

By Representatives Constantine, K. Pruitt, Gay and Lacasa

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, and 489.129, F.S.;  
5           authorizing certain boards to order certain  
6           penalties under certain circumstances; amending  
7           ss. 468.609, 468.627, 471.017, 481.215,  
8           481.313, 489.115, 489.1455, and 489.5335, F.S.;  
9           authorizing the Florida Building Commission to  
10          impose certain education requirements relating  
11          to the Florida Building Code; providing certain  
12          core curriculum or continuing education  
13          requirements for certain license, certificate,  
14          or registration renewals; creating s. 455.2286,  
15          F.S.; requiring the Department of Business and  
16          Professional Regulation to implement an  
17          automated information system for certain  
18          purposes; amending s. 489.117, F.S.; clarifying  
19          certain information provision requirements for  
20          local jurisdictions relating to speciality  
21          contractor licensure and discipline; amending  
22          s. 553.06, F.S.; authorizing the Florida  
23          Building Commission to adopt the State Plumbing  
24          Code; amending s. 553.19, F.S.; requiring the  
25          commission to adopt certain electrical  
26          standards as part of the Florida Building Code;  
27          amending s. 553.71, F.S.; revising certain  
28          definitions; amending s. 553.72, F.S.; revising  
29          legislative intent; amending s. 553.73, F.S.;  
30          providing for adoption of the Florida Building  
31          Code to replace the State Minimum Building

1 Codes; providing for legislative approval;  
2 providing purposes; requiring the Florida  
3 Building Commission to adopt the code;  
4 providing requirements and criteria for the  
5 code; providing for local technical amendments  
6 to the code; providing procedures and  
7 requirements; providing limitations; requiring  
8 counties to establish compliance review boards  
9 for certain purposes; authorizing local  
10 governments to adopt procedural amendments to  
11 the code; providing requirements; authorizing  
12 certain inspection fees; requiring the  
13 commission to update the code periodically;  
14 authorizing the commission to adopt technical  
15 amendments to the code under certain  
16 circumstances; providing requirements;  
17 providing for exempting certain buildings,  
18 structures, and facilities from the code;  
19 providing for resolution of certain conflicts  
20 between the Florida Building Code and  
21 firesafety codes; specifying nonapplication of  
22 the code under certain circumstances;  
23 prohibiting administration or enforcement of  
24 the code for certain purposes; amending s.  
25 553.74, F.S.; replacing the State Board of  
26 Building Codes and Standards with the Florida  
27 Building Commission; providing for additional  
28 membership; amending ss. 553.76 and 553.77,  
29 F.S.; providing additional powers of the  
30 commission; creating s. 553.781, F.S.;  
31 providing for licensee accountability;

1 authorizing local jurisdictions to impose fines  
2 and order certain disciplinary action for  
3 certain violations of the Florida Building  
4 Code; providing for challenges to such actions;  
5 requiring the Department of Business and  
6 Professional Regulation and local jurisdictions  
7 to report such disciplinary actions; providing  
8 for disposition and use of such fines;  
9 authorizing building officials to obtain  
10 certain disciplinary information; providing  
11 construction; amending s. 553.79, F.S.;  
12 providing for local government enforcement of  
13 the Florida Building Code under certain  
14 circumstances; amending s. 553.80, F.S.;  
15 authorizing certain reinspection fees under  
16 certain circumstances; creating s. 553.841,  
17 F.S.; providing for establishing a building  
18 code training program; providing requirements;  
19 providing criteria; authorizing the Florida  
20 Building Commission to enter into contracts for  
21 certain purposes; requiring the assistance and  
22 participation of certain state agencies;  
23 creating s. 553.842, F.S.; providing for a  
24 system for product evaluation and approval;  
25 providing requirements; providing exceptions;  
26 amending s. 633.01, F.S.; authorizing the  
27 Department of Insurance to issue binding  
28 interpretations of certain firesafety codes;  
29 amending s. 633.025, F.S.; specifying adoption  
30 by local jurisdictions of certain firesafety  
31 codes; authorizing local jurisdictions to adopt

1 more stringent firesafety standards under  
2 certain circumstances; providing procedures;  
3 providing limitations; deleting obsolete  
4 provisions; amending s. 633.085, F.S.;  
5 clarifying certain inspection duties of the  
6 State Fire Marshal; amending ss. 125.69,  
7 161.54, 161.56, 162.21, 166.0415, 489.127,  
8 489.131, 489.537, 500.459, 553.18, and 627.351,  
9 F.S., to conform; requiring the Florida  
10 Building Commission to submit the Florida  
11 Building Code to the Legislature for approval;  
12 requiring the commission to recommend changes  
13 to the law to conform to adoption of the  
14 Florida Building Code; providing for future  
15 repeal of local amendments to certain building  
16 codes; providing for readoption; requiring the  
17 Department of Management Services to conduct a  
18 pilot project to study the effects of  
19 installing an ozonation water treatment system  
20 for a cooling tower on state buildings;  
21 requiring a report to the Legislature;  
22 repealing s. 489.539, F.S., relating to  
23 adoption of electrical standards; repealing s.  
24 553.73(5), F.S., relating to a presumption of  
25 compliance with certain building code  
26 requirements; providing for future repeal of s.  
27 489.120, F.S., relating to an automated  
28 information system; providing for future repeal  
29 of parts I, II, and III of chapter 553, F.S.,  
30 relating to the Florida Plumbing Control Act,  
31

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

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

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

15           WHEREAS, it is the intent of the Legislature that all  
16 processes which comprise the overall building construction  
17 regulatory system be coordinated and integrated to achieve  
18 optimal effectiveness, and

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

24           WHEREAS, it is the intent of the Legislature that the  
25 Florida Building Commission consider the recommendations of  
26 the Governor's Building Codes Study Commission when  
27 implementing the provisions of this act, NOW, THEREFORE,

28  
29 Be It Enacted by the Legislature of the State of Florida:

30  
31

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

4           125.69 Penalties; enforcement by code inspectors.--

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

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

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

21           161.54 Definitions.--In construing ss. 161.52-161.58:

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

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

27           161.56 Establishment of local enforcement.--

28           (1) Each local government which is required to enforce  
29 the Florida ~~adopt a~~ Building Code by s. 553.73 and which has a  
30 coastal building zone or some portion of a coastal zone within  
31 its territorial boundaries shall enforce ~~adopt, not later than~~

1 ~~January 1, 1987, as part of its building code, the~~  
2 ~~requirements of the code established in s. 161.55, and such~~  
3 ~~requirements shall be enforced by the local enforcement agency~~  
4 ~~as defined in s. 553.71.~~

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

7 162.21 Enforcement of county or municipal codes or  
8 ordinances; penalties.--

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

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

18 166.0415 Enforcement by code inspectors; citations.--

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

26 Section 6. Section 455.2286, Florida Statutes, is  
27 created to read:

28 455.2286 Automated information system.--By January 1,  
29 1999, the department shall implement an automated information  
30 system for all certificateholders and registrants under part  
31 XII of chapter 468, chapter 471, chapter 481, or chapter 489.

1 The system shall provide instant notification to local  
2 building departments and other interested parties regarding  
3 the status of the certification or registration. The  
4 provision of such information shall consist, at a minimum, of  
5 an indication of whether the certification or registration is  
6 active, of any current failure to make restitution according  
7 to the terms of any final action by a licensing authority, of  
8 any ongoing disciplinary cases that are subject to public  
9 disclosure, whether there are any outstanding fines, and of  
10 the reporting of any material violations pursuant to s.  
11 553.781.

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

14 468.609 Administration of this part; standards for  
15 certification; additional categories of certification.--

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

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

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

29 468.621 Disciplinary proceedings.--

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



1           (h) Failing to execute the duties and responsibilities  
2 specified in ss. 553.73 and 553.781.

3           Section 9. Subsection (7) of section 468.627, Florida  
4 Statutes, is amended, and subsection (8) is added to said  
5 section, to read:

6           468.627 Application; examination; renewal; fees.--

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

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

29           Section 10. Subsections (3), (4), and (5) are added to  
30 section 471.017, Florida Statutes, to read:

31           471.017 Renewal of license.--

1       (3) No license renewal shall be issued to an engineer  
2 by the department until the licensee submits proof,  
3 satisfactory to the department, that during the 2 year period  
4 prior to application for renewal the licensee participated in  
5 continuing education courses to the extent required by the  
6 board. The board shall approve only continuing education  
7 courses that relate to and increase the basic knowledge of  
8 engineering. The board may make exceptions from the  
9 requirements of continuing education in emergency or hardship  
10 cases.

11       (4) The board shall by rule establish criteria for the  
12 approval of continuing education courses and providers, and  
13 shall by rule establish criteria for accepting alternative  
14 non-classroom continuing education on an hour-for-hour basis.

15       (5) Each licensee shall provide to the board proof of  
16 completion of the core curriculum courses, or passing the  
17 equivalency test of the Building Code Training Program  
18 established by s. 553.841, within 2 years after commencement  
19 of the program or after initial licensure, whichever is later.  
20 Hours spent taking core curriculum courses shall count toward  
21 the number required for license renewal. A licensee who  
22 passes the equivalency test in lieu of taking the core  
23 curriculum courses shall receive full credit for core  
24 curriculum course hours.

25       Section 11. Effective January 1, 2001, subsection (6)  
26 is added to section 471.017, Florida Statutes, as amended by  
27 this act, to read:

28       471.017 Renewal of license.--

29       (6) The board may require a specified number of hours  
30 in specialized or advanced courses, approved by the Florida  
31 Building Commission, on any portion of the Florida Building

1 Code, adopted pursuant to part VII of chapter 553, relating to  
2 the licensee's respective area of practice, for those  
3 licensees regularly engaged in a practice requiring affixing  
4 his or her seal, name, or digital signature to plans,  
5 specifications, drawings, or other documents relating to the  
6 design of buildings or building systems.

7 Section 12. Effective January 1, 2001, subsection (4)  
8 of section 471.033, Florida Statutes, is renumbered as  
9 subsection (5) and new subsection (4) is added to said  
10 section, to read:

11 471.033 Disciplinary proceedings.--

12 (4) Upon receipt of a recommendation by a local  
13 jurisdiction, pursuant to s. 553.781, the board shall enter an  
14 order imposing remedial education or training, probation, or  
15 license suspension or revocation.

16 Section 13. Subsection (5) is added to section  
17 481.215, Florida Statutes, to read:

18 481.215 Renewal of license.--

19 (5) Each licensee shall provide to the board proof of  
20 completion of the core curriculum courses, or passing the  
21 equivalency test of the Building Code Training Program  
22 established by s. 553.841, within 2 years after commencement  
23 of the program or after initial licensure, whichever is later.  
24 Hours spent taking core curriculum courses shall count toward  
25 the number required for license renewal. A licensee who  
26 passes the equivalency test in lieu of taking the core  
27 curriculum courses shall receive full credit for such core  
28 curriculum course hours.

29 Section 14. Effective January 1, 2001, subsection (6)  
30 is added to section 481.215, Florida Statutes, as amended by  
31 this act, to read:

1           481.215 Renewal of license.--

2           (6) The board may require a specified number of hours  
3 in specialized or advanced courses, approved by the Florida  
4 Building Commission, on any portion of the Florida Building  
5 Code, adopted pursuant to part VII of chapter 553, relating to  
6 the licensee's respective area of practice.

7           Section 15. Effective January 1, 2001, subsection (4)  
8 of section 481.225, Florida Statutes, is renumbered as  
9 subsection (5) and new subsection (4) is added to said  
10 section, to read:

11           481.225 Disciplinary proceedings against registered  
12 architects.--

13           (4) Upon receipt of a recommendation by a local  
14 jurisdiction, pursuant to s. 553.781, the board shall enter an  
15 order imposing remedial education or training, probation, or  
16 license suspension or revocation.

17           Section 16. Effective January 1, 2001, subsection (3)  
18 is added to section 481.2251, Florida Statutes, to read:

19           481.2251 Disciplinary proceedings against registered  
20 interior designers.--

21           (3) Upon receipt of a recommendation by a local  
22 jurisdiction, pursuant to s. 553.781 the board shall enter an  
23 order imposing remedial education or training, probation, or  
24 license suspension or revocation.

25           Section 17. Subsections (3), (4), and (5) are added to  
26 section 481.313, Florida Statutes, to read:

27           481.313 Renewal of license.--

28           (3) No license renewal shall be issued to a landscape  
29 architect by the department until the licensee submits proof,  
30 satisfactory to the department, that during the 2 year period  
31 prior to application for renewal, the licensee participated in

1 such continuing education courses required by the board. The  
2 board shall approve only continuing education courses that  
3 relate to and increase the basic knowledge of landscape  
4 architecture. The board may make an exception from the  
5 requirements of continuing education in emergency or hardship  
6 cases.

7 (4) The board shall by rule establish criteria for the  
8 approval of continuing education courses and providers, and  
9 shall by rule establish criteria for accepting alternative  
10 non-classroom continuing education on an hour-for-hour basis.

11 (5) Each license holder shall provide to the board  
12 proof of completion of the core curriculum courses, or passing  
13 the equivalency test of the Building Code Training Program  
14 established by s. 553.841, within 2 years after commencement  
15 of the program or of initial licensure, whichever is later.  
16 Hours spent taking core curriculum courses shall count toward  
17 the number required for license renewal. A licensee who  
18 passes the equivalency test in lieu of taking the core  
19 curriculum courses shall receive full credit for core  
20 curriculum course hours.

21 Section 18. Effective January 1, 2001, subsection (6)  
22 is added to section 481.313, Florida Statutes, as amended by  
23 this act, to read:

24 481.313 Renewal of license.--

25 (6) The board may require a specified number of hours  
26 in specialized or advanced courses, approved by the Florida  
27 Building Commission, on any portion of the Florida Building  
28 Code, adopted pursuant to part VII of chapter 553, relating to  
29 the licensee's respective area of practice.

30 Section 19. Effective January 1, 2001, subsection (4)  
31 of section 481.325, Florida Statutes, is renumbered as

1 subsection (5) and new subsection (4) is added to said section  
2 to read:

3 481.325 Disciplinary proceedings.--

4 (4) Upon receipt of a recommendation by a local  
5 jurisdiction, pursuant to s. 553.781, the board shall enter an  
6 order imposing remedial education or training, probation, or  
7 license suspension or revocation.

8 Section 20. Paragraph (b) of subsection (4) of section  
9 489.115, Florida Statutes, is amended to read:

10 489.115 Certification and registration; endorsement;  
11 reciprocity; renewals; continuing education.--

12 (4)

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

27 2. In addition, the board may approve specialized  
28 continuing education courses on compliance with the wind  
29 resistance provisions for one and two family dwellings  
30 contained in the State Minimum Building Codes and any  
31 alternate methodologies for providing such wind resistance

1 which have been approved for use by the Board of Building  
2 Codes and Standards. Division I certificateholders or  
3 registrants who demonstrate proficiency upon completion of  
4 such specialized courses may certify plans and specifications  
5 for one and two family dwellings to be in compliance with the  
6 code or alternate methodologies, as appropriate, except for  
7 dwellings located in floodways or coastal hazard areas as  
8 defined in ss. 60.3D and E of the National Flood Insurance  
9 Program.

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

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

25 489.115 Certification and registration; endorsement;  
26 reciprocity; renewals; continuing education.--

27 (4)

28 (b)1. Each certificateholder or registrant shall  
29 provide proof, in a form established by rule of the board,  
30 that the certificateholder or registrant has completed at  
31 least 14 classroom hours of at least 50 minutes each of

1 continuing education courses during each biennium since the  
2 issuance or renewal of the certificate or registration. The  
3 board shall establish by rule that a portion of the required  
4 14 hours must deal with the subject of workers' compensation  
5 and workplace safety. The board shall by rule establish  
6 criteria for the approval of continuing education courses and  
7 providers, including requirements relating to the content of  
8 courses and standards for approval of providers, and may by  
9 rule establish criteria for accepting alternative nonclassroom  
10 continuing education on an hour-for-hour basis.

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

25         3. Each certificateholder or registrant shall provide  
26 to the board proof of completion of the core curriculum  
27 courses, or passing the equivalency test of the Building Code  
28 Training Program established under s. 553.841, specific to the  
29 licensing category sought, within 2 years after commencement  
30 of the program or of initial certification or registration,  
31 whichever is later. Classroom hours spent taking core



1 curriculum courses shall count toward the number required for  
2 renewal of certificates or registration. A certificateholder  
3 or registrant who passes the equivalency test in lieu of  
4 taking the core curriculum courses shall receive full credit  
5 for core curriculum course hours.

6 4. The board may require a specified number of hours  
7 in specialized or advanced module courses, approved by the  
8 Florida Building Commission, on any portion of the Florida  
9 Building Code, adopted pursuant to part VII of chapter 553,  
10 relating to the contractor's respective discipline.

11 Section 22. Paragraph (c) of subsection (4) of section  
12 489.117, Florida Statutes, is amended to read:

13 489.117 Registration; specialty contractors.--

14 (4)

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

25 Section 23. Paragraph (h) of subsection (1) of section  
26 489.127, Florida Statutes, is amended to read:

27 489.127 Prohibitions; penalties.--

28 (1) No person shall:

29 (h) Commence or perform work for which a building  
30 permit is required pursuant to part VII of chapter 553 ~~an~~

31

1 ~~adopted state minimum building code~~ without such building  
2 permit being in effect; or

3

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

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

14 489.129 Disciplinary proceedings.--

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 remedial education or training, probation, or  
18 license suspension or revocation.

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

22 489.131 Applicability.--

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

25 (e) To require one bond for each contractor in an  
26 amount not to exceed \$5,000, which bond shall be conditioned  
27 only upon compliance with the Florida ~~applicable state minimum~~  
28 ~~Building Code and applicable local building code requirements~~  
29 adopted pursuant to s. 553.73. Any such bond must be equally  
30 available to all contractors without regard to the period of  
31 time a contractor has been certified or registered and without

1 regard to any financial responsibility requirements. Any such  
2 bonds shall be payable to the Construction Industry Recovery  
3 Fund and filed in each county or municipality in which a  
4 building permit is requested. Bond reciprocity shall be  
5 granted statewide. All such bonds shall be included in  
6 meeting any financial responsibility requirements imposed by  
7 any statute or rule. Any contractor who provides a third  
8 party insured warranty policy in connection with a new  
9 building or structure for the benefit of the purchaser or  
10 owner shall be exempt from the bond requirements under this  
11 subsection with respect to such building or structure.

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

14 489.1455 Journeyman; reciprocity; standards.--

15 (1) An individual who holds a valid, active journeyman  
16 state certificate or local license in the plumbing/pipe  
17 fitting, mechanical, or HVAC trades issued by any county or  
18 municipality in this state may work as a journeyman in the  
19 trade in which he or she is licensed in any ~~other~~ county or  
20 municipality of this state without taking an additional  
21 examination or paying an additional license fee, if he or she:

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

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 trade for which he or she is licensed, or demonstrates 6  
31

1 years' verifiable practical experience in the trade for which  
2 he or she is licensed; ~~and~~

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

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

14 Section 27. 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 state certificate or local license in the electrical trade  
19 issued by any county or municipality in this state may work as  
20 a journeyman in any other county or municipality of this state  
21 without taking an additional examination or paying an  
22 additional license fee, if 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 passed a standardized certification examination  
6 and obtained a certificate from the board pursuant to this  
7 part or, pursuant to authorization by the certifying  
8 authority, provides proof of completion of such curriculum or  
9 course work within 6 months after such certification; and

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

12        Section 28. Effective January 1, 2001, paragraph (d)  
13 of subsection (3) of section 489.537, Florida Statutes, is  
14 amended to read:

15        489.537 Application of this part.--

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

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

1 (e)1. To refuse to issue permits or issue permits with  
2 specific conditions to a contractor who has committed multiple  
3 violations, when he or she has been disciplined for each of  
4 them by the board and when each disciplinary action has  
5 involved revocation or suspension of a license, imposition of  
6 an administrative fine of at least \$1,000, or probation.

7 2. To issue permits with specific conditions to a  
8 contractor who, within the previous 12 months, has had final  
9 action taken against him or her, by the department or by a  
10 local board or agency which licenses contractors and has  
11 reported the action pursuant to paragraph (5)(c), for engaging  
12 in the business or acting in the capacity of a contractor  
13 without a license.

14 Section 29. Effective January 1, 2001, paragraph (d)  
15 of subsection (5) of section 500.459, Florida Statutes, is  
16 amended to read:

17 500.459 Water vending machines.--

18 (5) OPERATING STANDARDS.--

19 (d) Each water vending machine must have a backflow  
20 prevention device that conforms with the applicable provision  
21 of the Florida Building Code ~~s. 553.06~~ and an adequate system  
22 for collecting and handling dripping, spillage, and overflow  
23 of water.

24 Section 30. Subsection (1) of section 553.06, Florida  
25 Statutes, is amended to read:

26 553.06 State Plumbing Code.--

27 (1) The Board of Building Codes and Standards shall,  
28 in accordance with the provisions of chapter 120 and ss.  
29 553.70-553.895, adopt the Standard Plumbing Code, 1994  
30 edition, as adopted at the October 1993 annual meeting of the  
31 Southern Building Code Congress International, as the State

1 Plumbing Code which shall be the minimum requirements  
2 statewide for all installations, repairs, and alterations to  
3 plumbing. The board may, in accordance with the requirements  
4 of chapter 120, adopt all or parts of updated or revised  
5 editions of the State Plumbing Code to keep abreast of latest  
6 technological advances in plumbing and installation  
7 techniques. Local governments which have adopted the South  
8 Florida, One and Two Family Dwelling or EPCOT Plumbing Codes  
9 may continue their use provided the requirements contained  
10 therein meet or exceed the requirements of the State Plumbing  
11 Code. Provided, however, nothing in this section shall alter  
12 or diminish the authority of the Department of Business and  
13 Professional Regulation to conduct plan reviews, issue  
14 variances, and adopt rules regarding sanitary facilities in  
15 public lodging and public food service establishments pursuant  
16 to chapter 509, providing that such actions do not conflict  
17 with the requirements for public restrooms in s. 553.141.

18 Section 31. Effective January 1, 2001, subsection (2)  
19 of section 553.18, Florida Statutes, is amended to read:

20 553.18 Scope.--

21 (2) Local jurisdictions ~~County, municipal, improvement~~  
22 ~~district, or state governing bodies~~ may adopt and enforce  
23 ~~additional or~~ more stringent standards or administrative  
24 procedures and requirements than those prescribed by this  
25 code, including but not limited to fees if the standards or  
26 administrative procedures and requirements are in conformity  
27 with standards set forth in the Florida Building Code ~~s.~~  
28 ~~553.19~~.

29 Section 32. Section 553.19, Florida Statutes, is  
30 amended to read:

31

1           553.19 Adoption of electrical standards.--For the  
2 purpose of establishing minimum electrical standards in this  
3 state, the following standards are adopted:  
4           (1) "National Electrical Code 1990," NFPA No. 70-1990.  
5           (2) Underwriters' Laboratories, Inc., "Standards for  
6 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL  
7 57-1982 and UL 153-1983.  
8           (3) Underwriters' Laboratories, Inc., "Standard for  
9 Electric Signs," UL 48-1982.  
10          (4) The provisions of the following which prescribe  
11 minimum electrical standards:  
12           (a) NFPA No. 56A-1978, "Inhalation Anesthetics 1978."  
13           (b) NFPA No. 56B-1982, "Respiratory Therapy 1982."  
14           (c) NFPA No. 56C-1980, "Laboratories in Health-related  
15 Institutions 1980."  
16           (d) NFPA No. 56D-1982, "Hyperbaric Facilities."  
17           (e) NFPA No. 56F-1983, "Nonflammable Medical Gas  
18 Systems 1983."  
19           (f) NFPA No. 76A-1984, "Essential Electrical Systems  
20 for Health Care Facilities 1984."  
21          (5) ~~Chapter 10D-29 of~~ The rules and regulations of the  
22 Department of Health ~~and Rehabilitative Services~~, entitled  
23 "Nursing Homes and Related Facilities Licensure."  
24          (6) The minimum standards for grounding of portable  
25 electric equipment, chapter 8C-27 as recommended by the  
26 Industrial Standards Section, Division of Workers'  
27 Compensation, Department of Labor and Employment Security.  
28  
29 The Florida Building Commission shall update and maintain such  
30 electrical standards consistent with the procedures  
31 established in s. 553.73.



1           Section 33. Effective January 1, 2001, part VII of  
2 chapter 553, Florida Statutes, shall be entitled "Florida  
3 Building Code."

4           Section 34. Subsections (1), (3), and (5) of section  
5 553.71, Florida Statutes, are amended to read:

6           553.71 Definitions.--As used in this part, the term:

7           (1) "Board" means the Florida Building Commission  
8 ~~Board of Building Codes and Standards~~ created by this part.

9           (3) "State enforcement agency" means the agency of  
10 state government with authority to make inspections of  
11 buildings and to enforce the codes which establish standards  
12 for design, construction, erection, alteration, repair,  
13 modification, or demolition of public or private buildings,  
14 structures, or facilities.

15           (5) "Local enforcement agency" means an ~~the~~ agency of  
16 local government with authority to make inspections of  
17 buildings and to enforce the codes which establish standards  
18 for design, construction, erection, alteration, repair,  
19 modification, or demolition of public or private buildings,  
20 structures, or facilities.

21           Section 35. Effective January 1, 2001, section 553.72,  
22 Florida Statutes, is amended to read:

23           553.72 Intent.--

24           (1) The purpose and intent of this act is to provide a  
25 mechanism for the uniform promulgation, adoption, updating,  
26 amendment, interpretation, and enforcement of a single,  
27 unified state minimum building code, to be called the Florida  
28 Building Code, codes which consists of a single set of  
29 documents that apply to the design, construction, erection,  
30 alteration, modification, repair, or demolition of public or  
31 private buildings, structures, or facilities in this state and

1 to the enforcement of such requirements ~~contain standards~~  
2 ~~flexible enough to cover all phases of construction~~ and which  
3 will allow effective and reasonable protection for public  
4 safety, health, and general welfare for all the people of  
5 Florida at the most reasonable cost to the consumer. The  
6 Florida Building Code shall be organized to provide  
7 consistency and simplicity of use. The code shall be applied,  
8 administered, and enforced uniformly and consistently from  
9 jurisdiction to jurisdiction. The code shall provide for  
10 flexibility to be exercised in a manner that meets minimum  
11 requirements, is affordable, does not inhibit competition, and  
12 promotes innovation and new technology.

13 (2) It is the intent of the Legislature that local  
14 governments shall have the power to inspect all buildings,  
15 structures, and facilities within their jurisdictions in  
16 protection of the public health, safety, and welfare pursuant  
17 to chapters 125 and 166.

18 (3) It is the intent of the Legislature that the  
19 Florida Building Code be adopted, modified, updated,  
20 interpreted, and maintained by the Florida Building Commission  
21 and enforced by authorized state and local government  
22 enforcement agencies.

23 (4) It is the intent of the Legislature that the  
24 applicable fire prevention codes and life safety codes of this  
25 state be adopted, modified, updated, interpreted, and  
26 maintained by the Department of Insurance and included by  
27 reference as sections in the Florida Building Code.

28 Section 36. Subsection (9) of section 553.73, Florida  
29 Statutes, is amended to read:

30 553.73 State Minimum Building Codes.--  
31

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

11           Section 37. Effective January 1, 2001, section 553.73,  
12 Florida Statutes, as amended by this act, is amended to read:

13           553.73 Florida State Minimum Building Code Codes.--

14           (1)(a) The board shall adopt the Florida Building Code  
15 which shall contain or incorporate by reference all laws and  
16 rules which pertain to and govern the design, construction,  
17 erection, alteration, modification, repair, and demolition of  
18 public and private buildings, structures, and facilities and  
19 enforcement of such laws and rules, except as otherwise  
20 provided in this section.~~By October 1, 1984, local~~  
21 ~~governments and state agencies with building construction~~  
22 ~~regulation responsibilities shall adopt a building code which~~  
23 ~~shall cover all types of construction. Such code shall~~  
24 ~~include the provisions of parts I-V, VII, and VIII, relating~~  
25 ~~to plumbing, electrical requirements, glass, manufactured~~  
26 ~~buildings, accessibility by handicapped persons, and thermal~~  
27 ~~efficiency, and shall be in addition to the requirements set~~  
28 ~~forth in chapter 527, which pertains to liquefied petroleum~~  
29 ~~gas.~~

30           (b) The technical portions of the Florida  
31 Accessibility Code for Building Construction shall be

1 contained in its entirety in the Florida Building Code. The  
2 civil rights portions and the technical portions of the  
3 accessibility laws of this state shall remain as currently  
4 provided by law. Any revision or amendments to the Florida  
5 Accessibility Code for Building Construction shall be  
6 considered adopted by the board as part of the Florida  
7 Building Code. Neither the board nor any local government  
8 shall revise or amend any standard of the Florida  
9 Accessibility Code for Building Construction.

10 (c) Each applicable fire prevention code and life  
11 safety code shall be contained in its entirety in the Florida  
12 Building Code, but shall be adopted, modified, revised or  
13 amended, interpreted, and maintained by the Department of  
14 Insurance. Nothing in the Florida Building Code shall affect  
15 the statutory powers, duties, and responsibilities of any fire  
16 official or the Department of Insurance.

17 ~~(d)(b)~~ Subject to the provisions of this part,~~in the~~  
18 ~~event that a special act of the Legislature, passed prior or~~  
19 ~~subsequent to January 1, 1978, places responsibility for~~  
20 ~~enforcement, interpretation, and building construction~~  
21 regulation of the Florida Building Code shall be vested in a  
22 specified local board or agency, and the words "local  
23 government" and "local governing body" as used in this part  
24 shall be construed to refer exclusively to such local board or  
25 agency.

26 (2) The Florida Building Code shall contain provisions  
27 or requirements for public and private buildings, structures,  
28 and facilities relative to structural, mechanical, electrical,  
29 plumbing, energy, gas, and radon systems, existing buildings,  
30 historical buildings, manufactured buildings, elevators,  
31 coastal construction, lodging facilities, food sales and food

1 service facilities, health care facilities, public or private  
2 educational facilities, swimming pools, and correctional  
3 facilities and enforcement of and compliance with such  
4 provisions or requirements.~~There is created the State Minimum~~  
5 ~~Building Codes which shall consist of the following nationally~~  
6 ~~recognized model codes:~~  
7       ~~(a) Standard Building Codes, 1988 edition, pertaining~~  
8 ~~to building, plumbing, mechanical, and gas, and excluding fire~~  
9 ~~prevention;~~  
10       ~~(b) EPCOT Code, 1982 edition;~~  
11       ~~(c) One and Two Family Dwelling Code, 1986 edition;~~  
12 ~~and~~  
13       ~~(d) The South Florida Building Code, 1988 edition.~~  
14  
15 ~~Each local government and state agency with building~~  
16 ~~construction regulation responsibilities shall adopt one of~~  
17 ~~the State Minimum Building Codes as its building code, which~~  
18 ~~shall govern the construction, erection, alteration, repair,~~  
19 ~~or demolition of any building for which the local government~~  
20 ~~or state agency has building construction regulation~~  
21 ~~responsibility. If the One and Two Family Dwelling Code is~~  
22 ~~adopted for residential construction, then one of the other~~  
23 ~~recognized model codes must be adopted for the regulation of~~  
24 ~~other residential and nonresidential structures. Provisions to~~  
25 ~~be contained within the Florida any State Minimum Building~~  
26 ~~Code are restricted to requirements related to the types of~~  
27 ~~materials used and construction methods and standards employed~~  
28 ~~in order to meet criteria specified in the Florida Building~~  
29 ~~Code minimum building codes. Provisions relating to the~~  
30 ~~personnel, supervision or training of personnel, or any other~~  
31 ~~professional qualification requirements relating to~~

1 contractors or their workforce may not be included within the  
2 Florida ~~a State Minimum~~ Building Code, and subsection (4) is  
3 not to be construed to allow the inclusion of such provisions  
4 within the Florida ~~any State Minimum~~ Building Code by  
5 amendment. This restriction applies to both initial  
6 development and amendment of the Florida Building Code.

7 (3) The board shall select from available national or  
8 international model building codes, or other available  
9 building codes and standards currently recognized by the laws  
10 of this state, to form the foundation for the Florida Building  
11 Code. The board may modify the selected model codes and  
12 standards as needed to accommodate the specific needs of this  
13 state. Standards or criteria in the selected model codes  
14 shall be similarly incorporated by reference. If a referenced  
15 standard or criterion requires amplification or modification  
16 to be appropriate for use in this state, only the  
17 amplification or modification shall be specifically set forth  
18 in the Florida Building Code. The board shall incorporate  
19 within sections of the Florida Building Code provisions which  
20 address regional and local concerns and variations.~~The board~~  
21 ~~may, by rule adopted in accordance with the requirements of~~  
22 ~~chapter 120, designate all or a part of an updated or revised~~  
23 ~~version of a model code listed in subsection (2) as a State~~  
24 ~~Minimum Building Code.~~

25 (4)(a) Local governments shall comply with applicable  
26 standards for issuance of mandatory certificates of occupancy,  
27 mandatory minimum number and types of inspections, and  
28 procedures for plans review and inspections as established by  
29 the board by rule.

30 (b) Local governments ~~and state agencies with building~~  
31 ~~construction regulation responsibilities~~ may, subject to the

1 limitations of this section, adopt amendments to the technical  
2 provisions of the Florida Building Code which apply solely  
3 within the jurisdiction of such government and which provide  
4 for more stringent requirements than those specified in the  
5 Florida State Minimum Building Code, ~~Codes~~ provided:

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

16       2.(b) Such additional requirements are not  
17 discriminatory against materials, products, or construction  
18 techniques of demonstrated capabilities.

19       3.(c) Such additional requirements may not introduce a  
20 new subject not addressed in the Florida State Minimum  
21 Building Code ~~Codes~~.

22       4.(d) Subparagraphs 1., 2., and 3. ~~Paragraphs (a),~~  
23 ~~(b), and (c)~~ apply to the local enforcing agency's adoption of  
24 more stringent requirements than those specified in the  
25 Florida State Minimum Building Code ~~Codes~~ and to the adoption  
26 of building construction-related codes that have the effect of  
27 amending building construction standards contained in the  
28 Florida State Minimum Building Code ~~Codes~~. Upon request, the  
29 enforcing agency shall provide a person making application for  
30 a building permit, or any state agency or board with

31

1 construction-related regulation responsibilities, a listing of  
2 all such requirements and codes.

3 5. 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 6. Each county shall establish a compliance review  
16 board to review any amendment to the Florida Building Code,  
17 adopted by a local government within the county pursuant to  
18 this paragraph, that is challenged by any substantially  
19 affected party for purposes of determining the amendment's  
20 compliance with this paragraph. If the compliance review  
21 board determines such amendment to be not in compliance with  
22 this paragraph, the compliance review board shall notify such  
23 local government of the noncompliance and that the amendment  
24 is invalid and unenforceable until the local government  
25 corrects the amendment to bring it into compliance. The local  
26 government may appeal the decision of the compliance review  
27 board to the board. If the compliance review board determines  
28 such amendment to be in compliance with this paragraph, any  
29 substantially affected party may appeal such determination to  
30 the board. Actions of the board are subject to the appellate

31



1 process as set forth in s. 120.57, except an order of an  
2 administrative law judge shall be final agency action.

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

11 (c) Each local government may adopt, no more than  
12 quarterly, amendments to the Florida Building Code relating to  
13 administrative, procedural aspects of administering and  
14 enforcing the code and shall make such amendments available to  
15 the general public in a single document. Such amendments  
16 shall not take effect until the adopting local government  
17 transmits the amendments to the board or the date contained in  
18 the amendment, whichever is later. The board shall maintain  
19 copies of, and publish, all such amendments in a format which  
20 is usable and obtainable by the public.

21 (5) The board shall update the Florida Building Code  
22 every 3 years. Once initially adopted and subsequently  
23 updated by the board, the Florida Building Code shall be  
24 adopted for use statewide without adoptions by local  
25 government. When updating the Florida Building Code, the board  
26 shall consider changes made by the adopting entity of any  
27 selected model code for any model code incorporated into the  
28 Florida Building Code by the board, the board's own binding  
29 interpretations, advisory opinions, appellate decisions, and  
30 approved statewide and local technical amendments.

31

1        ~~(6)(5)~~ It shall be the responsibility of each  
2 municipality and county in the state and of each state agency  
3 with statutory authority to regulate building construction to  
4 enforce the provisions of the Florida ~~specific model code of~~  
5 ~~the State Minimum Building Code Codes~~ adopted by that  
6 municipality, county, or agency, in accordance with the  
7 provisions of s. 553.80. ~~If such responsibility has been~~  
8 ~~delegated to another unit of government pursuant to s.~~  
9 ~~553.79(9), the specific model code adopted by the delegate~~  
10 ~~shall apply and be enforced.~~

11        ~~(7)(a)(6)~~ The board may approve technical amendments  
12 to the Florida Building Code once each year for statewide  
13 application upon a finding by a super majority vote that  
14 delaying the application of the amendment would be contrary to  
15 the health, safety, and welfare of the public or the amendment  
16 provides an economic advantage to the consumer and that the  
17 amendment:

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

20            2. Strengthens or improves the Florida Building Code,  
21 or in the case of innovation or new technology, will provide  
22 equivalent or better products or methods or systems of  
23 construction.

24            3. Does not discriminate against materials, products,  
25 or methods or systems of construction of demonstrated  
26 capabilities.

27            4. Does not degrade the effectiveness of the Florida  
28 Building Code.

29        ~~(b)~~ A proposed amendment shall include a fiscal impact  
30 statement which documents the costs and benefits of the  
31 proposed amendment. Criteria for the fiscal impact statement

1 shall include the impact to local government relative to  
2 enforcement, the impact to property and building owners, as  
3 well as to industry, relative to the cost of compliance.~~The~~  
4 ~~specific model code of the State Minimum Building Codes~~  
5 ~~adopted by a municipality, county, or state agency shall~~  
6 ~~regulate every type of building or structure, wherever it~~  
7 ~~might be situated in the code enforcement jurisdiction;~~  
8 ~~however, such regulations shall not apply to nonresidential~~  
9 ~~farm buildings on farms; to temporary buildings or sheds used~~  
10 ~~exclusively for construction purposes; to mobile homes used as~~  
11 ~~temporary offices, except that the provisions of part V~~  
12 ~~relating to accessibility by handicapped persons shall apply~~  
13 ~~to such mobile homes used as temporary offices; or to any~~  
14 ~~construction exempted under s. 553.80(3) by an enforcement~~  
15 ~~district or local enforcement agency. The codes may be divided~~  
16 ~~into a number of segments, as determined by the municipality,~~  
17 ~~county, or state agency. These segments may be identified as~~  
18 ~~building, mechanical, electrical, plumbing, or fire prevention~~  
19 ~~codes or by other titles as are deemed proper. However, the~~  
20 ~~State Minimum Building Codes shall not contain a housing code;~~  
21 ~~nor shall the state interpose in the area of local housing~~  
22 ~~codes, except upon request originating from an enforcement~~  
23 ~~district or local enforcement agency.~~

24 (8) The following buildings, structures, and  
25 facilities may be exempted from the Florida Building Code as  
26 provided by law:

27 (a) Buildings and structures specifically regulated  
28 and preempted by the Federal Government.

29 (b) Railroads and ancillary facilities associated with  
30 the railroad.

31 (c) Nonresidential farm buildings on farms.

1       (d) Temporary buildings or sheds used exclusively for  
2 construction purposes.

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

6       (9)(7)(a) In the event of a conflict between the  
7 Florida ~~applicable minimum~~ Building Code and the applicable  
8 minimum firesafety code, the conflict ~~it~~ shall be resolved by  
9 agreement between the local building code enforcement official  
10 and the local fire code enforcement official in favor of the  
11 requirement of the code which offers the greatest degree of  
12 lifesafety or alternatives which would provide an equivalent  
13 degree of lifesafety and an equivalent method of construction.

14       (b) Any decision made by the local fire official and  
15 the local building official may be appealed to a local  
16 administrative board designated by the municipality, county,  
17 or special district having firesafety responsibilities. If  
18 the decision of the local fire official and the local building  
19 official is to apply the provisions of either the Florida  
20 ~~applicable minimum~~ Building Code or the applicable minimum  
21 firesafety code, the board may not alter the decision unless  
22 the board determines that the application of such code is not  
23 reasonable. If the decision of the local fire official and  
24 the local building official is to adopt an alternative to the  
25 codes, the local administrative board shall give due regard to  
26 the decision rendered by the local officials and may modify  
27 that decision if the administrative board adopts a better  
28 alternative, taking into consideration all relevant  
29 circumstances. In any case in which the local administrative  
30 board adopts alternatives to the decision rendered by the  
31 local fire official and the local building official, such

1 alternatives shall provide an equivalent degree of lifesafety  
2 and an equivalent method of construction as the decision  
3 rendered by the local officials.

4       (c) ~~1. If in the event that~~ the local building official  
5 and the local fire official are unable to agree on a  
6 resolution of the conflict between the Florida Building Code  
7 and the fire code, the local administrative board shall  
8 resolve the conflict in favor of the code which offers the  
9 greatest degree of lifesafety or alternatives which would  
10 provide an equivalent degree of lifesafety and an equivalent  
11 method of construction.

12       2. If the board and the State Fire Marshal are unable  
13 to agree on a resolution of a conflict between the provisions  
14 of the Florida Building Code and the applicable fire code, the  
15 provisions which offer the greatest life safety, or  
16 alternatives which would provide an equivalent degree of life  
17 safety and an equivalent method of construction, shall  
18 prevail.

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

22       (e) All decisions of the local building official and  
23 local fire official and all decisions of the administrative  
24 board shall be in writing and shall be binding upon all  
25 persons but shall not limit the authority of the State Fire  
26 Marshal pursuant to s. 633.161. Decisions of general  
27 application shall be indexed by building and fire code  
28 sections and shall be available for inspection during normal  
29 business hours.

30       (10)~~(8)~~ Except within coastal building zones as  
31 defined in s. 161.54, specification standards developed by

1 nationally recognized code promulgation organizations to  
2 determine compliance with ~~s. 1606~~ and the engineering design  
3 criteria of ~~s. 1606~~ of the Florida Standard Building Code for  
4 wind load design shall not apply to one or two family  
5 dwellings which are two stories or less in height unless  
6 approved by the board of ~~Building Codes and Standards~~ for use  
7 or unless expressly made subject to said standards and  
8 criteria by local ordinance adopted in accordance with the  
9 provisions of subsection (4).

10 (11) The Florida Building Code does not apply to, and  
11 no code enforcement action shall be brought with respect to,  
12 zoning requirements, land use requirements, and owner  
13 specifications or programmatic requirements which do not  
14 pertain to and govern the design, construction, erection,  
15 alteration, modification, repair, or demolition of public or  
16 private buildings, structures, or facilities or enforcement of  
17 the Florida Building Code. Additionally, a local code  
18 enforcement agency may not administer or enforce the Florida  
19 Building Code to prevent the siting of any state correctional  
20 facility, juvenile justice facility, or state university,  
21 community college, or public education facility, as provided  
22 by law.

23 Section 38. Section 553.74, Florida Statutes, is  
24 amended to read:

25 553.74 Florida Building Commission ~~State Board of~~  
26 ~~Building Codes and Standards.~~--

27 (1) The Florida Building Commission ~~There~~ is created  
28 and shall be located within the Department of Community  
29 Affairs for administrative purposes ~~the Board of Building~~  
30 ~~Codes and Standards~~. Members shall be appointed by the  
31 Governor subject to confirmation by the Senate. The board

1 shall be composed of 21 ~~17~~ members, consisting of the  
2 following:

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

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

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

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

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

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

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

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

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

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

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

28 (l) One member who is a county codes enforcement  
29 official.

30 (m) One member of a Florida-based organization of  
31 ~~handicapped~~ persons with disabilities or a nationally

1 chartered organization of ~~handicapped~~ persons with  
2 disabilities with chapters in this state.

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

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

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

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

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

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

19 (t) One member who shall be the chair.

20 (2) ~~The first five board members appointed after~~  
21 ~~October 1, 1991, shall serve for terms of 3 years each.~~  
22 ~~Thereafter,~~ All appointments shall be for terms of 4 years,  
23 except that of the chair who shall shall serve at the pleasure  
24 of the Governor. A vacancy shall be filled for the remainder  
25 of the unexpired term. ~~Neither the architect nor any of the~~  
26 ~~above-named engineers shall be engaged in the manufacture,~~  
27 ~~promotion, or sale of any building materials;~~ and Any member  
28 who shall, during his or her term, cease to meet the  
29 qualifications for original appointment, through ceasing to be  
30 a practicing member of the profession indicated or otherwise,  
31 shall thereby forfeit membership on the board.



1 Section 39. Effective January 1, 2001, subsections (4)  
2 and (5) are added to section 553.76, Florida Statutes, to  
3 read:

4 553.76 General powers of the board.--The board is  
5 authorized to:

6 (4) Adopt, pursuant to chapter 120, any rule necessary  
7 to implement the Florida Building Code and to establish any  
8 ancillary program required to enforce such code.

9 (5) Adopt and promote, in consultation with state and  
10 local governments, other boards, advisory councils, and  
11 commissions, such guidelines as are deemed appropriate to  
12 determine and ensure consistent, effective and efficient  
13 enforcement and compliance with the Florida Building Code.  
14 Guidelines shall include, but not be limited to, provisions  
15 for coordination among and between local offices with review  
16 responsibilities and their coordination with state or regional  
17 offices with special expertise.

18 Section 40. Effective January 1, 2001, section 553.77,  
19 Florida Statutes, is amended to read:

20 553.77 Specific powers of the board.--

21 (1) The board shall:

22 (a) Adopt and update the Florida Building Code ~~rules~~  
23 ~~and regulations~~ or amendments thereto in accordance with the  
24 procedures prescribed in chapter 120.

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

1 effectiveness of their provisions. Upon updating the Florida  
2 Building Code every 3 years, the board shall review existing  
3 provisions of law and make recommendations to the Legislature  
4 for the next regular session of the Legislature regarding  
5 provisions of law that should be revised or repealed to ensure  
6 consistency with the Florida Building Code at the point the  
7 update goes into effect. Any proposed legislation providing  
8 for the revision or repeal of existing laws and rules relating  
9 to technical requirements applicable to building structures  
10 should expressly state that such legislation is not intended  
11 to imply any repeal or sunset of existing general or special  
12 laws that are not specifically 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, shall, and may upon the board's own  
27 initiative, issue binding interpretations of part VII of  
28 chapter 553, which shall apply prospectively only. The  
29 binding interpretations of the board shall be subject to the  
30 processes as set forth in s. 120.57, except that the  
31 administrative law judge's order shall be final agency action.

1 Binding interpretations may be issued on provisions currently  
2 under dispute or appeal at the state or local level.

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

7 (g)~~(f)~~ Coordinate and cooperate with the Florida Fire  
8 Code Advisory Council created under s. 633.72, for assistance  
9 and recommendations relating to firesafety code  
10 interpretations.

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

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

20 2. All appeals shall be heard in the county of the  
21 jurisdiction defending the appeal.

22 3. Actions of the board are subject to the appellate  
23 process as set forth in s. 120.57, except an order of an  
24 administrative law judge shall be final agency action.

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

27 (i)~~(a)~~ Determine the types of products requiring  
28 approval for local or statewide use and shall provide for the  
29 evaluation and approval ~~testing~~ of such products, materials,  
30 devices, and method of construction for statewide use.

31 Evaluation and approval shall be by action of the board or

1 delegated pursuant to s. 553.84. This paragraph does not apply  
2 to products approved by the State Fire Marshal.

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

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

14 1. Minimum post-disaster structural, electrical, and  
15 plumbing inspections and procedures.

16 2. Emergency permitting and inspection procedures.

17 3. Establishing contact with emergency management  
18 personnel and other state and federal agencies.

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

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

27 (n) Provide technical assistance to local building  
28 departments in order to implement policies, procedures, and  
29 practices which would produce the most cost effective property  
30 insurance ratings.

31

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

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

14           (2)(3) With respect to the qualification program for  
15 special inspectors of threshold buildings as required by s.  
16 553.79(5)(c), the board may prescribe initial and annual  
17 renewal fees for certification, by rule, in accordance with  
18 chapter 120.

19           (3)(4)(a) Upon written application by any  
20 substantially affected ~~a private~~ party, the board shall issue  
21 a binding opinion relating to a state agency's interpretation  
22 and enforcement of the specific model code adopted by the  
23 agency to regulate building construction or relating to the  
24 conformity of new technologies, techniques, and materials to  
25 the objectives of that model code. The provisions of this  
26 paragraph shall not be construed to provide any powers to the  
27 board with respect to any decision of the ~~State Board of~~  
28 ~~Education made pursuant to the provisions of s. 235.26, to the~~  
29 ~~State Fire Marshal made pursuant to the provisions of chapter~~  
30 ~~633, to the Department of Management Services made pursuant to~~  
31 ~~the provisions of s. 255.25, or to any local government~~

1 ~~decision with respect to construction not subject to a state~~  
2 ~~agency model code.~~

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

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

11 (4)(5) The board may designate a board member with  
12 demonstrated expertise in interpreting building plans to  
13 attend each meeting of the advisory council created in s.  
14 553.512. The board member may vary from meeting to meeting,  
15 shall serve on the council in a nonvoting capacity, and shall  
16 receive per diem and expenses as provided in s. 553.74(3).

17 (5) The board shall develop and publish a document  
18 which contains detailed descriptions of the roles and  
19 responsibilities of the licensed design professional,  
20 residential designer, contractor, and local building and fire  
21 code officials. The State Fire Marshal shall be responsible  
22 for developing and specifying roles and responsibilities for  
23 fire code officials. Such document may also contain  
24 descriptions of roles and responsibilities of other  
25 participants involved in the building codes system.

26 Section 41. Effective January 1, 2001, section  
27 553.781, Florida Statutes, is created to read:

28 553.781 Licensee accountability.--

29 (1) The Legislature finds that accountability for work  
30 performed by design professionals and contractors is the key  
31 to strong and consistent compliance with the Florida Building

1 Code and, therefore, protection of the public health, safety,  
2 and welfare. The purpose of this section is to provide such  
3 accountability.

4 (2)(a) Notwithstanding the provisions of ss. 455.227,  
5 471.033, 481.225, 481.2251, 481.325, 489.129, or 489.531, upon  
6 a final determination by a local jurisdiction, based on clear  
7 and convincing evidence, that a licensee, certificateholder,  
8 or registrant has committed a material violation of the  
9 Florida Building Code, such local jurisdiction shall impose a  
10 fine of no less than \$500 and no more than \$5,000 per material  
11 violation of the Florida Building Code and, in the case of a  
12 licensee under chapter 455, a registrant under chapter 471 or  
13 chapter 481, or a certificateholder or registrant under  
14 chapter 489, shall recommend remedial education or training,  
15 probation, or suspension or revocation of the license,  
16 certificate, or registration to the appropriate licensing  
17 authority having jurisdiction over the license, certificate,  
18 or registration or the licensee, certificateholder, or  
19 registrant.

20 (b) For purposes of a registrant under chapter 489,  
21 the licensing authority, pursuant to s. 489.117, shall report  
22 to the board the material violation and any subsequent action  
23 taken by the licensing authority within 30 days after taking  
24 such action.

25 (3) After a recommendation by a local jurisdiction for  
26 remedial education and training, probation, or suspension or  
27 revocation of a certificate or registration has been served on  
28 the certificateholder or registrant and the certificateholder  
29 or registrant has not challenged such recommendation within 45  
30 days after such service, the recommendation shall become a  
31 final action of the licensing authority. If the recommendation

1 is challenged in a timely manner, the licensing authority  
2 shall determine the appropriate level of discipline.

3 (4) The Department of Business and Professional  
4 Regulation, as an integral part of the automated information  
5 system provided under s. 455.2286, shall establish, and local  
6 jurisdictions shall participate in, a system of reporting  
7 violations and disciplinary actions taken against all  
8 certificateholders and registrants under this section that  
9 have been disciplined for a violation of the Florida Building  
10 Code. Such information shall be available electronically. Any  
11 finances collected by a local jurisdiction pursuant to subsection  
12 (2) shall be used initially to help set up the parts of the  
13 reporting system for which such local jurisdiction is  
14 responsible. Any remaining moneys shall be used solely for  
15 enforcing the Florida Building Code or licensing activities  
16 relating to the Florida Building Code.

17 (5) Building officials may obtain information from the  
18 Department of Business and Professional Regulation on  
19 certificateholders or registrants who are being investigated  
20 for a violation of the Florida Building Code.

21 (6) Local jurisdictions shall maintain records,  
22 readily accessible by the public, regarding material  
23 violations and shall report such violations to the Department  
24 of Business and Professional Regulation by means of the  
25 reporting system provided in s. 455.2286.

26  
27 For purposes of this section, a material code violation is a  
28 violation which may reasonably result in physical harm to a  
29 person or significant damage to a building or its systems. The  
30 determination of the existence of any material violation shall  
31 be subject only to the appellate process provided in s. 553.77



1 and shall not be subject any other appeals or determinations,  
2 including the disciplinary proceedings set forth in s.  
3 455.225.

4 Section 42. Effective January 1, 2001, subsections  
5 (1), (2), (3), (4), (6), (9), (10), and (14) of section  
6 553.79, Florida Statutes, are amended, and subsection (17) is  
7 added to said section, to read:

8 553.79 Permits; applications; issuance; inspections.--

9 (1) After the effective date of the Florida State  
10 Minimum Building Code Codes adopted as herein provided, it  
11 shall be unlawful for any person, firm, ~~or corporation,~~ or  
12 governmental entity to construct, erect, alter, modify,  
13 repair, or demolish any building within this state without  
14 first obtaining a permit therefor from the appropriate  
15 enforcing agency or from such persons as may, by appropriate  
16 resolution or regulation of the authorized state or local  
17 enforcing agency, be delegated authority to issue such  
18 permits, upon the payment of such reasonable fees adopted by  
19 the enforcing agency. The enforcing agency is empowered to  
20 revoke any such permit upon a determination by the agency that  
21 the construction, erection, alteration, modification, repair,  
22 or demolition of the building for which the permit was issued  
23 is in violation of, or not in conformity with, the provisions  
24 of the Florida State Minimum Building Code Codes.

25 Installation, replacement, removal, or metering of any load  
26 management control device is exempt from and shall not be  
27 subject to the permit process and fees otherwise required by  
28 this section.

29 (2) ~~After January 1, 1988,~~ No enforcing agency may  
30 issue any permit for construction, erection, alteration,  
31 modification, repair, or demolition until the local building

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

26 (3) The Florida State Minimum Building Code Codes,  
27 after the effective date of ~~their~~ adoption pursuant to the  
28 provisions of this part, shall supersede all other building  
29 construction codes or ordinances in the state, whether at the  
30 local or state level and whether adopted by administrative  
31 regulation or by legislative enactment, ~~unless such building~~

1 ~~construction codes or ordinances are more stringent than the~~  
2 ~~State Minimum Building Codes and the conditions of s.~~  
3 ~~553.73(4) are met.~~ However, this subsection does not apply to  
4 the manufacture of mobile homes as defined by federal law  
5 ~~chapter 320.~~ Nothing contained in this subsection shall be  
6 construed as nullifying or divesting appropriate state or  
7 local agencies of authority to make inspections or to enforce  
8 the codes within their respective areas of jurisdiction.

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

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

21 (a) Electrical documents for any new building or  
22 addition which requires an aggregate service capacity of 600  
23 amperes (240 volts) or more on a residential electrical system  
24 or 800 amperes (240 volts) or more on a commercial or  
25 industrial electrical system and which costs more than  
26 \$50,000.

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

30 (c) Fire sprinkler documents for any new building or  
31 addition which includes a fire sprinkler system which contains

1 50 or more sprinkler heads. A Contractor I, Contractor II, or  
2 Contractor IV, certified under s. 633.521, may design a fire  
3 sprinkler system of 49 or fewer heads and may design the  
4 alteration of an existing fire sprinkler system if the  
5 alteration consists of the relocation, addition, or deletion  
6 of not more than 49 heads, notwithstanding the size of the  
7 existing fire sprinkler system.

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

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

22

23 No such document shall be valid unless a professional engineer  
24 who possesses a valid certificate of registration has signed,  
25 dated, and stamped such document as provided in s. 471.025.

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

1 and inspection fees, which fees may be no greater than the  
2 fees charged 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 does not apply to the jurisdiction and authority of  
26 the Department of Agriculture and Consumer Services to inspect  
27 amusement rides or the Department of Insurance to inspect  
28 state owned buildings and boilers.

29 Section 43. Subsection (1) of section 553.80, Florida  
30 Statutes, is amended to read:

31 553.80 Enforcement.--

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

17           Section 44. Effective January 1, 2001, section 553.80,  
18 Florida Statutes, as amended by this act, is amended to read:

19           553.80 Enforcement.--

20           (1) It shall be the responsibility of each local  
21 government and~~and~~ each legally constituted enforcement district,  
22 ~~and each state agency~~ with statutory authority to regulate  
23 building construction to enforce the Florida Building Code  
24 required by this part on all public or private buildings,  
25 structures, and facilities ~~adopted by such body in accordance~~  
26 ~~with s. 553.73~~, unless such responsibility has been delegated  
27 to another unit of government pursuant to s. 553.79(8). The  
28 governing bodies of local governments may provide a schedule  
29 of fees, as authorized by s. 125.56(2) or s. 166.222,for the  
30 enforcement of the provisions of this part. Such fees shall  
31 be used solely for carrying out the responsibilities of

1 enforcing the Florida Building Code. If a local government is  
2 required, in order to enforce compliance with the Florida  
3 Building Code, to conduct any inspection after an initial  
4 inspection and a subsequent reinspection of any project or  
5 activity and the local government imposes a fee for such  
6 inspections, the local government may impose a fee of up to  
7 four times the amount of the fee imposed for the initial  
8 inspection or first reinspection for each such subsequent  
9 reinspection.The authority of state enforcing agencies to set  
10 fees for enforcement shall be derived from authority existing  
11 on the effective date of this act. However, nothing contained  
12 in this subsection shall operate to limit such agencies from  
13 adjusting their fee schedule in conformance with existing  
14 authority.

15 (2) Except for charter counties, any two or more  
16 counties or municipalities, or any combination thereof, may,  
17 in accordance with the provisions of chapter 163, governing  
18 interlocal agreements, form an enforcement district for the  
19 purpose of ~~adopting, enforcing, and administering the~~  
20 provisions of the Florida State Minimum Building Code Codes.  
21 Each district so formed shall be registered with the  
22 department on forms to be provided for that purpose.

23 (3) Each enforcement district shall be governed by a  
24 board, the composition of which shall be determined by the  
25 affected localities. At its own option each enforcement  
26 district or local enforcement agency may promulgate rules  
27 granting to the owner of a single-family residence one or more  
28 exemptions from the Florida State Minimum Building Code Codes  
29 relating to:

30 (a) Addition, alteration, or repairs performed by the  
31 property owner upon his or her own property, provided any

1 addition or alteration shall not exceed 1,000 square feet or  
2 the square footage of the primary structure, whichever is  
3 less.

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

7 (c) Building and inspection fees.  
8

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

14 (4) When an enforcement district has been formed as  
15 provided herein, upon its registration with the department, it  
16 shall have the same authority with respect to building codes  
17 as provided by this part for local governing bodies.

18 Section 45. Section 553.841, Florida Statutes, is  
19 created to read:

20 553.841 Building code training program; participant  
21 competency requirements.--

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

28 (2) The board shall establish the Building Code  
29 Training Program to develop and provide a core curriculum and  
30 advance module courses relating to the Florida Building Code  
31



1 and a system of administering and enforcing the Florida  
2 Building Code.

3 (3) The program shall be developed, implemented, and  
4 administered by the board in consultation with the Department  
5 of Education, the Department of Community Affairs, the  
6 Department of Business and Professional Regulation, the State  
7 University System, and the Division of Community Colleges.

8 (4) The board may enter into contracts with the  
9 Department of Education, the State University System, the  
10 Division of Community Colleges, model code organizations,  
11 professional organizations, trade organizations, and private  
12 industry to administer the program.

13 (5) The program shall be affordable, accessible,  
14 meaningful, financially self-sufficient and shall make maximum  
15 use of existing sources, systems, institutions, and programs  
16 available through private sources.

17 (6) The board, in coordination with the Department of  
18 Community Affairs, the Department of Business and Professional  
19 Regulation, the respective licensing boards, and the State  
20 Fire Marshal shall develop or cause to be developed:

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

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

25 (7) The core curriculum shall cover the information  
26 required to have all categories of participants appropriately  
27 informed as to their technical and administrative  
28 responsibilities in the effective execution of the code  
29 process by all individuals currently licensed under part XII  
30 of chapter 468 or chapters 471, 481, or 489. The core  
31 curriculum shall be prerequisite to the advanced module course

1 work for all licensees and shall be completed by individuals  
2 licensed in all categories under part XII of chapter 468 or  
3 chapters 471, 481, or 489 within the first 2-year period after  
4 establishment of the program. Core course hours taken by  
5 licensees to complete this requirement shall count toward  
6 fulfillment of required continuing education units under part  
7 XII of chapter 468 or chapters 471, 481, or 489.

8 (8) The board, in consultation with the Department of  
9 Business and Professional Regulation and the respective  
10 licensing boards, shall develop or cause to be developed an  
11 equivalency test for each category of licensee. Such test may  
12 be taken in lieu of the core curriculum. A passing score on  
13 the test shall be equivalent to completion of the core  
14 curriculum and shall be credited toward the required number of  
15 hours of continuing education.

16 (9) The board, in coordination with the Department of  
17 Business and Professional Regulation, shall develop or cause  
18 to be developed, or approve as a part of the program, a core  
19 curriculum and specialized or advanced module course work for  
20 use as continuing education units for superintendents,  
21 journeymen, and residential designers, and standardized  
22 examinations for the voluntary certification of  
23 superintendents and journeymen. The Department of Business and  
24 Professional Regulation shall administer the standardized  
25 examinations, issue certifications, and maintain continuing  
26 education records.

27 (10) The respective state boards under part XII of  
28 chapter 468, chapters 471, 481, and 489, and the State Fire  
29 Marshal under chapter 633, may require specialized or advanced  
30 course modules as part of their regular continuing education  
31 requirements.

1           Section 46. (1) The board, in consultation with the  
2 respective professional licensing boards within the Department  
3 of Business and Professional Regulation, the Department of  
4 Education, the Department of Labor and Employment Security,  
5 the State University System, Community Colleges, and the  
6 entity administering the Code Training Program, shall develop  
7 a program and standards for providing entry level construction  
8 workers:

9           (a) Long-term training intended to produce crafts  
10 people who are competent to perform all tasks associated with  
11 a specific trade.

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

14           (c) Brief in-service training intended to inform  
15 workers regarding new code requirements, construction  
16 techniques, and materials.

17           (2) The board, in consultation with the respective  
18 licensing boards within the Department of Business and  
19 Professional Regulation, the Department of Education, the  
20 State University System, the Division of Community Colleges,  
21 and the Department of Labor and Employment Security, shall  
22 develop a proposed method of implementing the training  
23 programs in subsection (1) that is a combination of:

24           (a) Mandatory licensing which enforces initial  
25 qualification requirements and continuing education  
26 requirements.

27           (b) Mandatory training which establishes and enforces  
28 training standards.

29           (c) Voluntary training not enforced by a government  
30 agency.

31

1           (3) The board shall present the implementation  
2 proposal to the Legislature in a report no later than January  
3 31, 2000.

4           Section 47. Section 553.842, Florida Statutes, is  
5 created to read:

6           553.842 Product evaluation and approval.--

7           (1) The board shall develop a product evaluation and  
8 approval system to operate in coordination with the Florida  
9 Building Code. The product evaluation and approval system  
10 shall provide, pursuant to rules and procedures adopted  
11 pursuant to chapter 120, for:

12           (a) Appropriate promotion of innovation and new  
13 technologies.

14           (b) Processing submittals of products from  
15 manufacturers in a timely manner.

16           (c) Independent, third-party qualified and accredited  
17 testing and laboratory facilities.

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

20           (e) Development of stringent but reasonable testing  
21 criteria based upon existing consensus standards for products.

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

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

24           (h) Cost effectiveness.

25           (2) The product evaluation and approval system shall  
26 rely on regional, national, and international consensus  
27 standards, whenever adopted by the Florida Building Code, for  
28 demonstrating compliance with code standards. Other standards  
29 which meet or exceed established state requirements shall also  
30 be considered.

31

1       (3) Products or methods or systems of construction  
2 required to be approved and certified by an approved quality  
3 control agency as complying with the standards specified by  
4 the code shall be permitted to be used statewide, without  
5 further evaluation or approval.

6       (4) Products may be approved either by the board for  
7 statewide use, or by a local building department for use in  
8 that department's jurisdiction only. Statewide approval shall  
9 preclude local jurisdictions from requiring further testing,  
10 evaluation, or submission of other evidence as a condition of  
11 using the product so long as the product is being used  
12 consistent with the conditions of its approval.

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

15       (a) Submittal and validation of a product evaluation  
16 report from an approved product evaluation entity indicating  
17 the product or method or system of construction was tested to  
18 be in compliance with the Florida Building Code or with the  
19 intent of the Florida Building Code and the product or method  
20 or system of construction is, for the purpose intended, at  
21 least equivalent of that required by the Florida Building  
22 Code; or

23       (b) Submittal and validation of a product evaluation  
24 report which is signed and sealed by a professional engineer  
25 or architect, licensed in this state, who has no conflict of  
26 interest, as determined by national guidelines, who certifies  
27 that the product or method or system of construction is, for  
28 the purpose intended, at least equivalent of that required by  
29 the Florida Building Code. Any product approved under this  
30 procedure shall be required to be manufactured under a quality  
31

1 assurance program, certified by an approved quality control  
2 agency.

3 (6) A building official may deny the local application  
4 of a product or method or system of construction which has  
5 received statewide approval, based upon a written report  
6 signed by the official that concludes the product application  
7 is inconsistent with the statewide approval and that states  
8 the reasons the application is inconsistent. Such denial of  
9 an application may be appealed to the board pursuant to s.  
10 553.77.

11 (7) Products which are custom fabricated or assembled  
12 shall not require separate approval under this section  
13 provided the component parts have been approved for the  
14 fabricated or assembled product's use and the components meet  
15 the standards and requirements of the Florida Building Code  
16 which applies to the products's intended use.

17 (8) A building official may appeal the required  
18 approval for local use of a product or method or system of  
19 construction to the board. The board shall establish  
20 expedited procedures to handle such appeals.

21 (9) The decisions of local building officials shall be  
22 appealable to the local board of appeals, if such board  
23 exists, then to the board. Decisions of the board regarding  
24 statewide product approvals and appeals of local product  
25 approval shall be subject to appeal according to the  
26 procedures set forth in s. 120.57, except the order of an  
27 administrative law judge shall be final agency action.

28 (10) The board shall maintain a list of the  
29 individually approved products, quality control agencies, and  
30 product evaluation entities and make such list available in  
31 the most cost effective manner. The board shall establish

1 reasonable time frames associated with the product approval  
2 process and availability of the list.

3 (11) The board may establish reasonable and  
4 appropriate fees, and enter into contracts, for product  
5 approval.

6 (12) Products certified or approved for statewide or  
7 local use by an accepted testing facility prior to the  
8 effective date of this act shall be deemed to be approved for  
9 use in this state pursuant to this section and to comply with  
10 this section.

11 Section 48. Effective January 1, 2001, paragraph (c)  
12 of subsection (2) of section 627.351, Florida Statutes, is  
13 amended to read:

14 627.351 Insurance risk apportionment plans.--

15 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

16 (c) The provisions of paragraph (b) are applicable  
17 only with respect to:

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

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

22 a. Due to the lack of windstorm insurance coverage in  
23 the county or area so affected, economic growth and  
24 development is being deterred or otherwise stifled in such  
25 county or area, mortgages are in default, and financial  
26 institutions are unable to make loans;

27 b. The county or area so affected has adopted and is  
28 enforcing the structural requirements of the Florida State  
29 Minimum Building Code Codes, as defined in s. 553.73, for new  
30 construction and has included adequate minimum floor elevation  
31

1 requirements for structures in areas subject to inundation;  
2 and

3 c. Extending windstorm insurance coverage to such  
4 county or area is consistent with and will implement and  
5 further the policies and objectives set forth in applicable  
6 state laws, rules, and regulations governing coastal  
7 management, coastal construction, comprehensive planning,  
8 beach and shore preservation, barrier island preservation,  
9 coastal zone protection, and the Coastal Zone Protection Act  
10 of 1985.

11  
12 Any time after the department has determined that the criteria  
13 referred to in this subparagraph do not exist with respect to  
14 any county or area of the state, it may, after a subsequent  
15 public hearing, declare that such county or area is no longer  
16 eligible for windstorm coverage through the plan.

17 Section 49. Effective January 1, 2001, subsection (1)  
18 of section 633.01, Florida Statutes, is amended, and  
19 subsection (7) is added to said section, to read:

20 633.01 State Fire Marshal; powers and duties; rules.--

21 (1) The head of the Department of Insurance shall be  
22 designated as "State Fire Marshal." The State Fire Marshal  
23 shall make and promulgate all rules necessary to implement the  
24 provisions of this chapter which grant powers and impose  
25 duties on the State Fire Marshal and to effectuate the  
26 enforcement of such powers and duties. ~~However, The~~  
27 department shall ~~not~~ adopt the minimum firesafety code  
28 ~~standards, except to the extent required by s. 394.879.~~

29 (7) The Department of Insurance shall issue, when  
30 requested in writing by any substantially affected party, and  
31 may issue upon its own initiative, binding interpretations of



1 the minimum firesafety code and the uniform firesafety  
2 standards. Such interpretations shall apply prospectively  
3 only.

4 Section 50. Effective January 1, 2001, section  
5 633.025, Florida Statutes, is amended to read:

6 633.025 Minimum firesafety standards.--

7 (1) The most current ~~Each municipality, county, and~~  
8 ~~special district with firesafety responsibilities shall adopt~~  
9 minimum firesafety code adopted by the Department of Insurance  
10 ~~standards~~ which shall operate in conjunction with the Florida  
11 ~~state minimum~~ Building Code shall be deemed adopted by each  
12 municipality, county, and special district with firesafety  
13 responsibilities ~~such local jurisdiction as required by s.~~  
14 ~~553.73.~~ The minimum firesafety codes ~~standards~~ shall not  
15 apply to buildings and structures subject to the uniform  
16 firesafety standards under s. 633.022 and buildings and  
17 structures subject to the minimum firesafety standards adopted  
18 pursuant to s. 394.879.

19 (2) Pursuant to subsection (1), each municipality,  
20 county, and special district with firesafety responsibilities  
21 shall ~~adopt and~~ enforce the codes specified in paragraph (a),  
22 paragraph (b), paragraph (c), or paragraph (d) as the minimum  
23 firesafety code:

24 (a) The Standard Fire Prevention Code, 1985 edition or  
25 subsequent edition, as adopted by the Southern Building Code  
26 Congress International.

27 (b) The EPCOT Fire Prevention Code.

28 (c) The National Fire Protection Association (NFPA)  
29 Pamphlet 1, 1985 edition or subsequent edition.

30 (d) The South Florida Fire Prevention Code, subject to  
31 the provisions of subsection (4).

1           (3) The most current edition of the ~~In addition, each~~  
2 ~~municipality, county, and special district with firesafety~~  
3 ~~responsibilities shall adopt~~ National Fire Protection  
4 Association (NFPA) 101, Life Safety Code shall be deemed to be  
5 adopted by each municipality, county, and special district  
6 with firesafety responsibilities, 1985 edition or subsequent  
7 edition, as part of the minimum firesafety code.

8           ~~(4) It is the intent of the Legislature that a South~~  
9 ~~Florida Fire Prevention Code be promulgated as a further~~  
10 ~~option to counties, municipalities, and special districts with~~  
11 ~~firesafety responsibilities as an alternative to the~~  
12 ~~firesafety codes specified in paragraphs (2)(a), (b), and (c).~~  
13 ~~In the event that an appropriate South Florida Fire Prevention~~  
14 ~~Code is submitted by the Broward County Board of Rules and~~  
15 ~~Appeals or the Dade County Board of Rules and Appeals to the~~  
16 ~~Legislature by March 1, 1988, such code or codes shall be~~  
17 ~~deemed to be an alternative to the firesafety codes specified~~  
18 ~~in paragraphs (2)(a), (b), and (c) as of July 1, 1988, unless~~  
19 ~~the Legislature expressly prohibits the use of such code.~~  
20 ~~Until July 1, 1988, Dade and Broward Counties may use the~~  
21 ~~firesafety standards within their current Fire Prevention Code~~  
22 ~~as an alternative. In the event Dade or Broward County fails~~  
23 ~~to adopt a South Florida Fire Prevention Code as of July 1,~~  
24 ~~1988, then such county shall be subject to subsections (2),~~  
25 ~~(3), and (6).~~

26           (4)~~(5)~~ Such codes shall be minimum codes and a  
27 municipality, county, or special district with firesafety  
28 responsibilities may adopt more stringent firesafety  
29 standards, subject to the requirements of this subsection.  
30 Such county, municipality, or special district may establish  
31 alternative requirements to those requirements which are

1 required under the minimum firesafety standards on a  
2 case-by-case basis, in order to meet special situations  
3 arising from historic, geographic, or unusual conditions, if  
4 the alternative requirements result in a level of protection  
5 to life, safety, or property equal to or greater than the  
6 applicable minimum firesafety standards. For the purpose of  
7 this subsection, the term "historic" means that the building  
8 or structure is listed on the National Register of Historic  
9 Places of the United States Department of the Interior.

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

22 (b) Such additional requirements shall not be  
23 discriminatory as to materials, products, or construction  
24 techniques of demonstrated capabilities.

25 (c) Paragraphs (a) and (b) apply to the local  
26 enforcing agency's adoption of requirements more stringent  
27 than those specified in the minimum firesafety codes and to  
28 the adoption of fire prevention and lifesafety codes that have  
29 the effect of amending building construction standards. Upon  
30 request, the enforcing agency shall provide a person making  
31 application for a building permit, or any state agency or

1 board with construction-related regulation responsibilities, a  
2 listing of all such requirements and codes.

3 (d) Any amendment to the minimum firesafety codes  
4 adopted by a local government under this subsection shall be  
5 effective only until the adoption of the new edition of the  
6 minimum firesafety codes. At such time, the Department of  
7 Insurance shall adopt such amendment as part of the minimum  
8 firesafety code or rescind the amendment. The department  
9 shall notify the respective local government of any rescinded  
10 amendment. Within 90 days after receiving such notice, the  
11 respective local government may readopt the rescinded  
12 amendment pursuant to the provisions of this subsection. This  
13 paragraph does not apply to firesafety standards established  
14 under s. 633.022(3).

15 (e) A local government which adopts amendments to the  
16 minimum firesafety code must provide a procedure by which the  
17 validity of such amendments may be challenged by any  
18 substantially affected party to test the amendment's  
19 compliance with the provisions of this section.

20 1. Unless the local government agrees to stay  
21 enforcement of the amendment, or other good cause is shown,  
22 the challenging party shall be entitled to a hearing on the  
23 challenge within 45 days.

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

27  
28 A substantially affected party may appeal, to the Department  
29 of Insurance, the local government's resolution of the  
30 challenge and the department shall determine if the amendment  
31 complies with this section.

1           ~~(6)~~ The minimum firesafety standards that counties,  
2 municipalities, and special districts are required to adopt  
3 pursuant to this section shall be adopted by January 1, 1988.  
4 No municipality or county or special district shall be  
5 required to amend an ordinance which presently complies with  
6 this section. In the event that any such local governmental  
7 entity fails to adopt minimum firesafety standards by January  
8 1, 1988, the minimum firesafety standards shall consist of the  
9 Standard Fire Prevention Code, 1985 edition, and National Fire  
10 Protection Association (NFPA) 101, Life Safety Code, 1985  
11 edition.

12           (5)~~(7)~~ The new building or structure provisions  
13 enumerated within the firesafety code adopted pursuant to this  
14 section shall apply only to buildings or structures for which  
15 the building permit is issued on or after the effective date  
16 of this act ~~January 1, 1988~~. Subject to the provisions of  
17 subsection (8), the existing building or structure provisions  
18 enumerated within the firesafety code adopted pursuant to this  
19 section shall apply to buildings or structures for which the  
20 building permit was issued or the building or structure was  
21 constructed prior to the effective date of this act ~~January 1,~~  
22 ~~1988~~.

23           (6)~~(8)~~ With regard to existing buildings, the  
24 Legislature recognizes that it is not always practical to  
25 apply any or all of the provisions of the minimum firesafety  
26 code and that physical limitations may require  
27 disproportionate effort or expense with little increase in  
28 lifesafety. Prior to applying the minimum firesafety code to  
29 an existing building, the local fire official shall determine  
30 that a threat to lifesafety or property exists. If a threat to  
31 lifesafety or property exists, the fire official shall apply

1 the applicable firesafety code for existing buildings to the  
2 extent practical to assure a reasonable degree of lifesafety  
3 and safety of property or the fire official shall fashion a  
4 reasonable alternative which affords an equivalent degree of  
5 lifesafety and safety of property. The decision of the local  
6 fire official may be appealed to the local administrative  
7 board described in s. 553.73.

8 (7)~~(9)~~ Nothing herein shall preclude a municipality,  
9 county, or special district from requiring a structure to be  
10 maintained in accordance with the applicable firesafety code.

11 (8)~~(10)~~ With respect to standards established by the  
12 National Fire Protection Association (NFPA) 101, Life Safety  
13 Code, 1985 edition, s. 19-3.4.2.1, those standards shall not  
14 apply to structures having direct access to the outside from  
15 each living unit and having three stories or less.

16 (9)~~(11)~~ With respect to standards established by the  
17 National Fire Protection Association (NFPA) 101, Life Safety  
18 Code, 1985 edition, s. 19-3.4.4.1, battery operated smoke  
19 detectors shall be considered as an approved detection device  
20 for buildings having direct access to the outside from each  
21 living unit and having three stories or less.

22 Section 51. Paragraph (a) of subsection (1) of section  
23 633.085, Florida Statutes, is amended to read:

24 633.085 Inspections of state buildings and premises;  
25 tests of firesafety equipment; building plans to be  
26 approved.--

27 (1)(a) It is the duty of the State Fire Marshal and  
28 her or his agents to inspect, or cause to be inspected, each  
29 state-owned ~~or state-leased~~ building on a recurring basis  
30 established by rule, and to ensure that high-hazard  
31 occupancies are inspected at least annually, for the purpose

1 of ascertaining and causing to be corrected any conditions  
2 liable to cause fire or endanger life from fire and any  
3 violation of the firesafety standards for state-owned ~~and~~  
4 ~~state-leased~~ buildings, the provisions of this chapter, or the  
5 rules or regulations adopted and promulgated pursuant hereto.  
6 The State Fire Marshal shall, within 7 days following an  
7 inspection, submit a report of such inspection to the head of  
8 the department of state government responsible for the  
9 building.

10           Section 52. (1) Before the 2000 Regular Session of  
11 the Legislature, the Florida Building Commission shall submit  
12 to the Legislature, for review and approval or rejection, the  
13 Florida Building Code adopted by the commission and shall  
14 prepare list of recommendations of revisions to the Florida  
15 Statutes necessitated by adoption of the Florida Building Code  
16 if the Legislature approves the Florida Building Code.

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

23           Section 53. 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 54. Section 489.539, Florida Statutes, and  
7 subsection (5) of section 553.73, Florida Statutes, are  
8 repealed.

9 Section 55. Effective January 1, 1999, section  
10 489.120, Florida Statutes, is repealed.

11 Section 56. Parts I, II, and III of chapter 553,  
12 Florida Statutes, consisting of sections 553.01, 553.02,  
13 553.03, 553.04, 553.041, 553.05, 553.06, 553.07, 553.08,  
14 553.10, 553.11, 553.14, 553.141, 553.15, 553.16, 553.17,  
15 553.18, 553.19, 553.20, 553.21, 553.22, 553.23, 553.24,  
16 553.25, 553.26, 553.27, and 553.28, Florida Statutes, are  
17 repealed effective upon the approval by the Legislature of the  
18 adoption of the Florida Building Code by the Florida Building  
19 Commission.

20 Section 57. Except as otherwise provided herein, this  
21 act shall take effect July 1 of the year in which enacted or  
22 upon becoming a law, whichever occurs later.

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HOUSE SUMMARY

Replaces provisions of law relating to minimum building codes with the Florida Building Code, a statewide, unified building code, to be used by all jurisdictions. Replaces the Board of Building Codes and Standards with the Florida Building Commission which is to administer implementation and enforcement of the Florida Building Code. Provides for a Building Code Training Program and provides for continuing education requirements for professionals and building trade practitioners subject to the Florida Building Code. Provides for a system of product or method or system of building construction evaluation and approval. See bill for details.