction is, for the
111 purpose intended, at least equivalent to that required by the
112 Florida Building Code; or

113 2. A product evaluation report based upon testing or
114 comparative or rational analysis, or a combination thereof,
115 developed and signed and sealed by a professional engineer or
116 architect, licensed in this state, who certifies that the

21-01698-09

20092100__

117 product or method or system of construction is, for the purpose
118 intended, at least equivalent to that required by the Florida
119 Building Code.

120 (8) The commission may adopt rules to approve the following
121 types of entities that produce information on which product
122 approvals are based. All of the following entities, including
123 engineers and architects, must comply with a nationally
124 recognized standard demonstrating independence or no conflict of
125 interest:

126 (a) Evaluation entities that meet the criteria for approval
127 adopted by the commission by rule. The commission shall
128 specifically approve the National Evaluation Service, the
129 International Association of Plumbing and Mechanical Officials
130 Evaluation Service ~~the International Conference of Building~~
131 ~~Officials Evaluation Services~~, the International Code Council
132 Evaluation Services, ~~the Building Officials and Code~~
133 ~~Administrators International Evaluation Services~~, ~~the Southern~~
134 ~~Building Code Congress International Evaluation Services~~, and
135 the Miami-Dade County Building Code Compliance Office Product
136 Control. Architects and engineers licensed in this state are
137 also approved to conduct product evaluations as provided in
138 subsection (5).

139 (b) Testing laboratories accredited by national
140 organizations, such as A2LA and the National Voluntary
141 Laboratory Accreditation Program, laboratories accredited by
142 evaluation entities approved under paragraph (a), and
143 laboratories that comply with other guidelines for testing
144 laboratories selected by the commission and adopted by rule.

145 (c) Quality assurance entities approved by evaluation

21-01698-09

20092100__

146 entities approved under paragraph (a) and by certification
147 agencies approved under paragraph (d) and other quality
148 assurance entities that comply with guidelines selected by the
149 commission and adopted by rule.

150 (d) Certification agencies accredited by nationally
151 recognized accreditors and other certification agencies that
152 comply with guidelines selected by the commission and adopted by
153 rule.

154 (e) Validation entities that comply with accreditation
155 standards established by the commission by rule.

156 ~~(17) (a) The Florida Building Commission shall review the~~
157 ~~list of evaluation entities in subsection (8) and, in the annual~~
158 ~~report required under s. 553.77, shall either recommend~~
159 ~~amendments to the list to add evaluation entities the commission~~
160 ~~determines should be authorized to perform product evaluations~~
161 ~~or shall report on the criteria adopted by rule or to be adopted~~
162 ~~by rule allowing the commission to approve evaluation entities~~
163 ~~that use the commission's product evaluation process. If the~~
164 ~~commission adopts criteria by rule, the rulemaking process must~~
165 ~~be completed by July 1, 2009.~~

166 ~~(b) Notwithstanding paragraph (8) (a), the International~~
167 ~~Association of Plumbing and Mechanical Officials Evaluation~~
168 ~~Services is approved as an evaluation entity until October 1,~~
169 ~~2009. If the association does not obtain permanent approval by~~
170 ~~the commission as an evaluation entity by October 1, 2009,~~
171 ~~products approved on the basis of an association evaluation must~~
172 ~~be substituted by an alternative, approved entity by December~~
173 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
174 ~~the commission based on an association evaluation is void.~~

21-01698-09

20092100__

175

Section 3. This act shall take effect July 1, 2009.