

By the Committee on Community Affairs and Senators Clary and Meadows

316-1991-98

1                                   A bill to be entitled  
 2           An act relating to a statewide unified building  
 3           code; amending ss. 468.621, 471.033, 481.225,  
 4           481.2251, 481.325, 489.127, 489.129, 489.533,  
 5           F.S.; specifying additional activity as subject  
 6           to disciplinary action; authorizing certain  
 7           boards to impose certain penalties under  
 8           certain circumstances; amending s. 471.005,  
 9           F.S.; revising a definition; amending s.  
 10          471.015, F.S.; deleting eligibility for  
 11          engineering licensure for certain persons;  
 12          amending ss. 468.609, 468.627, 471.017,  
 13          481.215, 481.313, 489.115, 489.1455, 489.5335,  
 14          F.S.; requiring certificateholders, licensees,  
 15          or registrants to prove completion of certain  
 16          education requirements relating to the Florida  
 17          Building Code; providing certain core  
 18          curriculum or continuing education requirements  
 19          for certain license, certificate, or  
 20          registration renewals; authorizing certain  
 21          licensing boards to require certain specialized  
 22          or advanced education courses; creating s.  
 23          455.2286, F.S.; requiring the Department of  
 24          Business and Professional Regulation to  
 25          implement an automated information system for  
 26          certain purposes; amending s. 489.103, F.S.;  
 27          exempting certain residential structures from  
 28          certain construction contracting requirements;  
 29          amending s. 489.117, F.S.; clarifying certain  
 30          information provision requirements for local  
 31          jurisdictions relating to specialty contractor

1 licensure and discipline; amending s. 489.513,  
2 F.S.; requiring local jurisdictions to provide  
3 certain information to certain licensing  
4 boards; requiring such boards to maintain and  
5 provide such information through an automated  
6 information system; providing for local  
7 responsibility for imposing certain  
8 disciplinary action; authorizing imposition of  
9 penalties by ordinance; amending s. 489.517,  
10 F.S.; requiring certificateholders or  
11 registrants to provide proof of completion of  
12 certain education courses; authorizing the  
13 electrical contractors' licensing board to  
14 require certain education courses; amending s.  
15 489.531, F.S.; providing penalties for certain  
16 violations of the Florida Building Code;  
17 amending s. 553.06, F.S.; authorizing the  
18 Florida Building Commission to adopt the State  
19 Plumbing Code; amending s. 553.19, F.S.;  
20 requiring the commission to adopt certain  
21 electrical standards as part of the Florida  
22 Building Code; amending s. 553.71, F.S.;  
23 revising certain definitions; renaming the  
24 Board of Building Codes and Standards as the  
25 Florida Building Commission; amending s.  
26 553.72, F.S.; revising legislative intent;  
27 amending s. 553.73, F.S.; providing for  
28 adoption of the Florida Building Code to  
29 replace the State Minimum Building Codes;  
30 providing for legislative approval; providing  
31 purposes; requiring the Florida Building

1 Commission to adopt the code; providing  
2 requirements and criteria for the code;  
3 providing for resolution of conflicts between  
4 the Florida Building Code and the Florida Fire  
5 Prevention Code and the Life Safety Code;  
6 providing requirements; providing for local  
7 technical amendments to the code; providing  
8 procedures and requirements; providing  
9 limitations; requiring counties to establish  
10 compliance review boards for certain purposes;  
11 providing requirements; authorizing local  
12 governments to adopt amendments to the code;  
13 providing requirements; providing procedures  
14 for challenges by affected parties; providing  
15 for appeals; requiring the commission to update  
16 the code periodically; authorizing the  
17 commission to adopt technical amendments to the  
18 code under certain circumstances; providing  
19 requirements; providing for exempting certain  
20 buildings, structures, and facilities from the  
21 code; specifying nonapplication of the code  
22 under certain circumstances; prohibiting  
23 administration or enforcement of the code for  
24 certain purposes; amending s. 553.74, F.S.;  
25 replacing the State Board of Building Codes and  
26 Standards with the Florida Building Commission;  
27 providing for additional membership; providing  
28 for continuation of terms of existing board  
29 members; amending ss. 553.75, 553.76, 553.77,  
30 F.S., to conform; providing additional powers  
31 of the commission; requiring commission staff

1 to attend certain meetings; requiring the  
2 commission to develop and publish descriptions  
3 of roles and responsibilities of certain  
4 persons; authorizing the commission to provide  
5 plans review and approval of certain public  
6 buildings; creating s. 553.781, F.S.; providing  
7 for licensee accountability; authorizing local  
8 jurisdictions to impose fines and order certain  
9 disciplinary action for certain violations of  
10 the Florida Building Code; providing for  
11 challenges to such actions; requiring the  
12 Department of Business and Professional  
13 Regulation and local jurisdictions to report  
14 such disciplinary actions; providing for  
15 disposition and use of such fines; providing  
16 construction; amending s. 553.79, F.S., to  
17 conform; providing for local government  
18 enforcement of the Florida Building Code under  
19 certain circumstances; amending s. 553.80,  
20 F.S.; authorizing certain reinspection fees  
21 under certain circumstances; creating s.  
22 553.841, F.S.; providing for establishing a  
23 building code training program; providing  
24 requirements; providing criteria; authorizing  
25 the Florida Building Commission to enter into  
26 contracts for certain purposes; requiring the  
27 assistance and participation of certain state  
28 agencies; creating s. 553.842, F.S.; providing  
29 for a system for product evaluation and  
30 approval; providing requirements; providing  
31 procedures; providing for challenging, review,

1 and appeal of certain evaluations; authorizing  
2 the commission to charge fees for certain  
3 certifications and reviews; providing  
4 exceptions; amending s. 633.01, F.S.;  
5 authorizing the Department of Insurance to  
6 issue binding interpretations of certain  
7 firesafety codes; creating s. 633.0215, F.S.;  
8 requiring the Department of Insurance to adopt  
9 certain fire prevention and life safety codes;  
10 providing requirements; providing for temporary  
11 effect of local amendments to such codes;  
12 providing procedures for adopting or rescinding  
13 local amendments to such codes; requiring the  
14 department to update such codes periodically;  
15 providing for technical amendments to such  
16 codes; providing exceptions to application of  
17 such codes for certain purposes; amending s.  
18 633.025, F.S.; specifying adoption by local  
19 jurisdictions of certain firesafety codes;  
20 authorizing local jurisdictions to adopt more  
21 stringent firesafety standards under certain  
22 circumstances; providing procedures; providing  
23 limitations; deleting obsolete provisions;  
24 amending s. 633.085, F.S.; clarifying certain  
25 inspection duties of the State Fire Marshal;  
26 amending s. 633.72, F.S.; specifying  
27 cooperation between the Florida Fire Code  
28 Advisory Council and the Florida Building  
29 Commission under certain circumstances;  
30 requiring administrative staff of the State  
31 Fire Marshal to attend certain meetings and

1 coordinate efforts for consistency between  
2 certain codes; amending ss. 125.69, 161.54,  
3 161.56, 162.21, 166.0415, 489.127, 489.131,  
4 489.537, 500.459, 553.18, and 627.351, F.S., to  
5 conform; requiring the Florida Building  
6 Commission to submit the Florida Building Code  
7 to the Legislature for approval; requiring the  
8 commission to recommend changes to the law to  
9 conform to adoption of the Florida Building  
10 Code; providing for future repeal of local  
11 amendments to certain building codes; providing  
12 for readoption; requiring the Department of  
13 Management Services to conduct a pilot project  
14 to study the effects of installing an ozonation  
15 water treatment system for a cooling tower on  
16 state buildings; requiring a report to the  
17 Legislature; repealing s. 471.003(2)(f), F.S.,  
18 relating to engineering faculty exemption from  
19 registration requirements; repealing s.  
20 489.539, F.S., relating to adoption of  
21 electrical standards; repealing s. 553.73(5),  
22 F.S., relating to a presumption of compliance  
23 with certain building code requirements;  
24 providing for future repeal of s. 489.120,  
25 F.S., relating to an automated information  
26 system; providing for future repeal of s.  
27 489.129(1)(d), F.S., relating to disciplinary  
28 action for knowing violations of building  
29 codes; providing for future repeal of parts I,  
30 II, and III of ch. 553, F.S., relating to the  
31 Florida Plumbing Control Act, the Florida

1           Electrical Code, and glass standards; providing  
2           effective dates.

3  
4           WHEREAS, the Legislature finds the system of regulating  
5 construction in Florida is a pressing affair of the state with  
6 statewide significance. The Legislature further finds that  
7 such system is complex and confusing because of the  
8 multiplicity of building codes and administrative processes  
9 which has resulted in weak and inadequate compliance, and

10           WHEREAS, the Legislature further finds that to be  
11 effective a building code system must promote consistent and  
12 effective compliance and enforcement by addressing the  
13 complexity caused by too many codes and administrative  
14 processes and by providing a clear understanding of roles and  
15 responsibilities and adequate education and training for all  
16 participants within the system, and

17           WHEREAS, it is the intent of the Legislature that all  
18 processes which comprise the overall building construction  
19 regulatory system be coordinated and integrated to achieve  
20 optimal effectiveness and provide predictability in the system  
21 and accountability for all participants in the system, and

22           WHEREAS, it is the further intent of the Legislature  
23 that all state and local agencies should coordinate their  
24 separately assigned responsibilities with the Florida Building  
25 Commission created in this act and to comply with the  
26 provisions of this act, and

27           WHEREAS, it is the intent of the Legislature that the  
28 Florida Building Commission consider the recommendations of  
29 the Governor's Building Codes Study Commission and other  
30 affected stakeholders when implementing the provisions of this  
31 act, NOW, THEREFORE,

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Effective January 1, 2001, paragraph (d) of  
4 subsection (2) of section 125.69, Florida Statutes, is amended  
5 to read:

6 125.69 Penalties; enforcement by code inspectors.--

7 (2) The board of county commissioners of each county  
8 may designate its agents or employees as code inspectors whose  
9 duty it is to assure code compliance. Any person designated  
10 as a code inspector may issue citations for violations of  
11 county codes and ordinances, respectively, or subsequent  
12 amendments thereto, when such code inspector has actual  
13 knowledge that a violation has been committed.

14 (d) The provisions of this subsection shall not apply  
15 to the enforcement pursuant to ss. 553.79 and 553.80 of the  
16 Florida Building Code ~~codes~~ adopted pursuant to s. 553.73 as  
17 applied they apply to construction, provided that a building  
18 permit is either not required or has been issued by the  
19 county. ~~For the purposes of this paragraph, "building codes"~~  
20 ~~means only those codes adopted pursuant to s. 553.73.~~

21 Section 2. Effective January 1, 2001, subsection (11)  
22 of section 161.54, Florida Statutes, is amended to read:

23 161.54 Definitions.--In construing ss. 161.52-161.58:

24 (11) "State minimum building codes" means the Florida  
25 Building Code ~~recognized model building construction codes~~ as  
26 identified in s. 553.73.

27 Section 3. Effective January 1, 2001, subsection (1)  
28 of section 161.56, Florida Statutes, is amended to read:

29 161.56 Establishment of local enforcement.--

30 (1) Each local government which is required to enforce  
31 the Florida ~~adopt a~~ Building Code by s. 553.73 and which has a



1 coastal building zone or some portion of a coastal zone within  
2 its territorial boundaries shall enforce ~~adopt, not later than~~  
3 ~~January 1, 1987, as part of its building code, the~~  
4 requirements of the code established in s. 161.55, ~~and such~~  
5 ~~requirements shall be enforced by the local enforcement agency~~  
6 ~~as defined in s. 553.71.~~

7 Section 4. Effective January 1, 2001, subsection (7)  
8 of section 162.21, Florida Statutes, is amended to read:

9 162.21 Enforcement of county or municipal codes or  
10 ordinances; penalties.--

11 (7) The provisions of this part shall not apply to the  
12 enforcement pursuant to ss. 553.79 and 553.80 of the Florida  
13 Building Code codes adopted pursuant to s. 553.73 as applied  
14 ~~they apply~~ to construction, provided that a building permit is  
15 either not required or has been issued by the county or the  
16 municipality. ~~For the purposes of this subsection, "building~~  
17 ~~codes" means only those codes adopted pursuant to s. 553.73.~~

18 Section 5. Effective January 1, 2001, subsection (5)  
19 of section 166.0415, Florida Statutes, is amended to read:

20 166.0415 Enforcement by code inspectors; citations.--

21 (5) The provisions of this section shall not apply to  
22 the enforcement pursuant to ss. 553.79 and 553.80 of the  
23 Florida Building Code codes adopted pursuant to s. 553.73 as  
24 applied they apply to construction, provided that a building  
25 permit is either not required or has been issued by the  
26 municipality. ~~For the purposes of this subsection, "building~~  
27 ~~codes" means only those codes adopted pursuant to s. 553.73.~~

28 Section 6. Section 455.2286, Florida Statutes, is  
29 created to read:

30 455.2286 Automated information system.--By November 1,  
31 1999, the department shall implement an automated information

1 system for all certificateholders and registrants under part  
2 XII of chapter 468, chapter 471, chapter 481, or chapter 489.  
3 The system shall provide instant notification to local  
4 building departments and other interested parties regarding  
5 the status of the certification or registration. The  
6 provision of such information shall consist, at a minimum, of  
7 an indication of whether the certification or registration is  
8 active, of any current failure to meet the terms of any final  
9 action by a licensing authority, of any ongoing disciplinary  
10 cases that are subject to public disclosure, whether there are  
11 any outstanding fines, and of the reporting of any material  
12 violations pursuant to s. 553.781. The system may be Internet  
13 based.

14 Section 7. Paragraph (d) is added to subsection (2) of  
15 section 468.609, Florida Statutes, to read:

16 468.609 Administration of this part; standards for  
17 certification; additional categories of certification.--

18 (2) A person shall be entitled to take the examination  
19 for certification pursuant to this part if the person:

20 (d) Demonstrates successful completion of the core  
21 curriculum and specialized or advanced module course work  
22 approved by the Florida Building Commission, as part of the  
23 Building Code Training Program established pursuant to s.  
24 553.841, appropriate to the licensing category sought, or,  
25 pursuant to authorization by the certifying authority,  
26 provides proof of completion of such curriculum or course work  
27 within 6 months after such certification.

28 Section 8. Effective January 1, 2001, paragraph (h) is  
29 added to subsection (1) of section 468.621, Florida Statutes,  
30 to read:

31 468.621 Disciplinary proceedings.--

1           (1) The following acts constitute grounds for which  
2 the disciplinary actions in subsection (2) may be taken:

3           (h) Failing to execute the duties and responsibilities  
4 specified in part XII of chapter 468 and ss. 553.73, 553.781,  
5 and 553.79.

6           Section 9. Subsection (7) of section 468.627, Florida  
7 Statutes, is amended, and subsection (8) is added to that  
8 section, to read:

9           468.627 Application; examination; renewal; fees.--

10           (7) The certificateholder shall provide proof, in a  
11 form established by board rule, that the certificateholder has  
12 completed at least 14 classroom hours of at least 50 minutes  
13 each of continuing education courses during each biennium  
14 since the issuance or renewal of the certificate, including  
15 the specialized or advanced course work approved by the  
16 Florida Building Commission, as part of the Building Code  
17 Training Program established pursuant to s. 553.841,  
18 appropriate to the licensing category sought. The board shall  
19 by rule establish criteria for approval of continuing  
20 education courses and providers, and may by rule establish  
21 criteria for accepting alternative nonclassroom continuing  
22 education on an hour-for-hour basis.

23           (8) Each certificateholder shall provide to the board  
24 proof of completion of the core curriculum courses, or passing  
25 the equivalency test of the Building Code Training Program  
26 established by s. 553.841, within 2 years after commencement  
27 of the program. Continuing education hours spent taking such  
28 core curriculum courses shall count toward the number required  
29 for license renewal. A licensee who passes the equivalency  
30 test in lieu of taking the core curriculum courses shall  
31 receive full credit for core curriculum course hours.

1           Section 10. Subsection (6) of section 471.005, Florida  
2 Statutes, is amended to read:

3           471.005 Definitions.--As used in ss. 471.001-471.037,  
4 the term:

5           (6) "Engineering" includes the term "professional  
6 engineering" and means any service or creative work, the  
7 adequate performance of which requires engineering education,  
8 training, and experience in the application of special  
9 knowledge of the mathematical, physical, and engineering  
10 sciences to such services or creative work as consultation,  
11 investigation, evaluation, planning, and design of engineering  
12 works and systems, planning the use of land and water,  
13 ~~teaching of the principles and methods of engineering design,~~  
14 engineering surveys, and the inspection of construction for  
15 the purpose of determining in general if the work is  
16 proceeding in compliance with drawings and specifications, any  
17 of which embraces such services or work, either public or  
18 private, in connection with any utilities, structures,  
19 buildings, machines, equipment, processes, work systems,  
20 projects, and industrial or consumer products or equipment of  
21 a mechanical, electrical, hydraulic, pneumatic, or thermal  
22 nature, insofar as they involve safeguarding life, health, or  
23 property; and includes such other professional services as may  
24 be necessary to the planning, progress, and completion of any  
25 engineering services. A person who practices any branch of  
26 engineering; who, by verbal claim, sign, advertisement,  
27 letterhead, or card, or in any other way, represents himself  
28 or herself to be an engineer or, through the use of some other  
29 title, implies that he or she is an engineer or that he or she  
30 is registered under ss. 471.001-471.037; or who holds himself  
31 or herself out as able to perform, or does perform, any

1 engineering service or work or any other service designated by  
2 the practitioner which is recognized as engineering shall be  
3 construed to practice or offer to practice engineering within  
4 the meaning and intent of ss. 471.001-471.037.

5 Section 11. Paragraph (a) of subsection (5) of section  
6 471.015, Florida Statutes, is amended to read:

7 471.015 Licensure.--

8 (5)(a) The board shall deem that an applicant who  
9 seeks licensure by endorsement has passed an examination  
10 substantially equivalent to part I of the engineering  
11 examination when such applicant:

12 1. Has held a valid professional engineer's  
13 registration in another state for 15 years and has had 20  
14 years of continuous professional-level engineering experience;  
15 or

16 2. Has received a doctorate degree in engineering from  
17 a nationally accredited engineering degree program which is  
18 accredited by the Accreditation Board for Engineering  
19 Technology; ~~or~~

20 ~~3. Has received a doctorate degree in engineering and~~  
21 ~~has taught engineering full time for at least 3 years, at the~~  
22 ~~baccalaureate level or higher, after receiving that degree.~~

23 Section 12. Subsection (3) is added to section  
24 471.017, Florida Statutes, to read:

25 471.017 Renewal of license.--

26 (3) Commencing with licensure renewal in 2002, each  
27 licensee actively participating in the design of buildings,  
28 structures, and facilities covered by the Florida Building  
29 Code shall submit proof to the board that the licensee  
30 participates in continuing education courses relating to the  
31 core curriculum courses or the building code training program

1 or evidence of passing an equivalency test on the core  
2 curriculum courses or specialized or advanced courses on any  
3 portion of the Florida Building Code applicable to the area of  
4 practice.

5 Section 13. Effective January 1, 2001, paragraph (1)  
6 is added to subsection (1) of section 471.033, Florida  
7 Statutes, present subsection (4) of that section is renumbered  
8 as subsection (5), and a new subsection (4) is added to that  
9 section to read:

10 471.033 Disciplinary proceedings.--

11 (1) The following acts constitute grounds for which  
12 the disciplinary actions in subsection (3) may be taken:

13 (1) Committing a material violation of the Florida  
14 Building Code as provided under s. 553.781.

15 (4) Upon receipt of a recommendation by a local  
16 jurisdiction, pursuant to s. 553.781, the board shall enter an  
17 order imposing one or more of the following penalties:  
18 remedial education or training, probation, or license  
19 suspension or revocation. Such order shall be subject to ss.  
20 120.569 and 120.57.

21 Section 14. Effective January 1, 2001, subsections (5)  
22 and (6) are added to section 481.215, Florida Statutes, to  
23 read:

24 481.215 Renewal of license.--

25 (5) Each licensee shall provide to the board proof of  
26 completion of the core curriculum courses, or passing the  
27 equivalency test of the Building Code Training Program  
28 established by s. 553.841, within 2 years after commencement  
29 of the program or after initial licensure, whichever is later.  
30 Hours spent taking core curriculum courses shall count toward  
31 the number required for license renewal. A licensee who

1 passes the equivalency test in lieu of taking the core  
2 curriculum courses shall receive full credit for such core  
3 curriculum course hours.

4 (6) The board shall require, by rule adopted pursuant  
5 to ss. 120.536(1) and 120.54, a specified number of hours in  
6 specialized or advanced courses, approved by the Florida  
7 Building Commission, on any portion of the Florida Building  
8 Code, adopted pursuant to part VII of chapter 553, relating to  
9 the licensee's respective area of practice.

10 Section 15. Effective January 1, 2001, paragraph (1)  
11 is added to subsection (1) of section 481.225, Florida  
12 Statutes, present subsection (4) of that section is renumbered  
13 as subsection (5), and a new subsection (4) is added to that  
14 section to read:

15 481.225 Disciplinary proceedings against registered  
16 architects.--

17 (1) The following acts constitute grounds for which  
18 the disciplinary actions in subsection (3) may be taken:

19 (1) Committing a material violation of the Florida  
20 Building Code as provided under s. 553.781.

21 (4) Upon receipt of a recommendation by a local  
22 jurisdiction, pursuant to s. 553.781, the board shall enter an  
23 order imposing one or more of the following penalties:  
24 remedial education or training, probation, or license  
25 suspension or revocation. Such order shall be subject to ss.  
26 120.569 and 120.57.

27 Section 16. Effective January 1, 2001, paragraph (o)  
28 is added to subsection (1) of section 481.2251, Florida  
29 Statutes, and subsection (3) is added to that section to read:

30 481.2251 Disciplinary proceedings against registered  
31 interior designers.--

1           (1) The following acts constitute grounds for which  
2 the disciplinary actions specified in subsection (2) may be  
3 taken:

4           (o) Committing a material violation of the Florida  
5 Building Code as provided under s. 553.781.

6           (3) Upon receipt of a recommendation by a local  
7 jurisdiction, pursuant to s. 553.781, the board shall enter an  
8 order imposing one or more of the following penalties:  
9 remedial education or training, probation, or license  
10 suspension or revocation. Such order shall be subject to ss.  
11 120.569 and 120.57.

12           Section 17. Effective January 1, 2001, subsections  
13 (3), (4), (5), and (6) are added to section 481.313, Florida  
14 Statutes, to read:

15           481.313 Renewal of license.--

16           (3) No license renewal shall be issued to a landscape  
17 architect by the department until the licensee submits proof,  
18 satisfactory to the department, that during the 2-year period  
19 prior to application for renewal, the licensee participated in  
20 such continuing education courses required by the board. The  
21 board shall approve only continuing education courses that  
22 relate to and increase the basic knowledge of landscape  
23 architecture. The board may make an exception from the  
24 requirements of continuing education in emergency or hardship  
25 cases.

26           (4) The board shall by rule establish criteria for the  
27 approval of continuing education courses and providers, and  
28 shall by rule establish criteria for accepting alternative  
29 nonclassroom continuing education on an hour-for-hour basis.

30           (5) Each licenseholder shall provide to the board  
31 proof of completion of the core curriculum courses, or passing



1 the equivalency test of the Building Code Training Program  
2 established by s. 553.841, within 2 years after commencement  
3 of the program or of initial licensure, whichever is later.  
4 Hours spent taking core curriculum courses shall count toward  
5 the number required for license renewal. A licensee who  
6 passes the equivalency test in lieu of taking the core  
7 curriculum courses shall receive full credit for core  
8 curriculum course hours.

9 (6) The board shall require, by rule adopted pursuant  
10 to ss. 120.536(1) and 120.54, a specified number of hours in  
11 specialized or advanced courses, approved by the Florida  
12 Building Commission, on any portion of the Florida Building  
13 Code, adopted pursuant to part VII of chapter 553, relating to  
14 the licensee's respective area of practice.

15 Section 18. Effective January 1, 2001, paragraph (m)  
16 is added to subsection (1) of section 481.325, Florida  
17 Statutes, subsection (4) of that section is renumbered as  
18 subsection (5), and a new subsection (4) is added to that  
19 section to read:

20 481.325 Disciplinary proceedings.--

21 (1) The following acts constitute grounds for which  
22 the disciplinary actions in subsection (3) may be taken:

23 (m) Committing a material violation of the Florida  
24 Building Code as provided under s. 553.781.

25 (4) Upon receipt of a recommendation by a local  
26 jurisdiction, pursuant to s. 553.781, the board shall enter an  
27 order imposing one or more of the following penalties:  
28 remedial education or training, probation, or license  
29 suspension or revocation. Such order shall be subject to ss.  
30 120.569 and 120.57.

31

1           Section 19. Subsection (17) is added to section  
2 489.103, Florida Statutes, to read:

3           489.103 Exemptions.--This part does not apply to:

4           (17) Any one-family, two-family, or three-family  
5 residence constructed by Habitat for Humanity International,  
6 Incorporated, or its local affiliates. Habitat for Humanity  
7 International, Incorporated, or its local affiliates, must:

8           (a) Obtain all necessary building permits.

9           (b) Obtain all required building inspections.

10           (c) Provide for supervision of all work by an  
11 individual with construction experience.

12           Section 20. Paragraph (b) of subsection (4) of section  
13 489.115, Florida Statutes, is amended to read:

14           489.115 Certification and registration; endorsement;  
15 reciprocity; renewals; continuing education.--

16           (4)

17           (b)1. Each certificateholder or registrant shall  
18 provide proof, in a form established by rule of the board,  
19 that the certificateholder or registrant has completed at  
20 least 14 classroom hours of at least 50 minutes each of  
21 continuing education courses during each biennium since the  
22 issuance or renewal of the certificate or registration. The  
23 board shall establish by rule that a portion of the required  
24 14 hours must deal with the subject of workers' compensation  
25 and workplace safety. The board shall by rule establish  
26 criteria for the approval of continuing education courses and  
27 providers, including requirements relating to the content of  
28 courses and standards for approval of providers, and may by  
29 rule establish criteria for accepting alternative nonclassroom  
30 continuing education on an hour-for-hour basis.

31

1           2. In addition, the board may approve specialized  
2 continuing education courses on compliance with the wind  
3 resistance provisions for one and two family dwellings  
4 contained in the State Minimum Building Codes and any  
5 alternate methodologies for providing such wind resistance  
6 which have been approved for use by the Board of Building  
7 Codes and Standards. Division I certificateholders or  
8 registrants who demonstrate proficiency upon completion of  
9 such specialized courses may certify plans and specifications  
10 for one and two family dwellings to be in compliance with the  
11 code or alternate methodologies, as appropriate, except for  
12 dwellings located in floodways or coastal hazard areas as  
13 defined in ss. 60.3D and E of the National Flood Insurance  
14 Program.

15           3. Each certificateholder or registrant shall provide  
16 to the board proof of completion of the core curriculum  
17 courses, or passing the equivalency test of the Building Code  
18 Training Program established under s. 553.841, specific to the  
19 licensing category sought, within 2 years after commencement  
20 of the program or of initial certification or registration,  
21 whichever is later. Classroom hours spent taking core  
22 curriculum courses shall count toward the number required for  
23 renewal of certificates or registration. A certificateholder  
24 or registrant who passes the equivalency test in lieu of  
25 taking the core curriculum courses shall receive full credit  
26 for core curriculum course hours.

27           Section 21. Effective January 1, 2001, paragraph (b)  
28 of subsection (4) of section 489.115, Florida Statutes, as  
29 amended by this act, is amended to read:

30           489.115 Certification and registration; endorsement;  
31 reciprocity; renewals; continuing education.--

1 (4)

2 (b)1. Each certificateholder or registrant shall  
3 provide proof, in a form established by rule of the board,  
4 that the certificateholder or registrant has completed at  
5 least 14 classroom hours of at least 50 minutes each of  
6 continuing education courses during each biennium since the  
7 issuance or renewal of the certificate or registration. The  
8 board shall establish by rule that a portion of the required  
9 14 hours must deal with the subject of workers' compensation  
10 and workplace safety. The board shall by rule establish  
11 criteria for the approval of continuing education courses and  
12 providers, including requirements relating to the content of  
13 courses and standards for approval of providers, and may by  
14 rule establish criteria for accepting alternative nonclassroom  
15 continuing education on an hour-for-hour basis.

16 2. In addition, the board may approve specialized  
17 continuing education courses on compliance with the wind  
18 resistance provisions for one and two family dwellings  
19 contained in the Florida State Minimum Building Code Codes and  
20 any alternate methodologies for providing such wind resistance  
21 which have been approved for use by the Florida Board of  
22 Building Commission Codes and Standards. Division I  
23 certificateholders or registrants who demonstrate proficiency  
24 upon completion of such specialized courses may certify plans  
25 and specifications for one and two family dwellings to be in  
26 compliance with the code or alternate methodologies, as  
27 appropriate, except for dwellings located in floodways or  
28 coastal hazard areas as defined in ss. 60.3D and E of the  
29 National Flood Insurance Program.

30 3. Each certificateholder or registrant shall provide  
31 to the board proof of completion of the core curriculum

1 courses, or passing the equivalency test of the Building Code  
2 Training Program established under s. 553.841, specific to the  
3 licensing category sought, within 2 years after commencement  
4 of the program or of initial certification or registration,  
5 whichever is later. Classroom hours spent taking core  
6 curriculum courses shall count toward the number required for  
7 renewal of certificates or registration. A certificateholder  
8 or registrant who passes the equivalency test in lieu of  
9 taking the core curriculum courses shall receive full credit  
10 for core curriculum course hours.

11 4. The board shall require, by rule adopted pursuant  
12 to ss. 120.536(1) and 120.54, a specified number of hours in  
13 specialized or advanced module courses, approved by the  
14 Florida Building Commission, on any portion of the Florida  
15 Building Code, adopted pursuant to part VII of chapter 553,  
16 relating to the contractor's respective discipline.

17 Section 22. Paragraph (c) of subsection (4) of section  
18 489.117, Florida Statutes, is amended to read:

19 489.117 Registration; specialty contractors.--

20 (4)

21 (c) The local jurisdictions shall be responsible for  
22 providing licensure information, code violation information  
23 pursuant to s. 553.781, and disciplinary information on such  
24 locally licensed individuals to the board within 30 days after  
25 licensure or any disciplinary action, and the board shall  
26 maintain such licensure and disciplinary information as is  
27 provided to them, and shall make such information available  
28 through the automated information system provided pursuant to  
29 s. 455.2286 ~~489.120~~. The biennial tracking registration fee  
30 shall not exceed \$40.

31

1           Section 23. Subsection (1) of section 489.127, Florida  
2 Statutes, is amended to read:

3           489.127 Prohibitions; penalties.--

4           (1) No person shall:

5           (a) Falsely hold himself or herself or a business  
6 organization out as a licensee, certificateholder, or  
7 registrant;

8           (b) Falsely impersonate a certificateholder or  
9 registrant;

10          (c) Present as his or her own the certificate,  
11 registration, or certificate of authority of another;

12          (d) Knowingly give false or forged evidence to the  
13 board or a member thereof;

14          (e) Use or attempt to use a certificate, registration,  
15 or certificate of authority which has been suspended or  
16 revoked;

17          (f) Engage in the business or act in the capacity of a  
18 contractor or advertise himself or herself or a business  
19 organization as available to engage in the business or act in  
20 the capacity of a contractor without being duly registered or  
21 certified or having a certificate of authority;

22          (g) Operate a business organization engaged in  
23 contracting after 60 days following the termination of its  
24 only qualifying agent without designating another primary  
25 qualifying agent, except as provided in ss. 489.119 and  
26 489.1195;

27          (h) Commence or perform work for which a building  
28 permit is required pursuant to part VII of chapter 553 ~~an~~  
29 ~~adopted state minimum building code~~ without such building  
30 permit being in effect; ~~or~~

31

1 (i) Willfully or deliberately disregard or violate any  
2 municipal or county ordinance relating to uncertified or  
3 unregistered contractors: ~~or~~

4 (j) Commit a material violation of the Florida  
5 Building Code as provided under s. 553.781.

6  
7 For purposes of this subsection, a person or business  
8 organization operating on an inactive or suspended  
9 certificate, registration, or certificate of authority is not  
10 duly certified or registered and is considered unlicensed. An  
11 occupational license certificate issued under the authority of  
12 chapter 205 is not a license for purposes of this part.

13 Section 24. Effective January 1, 2001, present  
14 subsections (4) through (11) of section 489.129, Florida  
15 Statutes, are renumbered as subsections (5) through (12),  
16 respectively, and new subsection (4) is added to that section  
17 to read:

18 489.129 Disciplinary proceedings.--

19 (4) Upon receipt of a recommendation by a local  
20 jurisdiction, pursuant to s. 553.781, the board shall enter an  
21 order imposing one or more of the following penalties:  
22 remedial education or training, probation, or license  
23 suspension or revocation. Such order shall be subject to ss.  
24 120.569 and 120.57.

25 Section 25. Effective January 1, 2001, paragraph (e)  
26 of subsection (3) of section 489.131, Florida Statutes, is  
27 amended to read:

28 489.131 Applicability.--

29 (3) Nothing in this part limits the power of a  
30 municipality or county:

31

1           (e) To require one bond for each contractor in an  
2 amount not to exceed \$5,000, which bond shall be conditioned  
3 only upon compliance with the Florida ~~applicable state minimum~~  
4 ~~Building Code and applicable local building code requirements~~  
5 adopted pursuant to s. 553.73. Any such bond must be equally  
6 available to all contractors without regard to the period of  
7 time a contractor has been certified or registered and without  
8 regard to any financial responsibility requirements. Any such  
9 bonds shall be payable to the Construction Industry Recovery  
10 Fund and filed in each county or municipality in which a  
11 building permit is requested. Bond reciprocity shall be  
12 granted statewide. All such bonds shall be included in  
13 meeting any financial responsibility requirements imposed by  
14 any statute or rule. Any contractor who provides a third  
15 party insured warranty policy in connection with a new  
16 building or structure for the benefit of the purchaser or  
17 owner shall be exempt from the bond requirements under this  
18 subsection with respect to such building or structure.

19           Section 26. Subsection (1) of section 489.1455,  
20 Florida Statutes, is amended to read:

21           489.1455 Journeyman; reciprocity; standards.--

22           (1) An individual who holds a valid, active journeyman  
23 license in the plumbing/pipe fitting, mechanical, or HVAC  
24 trades issued by any county or municipality in this state may  
25 work as a journeyman in the trade in which he or she is  
26 licensed in any ~~other~~ county or municipality of this state  
27 without taking an additional examination or paying an  
28 additional license fee, if he or she:

29           (a) Has scored at least 70 percent, or after October  
30 1, 1997, at least 75 percent, on a proctored journeyman Block  
31 and Associates examination or other proctored examination



1 approved by the board for the trade in which he or she is  
2 licensed;

3 (b) Has completed an apprenticeship program registered  
4 with the Department of Labor and Employment Security and  
5 demonstrates 4 years' verifiable practical experience in the  
6 trade for which he or she is licensed, or demonstrates 6  
7 years' verifiable practical experience in the trade for which  
8 he or she is licensed; ~~and~~

9 (c) Has satisfactorily completed specialized and  
10 advanced module course work approved by the Florida Building  
11 Commission, as part of the Building Code Training Program  
12 established in s. 553.841, specific to the discipline, and  
13 successfully completed the program's core curriculum courses  
14 or passed an equivalency test in lieu of taking the core  
15 curriculum courses and provided proof of completion of such  
16 curriculum courses or examination and obtained a certificate  
17 from the board pursuant to this part or, pursuant to  
18 authorization by the certifying authority, provides proof of  
19 completion of such curriculum or course work within 6 months  
20 after such certification; and

21 ~~(d)(c)~~ Has not had a license suspended or revoked  
22 within the last 5 years.

23 Section 27. Subsections (6) and (7) are added to  
24 section 489.513, Florida Statutes, to read:

25 489.513 Registration; application; requirements.--

26 (6) The local jurisdictions shall be responsible for  
27 providing licensure information, code violation information  
28 pursuant to s. 553.781, and disciplinary information on  
29 locally licensed individuals to the board within 30 days after  
30 licensure or any disciplinary action, and the board shall  
31 maintain such licensure and disciplinary information as is

1 provided to them and shall make such information available  
2 through the automated information system provided pursuant to  
3 s. 455.2286.

4 (7) Neither the board nor the department assumes any  
5 responsibility for providing discipline pursuant to having  
6 provided the tracking registration. Providing discipline to  
7 such locally licensed individuals shall be the responsibility  
8 of the local jurisdiction. Failure to obtain a tracking  
9 registration shall not be considered a violation of this  
10 chapter. However, a local jurisdiction requiring such  
11 tracking registration may levy such penalties for failure to  
12 obtain the tracking registration as the local jurisdiction  
13 chooses to provide through local ordinance.

14 Section 28. Subsection (3) of section 489.517, Florida  
15 Statutes, is amended, and subsection (4) is added to that  
16 section, to read:

17 489.517 Renewal of certificate or registration;  
18 continuing education.--

19 (3)(a) Each certificateholder or registrant shall  
20 provide proof, in a form established by rule of the board,  
21 that the certificateholder or registrant has completed at  
22 least 14 classroom hours of at least 50 minutes each of  
23 continuing education courses during each biennium since the  
24 issuance or renewal of the certificate or registration. The  
25 board shall by rule establish criteria for the approval of  
26 continuing education courses and providers and may by rule  
27 establish criteria for accepting alternative nonclassroom  
28 continuing education on an hour-for-hour basis.

29 (b) Each certificateholder or registrant shall provide  
30 to the board proof of completion of the core curriculum  
31 courses or passing the equivalency test of the Building Code

1 Training Program established under s. 553.841, specific to the  
2 licensing category sought, within 2 years after commencement  
3 of the program or of initial certification or registration,  
4 whichever is later. Classroom hours spent taking core  
5 curriculum courses shall count toward the number required for  
6 renewal of certificate or registration. A certificateholder  
7 or registrant who passes the equivalency test in lieu of  
8 taking the core curriculum courses shall receive full credit  
9 for core curriculum course hours.

10 (4) The board shall require, by rule adopted pursuant  
11 to ss. 120.536(1) and 120.54, a specialized number of hours in  
12 specialized or advanced module courses, approved by the  
13 Florida Building Commission, on any portion of the Florida  
14 Building Code, adopted pursuant to part VII of chapter 553,  
15 relating to the contractor's respective discipline.

16 Section 29. Subsection (1) of section 489.531, Florida  
17 Statutes, is amended to read:

18 489.531 Prohibitions; penalties.--

19 (1) A person may not:

20 (a) Practice contracting unless the person is  
21 certified or registered;

22 (b) Use the name or title "electrical contractor" or  
23 "alarm system contractor" or words to that effect, or  
24 advertise himself or herself or a business organization as  
25 available to practice electrical or alarm system contracting,  
26 when the person is not then the holder of a valid  
27 certification or registration issued pursuant to this part;

28 (c) Present as his or her own the certificate or  
29 registration of another;

30  
31

1 (d) Use or attempt to use a certificate or  
2 registration that has been suspended, revoked, or placed on  
3 inactive or delinquent status;

4 (e) Employ persons who are not certified or registered  
5 to practice contracting;

6 (f) Knowingly give false or forged evidence to the  
7 department, the board, or a member thereof;

8 (g) Operate a business organization engaged in  
9 contracting after 60 days following the termination of its  
10 only qualifying agent without designating another primary  
11 qualifying agent;

12 (h) Conceal information relative to violations of this  
13 part;

14 (i) Commence or perform work for which a building  
15 permit is required pursuant to part VII of chapter 533 ~~under~~  
16 ~~an adopted state minimum building~~ code without the building  
17 permit being in effect; ~~or~~

18 (j) Willfully or deliberately disregard or violate any  
19 municipal or county ordinance relating to uncertified or  
20 unregistered contractors; ~~or-~~

21 (k) Commit a material violation of the Florida  
22 Building Code as provided in s. 533.781.

23 Section 30. Effective January 1, 2001, paragraph (i)  
24 of subsection (1) of section 489.533, Florida Statutes, is  
25 amended, present subsections (3), (4), (5), (6), and (7) of  
26 that section are renumbered as subsections (4), (5), (6), (7),  
27 and (8), respectively, and a new subsection (3) is added to  
28 that section, to read:

29 489.533 Disciplinary proceedings.--

30 (1) The following acts shall constitute grounds for  
31 disciplinary actions as provided in subsection (2):

1           (i) ~~Willfully or deliberately disregarding and~~  
2 Violating the applicable building codes or laws of the state  
3 or any municipality or county thereof.

4  
5 For the purposes of this subsection, construction is  
6 considered to be commenced when the contract is executed and  
7 the contractor has accepted funds from the customer or lender.

8           (3) Upon receipt of a recommendation by a local  
9 jurisdiction, pursuant to s. 553.781, the board shall enter an  
10 order imposing one or more of the following penalties:  
11 remedial education or training, probation, or license  
12 suspension or revocation. Such order shall be subject to ss.  
13 120.569 and 120.57.

14           Section 31. Subsection (1) of section 489.5335,  
15 Florida Statutes, is amended to read:

16           489.5335 Journeyman; reciprocity; standards.--

17           (1) An individual who holds a valid, active journeyman  
18 license in the electrical trade issued by any county or  
19 municipality in this state may work as a journeyman in any  
20 other county or municipality of this state without taking an  
21 additional examination or paying an additional license fee, if  
22 he or she:

23           (a) Has scored at least 70 percent, or after October  
24 1, 1997, at least 75 percent, on a proctored journeyman Block  
25 and Associates examination or other proctored examination  
26 approved by the board for the electrical trade;

27           (b) Has completed an apprenticeship program registered  
28 with the Department of Labor and Employment Security and  
29 demonstrates 4 years' verifiable practical experience in the  
30 electrical trade, or demonstrates 6 years' verifiable  
31 practical experience in the electrical trade; ~~and~~

1           (c) Has satisfactorily completed specialized and  
2 advanced module course work approved by the Florida Building  
3 Commission, as part of the Building Code Training Program  
4 established in s. 553.841, specific to the discipline, and  
5 successfully completed the program's core curriculum courses  
6 or passed an equivalency test in lieu of taking the core  
7 curriculum courses and provided proof of completion of such  
8 curriculum courses or examination and obtained a certificate  
9 from the board pursuant to this part or, pursuant to  
10 authorization by the certifying authority, provides proof of  
11 completion of such curriculum or course work within 6 months  
12 after such certification; and

13           (d)(c) Has not had a license suspended or revoked  
14 within the last 5 years.

15           Section 32. Effective January 1, 2001, paragraph (d)  
16 of subsection (3) of section 489.537, Florida Statutes, is  
17 amended to read:

18           489.537 Application of this part.--

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

21           (d) To require one bond for each electrical contractor  
22 in an amount not to exceed \$5,000, which bond shall be  
23 conditioned only upon compliance with the Florida applicable  
24 ~~state minimum Building Code and applicable local building code~~  
25 ~~requirements~~ adopted pursuant to s. 553.73. Any such bond  
26 must be equally available to all electrical contractors  
27 without regard to the period of time an electrical contractor  
28 has been certified or registered and without regard to any  
29 financial responsibility requirements. Any such bonds shall  
30 be payable to the Governor and filed in each county or  
31 municipality in which a building permit is requested. Bond

1 reciprocity shall be granted statewide. All such bonds shall  
2 be included in meeting any financial responsibility  
3 requirements imposed by any statute or rule.

4 Section 33. Effective January 1, 2001, paragraph (d)  
5 of subsection (5) of section 500.459, Florida Statutes, is  
6 amended to read:

7 500.459 Water vending machines.--

8 (5) OPERATING STANDARDS.--

9 (d) Each water vending machine must have a backflow  
10 prevention device that conforms with the applicable provision  
11 of the Florida Building Code s. 553.06 and an adequate system  
12 for collecting and handling dripping, spillage, and overflow  
13 of water.

14 Section 34. Subsection (1) of section 553.06, Florida  
15 Statutes, is amended to read:

16 553.06 State Plumbing Code.--

17 (1) The Florida Building Commission ~~Board of Building~~  
18 ~~Codes and Standards~~ shall, in accordance with the provisions  
19 of chapter 120 and ss. 553.70-553.895, adopt the Standard  
20 Plumbing Code, 1994 edition, as adopted at the October 1993  
21 annual meeting of the Southern Building Code Congress  
22 International, as the State Plumbing Code which shall be the  
23 minimum requirements statewide for all installations, repairs,  
24 and alterations to plumbing. The board may, in accordance with  
25 the requirements of chapter 120, adopt all or parts of updated  
26 or revised editions of the State Plumbing Code to keep abreast  
27 of latest technological advances in plumbing and installation  
28 techniques. Local governments which have adopted the South  
29 Florida, One and Two Family Dwelling or EPCOT Plumbing Codes  
30 may continue their use provided the requirements contained  
31 therein meet or exceed the requirements of the State Plumbing

1 Code. Provided, however, nothing in this section shall alter  
2 or diminish the authority of the Department of Business and  
3 Professional Regulation to conduct plan reviews, issue  
4 variances, and adopt rules regarding sanitary facilities in  
5 public lodging and public food service establishments pursuant  
6 to chapter 509, providing that such actions do not conflict  
7 with the requirements for public restrooms in s. 553.141.

8 Section 35. Effective January 1, 2001, subsection (2)  
9 of section 553.18, Florida Statutes, is amended to read:

10 553.18 Scope.--

11 (2) Local jurisdictions ~~County, municipal, improvement~~  
12 ~~district, or state governing bodies~~ may adopt and enforce  
13 ~~additional or~~ more stringent standards or administrative  
14 procedures and requirements than those prescribed by this  
15 code, including but not limited to fees if the standards or  
16 administrative procedures and requirements are in conformity  
17 with standards set forth in the Florida Building Code ~~s.~~  
18 ~~553.19~~.

19 Section 36. Section 553.19, Florida Statutes, is  
20 amended to read:

21 553.19 Adoption of electrical standards.--For the  
22 purpose of establishing minimum electrical standards in this  
23 state, the following standards are adopted:

24 (1) "National Electrical Code 1990," NFPA No. 70-1990.

25 (2) Underwriters' Laboratories, Inc., "Standards for  
26 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL  
27 57-1982 and UL 153-1983.

28 (3) Underwriters' Laboratories, Inc., "Standard for  
29 Electric Signs," UL 48-1982.

30 (4) The provisions of the following which prescribe  
31 minimum electrical standards:



- 1 (a) NFPA No. 56A-1978, "Inhalation Anesthetics 1978."  
2 (b) NFPA No. 56B-1982, "Respiratory Therapy 1982."  
3 (c) NFPA No. 56C-1980, "Laboratories in Health-related  
4 Institutions 1980."  
5 (d) NFPA No. 56D-1982, "Hyperbaric Facilities."  
6 (e) NFPA No. 56F-1983, "Nonflammable Medical Gas  
7 Systems 1983."  
8 (f) NFPA No. 76A-1984, "Essential Electrical Systems  
9 for Health Care Facilities 1984."  
10 (5) ~~Chapter 10D-29~~ of The rules and regulations of the  
11 Department of Health ~~and Rehabilitative Services~~, entitled  
12 "Nursing Homes and Related Facilities Licensure."  
13 (6) The minimum standards for grounding of portable  
14 electric equipment, chapter 8C-27 as recommended by the  
15 Industrial Standards Section, Division of Workers'  
16 Compensation, Department of Labor and Employment Security.  
17  
18 The Florida Building Commission shall update and maintain such  
19 electrical standards consistent with the procedures  
20 established in s. 553.73.  
21 Section 37. Effective January 1, 2001, part VII of  
22 chapter 553, Florida Statutes, shall be entitled "Florida  
23 Building Code."  
24 Section 38. Subsections (1), (3), and (5) of section  
25 553.71, Florida Statutes, are amended to read:  
26 553.71 Definitions.--As used in this part, the term:  
27 (1) "Commission Board" means the Florida Building  
28 Commission Board of Building Codes and Standards created by  
29 this part.  
30 (3) "State enforcement agency" means the agency of  
31 state government with authority to make inspections of

1 buildings and to enforce the codes, as required by this part,  
2 which establish standards for design, construction, erection,  
3 alteration, repair, modification, or demolition of public or  
4 private buildings, structures, or facilities.

5 (5) "Local enforcement agency" means an ~~the~~ agency of  
6 local government with authority to make inspections of  
7 buildings and to enforce the codes which establish standards  
8 for design, construction, erection, alteration, repair,  
9 modification, or demolition of public or private buildings,  
10 structures, or facilities.

11 Section 39. Effective January 1, 2001, section 553.72,  
12 Florida Statutes, is amended to read:

13 553.72 Intent.--

14 (1) The purpose and intent of this act is to provide a  
15 mechanism for the uniform promulgation, adoption, updating,  
16 amendment, interpretation, and enforcement of a single,  
17 unified state minimum building code, to be called the Florida  
18 Building Code, codes which consists of a single set of  
19 documents that apply to the design, construction, erection,  
20 alteration, modification, repair, or demolition of public or  
21 private buildings, structures, or facilities in this state and  
22 to the enforcement of such requirements ~~contain standards~~  
23 ~~flexible enough to cover all phases of construction~~ and which  
24 will allow effective and reasonable protection for public  
25 safety, health, and general welfare for all the people of  
26 Florida at the most reasonable cost to the consumer. The  
27 Florida Building Code shall be organized to provide  
28 consistency and simplicity of use. The Florida Building Code  
29 shall be applied, administered, and enforced uniformly and  
30 consistently from jurisdiction to jurisdiction. The Florida  
31 Building Code shall provide for flexibility to be exercised in

1 a manner that meets minimum requirements, is affordable, does  
2 not inhibit competition, and promotes innovation and new  
3 technology.

4 (2) It is the intent of the Legislature that local  
5 governments shall have the power to inspect all buildings,  
6 structures, and facilities within their jurisdictions in  
7 protection of the public health, safety, and welfare pursuant  
8 to chapters 125 and 166.

9 (3) It is the intent of the Legislature that the  
10 Florida Building Code be adopted, modified, updated,  
11 interpreted, and maintained by the Florida Building Commission  
12 and in accordance with ss. 120.536(1) and 120.54 and enforced  
13 by authorized state and local government enforcement agencies.

14 (4) It is the intent of the Legislature that the  
15 Florida Fire Prevention Code and the Life Safety Code of this  
16 state be adopted, modified, updated, interpreted, and  
17 maintained by the Department of Insurance and in accordance  
18 with ss. 120.536(1) and 120.54 and included by reference as  
19 sections in the Florida Building Code.

20 (5) It is the intent of the Legislature that there be  
21 no conflicting requirements between the Florida Fire  
22 Prevention Code and the Life Safety Code of the state and  
23 other provisions of the Florida Building Code or conflicts in  
24 their enforcement and interpretation. Potential conflicts  
25 shall be resolved through coordination and cooperation of the  
26 State Fire Marshal and the Florida Building Commission as  
27 provided by this part and chapter 633.

28 Section 40. Subsections (3) and (9) of section 553.73,  
29 Florida Statutes, are amended to read:

30 553.73 State Minimum Building Codes.--

31

1           (3) The commission ~~board~~ may, by rule adopted in  
2 accordance with the requirements of chapter 120, designate all  
3 or a part of an updated or revised version of a model code  
4 listed in subsection (2) as a State Minimum Building Code.

5           (9) Except within coastal building zones as defined in  
6 s. 161.54, specification standards developed by nationally  
7 recognized code promulgation organizations to determine  
8 compliance with s. 1606 ~~1205~~ and the engineering design  
9 criteria of s. 1606 ~~1205~~ of the Standard Building Code shall  
10 not apply to one or two family dwellings which are two stories  
11 or less in height unless approved by the commission ~~Board of~~  
12 ~~Building Codes and Standards~~ for use or unless expressly made  
13 subject to said standards and criteria by local ordinance  
14 adopted in accordance with the provisions of subsection (4).

15           Section 41. Effective January 1, 2001, section 553.73,  
16 Florida Statutes, as amended by this act, is amended to read:

17           553.73 Florida State Minimum Building Code ~~Codes~~--

18           (1)(a) The commission shall adopt, by rule pursuant to  
19 ss. 120.536(1) and 120.54, the Florida Building Code which  
20 shall contain or incorporate by reference all laws and rules  
21 which pertain to and govern the design, construction,  
22 erection, alteration, modification, repair, and demolition of  
23 public and private buildings, structures, and facilities and  
24 enforcement of such laws and rules, except as otherwise  
25 provided in this section.~~By October 1, 1984, local~~  
26 ~~governments and state agencies with building construction~~  
27 ~~regulation responsibilities shall adopt a building code which~~  
28 ~~shall cover all types of construction. Such code shall~~  
29 ~~include the provisions of parts I-V, VII, and VIII, relating~~  
30 ~~to plumbing, electrical requirements, glass, manufactured~~  
31 ~~buildings, accessibility by handicapped persons, and thermal~~

1 ~~efficiency, and shall be in addition to the requirements set~~  
2 ~~forth in chapter 527, which pertains to liquefied petroleum~~  
3 ~~gas.~~

4       **(b)** The technical portions of the Florida  
5 Accessibility Code for Building Construction shall be  
6 contained in its entirety in the Florida Building Code. The  
7 civil rights portions and the technical portions of the  
8 accessibility laws of this state shall remain as currently  
9 provided by law. Any revision or amendments to the Florida  
10 Accessibility Code for Building Construction pursuant to part  
11 V shall be considered adopted by the commission as part of the  
12 Florida Building Code. Neither the commission nor any local  
13 government shall revise or amend any standard of the Florida  
14 Accessibility Code for Building Construction except as  
15 provided for in part V.

16       **(c)** The Florida Fire Prevention Code and the Life  
17 Safety Code shall be referenced in the Florida Building Code,  
18 but shall be adopted, modified, revised, or amended,  
19 interpreted, and maintained by the Department of Insurance.  
20 Nothing in the Florida Building Code shall affect the  
21 statutory powers, duties, and responsibilities of any fire  
22 official or the Department of Insurance.

23       **(d)** Conflicting requirements between the Florida  
24 Building Code and the Florida Fire Prevention Code and Life  
25 Safety Code of the state established pursuant to s. 633.022  
26 and s. 633.025 shall be resolved by agreement between the  
27 commission and the State Fire Marshal in favor of the  
28 requirement that offers the greatest degree of life safety or  
29 alternatives that would provide an equivalent degree of life  
30 safety and an equivalent method of construction. If the  
31 commission and State Fire Marshal are unable to agree on a

1 resolution, the question shall be referred to the Division of  
2 Administrative Hearings to resolve the conflict in favor of  
3 the provision that offers the greatest life safety, or  
4 alternatives that would provide an equivalent degree of life  
5 safety and an equivalent method of construction.

6 (e)(b) Subject to the provisions of this act, in the  
7 event that a special act of the Legislature, passed prior or  
8 subsequent to January 1, 1978, places responsibility for  
9 enforcement, interpretation, and building construction  
10 regulation of the Florida Building Code shall be vested in a  
11 specified local board or agency, and the words "local  
12 government" and "local governing body" as used in this part  
13 shall be construed to refer exclusively to such local board or  
14 agency.

15 (2) The Florida Building Code shall contain provisions  
16 or requirements for public and private buildings, structures,  
17 and facilities relative to structural, mechanical, electrical,  
18 plumbing, energy, and gas systems, existing buildings,  
19 historical buildings, manufactured buildings, elevators,  
20 coastal construction, lodging facilities, food sales and food  
21 service facilities, health care facilities, public or private  
22 educational facilities, swimming pools, and correctional  
23 facilities and enforcement of and compliance with such  
24 provisions or requirements. There is created the State Minimum  
25 Building Codes which shall consist of the following nationally  
26 recognized model codes:

27 (a) Standard Building Codes, 1988 edition, pertaining  
28 to building, plumbing, mechanical, and gas, and excluding fire  
29 prevention;

30 (b) EPCOT Code, 1982 edition;

31

1           ~~(c) One and Two Family Dwelling Code, 1986 edition;~~

2 and

3           ~~(d) The South Florida Building Code, 1988 edition.~~

4  
5 Each local government and state agency with building  
6 construction regulation responsibilities shall adopt one of  
7 the State Minimum Building Codes as its building code, which  
8 shall govern the construction, erection, alteration, repair,  
9 or demolition of any building for which the local government  
10 or state agency has building construction regulation  
11 responsibility. If the One and Two Family Dwelling Code is  
12 adopted for residential construction, then one of the other  
13 recognized model codes must be adopted for the regulation of  
14 other residential and nonresidential structures. Provisions to  
15 be contained within the Florida ~~any State Minimum~~ Building  
16 Code are restricted to requirements related to the types of  
17 materials used and construction methods and standards employed  
18 in order to meet criteria specified in the Florida Building  
19 Code ~~minimum building codes~~. Provisions relating to the  
20 personnel, supervision or training of personnel, or any other  
21 professional qualification requirements relating to  
22 contractors or their workforce may not be included within the  
23 Florida ~~a State Minimum~~ Building Code, and subsection (4) is  
24 not to be construed to allow the inclusion of such provisions  
25 within the Florida ~~any State Minimum~~ Building Code by  
26 amendment. This restriction applies to both initial  
27 development and amendment of the Florida Building Code.

28           (3) The commission shall select from available  
29 national or international model building codes, or other  
30 available building codes and standards currently recognized by  
31 the laws of this state, to form the foundation for the Florida

1 Building Code. The commission may modify the selected model  
2 codes and standards as needed to accommodate the specific  
3 needs of this state. Standards or criteria referenced by the  
4 selected model codes shall be similarly incorporated by  
5 reference. If a referenced standard or criterion requires  
6 amplification or modification to be appropriate for use in  
7 this state, only the amplification or modification shall be  
8 specifically set forth in the Florida Building Code. The  
9 commission shall incorporate within sections of the Florida  
10 Building Code provisions which address regional and local  
11 concerns and variations. The commission shall make every  
12 effort to minimize conflicts between the Florida Building  
13 Code, the Florida Fire Prevention Code, and the Life Safety  
14 Code.~~The commission may, by rule adopted in accordance with~~  
15 ~~the requirements of chapter 120, designate all or a part of an~~  
16 ~~updated or revised version of a model code listed in~~  
17 ~~subsection (2) as a State Minimum Building Code.~~

18       (4)(a) Local governments shall comply with applicable  
19 standards for issuance of mandatory certificates of occupancy,  
20 minimum types of inspections, and procedures for plans review  
21 and inspections as established by the board by rule. Any  
22 amendments to standards established by the Florida Building  
23 Code pursuant to this paragraph shall be more stringent than  
24 such standards and shall be transmitted to the commission  
25 within 30 days after enactment. The local government shall  
26 make such amendments available to the general public in a  
27 usable format. The Department of Insurance is responsible for  
28 establishing the standards and procedures required in this  
29 paragraph for governmental entities with respect to applying  
30 the Florida Fire Prevention and the Life Safety Code.

31



1           **(b)** Local governments ~~and state agencies with building~~  
2 ~~construction regulation responsibilities~~ may, subject to the  
3 limitations of this section, adopt amendments to the technical  
4 provisions of the Florida Building Code which apply solely  
5 within the jurisdiction of such government and which provide  
6 for more stringent requirements than those specified in the  
7 Florida State Minimum Building Code, not more than once every  
8 6 months, Codes provided:

9           **1.(a)** The local governing body determines, following a  
10 public hearing which has been advertised in a newspaper of  
11 general circulation at least 10 days before the hearing, that  
12 there is a need to strengthen the requirements of the Florida  
13 State Minimum Building Code ~~Codes~~ adopted by such governing  
14 body. The determination must be based upon a review of local  
15 conditions by the local governing body, which review  
16 demonstrates that local conditions justify more stringent  
17 requirements than those specified in the Florida State Minimum  
18 Building Code ~~Codes~~ for the protection of life and property.

19           **2.(b)** Such additional requirements are not  
20 discriminatory against materials, products, or construction  
21 techniques of demonstrated capabilities.

22           **3.(c)** Such additional requirements may not introduce a  
23 new subject not addressed in the Florida State Minimum  
24 Building Code ~~Codes~~.

25           **4.** The enforcing agency shall make readily available,  
26 in a usable format, all amendments adopted pursuant to this  
27 section.

28           **5.** Any amendment to the Florida Building Code shall be  
29 transmitted within 30 days by the adopted local government to  
30 the commission. The commission shall maintain copies of all  
31

1 such amendments in a format that is usable and obtainable by  
2 the public.

3 6. Any amendment to the Florida Building Code adopted  
4 by a local government pursuant to this paragraph shall be  
5 effective only until the adoption by the board of the new  
6 edition of the Florida Building Code every third year. At  
7 such time, the board shall adopt such amendment as part of the  
8 Florida Building Code or rescind the amendment. Adoption or  
9 rescission of an amendment by the board shall take effect 90  
10 days after the board takes such action. The board shall  
11 immediately notify the respective local government of the  
12 rescission of any amendment. After receiving such notice, the  
13 respective local government may readopt the rescinded  
14 amendment pursuant to the provisions of this paragraph.

15 7. Each county and municipality desiring to make local  
16 technical amendments to the Florida Building Code shall by  
17 interlocal agreement establish a countywide compliance review  
18 board to review any amendment to the Florida Building Code,  
19 adopted by a local government within the county pursuant to  
20 this paragraph, which is challenged by any substantially  
21 affected party for purposes of determining the amendment's  
22 compliance with this paragraph. If the compliance review  
23 board determines such amendment is not in compliance with this  
24 paragraph, the compliance review board shall notify such local  
25 government of the noncompliance and that the amendment is  
26 invalid and unenforceable until the local government corrects  
27 the amendment to bring it into compliance. The local  
28 government may appeal the decision of the compliance review  
29 board to the commission. If the compliance review board  
30 determines such amendment to be in compliance with this  
31 paragraph, any substantially affected party may appeal such

1 determination to the commission. Actions of the commission are  
2 subject to ss. 120.569 and 120.57, except an order of an  
3 administrative law judge shall be final agency action. The  
4 compliance review board shall determine whether its decisions  
5 apply to a respective local jurisdiction or apply countywide.

6 8. An amendment adopted under this paragraph shall  
7 include a fiscal impact statement which documents the costs  
8 and benefits of the proposed amendment. Criteria for the  
9 fiscal impact statement shall include the impact to local  
10 government relative to enforcement, the impact to property and  
11 building owners, as well as to industry, relative to the cost  
12 of compliance. The fiscal impact statement may not be used as  
13 a basis for challenging the amendment for compliance.

14 9. In addition to subparagraphs 7. and 8., the  
15 commission may review any amendments adopted pursuant to this  
16 subsection and make nonbinding recommendations related to  
17 compliance of such amendments with this subsection.

18 (c) Any amendment adopted by a local enforcing agency  
19 pursuant to this subsection shall not apply to state or school  
20 district owned buildings, manufactured buildings approved by  
21 the commission, or prototype buildings approved pursuant to s.  
22 553.77(6). The respective responsible entities shall consider  
23 the physical performance parameters substantiating such  
24 amendments when designing, specifying, and constructing such  
25 exempt buildings.

26 ~~(d) Paragraphs (a), (b), and (c) apply to the~~  
27 ~~enforcing agency's adoption of more stringent requirements~~  
28 ~~than those specified in the State Minimum Building Codes and~~  
29 ~~to the adoption of building construction-related codes that~~  
30 ~~have the effect of amending building construction standards~~  
31 ~~contained in the State Minimum Building Codes. Upon request,~~

1 ~~the enforcing agency shall provide a person making application~~  
2 ~~for a building permit, or any state agency or board with~~  
3 ~~construction-related regulation responsibilities, a listing of~~  
4 ~~all such requirements and codes.~~

5 (5) The commission shall, by rule pursuant to ss.  
6 120.536(1) and 120.54, update the Florida Building Code every  
7 3 years. Once initially adopted and subsequently updated by  
8 the board, the Florida Building Code shall be deemed adopted  
9 for use statewide without adoptions by local government. When  
10 updating the Florida Building Code, the commission shall  
11 consider changes made by the adopting entity of any selected  
12 model code for any model code incorporated into the Florida  
13 Building Code by the commission, the commission's own binding  
14 interpretations, advisory opinions, appellate decisions, and  
15 approved statewide and local technical amendments.

16 ~~(6)(5) It shall be the responsibility of each~~  
17 ~~municipality and county in the state and of each state agency~~  
18 ~~with statutory authority to regulate building construction to~~  
19 ~~enforce the provisions of the Florida specific model code of~~  
20 ~~the State Minimum Building Code Codes adopted by that~~  
21 ~~municipality, county, or agency, in accordance with the~~  
22 ~~provisions of s. 553.80. If such responsibility has been~~  
23 ~~delegated to another unit of government pursuant to s.~~  
24 ~~553.79(9), the specific model code adopted by the delegate~~  
25 ~~shall apply and be enforced.~~

26 (7)(a)(6) The commission may approve technical  
27 amendments to the Florida Building Code once each year for  
28 statewide application upon a finding by a super majority vote  
29 that delaying the application of the amendment would be  
30 contrary to the health, safety, and welfare of the public or  
31

1 the amendment provides an economic advantage to the consumer  
2 and that the amendment:

3 1. Has a reasonable and substantial connection with  
4 the health, safety, and welfare of the general public.

5 2. Strengthens or improves the Florida Building Code,  
6 or in the case of innovation or new technology, will provide  
7 equivalent or better products or methods or systems of  
8 construction.

9 3. Does not discriminate against materials, products,  
10 methods, or systems of construction of demonstrated  
11 capabilities.

12 4. Does not degrade the effectiveness of the Florida  
13 Building Code.

14  
15 Such approved amendments shall be adopted by rule pursuant to  
16 ss. 120.536(1) and 120.54.

17 (b) A proposed amendment shall include a fiscal impact  
18 statement which documents the costs and benefits of the  
19 proposed amendment. Criteria for the fiscal impact statement  
20 shall be established by rule by the commission and shall  
21 include the impact to local government relative to  
22 enforcement, the impact to property and building owners, as  
23 well as to industry, relative to the cost of compliance.~~The~~  
24 ~~specific model code of the State Minimum Building Codes~~  
25 ~~adopted by a municipality, county, or state agency shall~~  
26 ~~regulate every type of building or structure, wherever it~~  
27 ~~might be situated in the code enforcement jurisdiction;~~  
28 ~~however, such regulations shall not apply to nonresidential~~  
29 ~~farm buildings on farms; to temporary buildings or sheds used~~  
30 ~~exclusively for construction purposes; to mobile homes used as~~  
31 ~~temporary offices, except that the provisions of part V~~

1 ~~relating to accessibility by handicapped persons shall apply~~  
2 ~~to such mobile homes used as temporary offices; or to any~~  
3 ~~construction exempted under s. 553.80(3) by an enforcement~~  
4 ~~district or local enforcement agency. The codes may be divided~~  
5 ~~into a number of segments, as determined by the municipality,~~  
6 ~~county, or state agency. These segments may be identified as~~  
7 ~~building, mechanical, electrical, plumbing, or fire prevention~~  
8 ~~codes or by other titles as are deemed proper. However, the~~  
9 ~~State Minimum Building Codes shall not contain a housing code;~~  
10 ~~nor shall the state interpose in the area of local housing~~  
11 ~~codes, except upon request originating from an enforcement~~  
12 ~~district or local enforcement agency.~~

13 (8) The following buildings, structures, and  
14 facilities may be exempted from the Florida Building Code as  
15 provided by law and any further exemptions shall be as  
16 determined by the Legislature and provided by law:

17 (a) Buildings and structures specifically regulated  
18 and preempted by the Federal Government.

19 (b) Railroads and ancillary facilities associated with  
20 the railroad.

21 (c) Nonresidential farm buildings on farms.

22 (d) Temporary buildings or sheds used exclusively for  
23 construction purposes.

24 (e) Mobile homes used as temporary offices, except  
25 that the provisions of part V relating to accessibility by  
26 persons with disabilities shall apply to such mobile homes.

27 (9)(7)(a) In the event of a conflict between the  
28 Florida applicable minimum Building Code and the Florida Fire  
29 Prevention Code and the Life Safety applicable minimum  
30 firesafety Code, the conflict it shall be resolved by  
31 agreement between the local building code enforcement official

1 and the local fire code enforcement official in favor of the  
2 requirement of the code which offers the greatest degree of  
3 lifesafety or alternatives which would provide an equivalent  
4 degree of lifesafety and an equivalent method of construction.

5 (b) Any decision made by the local fire official and  
6 the local building official may be appealed to a local  
7 administrative board designated by the municipality, county,  
8 or special district having firesafety responsibilities. If  
9 the decision of the local fire official and the local building  
10 official is to apply the provisions of either the Florida  
11 ~~applicable minimum~~ Building Code or the Florida Fire  
12 Prevention Code and the Life Safety ~~applicable minimum~~  
13 ~~firesafety~~ Code, the board may not alter the decision unless  
14 the board determines that the application of such code is not  
15 reasonable. If the decision of the local fire official and  
16 the local building official is to adopt an alternative to the  
17 codes, the local administrative board shall give due regard to  
18 the decision rendered by the local officials and may modify  
19 that decision if the administrative board adopts a better  
20 alternative, taking into consideration all relevant  
21 circumstances. In any case in which the local administrative  
22 board adopts alternatives to the decision rendered by the  
23 local fire official and the local building official, such  
24 alternatives shall provide an equivalent degree of lifesafety  
25 and an equivalent method of construction as the decision  
26 rendered by the local officials.

27 (c) ~~If in the event that~~ the local building official  
28 and the local fire official are unable to agree on a  
29 resolution of the conflict between the Florida Building Code  
30 and the Florida Fire Prevention Code and the Life Safety Code,  
31 the local administrative board shall resolve the conflict in

1 favor of the code which offers the greatest degree of  
2 lifesafety or alternatives which would provide an equivalent  
3 degree of lifesafety and an equivalent method of construction.

4 (d) The local administrative board shall, to the  
5 greatest extent possible, be composed of members with  
6 expertise in building construction and firesafety standards.

7 (e) All decisions of the local building official and  
8 local fire official and all decisions of the administrative  
9 board shall be in writing and shall be binding upon all  
10 persons but shall not limit the authority of the State Fire  
11 Marshal or the Florida Building Commission pursuant to  
12 paragraph(1)(d) and ss. 663.01, and ~~s.~~633.161. Decisions of  
13 general application shall be indexed by building and fire code  
14 sections and shall be available for inspection during normal  
15 business hours.

16 (10)~~(8)~~ Except within coastal building zones as  
17 defined in s. 161.54, specification standards developed by  
18 nationally recognized code promulgation organizations to  
19 determine compliance with ~~s. 1606~~ and the engineering design  
20 criteria of ~~s. 1606~~ of the Florida Standard Building Code for  
21 wind load design shall not apply to one or two family  
22 dwellings which are two stories or less in height unless  
23 approved by the board of ~~Building Codes and Standards~~ for use  
24 or unless expressly made subject to said standards and  
25 criteria by local ordinance adopted in accordance with the  
26 provisions of subsection (4).

27 (11) The Florida Building Code does not apply to, and  
28 no code enforcement action shall be brought with respect to,  
29 zoning requirements, land use requirements, and owner  
30 specifications or programmatic requirements which do not  
31 pertain to and govern the design, construction, erection,



1 alteration, modification, repair, or demolition of public or  
2 private buildings, structures, or facilities or to  
3 programmatic requirements that do not pertain to enforcement  
4 of the Florida Building Code. Additionally, a local code  
5 enforcement agency may not administer or enforce the Florida  
6 Building Code to prevent the siting of any publicly owned  
7 facility, including, but not limited to, correctional  
8 facilities; juvenile justice facilities; state universities;  
9 community colleges; or public education facilities, as  
10 provided by law.

11 (12) In addition to the requirements set forth in ss.  
12 553.79 and 553.80, facilities subject to the provisions of  
13 chapter 395 and part II of chapter 400 shall have facility  
14 plans reviewed and construction surveyed by the state agency  
15 authorized to do so under the requirements of chapter 395 and  
16 part II of chapter 400 and the certification requirements of  
17 the Federal Government.

18 Section 42. Section 553.74, Florida Statutes, is  
19 amended to read:

20 553.74 Florida Building Commission ~~State Board of~~  
21 ~~Building Codes and Standards.~~--

22 (1) The Florida Building Commission ~~There~~ is created  
23 and shall be located within the Department of Community  
24 Affairs for administrative purposes ~~the Board of Building~~  
25 ~~Codes and Standards~~. Members shall be appointed by the  
26 Governor subject to confirmation by the Senate. The  
27 commission board shall be composed of 21 ~~17~~ members,  
28 consisting of the following:

29 (a) One architect registered to practice in this state  
30 and actively engaged in the profession.

31

1 (b) One structural engineer registered to practice in  
2 this state and actively engaged in the profession.

3 (c) One mechanical contractor certified to do business  
4 in this state and actively engaged in the profession.

5 (d) One electrical contractor certified to do business  
6 in this state and actively engaged in the profession.

7 (e) One member from fire protection engineering or  
8 technology who is actively engaged in the profession.

9 (f) One general contractor certified to do business in  
10 this state and actively engaged in the profession.

11 (g) One plumbing contractor licensed to do business in  
12 this state and actively engaged in the profession.

13 (h) One roofing, sheet metal, or air-conditioning  
14 contractor certified to do business in this state and actively  
15 engaged in the profession.

16 (i) One residential contractor licensed to do business  
17 in this state and actively engaged in the profession.

18 (j) Two ~~Three~~ members who are municipal or district  
19 codes enforcement officials, one of whom is also a fire  
20 official.

21 (k) One member who represents the Department of  
22 Insurance ~~a state agency, other than the Department of~~  
23 ~~Community Affairs, empowered by law to enforce building codes.~~

24 (l) One member who is a county codes enforcement  
25 official.

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

30  
31

1           (n) One member of the manufactured buildings industry  
2 who is licensed to do business in this state and is actively  
3 engaged in the industry.

4           (o) One mechanical or electrical engineer registered  
5 to practice in this state and actively engaged in the  
6 profession.

7           

(p) One member who is a representative of a  
8 municipality or a charter county.

9           

(q) One member of the building products manufacturing  
10 industry who is authorized to do business in this state and is  
11 actively engaged in the industry.

12           

(r) One member who is a representative of the building  
13 owners and managers industry who is actively engaged in  
14 commercial building ownership or management.

15           

(s) One member who is a representative of the  
16 insurance industry.

17           

(t) One member who shall be the chair.

18           (2) ~~The first five board members appointed after~~  
19 ~~October 1, 1991, shall serve for terms of 3 years each.~~  
20 ~~Thereafter,~~All appointments shall be for terms of 4 years,  
21 except that of the chair who shall shall serve at the pleasure  
22 of the Governor. Each person who is a member of the Board of  
23 Building Codes and Standards on the effective date of this act  
24 shall serve the remainder of their term as a member of the  
25 Florida Building Commission. Except for the chair, newly  
26 created positions on the Florida Building Commission shall be  
27 appointed after February 1, 1999.A vacancy shall be filled  
28 for the remainder of the unexpired term. ~~Neither the architect~~  
29 ~~nor any of the above-named engineers shall be engaged in the~~  
30 ~~manufacture, promotion, or sale of any building materials; and~~  
31 Any member who shall, during his or her term, cease to meet

1 the qualifications for original appointment, through ceasing  
2 to be a practicing member of the profession indicated or  
3 otherwise, shall thereby forfeit membership on the commission  
4 board.

5 Section 43. Section 553.75, Florida Statutes, is  
6 amended to read:

7 553.75 Organization of commission board; rules and  
8 regulations; meetings; staff; fiscal affairs.--

9 (1) ~~Within 30 days after its appointment, The~~  
10 commission board shall meet on call of the secretary. The  
11 commission board shall ~~at this time, and thereafter~~ annually,  
12 elect from its appointive members ~~a chair and~~ such officers as  
13 it may choose.

14 (2) The commission board shall meet at the call of its  
15 chair, at the request of a majority of its membership, at the  
16 request of the department, or at such times as may be  
17 prescribed by its rules. The members shall be notified in  
18 writing of the time and place of a regular or special meeting  
19 at least 7 days in advance of the meeting. A majority of  
20 members of the commission board shall constitute a quorum.

21 (3) The department shall be responsible for the  
22 provision of administrative and staff support services  
23 relating to the functions of the commission board. With  
24 respect to matters within the jurisdiction of the commission  
25 board, the department shall be responsible for the  
26 implementation and faithful discharge of all decisions of the  
27 commission board made pursuant to its authority under the  
28 provisions of this part.

29 Section 44. Section 553.76, Florida Statutes, is  
30 amended to read:

31

1           553.76 General powers of the commission board.--The  
2 commission board is authorized to:

3           (1) Promulgate, in cooperation with the department,  
4 rules and regulations for the administration of this part,  
5 pursuant to chapter 120.

6           (2) Provide rules of procedure for its internal  
7 management and control.

8           (3) Enter into contracts and do such things as may be  
9 necessary and incidental to the discharge of its  
10 responsibilities under this part.

11           Section 45. Effective January 1, 2001, subsections (4)  
12 and (5) are added to section 553.76, Florida Statutes, as  
13 amended by this act, to read:

14           553.76 General powers of the commission.--The  
15 commission is authorized to:

16           (4) Adopt rules pursuant to ss. 120.5361(1) and 120.54  
17 to implement the provisions of the Florida Building Code and  
18 the provisions of this chapter.

19           (5) Adopt and promote, in consultation with state and  
20 local governments, other boards, advisory councils, and  
21 commissions, such recommendations as are deemed appropriate to  
22 determine and ensure consistent, effective, and efficient  
23 enforcement and compliance with the Florida Building Code.  
24 Recommendations shall include, but are not limited to,  
25 provisions for coordination among and between local offices  
26 with review responsibilities and their coordination with state  
27 or regional offices with special expertise.

28           Section 46. Section 553.77, Florida Statutes, is  
29 amended to read:

30           553.77 Specific powers of the commission board.--

31           (1) The commission board shall:

1           (a) Adopt rules and regulations or amendments thereto  
2 pursuant to ss. 120.536(1) and 120.54.~~in accordance with the~~  
3 ~~procedures prescribed in chapter 120.~~

4           (b) Make a continual study of the operation of the  
5 State Minimum Building Codes and other laws relating to the  
6 construction of buildings, including manufactured buildings,  
7 to ascertain their effect upon the cost of building  
8 construction and determine the effectiveness of their  
9 provisions.

10           (c) Upon written application by a private party or a  
11 local enforcement agency, issue advisory opinions relating to  
12 new technologies, techniques, and materials which have been  
13 tested where necessary and found to meet the objectives of the  
14 State Minimum Building Codes and the Florida Manufactured  
15 Building Act of 1979.

16           (d) Upon written application by a private party or a  
17 local enforcement agency, issue advisory opinions relating to  
18 the interpretation, enforcement, administration, or  
19 modification by local governments of the State Minimum  
20 Building Codes and the Florida Manufactured Building Act of  
21 1979.

22           (e) Make recommendations to, and provide assistance  
23 upon the request of, the Florida Commission on Human Relations  
24 regarding rules relating to handicapped accessibility.

25           (f) Coordinate and cooperate with the Florida Fire  
26 Code Advisory Council created under s. 633.72, for assistance  
27 and recommendations relating to firesafety code  
28 interpretations.

29           (2) Upon written application by a private party or a  
30 local enforcement agency, the commission ~~board~~ may also:

31

1 (a) Provide for the testing of materials, devices, and  
2 method of construction.

3 (b) Appoint experts, consultants, technical advisers,  
4 and advisory committees for assistance and recommendations  
5 relating to the State Minimum Building Codes.

6 (c) Appoint an advisory committee consisting of at  
7 least five plumbing contractors licensed to do business in  
8 this state for assistance and recommendations relating to  
9 plumbing code interpretations, if the commission board  
10 identifies the need for additional assistance in making  
11 decisions regarding the State Plumbing Code.

12 (3) With respect to the qualification program for  
13 special inspectors of threshold buildings as required by s.  
14 553.79(5)(c), the commission board may prescribe initial and  
15 annual renewal fees for certification, by rule, in accordance  
16 with chapter 120.

17 (4)(a) Upon written application by a private party,  
18 the commission board shall issue a binding opinion relating to  
19 a state agency's interpretation and enforcement of the  
20 specific model code adopted by the agency to regulate building  
21 construction or relating to the conformity of new  
22 technologies, techniques, and materials to the objectives of  
23 that model code. The provisions of this paragraph shall not  
24 be construed to provide any powers to the commission board  
25 with respect to any decision of the State Board of Education  
26 made pursuant to the provisions of s. 235.26, to the State  
27 Fire Marshal made pursuant to the provisions of chapter 633,  
28 to the Department of Management Services made pursuant to the  
29 provisions of s. 255.25, or to any local government decision  
30 with respect to construction not subject to a state agency  
31 model code.

1 (b) Upon written applications by private parties or  
2 the enforcement agency, the commission board may issue binding  
3 opinions relating to the interpretation of ss. 553.71(7) and  
4 553.79(5)(a) and (c), (6)(a), (b), (d), and (e), and (7)(a)  
5 and (c).

6 (c) Each opinion issued pursuant to this section shall  
7 be rendered in the same manner provided in s. 120.565,  
8 relating to declaratory statements.

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

16 Section 47. Effective January 1, 2001, section 553.77,  
17 Florida Statutes, as amended by this act, is amended to read:

18 553.77 Specific powers of the commission.--

19 (1) The commission shall:

20 (a) Adopt and update the Florida Building Code rules  
21 ~~and regulations~~ or amendments thereto pursuant to ss.  
22 120.536(1) and 120.54.in accordance with the procedures  
23 ~~prescribed in chapter 120.~~

24 (b) Make a continual study of the operation of the  
25 Florida State Minimum Building Code Codes and other laws  
26 relating to the design, construction, erection, alteration,  
27 modification, repair, or demolition of public or private of  
28 buildings, structures, and facilities, including manufactured  
29 buildings, and code enforcement, to ascertain their effect  
30 upon the cost of building construction and determine the  
31 effectiveness of their provisions. Upon updating the Florida



1 Building Code every 3 years, the commission shall review  
2 existing provisions of law and make recommendations to the  
3 Legislature for the next regular session of the Legislature  
4 regarding provisions of law that should be revised or repealed  
5 to ensure consistency with the Florida Building Code at the  
6 point the update goes into effect. Any proposed legislation  
7 providing for the revision or repeal of existing laws and  
8 rules relating to technical requirements applicable to  
9 building structures or facilities should expressly state that  
10 such legislation is not intended to imply any repeal or sunset  
11 of existing general or special laws that are not specifically  
12 identified in the legislation.

13 (c) Upon written application by any substantially  
14 affected ~~a private~~ party or a local enforcement agency, issue  
15 advisory opinions relating to new technologies, techniques,  
16 and materials which have been tested where necessary and found  
17 to meet the objectives of the Florida State Minimum Building  
18 Code Codes and the Florida Manufactured Building Act of 1979.

19 (d) Upon written application by any substantially  
20 affected ~~a private~~ party or a local enforcement agency, issue  
21 advisory opinions relating to the interpretation, enforcement,  
22 administration, or modification by local governments of the  
23 Florida State Minimum Building Code Codes and the Florida  
24 Manufactured Building Act of 1979.

25 (e) When requested in writing by any substantially  
26 affected party or a local enforcing agency, shall issue  
27 binding interpretations of part VII of chapter 553, which  
28 shall apply prospectively only. The binding interpretations  
29 of the commission shall be subject to the processes as set  
30 forth in s. 120.57, except that the administrative law judge's  
31 order shall be final agency action.

1           ~~(f)(e)~~ Make recommendations to, and provide assistance  
2 upon the request of, the Florida Commission on Human Relations  
3 regarding rules relating to ~~handicapped~~ accessibility for  
4 persons with disabilities.

5           ~~(g)(f)~~ Participate ~~Coordinate and cooperate~~ with the  
6 Florida Fire Code Advisory Council created under s. 633.72, to  
7 provide for assistance and recommendations relating to  
8 firesafety code interpretations. The administrative staff of  
9 the commission shall attend meetings of the Florida Fire Code  
10 Advisory Council and coordinate efforts to provide consistency  
11 between the Florida Building Code and the Florida Fire  
12 Prevention Code and the Life Safety Code.

13           ~~(h)~~ Hear appeals of the decisions of local boards of  
14 appeal regarding interpretation decisions of local building  
15 officials, or if no local board exists, hear appeals of  
16 decisions of the building officials regarding interpretations  
17 of the code. For such appeals:

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

22                 2. All appeals shall be heard in the county of the  
23 jurisdiction defending the appeal.

24                 3. Actions of the commission are subject to ss. 120.569  
25 and 120.57, except an order of an administrative law judge  
26 shall be final agency action.

27           ~~(2)~~ ~~Upon written application by a private party or a~~  
28 ~~local enforcement agency, the commission may also:~~

29           ~~(i)(a)~~ Determine the types of products requiring  
30 approval for local or statewide use and shall provide for the  
31 evaluation and approval testing of such products, materials,

1 devices, and method of construction for statewide use.

2 Evaluation and approval shall be by action of the commission  
3 or delegated pursuant to s. 553.84. This paragraph does not  
4 apply to products approved by the State Fire Marshal.

5 (j)(b) Appoint experts, consultants, technical  
6 advisers, and advisory committees for assistance and  
7 recommendations relating to the major areas addressed in the  
8 Florida State Minimum Building Code Codes.

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

16 1. Minimum post-disaster structural, electrical, and  
17 plumbing inspections and procedures.

18 2. Emergency permitting and inspection procedures.

19 3. Establishing contact with emergency management  
20 personnel and other state and federal agencies.

21 (l) Maintain a list of interested parties for noticing  
22 rulemaking workshops and hearings, disseminating information  
23 on code adoption, revisions, amendments, and all other such  
24 actions which are the responsibility of the commission.

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

29 (n) Provide technical assistance to local building  
30 departments in order to implement policies, procedures, and  
31

1 practices which would produce the most cost effective property  
2 insurance ratings.

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

10 ~~(c) Appoint an advisory committee consisting of at~~  
11 ~~least five plumbing contractors licensed to do business in~~  
12 ~~this state for assistance and recommendations relating to~~  
13 ~~plumbing code interpretations, if the commission identifies~~  
14 ~~the need for additional assistance in making decisions~~  
15 ~~regarding the State Plumbing Code.~~

16 ~~(2)(3)~~ With respect to the qualification program for  
17 special inspectors of threshold buildings as required by s.  
18 553.79(5)(c), the commission may prescribe initial and annual  
19 renewal fees for certification, by rule, in accordance with  
20 chapter 120.

21 ~~(3)(4)~~(a) Upon written application by any  
22 substantially affected ~~a private~~ party, the commission shall  
23 issue a binding opinion relating to a state agency's  
24 interpretation and enforcement of the specific provisions of  
25 the Florida Building model Code required under this section  
26 ~~adopted by the agency to regulate building construction or~~  
27 relating to the conformity of new technologies, techniques,  
28 and materials to the objectives of the Florida Building that  
29 ~~model~~ Code. The provisions of this paragraph shall not be  
30 construed to provide any powers, other than advisory, to the  
31 commission with respect to any decision of the ~~State Board of~~

1 ~~Education made pursuant to the provisions of s. 235.26, to the~~  
2 ~~State Fire Marshal made pursuant to the provisions of chapter~~  
3 ~~633, to the Department of Management Services made pursuant to~~  
4 ~~the provisions of s. 255.25, or to any local government~~  
5 ~~decision with respect to construction not subject to a state~~  
6 ~~agency model code.~~

7 ~~(b) Upon written applications by private parties or~~  
8 ~~the enforcement agency, the commission may issue binding~~  
9 ~~opinions relating to the interpretation of ss. 553.71(7) and~~  
10 ~~553.79(5)(a) and (c), (6)(a), (b), (d), and (e), and (7)(a)~~  
11 ~~and (c).~~

12 (b)(c) Each opinion issued pursuant to this section  
13 shall be rendered in the same manner provided in s. 120.565,  
14 relating to declaratory statements.

15 (4)(5) The commission may designate a commission  
16 member with demonstrated expertise in interpreting building  
17 plans to attend each meeting of the advisory council created  
18 in s. 553.512. The commission member may vary from meeting to  
19 meeting, shall serve on the council in a nonvoting capacity,  
20 and shall receive per diem and expenses as provided in s.  
21 553.74(3).

22 (5) For educational and public information purposes,  
23 the commission shall develop and publish an explanatory  
24 document which contains descriptions of the roles and  
25 responsibilities of the licensed design professional,  
26 residential designer, contractor, and local building and fire  
27 code officials. The State Fire Marshal shall be responsible  
28 for developing and specifying roles and responsibilities for  
29 fire code officials. Such document may also contain  
30 descriptions of roles and responsibilities of other  
31 participants involved in the building codes system.

1           (6) The commission may provide for plans review and  
2 approval of prototype buildings owned by public entities to be  
3 replicated throughout the state. Such approved plans or  
4 prototype buildings shall be exempt from further review  
5 required by s. 553.79(2) or any local amendment to any part of  
6 the Florida Building Code. Construction or erection of such  
7 prototype buildings are subject to local permitting and  
8 inspections pursuant to this part.

9           Section 48. Effective January 1, 2001, section  
10 553.781, Florida Statutes, is created to read:

11           553.781 Licensee accountability.--

12           (1) The Legislature finds that accountability for work  
13 performed by design professionals and contractors is the key  
14 to strong and consistent compliance with the Florida Building  
15 Code and, therefore, protection of the public health, safety,  
16 and welfare. The purpose of this section is to provide such  
17 accountability.

18           (2)(a) Notwithstanding the provisions of ss. 455.227,  
19 471.033, 481.225, 481.2251, 481.325, 489.129, or 489.531, upon  
20 a final determination by a local jurisdiction, based on clear  
21 and convincing evidence, that a licensee, certificateholder,  
22 or registrant has committed a material violation of the  
23 Florida Building Code and failed to correct such violation  
24 within a reasonable time, such local jurisdiction shall impose  
25 a fine of no less than \$500 and no more than \$5,000 per  
26 material violation of the Florida Building Code and, in the  
27 case of a licensee under chapter 455, a registrant under  
28 chapter 471 or chapter 481, or a certificateholder or  
29 registrant under chapter 489, shall recommend remedial  
30 education or training, probation, or suspension or revocation  
31 of the license, certificate, or registration to the

1 appropriate licensing authority having jurisdiction over the  
2 license, certificate, or registration or the licensee,  
3 certificateholder, or registrant. Unless appealed pursuant to  
4 s. 553.77, failure to comply with the order of the local  
5 jurisdiction within 45 days shall result in suspension of  
6 licensure until compliance.

7 (b) For purposes of a registrant under chapter 489,  
8 the licensing authority shall report to the respective state  
9 licensing board the material violation and any subsequent  
10 action taken by the licensing authority within 30 days after  
11 taking such action.

12 (3) The recommendation shall be made after completion  
13 of any appeal pursuant to s. 553.77 and shall contain findings  
14 of fact, conclusions of law, and the recommended penalty.  
15 After a recommendation by a local jurisdiction for remedial  
16 education and training, probation, or suspension or revocation  
17 of a certificate or registration has been served on the  
18 certificateholder or registrant and the certificateholder or  
19 registrant has not challenged such recommendation within 45  
20 days after such service, the recommendation shall become a  
21 final action of the licensing authority. If the recommendation  
22 is challenged in a timely manner, the licensing authority  
23 shall determine the appropriate level of discipline.

24 (4) The Department of Business and Professional  
25 Regulation, as an integral part of the automated information  
26 system provided under s. 455.2286, shall establish, and local  
27 jurisdictions and state licensing boards shall participate in,  
28 a system of reporting violations and disciplinary actions  
29 taken against all certificateholders and registrants under  
30 this section that have been disciplined for a violation of the  
31 Florida Building Code. Such information shall be available

1 electronically. Any fines collected by a local jurisdiction  
2 pursuant to subsection (2) shall be used initially to help set  
3 up the parts of the reporting system for which such local  
4 jurisdiction is responsible. Any remaining moneys shall be  
5 used solely for enforcing the Florida Building Code, licensing  
6 activities relating to the Florida Building Code, or education  
7 and training on the Florida Building Code.

8 (5) Local jurisdictions shall maintain records,  
9 readily accessible by the public, regarding material  
10 violations and shall report such violations to the Department  
11 of Business and Professional Regulation by means of the  
12 reporting system provided in s. 455.2286.

13  
14 For purposes of this section, a material code violation is a  
15 violation which may reasonably result in physical harm to a  
16 person or significant damage to a building or its systems. The  
17 determination of the existence of any material violation and  
18 specific corrective action shall be subject only to the  
19 appellate process provided in s. 553.77 and shall not be  
20 subject any other appeals or determinations. This provision  
21 shall not preclude the appropriate licensing authorities from  
22 administering discipline related to negligence or  
23 incompetence.

24 Section 49. Paragraph (c) of subsection (5) and  
25 subsection (15) of section 553.79, Florida Statutes, are  
26 amended to read:

27 553.79 Permits; applications; issuance; inspections.--

28 (5)

29 (c) The commission board shall, by rule, establish a  
30 qualification program for special inspectors and shall compile  
31 a list of persons qualified to be special inspectors. Special



1 inspectors shall not be required to meet standards for  
2 qualification other than those established by the commission  
3 ~~board~~, nor shall the fee owner of a threshold building be  
4 prohibited from selecting any person qualified by the  
5 commission ~~board~~ to be a special inspector. The architect or  
6 engineer of record may act as the special inspector provided  
7 she or he is on the list of persons qualified to be special  
8 inspectors. School boards may utilize employees as special  
9 inspectors provided such employees are on the list of persons  
10 qualified to be special inspectors.

11 (15) Certifications by contractors authorized under  
12 the provisions of s. 489.115(4)(b) shall be considered  
13 equivalent to sealed plans and specifications by a person  
14 licensed under chapter 471 or chapter 481 by local enforcement  
15 agencies for plans review for permitting purposes relating to  
16 compliance with the wind resistance provisions of the code or  
17 alternate methodologies approved by the commission ~~board~~ for  
18 one and two family dwellings. Local enforcement agencies may  
19 rely upon such certification by contractors that the plans and  
20 specifications submitted conform to the requirements of the  
21 code for wind resistance. Upon good cause shown, local  
22 government code enforcement agencies may accept or reject  
23 plans sealed by persons licensed under chapter 471, chapter  
24 481, or chapter 489.

25 Section 50. Effective January 1, 2001, subsections  
26 (1), (2), (3), (4), (6), (9), (10), and (14) of section  
27 553.79, Florida Statutes, are amended, and subsection (17) is  
28 added to that section, to read:

29 553.79 Permits; applications; issuance; inspections.--

30 (1) After the effective date of the Florida State  
31 ~~Minimum Building Code Codes~~ adopted as herein provided, it

1 shall be unlawful for any person, firm, ~~or~~ corporation, or  
2 governmental entity to construct, erect, alter, modify,  
3 repair, or demolish any building within this state without  
4 first obtaining a permit therefor from the appropriate  
5 enforcing agency or from such persons as may, by appropriate  
6 resolution or regulation of the authorized state or local  
7 enforcing agency, be delegated authority to issue such  
8 permits, upon the payment of such reasonable fees adopted by  
9 the enforcing agency. The enforcing agency is empowered to  
10 revoke any such permit upon a determination by the agency that  
11 the construction, erection, alteration, modification, repair,  
12 or demolition of the building for which the permit was issued  
13 is in violation of, or not in conformity with, the provisions  
14 of the Florida State Minimum Building Code Codes.

15 Installation, replacement, removal, or metering of any load  
16 management control device is exempt from and shall not be  
17 subject to the permit process and fees otherwise required by  
18 this section.

19 (2) ~~After January 1, 1988,~~ No enforcing agency may  
20 issue any permit for construction, erection, alteration,  
21 modification, repair, or demolition until the local building  
22 code administrator or inspector, in conjunction with the  
23 appropriate firesafety inspector, has reviewed the plans and  
24 specifications for such proposal and both officials have found  
25 the plans to be in compliance with the Florida applicable  
26 ~~State Minimum Building Code Codes~~ and the Florida Fire  
27 Prevention Code and the Life Safety Code applicable firesafety  
28 ~~standards~~ as determined by the local authority in accordance  
29 with this chapter and chapter 633. Building plans approved  
30 pursuant to s. 553.77(6) and state-approved manufactured  
31 buildings are exempt from local codes enforcing agency plan

1 reviews except for provisions of the code relating to  
2 erection, assembly, or construction at the site. Erection,  
3 assembly, and construction at the site are subject to local  
4 permitting and inspections.Any building or structure which is  
5 not subject to a firesafety code and any building or structure  
6 which is exempt from the local building permit process shall  
7 not be required to have its plans reviewed by the local  
8 officials. Industrial construction on sites where design,  
9 construction, and firesafety are supervised by appropriate  
10 design and inspection professionals and which contain adequate  
11 in-house fire departments and rescue squads is exempt, subject  
12 to local government option, from review of plans and  
13 inspections, providing owners certify that applicable codes  
14 and standards have been met and supply appropriate approved  
15 drawings to local building and firesafety inspectors. The  
16 enforcing agency shall issue a permit to construct, erect,  
17 alter, modify,repair, or demolish any building when the plans  
18 and specifications for such proposal comply with the  
19 provisions of the Florida State Minimum Building Code Codes  
20 and the Florida Fire Prevention Code and the Life Safety Code  
21 ~~applicable firesafety standards~~ as determined by the local  
22 authority in accordance with this chapter and chapter 633.

23 (3) Except as provided in this chapter,the Florida  
24 ~~State Minimum Building Code Codes~~, after the effective date of  
25 ~~their~~ adoption pursuant to the provisions of this part, shall  
26 supersede all other building construction codes or ordinances  
27 in the state, whether at the local or state level and whether  
28 adopted by administrative regulation or by legislative  
29 enactment, ~~unless such building construction codes or~~  
30 ~~ordinances are more stringent than the State Minimum Building~~  
31 ~~Codes and the conditions of s. 553.73(4) are met.~~ However,

1 this subsection does not apply to the manufacture of mobile  
2 homes as defined by federal law ~~chapter 320~~. Nothing  
3 contained in this subsection shall be construed as nullifying  
4 or divesting appropriate state or local agencies of authority  
5 to make inspections or to enforce the codes within their  
6 respective areas of jurisdiction.

7 (4) The Florida State Minimum Building Code Codes,  
8 after the effective date of ~~their~~ adoption pursuant to the  
9 provisions of this part, may be modified by local governments  
10 to require more stringent standards than those specified in  
11 the Florida State Minimum Building Code Codes, provided the  
12 conditions of s. 553.73(4) are met.

13 (6) No permit may be issued for any building  
14 construction, erection, alteration, modification, repair, or  
15 addition unless the applicant for such permit provides to the  
16 enforcing agency which issues the permit any of the following  
17 documents which apply to the construction for which the permit  
18 is to be issued:

19 (a) Electrical documents for any new building or  
20 addition which requires an aggregate service capacity of 600  
21 amperes (240 volts) or more on a residential electrical system  
22 or 800 amperes (240 volts) or more on a commercial or  
23 industrial electrical system and which costs more than  
24 \$50,000.

25 (b) Plumbing documents for any new building or  
26 addition which requires a plumbing system with more than 250  
27 fixture units or which costs more than \$50,000.

28 (c) Fire sprinkler documents for any new building or  
29 addition which includes a fire sprinkler system which contains  
30 50 or more sprinkler heads. A Contractor I, Contractor II, or  
31 Contractor IV, certified under s. 633.521, may design a fire

1 sprinkler system of 49 or fewer heads and may design the  
2 alteration of an existing fire sprinkler system if the  
3 alteration consists of the relocation, addition, or deletion  
4 of not more than 49 heads, notwithstanding the size of the  
5 existing fire sprinkler system.

6 (d) Heating, ventilation, and air-conditioning  
7 documents for any new building or addition which requires more  
8 than a 15-ton-per-system capacity which is designed to  
9 accommodate 100 or more persons or for which the system costs  
10 more than \$50,000. This paragraph does not include any  
11 document for the replacement or repair of an existing system  
12 in which the work does not require altering a structural part  
13 of the building or for work on a residential one-family,  
14 two-family, three-family, or four-family structure.

15 (e) Any specialized mechanical, electrical, or  
16 plumbing document for any new building or addition which  
17 includes a medical gas, oxygen, steam, vacuum, toxic air  
18 filtration, halon, or fire detection and alarm system which  
19 costs more than \$5,000.

20  
21 Documents requiring an engineer seal by this part ~~No such~~  
22 ~~document~~ shall not be valid unless a professional engineer who  
23 possesses a valid certificate of registration has signed,  
24 dated, and stamped such document as provided in s. 471.025.

25 (9) Any state agency with building construction  
26 responsibility ~~may enter into an agreement with any other unit~~  
27 ~~of government to delegate its responsibility to enforce the~~  
28 ~~delegate's building code governing the construction, erection,~~  
29 ~~alteration, repair, or demolition of any state building and is~~  
30 authorized to expend public funds for permit and inspection

31

1 fees, which fees may be no greater than the fees charged  
2 others.

3 (10) An enforcing authority may not issue a building  
4 permit for any building construction, erection, alteration,  
5 modification, repair, or addition unless the permit either  
6 includes on its face or there is attached to the permit the  
7 following statement: "NOTICE: In addition to the requirements  
8 of this permit, there may be additional restrictions  
9 applicable to this property that may be found in the public  
10 records of this county, and there may be additional permits  
11 required from other governmental entities such as water  
12 management districts, state agencies, or federal agencies."

13 (14) A building permit for a single-family residential  
14 dwelling must be issued within 30 working days of application  
15 therefor unless unusual circumstances require a longer time  
16 for processing the application or unless the permit  
17 application fails to satisfy the Florida Building Code or the  
18 enforcing agency's laws ~~or ordinances, or codes~~.

19 (17) Notwithstanding any other provision of law, state  
20 agencies responsible for the construction, erection,  
21 alteration, modification, repair, or demolition of public  
22 buildings or the regulation of public and private buildings,  
23 structures, and facilities shall be subject to enforcement of  
24 the Florida Building Code by local jurisdictions. This  
25 subsection applies in addition to the jurisdiction and  
26 authority of the Department of Insurance to inspect  
27 state-owned buildings. This subsection does not apply to the  
28 jurisdiction and authority of the Department of Agriculture  
29 and Consumer Services to inspect amusement rides or the  
30 Department of Insurance to inspect state owned buildings and  
31 boilers.

1           Section 51. Subsection (1) of section 553.80, Florida  
2 Statutes, is amended to read:

3           553.80 Enforcement.--

4           (1) It shall be the responsibility of each local  
5 government, each legally constituted enforcement district, and  
6 each state agency with statutory authority to regulate  
7 building construction to enforce the building code adopted by  
8 such body in accordance with s. 553.73, unless such  
9 responsibility has been delegated to another unit of  
10 government pursuant to s. 553.79(9). The governing bodies of  
11 local governments may provide a schedule of fees for the  
12 enforcement of the provisions of this part. Such fees shall  
13 be used solely for carrying out the local government's  
14 responsibilities in enforcing the code.The authority of state  
15 enforcing agencies to set fees for enforcement shall be  
16 derived from authority existing on the effective date of this  
17 act. However, nothing contained in this subsection shall  
18 operate to limit such agencies from adjusting their fee  
19 schedule in conformance with existing authority.

20           Section 52. Effective January 1, 2001, section 553.80,  
21 Florida Statutes, as amended by this act, is amended to read:

22           553.80 Enforcement.--

23           (1) It shall be the responsibility of each local  
24 government and~~each~~ legally constituted enforcement district,  
25 ~~and each state agency~~ with statutory authority to regulate  
26 building construction to enforce the Florida Building Code  
27 required by this part on all public or private buildings,  
28 structures, and facilities ~~adopted by such body in accordance~~  
29 ~~with s. 553.73~~, unless such responsibility has been delegated  
30 to another unit of government pursuant to s. 553.79(9). The  
31 governing bodies of local governments may provide a schedule

1 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
2 section, for the enforcement of the provisions of this part.  
3 Such fees shall be used solely for carrying out the  
4 responsibilities of enforcing the Florida Building Code. If a  
5 local government finds it necessary, in order to enforce  
6 compliance with the Florida Building Code, to conduct any  
7 inspection after an initial inspection and a subsequent  
8 reinspection of any project or activity and the local  
9 government imposes a fee for such inspections, the local  
10 government shall impose a fee of up to four times the amount  
11 of the fee imposed for the initial inspection or first  
12 reinspection for each such subsequent reinspection.The  
13 authority of state enforcing agencies to set fees for  
14 enforcement shall be derived from authority existing on the  
15 effective date of this act. 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 (2) ~~Except for charter counties,~~Any two or more  
19 counties or municipalities, or any combination thereof, may,  
20 in accordance with the provisions of chapter 163, governing  
21 interlocal agreements, form an enforcement district for the  
22 purpose of ~~adopting,~~enforcing, and administering the  
23 provisions of the Florida State Minimum Building Code Codes.  
24 Each district so formed shall be registered with the  
25 department on forms to be provided for that purpose. Nothing  
26 in this subsection shall be construed to supersede provisions  
27 of county charters which preempt municipal authorities  
28 respective to building codes.

29 (3) Each enforcement district shall be governed by a  
30 board, the composition of which shall be determined by the  
31 affected localities. At its own option each enforcement



1 district or local enforcement agency may promulgate rules  
2 granting to the owner of a single-family residence one or more  
3 exemptions from the Florida State Minimum Building Code Codes  
4 relating to:

5 (a) Addition, alteration, or repairs performed by the  
6 property owner upon his or her own property, provided any  
7 addition or alteration shall not exceed 1,000 square feet or  
8 the square footage of the primary structure, whichever is  
9 less.

10 (b) Addition, alteration, or repairs by a nonowner  
11 within a specific cost limitation set by rule, provided the  
12 total cost shall not exceed \$5,000 within any 12-month period.

13 (c) Building and inspection fees.  
14

15 Each code exemption, as defined in paragraphs (a), (b), and  
16 (c), shall be certified to the local board 10 days prior to  
17 implementation and shall only be effective in the territorial  
18 jurisdiction of the enforcement district or local enforcement  
19 agency implementing it.

20 (4) When an enforcement district has been formed as  
21 provided herein, upon its registration with the department, it  
22 shall have the same authority and responsibility with respect  
23 to building codes as provided by this part for local governing  
24 bodies.

25 (5) State and regional agencies with special expertise  
26 in building code standards and licensing of contractors and  
27 design professionals shall provide support to local  
28 governments upon request.

29 Section 53. Section 553.841, Florida Statutes, is  
30 created to read:  
31

1           553.841 Building code training program; participant  
2 competency requirements.--

3           (1) The Legislature finds that the effectiveness of  
4 the building codes of this state depends on the performance of  
5 all participants, as demonstrated through knowledge of the  
6 codes and commitment to compliance with code directives and  
7 that to strengthen compliance by industry and enforcement by  
8 government, a Building Code Training Program is needed.

9           (2) The commission shall establish the Building Code  
10 Training Program to develop and provide a core curriculum and  
11 advance module courses relating to the Florida Building Code  
12 and a system of administering and enforcing the Florida  
13 Building Code.

14           (3) The program shall be developed, implemented, and  
15 administered by the commission in consultation with the  
16 Department of Education, the Department of Community Affairs,  
17 the Department of Business and Professional Regulation, the  
18 State University System, and the Division of Community  
19 Colleges.

20           (4) The commission may enter into contracts with the  
21 Department of Education, the State University System, the  
22 Division of Community Colleges, model code organizations,  
23 professional organizations, vocational-technical schools,  
24 trade organizations, and private industry to administer the  
25 program.

26           (5) The program shall be affordable, accessible,  
27 meaningful, financially self-sufficient and shall make maximum  
28 use of existing sources, systems, institutions, and programs  
29 available through private sources.

30           (6) The commission, in coordination with the  
31 Department of Community Affairs, the Department of Business

1 and Professional Regulation, the respective licensing boards,  
2 and the State Fire Marshal shall develop or cause to be  
3 developed:

4 (a) A core curriculum which is prerequisite to all  
5 specialized and advanced module course work.

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

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

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

31

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

8           (10) The respective state boards under part XII of  
9 chapter 468, chapters 471, 481, and 489, and the State Fire  
10 Marshal under chapter 633, shall require specialized or  
11 advanced course modules as part of their regular continuing  
12 education requirements.

13           Section 54. (1) The commission, in consultation with  
14 the respective professional licensing boards within the  
15 Department of Business and Professional Regulation, the  
16 Department of Education, the Department of Labor and  
17 Employment Security, the State University System, Community  
18 Colleges, and the entity administering the Code Training  
19 Program, shall develop a program and standards for providing  
20 entry level construction workers:

21           (a) Long-term training intended to produce crafts  
22 people who are competent to perform all tasks associated with  
23 a specific trade.

24           (b) Short-term intensive training intended to teach  
25 specific skills within a trade.

26           (c) Brief in-service training intended to inform  
27 workers regarding new code requirements, construction  
28 techniques, and materials.

29           (2) The commission, in consultation with the  
30 respective licensing boards within the Department of Business  
31 and Professional Regulation, the Department of Education, the

1 State University System, the Division of Community Colleges,  
2 and the Department of Labor and Employment Security, shall  
3 develop a proposed method of implementing the training  
4 programs in subsection (1) that is a combination of:

5 (a) Mandatory licensing which enforces initial  
6 qualification requirements and continuing education  
7 requirements.

8 (b) Mandatory training which establishes and enforces  
9 training standards.

10 (c) Voluntary training not enforced by a government  
11 agency.

12 (3) The commission shall present the implementation  
13 proposal to the Legislature in a report no later than January  
14 31, 2000.

15 Section 55. Section 553.842, Florida Statutes, is  
16 created to read:

17 553.842 Product evaluation and approval.--

18 (1) The commission has authority to adopt rules  
19 pursuant to ss. 120.536(1) and 120.54 to develop and implement  
20 a product evaluation and approval system to operate in  
21 coordination with the Florida Building Code. The product  
22 evaluation and approval system shall provide:

23 (a) Appropriate promotion of innovation and new  
24 technologies.

25 (b) Processing submittals of products from  
26 manufacturers in a timely manner.

27 (c) Independent, third-party qualified and accredited  
28 testing and laboratory facilities.

29 (d) An easily accessible product acceptance list to  
30 entities subject to the Florida Building Code.

31

1           (e) Development of stringent but reasonable testing  
2 criteria based upon existing consensus standards, when  
3 available, for products.

4           (f) Long-term approvals, where feasible.

5           (g) Recall or revocation of a product approval.

6           (h) Cost effectiveness.

7           (2) The product evaluation and approval system shall  
8 rely on regional, national, and international consensus  
9 standards, whenever adopted by the Florida Building Code, for  
10 demonstrating compliance with code standards. Other standards  
11 which meet or exceed established state requirements shall also  
12 be considered.

13           (3) Products or methods or systems of construction  
14 required to be approved and certified by an approved product  
15 evaluation entity as complying with the standards specified by  
16 the code shall be permitted to be used statewide, without  
17 further evaluation or approval.

18           (4) Products may be approved either by the commission  
19 for statewide use, or by a local building department for use  
20 in that department's jurisdiction only. Notwithstanding a  
21 local government's authority to amend the Florida Building  
22 Code as provided in this act, statewide approval shall  
23 preclude local jurisdictions from requiring further testing,  
24 evaluation, or submission of other evidence as a condition of  
25 using the product so long as the product is being used  
26 consistent with the conditions of its approval.

27           (5) Statewide and local approval of products or  
28 methods or systems of construction shall be achieved by:

29           (a) Submittal and validation of a product evaluation  
30 report from an approved product evaluation entity indicating  
31 the product or method or system of construction was tested to

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

6 (b) Submittal and validation of a product evaluation  
7 report or rational analysis which is signed and sealed by a  
8 professional engineer or architect, licensed in this state,  
9 who has no conflict of interest, as determined by national  
10 guidelines, who certifies that the product or method or system  
11 of construction is, for the purpose intended, at least  
12 equivalent of that required by the Florida Building Code. Any  
13 product approved under this procedure shall be required to be  
14 manufactured under a quality assurance program, certified by  
15 an approved product evaluation entity.

16 (6) A building official may deny the local application  
17 of a product or method or system of construction which has  
18 received statewide approval, based upon a written report  
19 signed by the official that concludes the product application  
20 is inconsistent with the statewide approval and that states  
21 the reasons the application is inconsistent. Such denial of  
22 an application may be appealed to the commission pursuant to  
23 s. 553.77.

24 (7) Products, other than manufactured buildings, which  
25 are custom fabricated or assembled shall not require separate  
26 approval under this section provided the component parts have  
27 been approved for the fabricated or assembled product's use  
28 and the components meet the standards and requirements of the  
29 Florida Building Code which applies to the products's intended  
30 use.

31

1           (8) A building official may appeal the required  
2 approval for local use of a product or method or system of  
3 construction to the commission. The commission shall  
4 establish expedited procedures to handle such appeals.

5           (9) The decisions of local building officials shall be  
6 appealable to the local board of appeals, if such board  
7 exists, then to the commission. Decisions of the commission  
8 regarding statewide product approvals and appeals of local  
9 product approval shall be subject to appeal according to the  
10 procedures set forth in s. 120.57, except the order of an  
11 administrative law judge shall be final agency action.

12           (10) The commission shall maintain a list of the  
13 approved products and product evaluation entities and make  
14 such list available in the most cost effective manner. The  
15 commission shall establish reasonable timeframes associated  
16 with the product approval process and availability of the  
17 list.

18           (11) The commission may establish reasonable and  
19 appropriate fees for the review of rational analyses and  
20 certification of manufactured buildings submitted pursuant to  
21 this section and may enter into any contracts the commission  
22 deems necessary in order to implement this section.

23           (12) Products certified or approved for statewide or  
24 local use by an approved product evaluation entity prior to  
25 the effective date of this act shall be deemed to be approved  
26 for use in this state pursuant to this section and to comply  
27 with this section.

28  
29 For purposes of this section, an approved product evaluation  
30 entity is an entity that has been accredited by a nationally  
31



1 recognized independent evaluation authority or entity  
2 otherwise approved by the commission.

3 Section 56. Effective January 1, 2001, paragraph (c)  
4 of subsection (2) of section 627.351, Florida Statutes, is  
5 amended to read:

6 627.351 Insurance risk apportionment plans.--

7 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

8 (c) The provisions of paragraph (b) are applicable  
9 only with respect to:

10 1. Those areas that were eligible for coverage under  
11 this subsection on April 9, 1993; or

12 2. Any county or area as to which the department,  
13 after public hearing, finds that the following criteria exist:

14 a. Due to the lack of windstorm insurance coverage in  
15 the county or area so affected, economic growth and  
16 development is being deterred or otherwise stifled in such  
17 county or area, mortgages are in default, and financial  
18 institutions are unable to make loans;

19 b. The county or area so affected ~~has adopted and is~~  
20 enforcing the structural requirements of the Florida State  
21 ~~Minimum Building Code Codes~~, as defined in s. 553.73, for new  
22 construction and has included adequate minimum floor elevation  
23 requirements for structures in areas subject to inundation;  
24 and

25 c. Extending windstorm insurance coverage to such  
26 county or area is consistent with and will implement and  
27 further the policies and objectives set forth in applicable  
28 state laws, rules, and regulations governing coastal  
29 management, coastal construction, comprehensive planning,  
30 beach and shore preservation, barrier island preservation,  
31

1 coastal zone protection, and the Coastal Zone Protection Act  
2 of 1985.

3  
4 The department shall consider reports of the Florida Building  
5 Commission when evaluating building code enforcement. Any time  
6 after the department has determined that the criteria referred  
7 to in this subparagraph do not exist with respect to any  
8 county or area of the state, it may, after a subsequent public  
9 hearing, declare that such county or area is no longer  
10 eligible for windstorm coverage through the plan.

11 Section 57. Effective January 1, 2001, subsection (1)  
12 of section 633.01, Florida Statutes, is amended, and  
13 subsections (7) and (8) are added to that section, to read:

14 633.01 State Fire Marshal; powers and duties; rules.--

15 (1) The head of the Department of Insurance shall be  
16 designated as "State Fire Marshal." The State Fire Marshal  
17 shall make and promulgate all rules necessary to implement the  
18 provisions of this chapter which grant powers and impose  
19 duties on the State Fire Marshal and to effectuate the  
20 enforcement of such powers and duties. ~~However, The~~  
21 department shall ~~not~~ adopt the Florida Fire Prevention Code  
22 and the Life Safety Code ~~minimum firesafety standards, except~~  
23 ~~to the extent required by s. 394.879.~~

24 (7) It is the intent of the Legislature that there are  
25 to be no conflicting requirements between the Florida Fire  
26 Prevention Code and the Life Safety Code authorized by this  
27 chapter and the provisions of the Florida Building Code or  
28 conflicts in their enforcement and interpretation. Potential  
29 conflicts shall be resolved through coordination and  
30 cooperation of the State Fire Marshal and the Florida Building  
31

1 Commission as provided by this chapter and part VII of chapter  
2 553.

3 (8) The Department of Insurance shall issue, when  
4 requested in writing by any substantially affected party or a  
5 local enforcing agency, binding interpretations of the Florida  
6 Fire Prevention Code and the Life Safety Code. Such  
7 interpretations shall apply prospectively, except whenever the  
8 State Fire Marshal determines that a serious threat to life  
9 exists that warrants retroactive application.

10 Section 58. Effective January 1, 2001, section  
11 633.0215, Florida Statutes, is created to read:

12 633.0215 Florida Fire Prevention Code.--

13 (1) The department shall adopt, by rule pursuant to  
14 ss. 120.536(1) and 120.54, the Florida Fire Prevention Code  
15 which shall contain or incorporate by reference all firesafety  
16 laws and rules that pertain to and govern the design,  
17 construction, erection, alteration, modification, repair, and  
18 demolition of public and private buildings, structures, and  
19 facilities and the enforcement of such firesafety laws and  
20 rules.

21 (2) The department shall adopt the National Fire  
22 Protection Association's Standard 1, Fire Prevention Code.  
23 The department shall adopt the Life Safety Code, Pamphlet 101,  
24 current editions, by reference. The department may modify the  
25 selected codes and standards as needed to accommodate the  
26 specific needs of the state. Standards or criteria in the  
27 selected codes shall be similarly incorporated by reference.  
28 The department shall incorporate within sections of the  
29 Florida Fire Prevention Code provisions that address uniform  
30 fire safety standards as established in s. 633.022. The  
31 department shall incorporate within sections of the Florida

1 Fire Prevention Code provisions addressing regional and local  
2 concerns and variations.

3 (3) Any local amendment to the Florida Fire Prevention  
4 Code adopted by a local government shall be effective only  
5 until the adoption by the department of the new edition of the  
6 Florida Fire Prevention Code, which shall be every third year.  
7 At such time, the department shall adopt such amendment as  
8 part of the Florida Fire Prevention Code or rescind the  
9 amendment. Adoption or rescission of the amendment by the  
10 department shall take effect 90 days after the department  
11 takes such action. The department shall immediately notify  
12 the respective local government of the rescission of the  
13 amendment. After receiving such notice, the respective local  
14 government may readopt the rescinded amendment. Incorporation  
15 of local amendments as regional and local concerns and  
16 variations shall be considered as adoption of an amendment  
17 pursuant to this part. Notwithstanding other state or local  
18 building and construction code laws to the contrary, locally  
19 adopted fire code requirements that were in existence on the  
20 effective date of this section shall be deemed local  
21 variations of the Florida Fire Prevention Code until the  
22 department takes action to adopt or rescind such requirements  
23 as provided herein and such action shall take place no later  
24 than January 1, 2001.

25 (4) The department shall update, by rule pursuant to  
26 ss. 120.536(1) and 120.54, the Florida Fire Prevention Code  
27 every 3 years. Once initially adopted and subsequently  
28 updated by the department, the Florida Fire Prevention Code  
29 and the Life Safety Code shall be adopted for use statewide  
30 without adoptions by local governments. When updating the  
31 Florida Fire Prevention Code and the most recent edition of

1 the Life Safety Code, the department shall consider changes  
2 made by the national model fire codes incorporated into the  
3 Florida Fire Prevention Code, the department's own binding  
4 interpretations, advisory opinions, appellate decisions, and  
5 approved statewide and local technical amendments.

6 (5) The department may approve technical amendments  
7 notwithstanding the 3-year update cycle of the Florida Fire  
8 Prevention Code upon finding that a threat to life exists that  
9 would warrant such action, subject to chapter 120.

10 (6) The Florida Fire Prevention Code does not apply  
11 to, and no code enforcement action shall be brought with  
12 respect to, zoning requirements or land use requirements.  
13 Additionally, a local code enforcement agency may not  
14 administer or enforce the Florida Fire Prevention Code to  
15 prevent the siting of any publicly owned facility, including,  
16 but not limited to, correctional facilities; juvenile justice  
17 facilities; state universities; community colleges; or public  
18 education facilities. This section shall not be construed to  
19 prohibit local government from imposing built-in fire  
20 protection systems or fire-related infrastructure requirements  
21 needed to properly protect the intended facility.

22 Section 59. Effective January 1, 2001, section  
23 633.025, Florida Statutes, is amended to read:

24 633.025 Minimum firesafety standards.--

25 (1) The Florida Fire Prevention Code and the Life  
26 Safety Code adopted by the Department of Insurance, ~~Each~~  
27 ~~municipality, county, and special district with firesafety~~  
28 ~~responsibilities shall adopt minimum firesafety standards~~  
29 which shall operate in conjunction with the Florida state  
30 ~~minimum~~ Building Code, shall be deemed adopted by each  
31 ~~municipality, county, and special district with firesafety~~

1 ~~responsibilities such local jurisdiction as required by s.~~  
2 553.73. The minimum firesafety codes standards shall not  
3 apply to buildings and structures subject to the uniform  
4 firesafety standards under s. 633.022 and buildings and  
5 structures subject to the minimum firesafety standards adopted  
6 pursuant to s. 394.879.

7 (2) Pursuant to subsection (1), each municipality,  
8 county, and special district with firesafety responsibilities  
9 shall ~~adopt and enforce the Florida Fire Prevention Code and~~  
10 the Life Safety Code codes specified in paragraph (a),  
11 ~~paragraph (b), paragraph (c), or paragraph (d)~~ as the minimum  
12 firesafety code required by this section+

13 (a) ~~The Standard Fire Prevention Code, 1985 edition or~~  
14 ~~subsequent edition, as adopted by the Southern Building Code~~  
15 ~~Congress International.~~

16 (b) ~~The EPCOT Fire Prevention Code.~~

17 (c) ~~The National Fire Protection Association (NFPA)~~  
18 ~~Pamphlet 1, 1985 edition or subsequent edition.~~

19 (d) ~~The South Florida Fire Prevention Code, subject to~~  
20 ~~the provisions of subsection (4).~~

21 (3) The most current edition of the ~~In addition, each~~  
22 ~~municipality, county, and special district with firesafety~~  
23 ~~responsibilities shall adopt~~ National Fire Protection  
24 Association (NFPA) 101, Life Safety Code, adopted by the  
25 Department of Insurance, shall be deemed to be adopted by each  
26 municipality, county, and special district with firesafety  
27 responsibilities, 1985 edition or subsequent edition, as part  
28 of the minimum firesafety code.

29 (4) ~~It is the intent of the Legislature that a South~~  
30 ~~Florida Fire Prevention Code be promulgated as a further~~  
31 ~~option to counties, municipalities, and special districts with~~

1 ~~firesafety responsibilities as an alternative to the~~  
2 ~~firesafety codes specified in paragraphs (2)(a), (b), and (c).~~  
3 ~~In the event that an appropriate South Florida Fire Prevention~~  
4 ~~Code is submitted by the Broward County Board of Rules and~~  
5 ~~Appeals or the Dade County Board of Rules and Appeals to the~~  
6 ~~Legislature by March 1, 1988, such code or codes shall be~~  
7 ~~deemed to be an alternative to the firesafety codes specified~~  
8 ~~in paragraphs (2)(a), (b), and (c) as of July 1, 1988, unless~~  
9 ~~the Legislature expressly prohibits the use of such code.~~  
10 ~~Until July 1, 1988, Dade and Broward Counties may use the~~  
11 ~~firesafety standards within their current Fire Prevention Code~~  
12 ~~as an alternative. In the event Dade or Broward County fails~~  
13 ~~to adopt a South Florida Fire Prevention Code as of July 1,~~  
14 ~~1988, then such county shall be subject to subsections (2),~~  
15 ~~(3), and (6).~~

16       (4)(5) Such codes shall be minimum codes and a  
17 municipality, county, or special district with firesafety  
18 responsibilities may adopt more stringent firesafety  
19 standards, subject to the requirements of this subsection.  
20 Such county, municipality, or special district may establish  
21 alternative requirements to those requirements which are  
22 required under the minimum firesafety standards on a  
23 case-by-case basis, in order to meet special situations  
24 arising from historic, geographic, or unusual conditions, if  
25 the alternative requirements result in a level of protection  
26 to life, safety, or property equal to or greater than the  
27 applicable minimum firesafety standards. For the purpose of  
28 this subsection, the term "historic" means that the building  
29 or structure is listed on the National Register of Historic  
30 Places of the United States Department of the Interior.  
31

1           (a) The local governing body shall determine,  
2 following a public hearing which has been advertised in a  
3 newspaper of general circulation at least 10 days before the  
4 hearing, if there is a need to strengthen the requirements of  
5 the minimum firesafety code adopted by such governing body.  
6 The determination must be based upon a review of local  
7 conditions by the local governing body, which review  
8 demonstrates that local conditions justify more stringent  
9 requirements than those specified in the minimum firesafety  
10 code for the protection of life and property or justify  
11 requirements that meet special situations arising from  
12 historic, geographic, or unusual conditions.

13           (b) Such additional requirements shall not be  
14 discriminatory as to materials, products, or construction  
15 techniques of demonstrated capabilities.

16           (c) Paragraphs (a) and (b) apply solely to the local  
17 enforcing agency's adoption of requirements more stringent  
18 than those specified in the Florida Fire Prevention Code and  
19 the Life Safety Code that have the effect of amending building  
20 construction standards. Upon request, the enforcing agency  
21 shall provide a person making application for a building  
22 permit, or any state agency or board with construction-related  
23 regulation responsibilities, a listing of all such  
24 requirements and codes.

25           (d) A local government which adopts amendments to the  
26 minimum firesafety code must provide a procedure by which the  
27 validity of such amendments may be challenged by any  
28 substantially affected party to test the amendment's  
29 compliance with the provisions of this section.

30           1. Unless the local government agrees to stay  
31 enforcement of the amendment, or other good cause is shown,



1 the challenging party shall be entitled to a hearing on the  
2 challenge within 45 days.

3 2. For purposes of such challenge, the burden of proof  
4 shall be on the challenging party, but the amendment shall not  
5 be presumed to be valid or invalid.

6  
7 A substantially affected party may appeal, to the Department  
8 of Insurance, the local government's resolution of the  
9 challenge and the department shall determine if the amendment  
10 complies with this section. The department shall consider  
11 reports of the Florida Building Commission, pursuant to part  
12 VII of chapter 533, when evaluating building code enforcement.

13 ~~(6) The minimum firesafety standards that counties,~~  
14 ~~municipalities, and special districts are required to adopt~~  
15 ~~pursuant to this section shall be adopted by January 1, 1988.~~  
16 ~~No municipality or county or special district shall be~~  
17 ~~required to amend an ordinance which presently complies with~~  
18 ~~this section. In the event that any such local governmental~~  
19 ~~entity fails to adopt minimum firesafety standards by January~~  
20 ~~1, 1988, the minimum firesafety standards shall consist of the~~  
21 ~~Standard Fire Prevention Code, 1985 edition, and National Fire~~  
22 ~~Protection Association (NFPA) 101, Life Safety Code, 1985~~  
23 ~~edition.~~

24 (5)(7) The new building or structure provisions  
25 enumerated within the firesafety code adopted pursuant to this  
26 section shall apply only to buildings or structures for which  
27 the building permit is issued on or after the effective date  
28 of this act ~~January 1, 1988~~. Subject to the provisions of  
29 subsection ~~(6)(8)~~, the existing building or structure  
30 provisions enumerated within the firesafety code adopted  
31 pursuant to this section shall apply to buildings or

1 structures for which the building permit was issued or the  
2 building or structure was constructed prior to the effective  
3 date of this act ~~January 1, 1988.~~

4 (6)~~(8)~~ With regard to existing buildings, the  
5 Legislature recognizes that it is not always practical to  
6 apply any or all of the provisions of the minimum firesafety  
7 code and that physical limitations may require  
8 disproportionate effort or expense with little increase in  
9 lifesafety. Prior to applying the minimum firesafety code to  
10 an existing building, the local fire official shall determine  
11 that a threat to lifesafety or property exists. If a threat to  
12 lifesafety or property exists, the fire official shall apply  
13 the applicable firesafety code for existing buildings to the  
14 extent practical to assure a reasonable degree of lifesafety  
15 and safety of property or the fire official shall fashion a  
16 reasonable alternative which affords an equivalent degree of  
17 lifesafety and safety of property. The decision of the local  
18 fire official may be appealed to the local administrative  
19 board described in s. 553.73.

20 (7)~~(9)~~ Nothing herein shall preclude a municipality,  
21 county, or special district from requiring a structure to be  
22 maintained in accordance with the applicable firesafety code.

23 ~~(10) With respect to standards established by the~~  
24 ~~National Fire Protection Association (NFPA) 101, Life Safety~~  
25 ~~Code, 1985 edition, s. 19-3.4.2.1, those standards shall not~~  
26 ~~apply to structures having direct access to the outside from~~  
27 ~~each living unit and having three stories or less.~~

28 (8)~~(11)~~ ~~With respect to standards established by the~~  
29 ~~National Fire Protection Association (NFPA) 101, Life Safety~~  
30 ~~Code, 1985 edition, s. 19-3.4.4.1, Battery operated smoke~~  
31 detectors shall be considered as an approved detection device

1 for residential buildings having direct access to the outside  
2 from each living unit and having three stories or less.

3 (9) The provisions of the Life Safety Code shall not  
4 apply to newly constructed one-family and two-family  
5 dwelling. However, fire sprinkler protection may be  
6 permitted by local government in lieu of other fire protection  
7 related development requirements in such structures.

8 Section 60. Paragraph (a) of subsection (1) of section  
9 633.085, Florida Statutes, is amended to read:

10 633.085 Inspections of state buildings and premises;  
11 tests of firesafety equipment; building plans to be  
12 approved.--

13 (1)(a) It is the duty of the State Fire Marshal and  
14 her or his agents to inspect, or cause to be inspected, each  
15 state-owned ~~or state-leased~~ building on a recurring basis  
16 established by rule, and to ensure that high-hazard  
17 occupancies are inspected at least annually, for the purpose  
18 of ascertaining and causing to be corrected any conditions  
19 liable to cause fire or endanger life from fire and any  
20 violation of the firesafety standards for state-owned ~~and~~  
21 ~~state-leased~~ buildings, the provisions of this chapter, or the  
22 rules or regulations adopted and promulgated pursuant hereto.  
23 The State Fire Marshal shall, within 7 days following an  
24 inspection, submit a report of such inspection to the head of  
25 the department of state government responsible for the  
26 building.

27 Section 61. Subsection (1) of section 633.72, Florida  
28 Statutes, is amended to read:

29 633.72 Florida Fire Code Advisory Council.--

30 (1) There is created within the department the Florida  
31 Fire Code Advisory Council with seven members appointed by the

1 State Fire Marshal. The council, in cooperation with the  
2 Florida Building Commission, shall advise and recommend to the  
3 State Fire Marshal and, where appropriate, for further  
4 recommendation to the Legislature changes in and  
5 interpretation of the firesafety codes that have the effect of  
6 conflicting with building construction standards that are  
7 adopted pursuant to s. 633.0215 ~~ss. 633.022 and 633.025~~. The  
8 members of the council shall represent the following groups  
9 and professions:

10 (a) One member shall be the State Fire Marshal, or his  
11 or her designated appointee who shall be an administrative  
12 employee of the marshal;

13 (b) One member shall be an administrative officer from  
14 a fire department representing a municipality or a county  
15 selected from a list of persons submitted by the Florida Fire  
16 Chiefs Association;

17 (c) One member shall be an architect licensed in the  
18 state selected from a list of persons submitted by the Florida  
19 Association/American Institute of Architects;

20 (d) One member shall be a structural engineer  
21 registered to practice in the state selected from a list of  
22 persons submitted by the Florida Engineering Society;

23 (e) One member shall be an administrative officer from  
24 a building department of a county or municipality selected  
25 from a list of persons submitted by the Building Officials  
26 Association of Florida;

27 (f) One member shall be a contractor licensed in the  
28 state selected from a list submitted by the Florida Home  
29 Builders Association; and

30 (g) One member shall be representative of the general  
31 public.

1           (h) The administrative staff of the State Fire Marshal  
2 shall attend meetings of the Florida Building Commission and  
3 coordinate efforts to provide consistency between the Florida  
4 Building Code and the Florida Fire Prevention Code and the  
5 Life Safety Code.

6  
7 The council and Florida Building Commission shall cooperate  
8 through joint representation and staff coordination.

9           Section 62. (1) Before the 2000 Regular Session of  
10 the Legislature, the Florida Building Commission shall submit  
11 to the Legislature, for review and approval or rejection, the  
12 Florida Building Code adopted by the commission and shall  
13 prepare list of recommendations of revisions to the Florida  
14 Statutes necessitated by adoption of the Florida Building Code  
15 if the Legislature approves the Florida Building Code.

16           (2) Upon approval of the Florida Building Code by the  
17 Legislature, all existing local technical amendments to any  
18 building code adopted by any local government are repealed.  
19 Each local government may readopt such amendments pursuant to  
20 section 553.73, Florida Statutes, provided such amendments  
21 comply with applicable provisions of the Florida Building  
22 Code.

23           Section 63. The Department of Management Services is  
24 directed to initiate a pilot project to evaluate the costs and  
25 benefits of installing an ozonation water treatment system for  
26 a cooling tower in a state building. An appropriate building  
27 project shall be selected, the ozonation equipment installed,  
28 the performance data of the system collected and compiled, and  
29 the Department of Management Services shall report back to the  
30 Legislature no later than March 1, 2000. Such findings shall  
31 provide the basis for determining a life-cycle cost analysis

1 that can be used in future building projects. If the  
2 Department of Management Services is unable to meet the  
3 deadline because of unforeseen fiscal or technical  
4 complications, the department shall provide the information to  
5 the Legislature as soon as possible after such date.

6 Section 64. Paragraph (f) of subsection (2) of section  
7 471.003, Florida Statutes, section 489.539, Florida Statutes,  
8 and subsection (5) of section 553.73, Florida Statutes, are  
9 repealed.

10 Section 65. Effective January 1, 1999, section  
11 489.120, Florida Statutes, is repealed.

12 Section 66. Effective January 1, 2001, paragraph (d)  
13 of subsection (1) of section 489.129, Florida Statutes, is  
14 repealed.

15 Section 67. Effective upon the approval by the  
16 Legislature of the adoption of the Florida Building Code by  
17 the Florida Building Commission, parts I, II, and III of  
18 chapter 553, Florida Statutes, consisting of sections 553.01,  
19 553.02, 553.03, 553.04, 553.041, 553.05, 553.06, 553.07,  
20 553.08, 553.10, 553.11, 553.14, 553.15, 553.16, 553.17,  
21 553.18, 553.19, 553.20, 553.21, 553.22, 553.23, 553.24,  
22 553.25, 553.26, 553.27, and 553.28, Florida Statutes, are  
23 repealed and section 553.141, Florida Statutes, is transferred  
24 and renumbered as section 553.86, Florida Statutes.

25 Section 68. Except as otherwise provided in this act,  
26 this act shall take effect July 1, 1998.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3                                   Senate Bills 1190 and 868

4 Senate Bills 1190 and 868 were "shell" bills to create a  
5 single statewide building code for governing the design,  
6 construction, code enforcement, erection, alteration,  
7 maintenance, and demolition of the public and private building  
8 environment in this state.

9 This Committee substitute for SB's 1190 & 868 establishes the  
10 Florida Building Code (FBC), a single statewide building code,  
11 and codifies many of the recommendations of the Governor's  
12 Building Codes Study Commission. This CS provides that:

13           The Board of Building Codes and Standards is  
14 reconstituted as the Florida Building Commission;

15           The Department of Insurance is required to adopt the  
16 Florida Fire Prevention Code and the Life Safety Code;

17           Upon initial adoption, the Florida Building Code and the  
18 Florida Fire Prevention Code and the Life Safety Code are  
19 deemed adopted by all local jurisdictions; with some  
20 restrictions, local governments may adopt more stringent  
21 requirements to the codes;

22           Beginning in 2001, local governments shall assume  
23 expanded responsibilities for permitting, plans review  
24 and inspection of facilities that are currently reviewed  
25 by state agencies;

26           The Florida Building Commission will create and  
27 administer a statewide product evaluation system;

28           There will be a building code training program developed  
29 which will become part of current continuing education  
30 requirements for occupations related to construction and  
31 construction regulation;

          There will be disciplinary consequences related to  
material code violations for state-certified and  
registered contractors; and

          The Department of Business and Professional Regulation is  
required to implement an automated information system  
which tracks disciplinary actions taken against  
construction-related occupations on a statewide basis.