

1 A bill to be entitled
2 An act relating to building codes; amending s.
3 553.73, F.S.; providing restrictions on the
4 contents of state minimum building codes;
5 providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Subsections (2) and (4) of section 553.73,
10 Florida Statutes, are amended to read:

11 553.73 State Minimum Building Codes.--

12 2.(a) There is created the State Minimum Building
13 Codes which shall consist of the following nationally
14 recognized model codes:

15 1.(a) Standard Building Codes, 1988 edition,
16 pertaining to building, plumbing, mechanical, and gas, and
17 excluding fire prevention;

18 2.(b) EPCOT Code, 1982 edition;

19 3.(c) One and Two Family Dwelling Code, 1986 edition;

20 and

21 4.(d) The South Florida Building Code, 1988 edition.

22 (b) Each local government and state agency with
23 building construction regulation responsibilities shall adopt
24 one of the State Minimum Building Codes as its building code,
25 which shall govern the construction, erection, alteration,
26 repair, or demolition of any building for which the local
27 government or state agency has building construction
28 regulation responsibility. If the One and Two Family Dwelling
29 Code is adopted for residential construction, then one of the
30 other recognized model codes must be adopted for the
31 regulation of other residential and nonresidential structures.

1 (c) Provisions to be contained within any State
2 Minimum Building Code are restricted to requirements relating
3 to the types of materials used and the construction methods
4 and standards employed in order to meet minimum building
5 codes. Provisions relating to personnel, the hiring or
6 retention of personnel, the supervision or training of
7 personnel, or any other professional qualification
8 requirements relating to contractors or their workforce may
9 not be included within a State Minimum Building Code; and
10 nothing in subsection (4) is to be construed to allow the
11 inclusion of such provisions within any State Minimum Building
12 Code by amendment. The restriction in this paragraph applies
13 to both initial development and amendment of the code.

14 (4) Local governments and state agencies with building
15 construction regulation responsibilities may, subject to the
16 limitations of this section, provide for more stringent
17 requirements than those specified in the State Minimum
18 Building Codes, provided:

19 (a) The local governing body determines, following a
20 public hearing which has been advertised in a newspaper of
21 general circulation at least 10 days before the hearing, that
22 there is a need to strengthen the requirements of the State
23 Minimum Building Codes adopted by such governing body. The
24 determination must be based upon a review of local conditions
25 by the local governing body, which review demonstrates that
26 local conditions justify more stringent requirements than
27 those specified in the State Minimum Building Codes for the
28 protection of life and property.

29 (b) Such additional requirements are not
30 discriminatory against materials, products, or construction
31 techniques of demonstrated capabilities.

1 (c) Such additional requirements may not introduce a
2 new subject not addressed in the State Minimum Building
3 Codes.

4 (d)(c)Paragraphs (a), and(b), and (c) apply to the
5 enforcing agency's adoption of more stringent requirements
6 than those specified in the State Minimum Building Codes and
7 to the adoption of building construction-related codes that
8 have the effect of amending building construction standards
9 contained in the State Minimum Building Codes. Upon request,
10 the enforcing agency shall provide a person making application
11 for a building permit, or any state agency or board with
12 construction-related regulation responsibilities, a listing of
13 all such requirements and codes.

14 Section 2. This act shall take effect July 1, 1997.