

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

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

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

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

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

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

1 the Florida Plumbing Control Act, the Florida
2 Electrical Code, and glass standards; providing
3 effective dates.

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

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

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

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

28 WHEREAS, it is the intent of the Legislature that the
29 Florida Building Commission consider the recommendations of
30 the Governor's Building Codes Study Commission and other

31

1 affected stakeholders when implementing the provisions of this
2 act, NOW, THEREFORE,

3

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

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

9

125.69 Penalties; enforcement by code inspectors.--

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

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

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

26 161.54 Definitions.--In construing ss. 161.52-161.58:

27 (11) "State minimum building codes" means the Florida
28 Building Code recognized model building construction codes as
29 identified in s. 553.73.

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

1 161.56 Establishment of local enforcement.--
2 (1) Each local government which is required to enforce
3 the Florida ~~adopt a~~ Building Code by s. 553.73 and which has a
4 coastal building zone or some portion of a coastal zone within
5 its territorial boundaries shall enforce ~~adopt, not later than~~
6 ~~January 1, 1987, as part of its building code, the~~
7 requirements of the code established in s. 161.55, ~~and such~~
8 ~~requirements shall be enforced by the local enforcement agency~~
9 ~~as defined in s. 553.71.~~

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

12 162.21 Enforcement of county or municipal codes or
13 ordinances; penalties.--

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

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

23 166.0415 Enforcement by code inspectors; citations.--

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

31

1 Section 6. Section 455.2286, Florida Statutes, is
2 created to read:

3 455.2286 Automated information system.--By November 1,
4 1999, the department shall implement an automated information
5 system for all certificateholders and registrants under part
6 XII of chapter 468, chapter 471, chapter 481, or chapter 489.
7 The system shall provide instant notification to local
8 building departments and other interested parties regarding
9 the status of the certification or registration. The
10 provision of such information shall consist, at a minimum, of
11 an indication of whether the certification or registration is
12 active, of any current failure to meet the terms of any final
13 action by a licensing authority, of any ongoing disciplinary
14 cases that are subject to public disclosure, whether there are
15 any outstanding fines, and of the reporting of any material
16 violations pursuant to s. 553.781. The system may be Internet
17 based.

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

20 468.609 Administration of this part; standards for
21 certification; additional categories of certification.--

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

24 (d) Demonstrates successful completion of the core
25 curriculum and specialized or advanced module course work
26 approved by the Florida Building Commission, as part of the
27 Building Code Training Program established pursuant to s.
28 553.841, appropriate to the licensing category sought or,
29 pursuant to authorization by the certifying authority,
30 provides proof of completion of such curriculum or course work
31 within 6 months after such certification.

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

4 468.621 Disciplinary proceedings.--

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

7 (h) Failing to execute the duties and responsibilities
8 specified in part XII of chapter 468 and ss. 553.73, 553.781,
9 and 553.79.

10 Section 9. Subsection (7) of section 468.627, Florida
11 Statutes, is amended, and subsection (8) is added to said
12 section, to read:

13 468.627 Application; examination; renewal; fees.--

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

27 (8) Each certificateholder shall provide to the board
28 proof of completion of the core curriculum courses, or passing
29 the equivalency test of the Building Code Training Program
30 established by s. 553.841, within 2 years after commencement
31 of the program. Continuing education hours spent taking such

1 core curriculum courses shall count toward the number required
2 for license renewal. A licensee who passes the equivalency
3 test in lieu of taking the core curriculum courses shall
4 receive full credit for core curriculum course hours.

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

7 471.005 Definitions.--As used in ss. 471.001-471.037,
8 the term:

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

1 or herself to be an engineer or, through the use of some other
2 title, implies that he or she is an engineer or that he or she
3 is registered under ss. 471.001-471.037; or who holds himself
4 or herself out as able to perform, or does perform, any
5 engineering service or work or any other service designated by
6 the practitioner which is recognized as engineering shall be
7 construed to practice or offer to practice engineering within
8 the meaning and intent of ss. 471.001-471.037.

9 Section 11. Paragraph (a) of subsection (5) of section
10 471.015, Florida Statutes, is amended to read:

11 471.015 Licensure.--

12 (5)(a) The board shall deem that an applicant who
13 seeks licensure by endorsement has passed an examination
14 substantially equivalent to part I of the engineering
15 examination when such applicant:

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

20 2. Has received a doctorate degree in engineering from
21 a nationally accredited engineering degree program which is
22 accredited by the Accreditation Board for Engineering
23 Technology; ~~or~~

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

27 Section 12. Subsection (3) is added to section
28 471.017, Florida Statutes, to read:

29 471.017 Renewal of license.--

30 (3) Commencing with licensure renewal in 2002, each
31 licensee actively participating in the design of buildings,

1 structures, and facilities covered by the Florida Building
2 Code shall submit proof to the board that the licensee
3 participates in continuing education courses relating to the
4 core curriculum courses or the building code training program
5 or evidence of passing an equivalency test on the core
6 curriculum courses or specialized or advanced courses on any
7 portion of the Florida Building Code applicable to the area of
8 practice.

9 Section 13. Effective January 1, 2001, paragraph (1)
10 is added to subsection (2) of section 471.033, Florida
11 Statutes, subsection (4) of said section is renumbered as
12 subsection (5) and new subsection (4) is added to said
13 section, to read:

14 471.033 Disciplinary proceedings.--

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

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

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

24 Section 14. Effective January 1, 2001, subsections (5)
25 and (6) are added to section 481.215, Florida Statutes, to
26 read:

27 481.215 Renewal of license.--

28 (5) Each licensee shall provide to the board proof of
29 completion of the core curriculum courses, or passing the
30 equivalency test of the Building Code Training Program
31 established by s. 553.841, within 2 years after commencement

1 of the program or after initial licensure, whichever is later.
2 Hours spent taking core curriculum courses shall count toward
3 the number required for license renewal. A licensee who
4 passes the equivalency test in lieu of taking the core
5 curriculum courses shall receive full credit for such core
6 curriculum course hours.

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

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

17 481.225 Disciplinary proceedings against registered
18 architects.--

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

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

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

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

31

1 481.2251 Disciplinary proceedings against registered
2 interior designers.--

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

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

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

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

16 481.313 Renewal of license.--

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

27 (4) The board shall by rule establish criteria for the
28 approval of continuing education courses and providers, and
29 shall by rule establish criteria for accepting alternative
30 nonclassroom continuing education on an hour-for-hour basis.
31

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

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

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

21 481.325 Disciplinary proceedings.--

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

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

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

31

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

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

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

8 (a) Obtain all necessary building permits.

9 (b) Obtain all required building inspections.

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

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

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

16 (4)

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

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

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

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

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

1 (4)
2 (b)1. Each certificateholder or registrant shall
3 provide proof, in a form established by rule of the board,
4 that the certificateholder or registrant has completed at
5 least 14 classroom hours of at least 50 minutes each of
6 continuing education courses during each biennium since the
7 issuance or renewal of the certificate or registration. The
8 board shall establish by rule that a portion of the required
9 14 hours must deal with the subject of workers' compensation
10 and workplace safety. The board shall by rule establish
11 criteria for the approval of continuing education courses and
12 providers, including requirements relating to the content of
13 courses and standards for approval of providers, and may by
14 rule establish criteria for accepting alternative nonclassroom
15 continuing education on an hour-for-hour basis.
16 2. In addition, the board may approve specialized
17 continuing education courses on compliance with the wind
18 resistance provisions for one and two family dwellings
19 contained in the Florida State Minimum Building Code Codes and
20 any alternate methodologies for providing such wind resistance
21 which have been approved for use by the Florida Board of
22 Building Commission Codes and Standards. Division I
23 certificateholders or registrants who demonstrate proficiency
24 upon completion of such specialized courses may certify plans
25 and specifications for one and two family dwellings to be in
26 compliance with the code or alternate methodologies, as
27 appropriate, except for dwellings located in floodways or
28 coastal hazard areas as defined in ss. 60.3D and E of the
29 National Flood Insurance Program.
30 3. Each certificateholder or registrant shall provide
31 to the board proof of completion of the core curriculum

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

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

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

18 489.117 Registration; specialty contractors.--

19 (4)

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

30
31

1 Section 23. Paragraphs (h) and (i) of subsection (1)
2 of section 489.127, Florida Statutes, are amended, and
3 paragraph (j) is added to said subsection, to read:

4 489.127 Prohibitions; penalties.--

5 (1) No person shall:

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

10 (i) Willfully or deliberately disregard or violate any
11 municipal or county ordinance relating to uncertified or
12 unregistered contractors: ~~or-~~

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

15
16 For purposes of this subsection, a person or business
17 organization operating on an inactive or suspended
18 certificate, registration, or certificate of authority is not
19 duly certified or registered and is considered unlicensed. An
20 occupational license certificate issued under the authority of
21 chapter 205 is not a license for purposes of this part.

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

26 489.129 Disciplinary proceedings.--

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

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

4 489.131 Applicability.--

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

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

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

27 489.1455 Journeyman; reciprocity; standards.--

28 (1) An individual who holds a valid, active journeyman
29 license in the plumbing/pipe fitting, mechanical, or HVAC
30 trades issued by any county or municipality in this state may
31 work as a journeyman in the trade in which he or she is

1 licensed in any ~~other~~ county or municipality of this state
2 without taking an additional examination or paying an
3 additional license fee, if he or she:

4 (a) Has scored at least 70 percent, or after October
5 1, 1997, at least 75 percent, on a proctored journeyman Block
6 and Associates examination or other proctored examination
7 approved by the board for the trade in which he or she is
8 licensed;

9 (b) Has completed an apprenticeship program registered
10 with the Department of Labor and Employment Security and
11 demonstrates 4 years' verifiable practical experience in the
12 trade for which he or she is licensed, or demonstrates 6
13 years' verifiable practical experience in the trade for which
14 he or she is licensed; ~~and~~

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

27 ~~(d)(e)~~ Has not had a license suspended or revoked
28 within the last 5 years.

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

31 489.513 Registration; application; requirements.--

1 (6) The local jurisdictions shall be responsible for
2 providing licensure information, code violation information
3 pursuant to s. 553.781, and disciplinary information on
4 locally licensed individuals to the board within 30 days after
5 licensure or any disciplinary action, and the board shall
6 maintain such licensure and disciplinary information as is
7 provided to them, and shall make such information available
8 through the automated information system provided pursuant to
9 s. 455.2286.

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

20 Section 28. Subsection (3) of section 489.517, Florida
21 Statutes, is amended, and subsection (4) is added to said
22 section, to read:

23 489.517 Renewal of certificate or registration;
24 continuing education.--

25 (3)(a) Each certificateholder or registrant shall
26 provide proof, in a form established by rule of the board,
27 that the certificateholder or registrant has completed at
28 least 14 classroom hours of at least 50 minutes each of
29 continuing education courses during each biennium since the
30 issuance or renewal of the certificate or registration. The
31 board shall by rule establish criteria for the approval of

1 continuing education courses and providers and may by rule
2 establish criteria for accepting alternative nonclassroom
3 continuing education on an hour-for-hour basis.

4 (b) Each certificateholder or registrant shall provide
5 to the board proof of completion of the core curriculum
6 courses or passing the equivalency test of the Building Code
7 Training Program established under s. 553.841, specific to the
8 licensing category sought, within 2 years after commencement
9 of the program or of initial certification or registration,
10 whichever is later. Classroom hours spent taking core
11 curriculum courses shall count toward the number required for
12 renewal of certificate or registration. A certificateholder
13 or registrant who passes the equivalency test in lieu of
14 taking the core curriculum courses shall receive full credit
15 for core curriculum course hours.

16 (4) The board shall require a specialized number of
17 hours in specialized or advanced module courses, approved by
18 the Florida Building Commission, on any portion of the Florida
19 Building Code, adopted pursuant to part VII of chapter 553,
20 relating to the contractor's respective discipline.

21 Section 29. Paragraphs (i) and (j) of subsection (1)
22 of section 489.531, Florida Statutes, are amended, and
23 paragraph (k) is added to said section, to read:

24 489.531 Prohibitions; penalties.--

25 (1) A person may not:

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

30
31

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

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

6 Section 30. Effective January 1, 2001, paragraph (i)
7 of subsection (1) of section 489.533, Florida Statutes, is
8 amended, subsections (3), (4), (5), (6), and (7) of said
9 section are renumbered as subsections (4), (5), (6), (7), and
10 (8), respectively, and new subsection (3) is added to said
11 section, to read:

12 489.533 Disciplinary proceedings.--

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

15 (i) ~~Willfully or deliberately disregarding and~~
16 Violating the applicable building codes or laws of the state
17 or any municipality or county thereof.

18
19 For the purposes of this subsection, construction is
20 considered to be commenced when the contract is executed and
21 the contractor has accepted funds from the customer or lender.

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

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

29 489.5335 Journeyman; reciprocity; standards.--

30 (1) An individual who holds a valid, active journeyman
31 license in the electrical trade issued by any county or

1 municipality in this state may work as a journeyman in any
2 other county or municipality of this state without taking an
3 additional examination or paying an additional license fee, if
4 he or she:

5 (a) Has scored at least 70 percent, or after October
6 1, 1997, at least 75 percent, on a proctored journeyman Block
7 and Associates examination or other proctored examination
8 approved by the board for the electrical trade;

9 (b) Has completed an apprenticeship program registered
10 with the Department of Labor and Employment Security and
11 demonstrates 4 years' verifiable practical experience in the
12 electrical trade, or demonstrates 6 years' verifiable
13 practical experience in the electrical trade; ~~and~~

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

26 (d)~~(e)~~ Has not had a license suspended or revoked
27 within the last 5 years.

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

31 489.537 Application of this part.--

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

3 (d) To require one bond for each electrical contractor
4 in an amount not to exceed \$5,000, which bond shall be
5 conditioned only upon compliance with the Florida applicable
6 ~~state minimum Building Code and applicable local building code~~
7 ~~requirements~~ adopted pursuant to s. 553.73. Any such bond
8 must be equally available to all electrical contractors
9 without regard to the period of time an electrical contractor
10 has been certified or registered and without regard to any
11 financial responsibility requirements. Any such bonds shall
12 be payable to the Governor and filed in each county or
13 municipality in which a building permit is requested. Bond
14 reciprocity shall be granted statewide. All such bonds shall
15 be included in meeting any financial responsibility
16 requirements imposed by any statute or rule.

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

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

30
31

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

4 500.459 Water vending machines.--

5 (5) OPERATING STANDARDS.--

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

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

13 553.06 State Plumbing Code.--

14 (1) The Florida Building Commission ~~Board of Building~~
15 ~~Codes and Standards~~ shall, in accordance with the provisions
16 of chapter 120 and ss. 553.70-553.895, adopt the Standard
17 Plumbing Code, 1994 edition, as adopted at the October 1993
18 annual meeting of the Southern Building Code Congress
19 International, as the State Plumbing Code which shall be the
20 minimum requirements statewide for all installations, repairs,
21 and alterations to plumbing. The board may, in accordance with
22 the requirements of chapter 120, adopt all or parts of updated
23 or revised editions of the State Plumbing Code to keep abreast
24 of latest technological advances in plumbing and installation
25 techniques. Local governments which have adopted the South
26 Florida, One and Two Family Dwelling or EPCOT Plumbing Codes
27 may continue their use provided the requirements contained
28 therein meet or exceed the requirements of the State Plumbing
29 Code. Provided, however, nothing in this section shall alter
30 or diminish the authority of the Department of Business and
31 Professional Regulation to conduct plan reviews, issue

1 variances, and adopt rules regarding sanitary facilities in
2 public lodging and public food service establishments pursuant
3 to chapter 509, providing that such actions do not conflict
4 with the requirements for public restrooms in s. 553.141.

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

7 553.18 Scope.--

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

16 Section 36. Section 553.19, Florida Statutes, is
17 amended to read:

18 553.19 Adoption of electrical standards.--For the
19 purpose of establishing minimum electrical standards in this
20 state, the following standards are adopted:

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

22 (2) Underwriters' Laboratories, Inc., "Standards for
23 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
24 57-1982 and UL 153-1983.

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

27 (4) The provisions of the following which prescribe
28 minimum electrical standards:

29 (a) NFPA No. 56A-1978, "Inhalation Anesthetics 1978."

30 (b) NFPA No. 56B-1982, "Respiratory Therapy 1982."

31

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

1 alteration, repair, modification, or demolition of public or
2 private buildings, structures, or facilities.

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

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

11 553.72 Intent.--

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

1 not inhibit competition, and promotes innovation and new
2 technology.

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

8 (3) It is the intent of the Legislature that the
9 Florida Building Code be adopted, modified, updated,
10 interpreted, and maintained by the Florida Building Commission
11 and enforced by authorized state and local government
12 enforcement agencies.

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

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

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

28 553.73 State Minimum Building Codes.--

29 (3) The commission ~~board~~ may, by rule adopted in
30 accordance with the requirements of chapter 120, designate all
31

1 or a part of an updated or revised version of a model code
2 listed in subsection (2) as a State Minimum Building Code.

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

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

15 553.73 Florida State Minimum Building Code ~~Codes~~--

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

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

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

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

1 alternatives that would provide an equivalent degree of life
2 safety and an equivalent method of construction.

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

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

24 ~~(a) Standard Building Codes, 1988 edition, pertaining~~
25 ~~to building, plumbing, mechanical, and gas, and excluding fire~~
26 ~~prevention;~~

27 ~~(b) EPCOT Code, 1982 edition;~~

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

29 ~~and~~

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

31

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

24 (3) The commission shall select from available
25 national or international model building codes, or other
26 available building codes and standards currently recognized by
27 the laws of this state, to form the foundation for the Florida
28 Building Code. The commission may modify the selected model
29 codes and standards as needed to accommodate the specific
30 needs of this state. Standards or criteria referenced by the
31 selected model codes shall be similarly incorporated by

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

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

27 (b) ~~Local governments and state agencies with building~~
28 ~~construction regulation responsibilities~~ may, subject to the
29 limitations of this section, adopt amendments to the technical
30 provisions of the Florida Building Code which apply solely
31 within the jurisdiction of such government and which provide

1 for more stringent requirements than those specified in the
2 Florida State Minimum Building Code, not more than once every
3 6 months, ~~Codes~~ provided:

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

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

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

20 4. The enforcing agency shall make readily available,
21 in a usable format, all amendments adopted pursuant to this
22 section.

23 5. Any amendment to the Florida Building Code shall be
24 transmitted within 30 days by the adopted local government to
25 the commission. The commission shall maintain copies of all
26 such amendments in a format that is usable and obtainable by
27 the public.

28 6. Any amendment to the Florida Building Code adopted
29 by a local government pursuant to this paragraph shall be
30 effective only until the adoption by the board of the new
31 edition of the Florida Building Code every third year. At

1 such time, the board shall adopt such amendment as part of the
2 Florida Building Code or rescind the amendment. Adoption or
3 rescission of an amendment by the board shall take effect 90
4 days after the board takes such action. The board shall
5 immediately notify the respective local government of the
6 rescission of any amendment. After receiving such notice, the
7 respective local government may readopt the rescinded
8 amendment pursuant to the provisions of this paragraph.

9 7. Each county and municipality desiring to make local
10 technical amendments to the Florida Building Code shall by
11 interlocal agreement establish a countywide compliance review
12 board to review any amendment to the Florida Building Code,
13 adopted by a local government within the county pursuant to
14 this paragraph, that is challenged by any substantially
15 affected party for purposes of determining the amendment's
16 compliance with this paragraph. If the compliance review
17 board determines such amendment is not in compliance with this
18 paragraph, the compliance review board shall notify such local
19 government of the noncompliance and that the amendment is
20 invalid and unenforceable until the local government corrects
21 the amendment to bring it into compliance. The local
22 government may appeal the decision of the compliance review
23 board to the commission. If the compliance review board
24 determines such amendment to be in compliance with this
25 paragraph, any substantially affected party may appeal such
26 determination to the commission. Actions of the board are
27 subject to the appellate process as set forth in s. 120.57,
28 except an order of an administrative law judge shall be final
29 agency action. The compliance review board shall determine
30 whether its decisions apply to a respective local jurisdiction
31 or apply countywide.

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

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

13 (c) Any amendment adopted by a local enforcing agency
14 pursuant to this subsection shall not apply to state or school
15 district owned buildings, manufactured buildings approved by
16 the commission, or prototype buildings approved pursuant to s.
17 553.77(6). The respective responsible entities shall consider
18 the physical performance parameters substantiating such
19 amendments when designing, specifying, and constructing such
20 exempt buildings.

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

31

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

12 ~~(6)(5)~~ It shall be the responsibility of each
13 municipality and county in the state and of each state agency
14 with statutory authority to regulate building construction to
15 enforce the provisions of the Florida ~~specific model code of~~
16 ~~the State Minimum Building Code Codes~~ adopted by that
17 ~~municipality, county, or agency, in accordance with the~~
18 ~~provisions of s. 553.80. If such responsibility has been~~
19 ~~delegated to another unit of government pursuant to s.~~
20 ~~553.79(9), the specific model code adopted by the delegate~~
21 ~~shall apply and be enforced.~~

22 (7)(a)(6) The commission may approve technical
23 amendments to the Florida Building Code once each year for
24 statewide application upon a finding by a super majority vote
25 that delaying the application of the amendment would be
26 contrary to the health, safety, and welfare of the public or
27 the amendment provides an economic advantage to the consumer
28 and that the amendment:

29 1. Has a reasonable and substantial connection with
30 the health, safety, and welfare of the general public.
31

1 2. Strengthens or improves the Florida Building Code,
2 or in the case of innovation or new technology, will provide
3 equivalent or better products or methods or systems of
4 construction.

5 3. Does not discriminate against materials, products,
6 methods, or systems of construction of demonstrated
7 capabilities.

8 4. Does not degrade the effectiveness of the Florida
9 Building Code.

10 (b) A proposed amendment shall include a fiscal impact
11 statement which documents the costs and benefits of the
12 proposed amendment. Criteria for the fiscal impact statement
13 shall be established by rule by the commission and shall
14 include the impact to local government relative to
15 enforcement, the impact to property and building owners, as
16 well as to industry, relative to the cost of compliance.~~The~~
17 ~~specific model code of the State Minimum Building Codes~~
18 ~~adopted by a municipality, county, or state agency shall~~
19 ~~regulate every type of building or structure, wherever it~~
20 ~~might be situated in the code enforcement jurisdiction;~~
21 ~~however, such regulations shall not apply to nonresidential~~
22 ~~farm buildings on farms; to temporary buildings or sheds used~~
23 ~~exclusively for construction purposes; to mobile homes used as~~
24 ~~temporary offices, except that the provisions of part V~~
25 ~~relating to accessibility by handicapped persons shall apply~~
26 ~~to such mobile homes used as temporary offices; or to any~~
27 ~~construction exempted under s. 553.80(3) by an enforcement~~
28 ~~district or local enforcement agency. The codes may be divided~~
29 ~~into a number of segments, as determined by the municipality,~~
30 ~~county, or state agency. These segments may be identified as~~
31 ~~building, mechanical, electrical, plumbing, or fire prevention~~

1 ~~codes or by other titles as are deemed proper. However, the~~
2 ~~State Minimum Building Codes shall not contain a housing code;~~
3 ~~nor shall the state interpose in the area of local housing~~
4 ~~codes, except upon request originating from an enforcement~~
5 ~~district or local enforcement agency.~~

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

10 (a) Buildings and structures specifically regulated
11 and preempted by the Federal Government.

12 (b) Railroads and ancillary facilities associated with
13 the railroad.

14 (c) Nonresidential farm buildings on farms.

15 (d) Temporary buildings or sheds used exclusively for
16 construction purposes.

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

20 (9)(7)(a) In the event of a conflict between the
21 Florida ~~applicable minimum~~ Building Code and the Florida Fire
22 Prevention Code and the Life Safety ~~applicable minimum~~
23 firesafety Code, the conflict it shall be resolved by
24 agreement between the local building code enforcement official
25 and the local fire code enforcement official in favor of the
26 requirement of the code which offers the greatest degree of
27 lifesafety or alternatives which would provide an equivalent
28 degree of lifesafety and an equivalent method of construction.

29 (b) Any decision made by the local fire official and
30 the local building official may be appealed to a local
31 administrative board designated by the municipality, county,

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

20 (c) ~~If in the event that~~ the local building official
21 and the local fire official are unable to agree on a
22 resolution of the conflict between the Florida Building Code
23 and the Florida Fire Prevention Code and the Life Safety Code,
24 the local administrative board shall resolve the conflict in
25 favor of the code which offers the greatest degree of
26 lifesafety or alternatives which would provide an equivalent
27 degree of lifesafety and an equivalent method of construction.

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

31

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

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

21 (11) The Florida Building Code does not apply to, and
22 no code enforcement action shall be brought with respect to,
23 zoning requirements, land use requirements, and owner
24 specifications or programmatic requirements which do not
25 pertain to and govern the design, construction, erection,
26 alteration, modification, repair, or demolition of public or
27 private buildings, structures, or facilities or to
28 programmatic requirements that do not pertain to enforcement
29 of the Florida Building Code. Additionally, a local code
30 enforcement agency may not administer or enforce the Florida
31 Building Code to prevent the siting of any state correctional

1 facility, juvenile justice facility, or state university,
2 community college, or public education facility, as provided
3 by law.

4 Section 42. Section 553.74, Florida Statutes, is
5 amended to read:

6 553.74 Florida Building Commission ~~State Board of~~
7 ~~Building Codes and Standards.~~--

8 (1) The Florida Building Commission ~~There~~ is created
9 and shall be located within the Department of Community
10 Affairs for administrative purposes ~~the Board of Building~~
11 ~~Codes and Standards~~. Members shall be appointed by the
12 Governor subject to confirmation by the Senate. The
13 commission board shall be composed of 21 ~~17~~ members,
14 consisting of the following:

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

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

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

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

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

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

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

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

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

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

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

9 (l) One member who is a county codes enforcement
10 official.

11 (m) One member of a Florida-based organization of
12 ~~handicapped~~ persons with disabilities or a nationally
13 chartered organization of ~~handicapped~~ persons with
14 disabilities with chapters in this state.

15 (n) One member of the manufactured buildings industry
16 who is licensed to do business in this state and is actively
17 engaged in the industry.

18 (o) One mechanical or electrical engineer registered
19 to practice in this state and actively engaged in the
20 profession.

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

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

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

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

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

1 (2) ~~The first five board members appointed after~~
2 ~~October 1, 1991, shall serve for terms of 3 years each.~~
3 ~~Thereafter,~~All appointments shall be for terms of 4 years,
4 except that of the chair who shall shall serve at the pleasure
5 of the Governor. Each person who is a member of the Board of
6 Building Codes and Standards on the effective date of this act
7 shall serve the remainder of their term as a member of the
8 Florida Building Commission. Except for the chair, newly
9 created positions on the Florida Building Commission shall be
10 appointed after February 1, 1999.A vacancy shall be filled
11 for the remainder of the unexpired term. ~~Neither the architect~~
12 ~~nor any of the above-named engineers shall be engaged in the~~
13 ~~manufacture, promotion, or sale of any building materials; and~~
14 Any member who shall, during his or her term, cease to meet
15 the qualifications for original appointment, through ceasing
16 to be a practicing member of the profession indicated or
17 otherwise, shall thereby forfeit membership on the commission
18 board.

19 Section 43. Section 553.75, Florida Statutes, is
20 amended to read:

21 553.75 Organization of commission board; rules and
22 regulations; meetings; staff; fiscal affairs.--

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

28 (2) The commission board shall meet at the call of its
29 chair, at the request of a majority of its membership, at the
30 request of the department, or at such times as may be
31 prescribed by its rules. The members shall be notified in

1 writing of the time and place of a regular or special meeting
2 at least 7 days in advance of the meeting. A majority of
3 members of the commission ~~board~~ shall constitute a quorum.

4 (3) The department shall be responsible for the
5 provision of administrative and staff support services
6 relating to the functions of the commission ~~board~~. With
7 respect to matters within the jurisdiction of the commission
8 ~~board~~, the department shall be responsible for the
9 implementation and faithful discharge of all decisions of the
10 commission ~~board~~ made pursuant to its authority under the
11 provisions of this part.

12 Section 44. Section 553.76, Florida Statutes, is
13 amended to read:

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

16 (1) Promulgate, in cooperation with the department,
17 rules and regulations for the administration of this part,
18 pursuant to chapter 120.

19 (2) Provide rules of procedure for its internal
20 management and control.

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

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

27 553.76 General powers of the commission.--The
28 commission is authorized to:

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

1 (5) Adopt and promote, in consultation with state and
2 local governments, other boards, advisory councils, and
3 commissions, such guidelines as are deemed appropriate to
4 determine and ensure consistent, effective and efficient
5 enforcement and compliance with the Florida Building Code.
6 Guidelines shall include, but not be limited to, provisions
7 for coordination among and between local offices with review
8 responsibilities and their coordination with state or regional
9 offices with special expertise.

10 Section 46. Section 553.77, Florida Statutes, is
11 amended to read:

12 553.77 Specific powers of the commission ~~board~~--

13 (1) The commission ~~board~~ shall:

14 (a) Adopt rules and regulations or amendments thereto
15 in accordance with the procedures prescribed in chapter 120.

16 (b) Make a continual study of the operation of the
17 State Minimum Building Codes and other laws relating to the
18 construction of buildings, including manufactured buildings,
19 to ascertain their effect upon the cost of building
20 construction and determine the effectiveness of their
21 provisions.

22 (c) Upon written application by a private party or a
23 local enforcement agency, issue advisory opinions relating to
24 new technologies, techniques, and materials which have been
25 tested where necessary and found to meet the objectives of the
26 State Minimum Building Codes and the Florida Manufactured
27 Building Act of 1979.

28 (d) Upon written application by a private party or a
29 local enforcement agency, issue advisory opinions relating to
30 the interpretation, enforcement, administration, or
31 modification by local governments of the State Minimum

1 Building Codes and the Florida Manufactured Building Act of
2 1979.

3 (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.

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

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

12 (a) Provide for the testing of materials, devices, and
13 method of construction.

14 (b) Appoint experts, consultants, technical advisers,
15 and advisory committees for assistance and recommendations
16 relating to the State Minimum Building Codes.

17 (c) Appoint an advisory committee consisting of at
18 least five plumbing contractors licensed to do business in
19 this state for assistance and recommendations relating to
20 plumbing code interpretations, if the commission board
21 identifies the need for additional assistance in making
22 decisions regarding the State Plumbing Code.

23 (3) With respect to the qualification program for
24 special inspectors of threshold buildings as required by s.
25 553.79(5)(c), the commission board may prescribe initial and
26 annual renewal fees for certification, by rule, in accordance
27 with chapter 120.

28 (4)(a) Upon written application by a private party,
29 the commission board shall issue a binding opinion relating to
30 a state agency's interpretation and enforcement of the
31 specific model code adopted by the agency to regulate building

1 construction or relating to the conformity of new
2 technologies, techniques, and materials to the objectives of
3 that model code. The provisions of this paragraph shall not
4 be construed to provide any powers to the commission ~~board~~
5 with respect to any decision of the State Board of Education
6 made pursuant to the provisions of s. 235.26, to the State
7 Fire Marshal made pursuant to the provisions of chapter 633,
8 to the Department of Management Services made pursuant to the
9 provisions of s. 255.25, or to any local government decision
10 with respect to construction not subject to a state agency
11 model code.

12 (b) Upon written applications by private parties or
13 the enforcement agency, the commission ~~board~~ may issue binding
14 opinions relating to the interpretation of ss. 553.71(7) and
15 553.79(5)(a) and (c), (6)(a), (b), (d), and (e), and (7)(a)
16 and (c).

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

20 (5) The commission ~~board~~ may designate a commission
21 ~~board~~ member with demonstrated expertise in interpreting
22 building plans to attend each meeting of the advisory council
23 created in s. 553.512. The commission ~~board~~ member may vary
24 from meeting to meeting, shall serve on the council in a
25 nonvoting capacity, and shall receive per diem and expenses as
26 provided in s. 553.74(3).

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

29 553.77 Specific powers of the commission.--

30 (1) The commission shall:

31

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

4 (b) Make a continual study of the operation of the
5 Florida State Minimum Building Code Codes and other laws
6 relating to the design, construction, erection, alteration,
7 modification, repair, or demolition of public or private of
8 buildings, structures, and facilities, including manufactured
9 buildings, and code enforcement, to ascertain their effect
10 upon the cost of building construction and determine the
11 effectiveness of their provisions. Upon updating the Florida
12 Building Code every 3 years, the commission shall review
13 existing provisions of law and make recommendations to the
14 Legislature for the next regular session of the Legislature
15 regarding provisions of law that should be revised or repealed
16 to ensure consistency with the Florida Building Code at the
17 point the update goes into effect. Any proposed legislation
18 providing for the revision or repeal of existing laws and
19 rules relating to technical requirements applicable to
20 building structures or facilities should expressly state that
21 such legislation is not intended to imply any repeal or sunset
22 of existing general or special laws that are not specifically
23 identified in the legislation.

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

30 (d) Upon written application by any substantially
31 affected ~~a private~~ party or a local enforcement agency, issue

1 advisory opinions relating to the interpretation, enforcement,
2 administration, or modification by local governments of the
3 Florida State Minimum Building Code Codes and the Florida
4 Manufactured Building Act of 1979.

5 (e) When requested in writing by any substantially
6 affected party or a local enforcing agency, shall issue
7 binding interpretations of part VII of chapter 553, which
8 shall apply prospectively only. The binding interpretations
9 of the commission shall be subject to the processes as set
10 forth in s. 120.57, except that the administrative law judge's
11 order shall be final agency action.

12 (f)(e) Make recommendations to, and provide assistance
13 upon the request of, the Florida Commission on Human Relations
14 regarding rules relating to ~~handicapped~~ accessibility for
15 persons with disabilities.

16 (g)(f) Participate Coordinate and cooperate with the
17 Florida Fire Code Advisory Council created under s. 633.72, to
18 provide for assistance and recommendations relating to
19 firesafety code interpretations. The administrative staff of
20 the commission shall attend meetings of the Florida Fire Code
21 Advisory Council and coordinate efforts to provide consistency
22 between the Florida Building Code and the Florida Fire
23 Prevention Code and the Life Safety Code.

24 (h) Hear appeals of the decisions of local boards of
25 appeal regarding interpretation decisions of local building
26 officials, or if no local board exists, hear appeals of
27 decisions of the building officials regarding interpretations
28 of the code. For such appeals:

29 1. Local decisions declaring structures to be unsafe
30 and subject to repair or demolition shall not be appealable to
31

1 the commission if the local governing body finds there is an
2 immediate danger to the health and safety of its citizens.

3 2. All appeals shall be heard in the county of the
4 jurisdiction defending the appeal.

5 3. Actions of the commission are subject to the
6 appellate process as set forth in s. 120.57, except an order
7 of an administrative law judge shall be final agency action.

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

10 (i)(a) Determine the types of products requiring
11 approval for local or statewide use and shall provide for the
12 evaluation and approval testing of such products, materials,
13 devices, and method of construction for statewide use.

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

17 (j)(b) Appoint experts, consultants, technical
18 advisers, and advisory committees for assistance and
19 recommendations relating to the major areas addressed in the
20 Florida State Minimum Building Code Codes.

21 (k) Establish and maintain a mutual aid program,
22 organized through the department, to provide an efficient
23 supply of various levels of code enforcement personnel, design
24 professionals, commercial property owners, and construction
25 industry individuals, to assist in the rebuilding effort in an
26 area which has been hit with disaster. The program shall
27 include provisions for:

28 1. Minimum post-disaster structural, electrical, and
29 plumbing inspections and procedures.

30 2. Emergency permitting and inspection procedures.

31

1 3. Establishing contact with emergency management
2 personnel and other state and federal agencies.
3 (l) Maintain a list of interested parties for noticing
4 rulemaking workshops and hearings, disseminating information
5 on code adoption, revisions, amendments, and all other such
6 actions which are the responsibility of the commission.
7 (m) Coordinate with the state and local governments,
8 industry, and other affected stakeholders in the examination
9 of legislative provisions and make recommendations to fulfill
10 the responsibility to develop a consistent, single code.
11 (n) Provide technical assistance to local building
12 departments in order to implement policies, procedures, and
13 practices which would produce the most cost effective property
14 insurance ratings.
15 (o) Develop guidelines and qualifications for local
16 governments to use when pursuing partial or full privatization
17 of building department functions. The guidelines and
18 qualifications shall include, but not be limited to,
19 provisions relating to equivalency of service, conflict of
20 interest, requirements for competency, liability, insurance,
21 and long-term accountability.
22 ~~(c) Appoint an advisory committee consisting of at~~
23 ~~least five plumbing contractors licensed to do business in~~
24 ~~this state for assistance and recommendations relating to~~
25 ~~plumbing code interpretations, if the commission identifies~~
26 ~~the need for additional assistance in making decisions~~
27 ~~regarding the State Plumbing Code.~~
28 (2)(3) With respect to the qualification program for
29 special inspectors of threshold buildings as required by s.
30 553.79(5)(c), the commission may prescribe initial and annual
31

1 renewal fees for certification, by rule, in accordance with
2 chapter 120.

3 (3)~~(4)~~(a) Upon written application by any
4 substantially affected ~~a private~~ party, the commission shall
5 issue a binding opinion relating to a state agency's
6 interpretation and enforcement of the specific provisions of
7 the Florida Building model Code required under this section
8 ~~adopted by the agency to regulate building construction or~~
9 relating to the conformity of new technologies, techniques,
10 and materials to the objectives of the Florida Building ~~that~~
11 ~~model Code~~. The provisions of this paragraph shall not be
12 construed to provide any powers, other than advisory, to the
13 commission with respect to any decision of the ~~State Board of~~
14 ~~Education made pursuant to the provisions of s. 235.26, to the~~
15 State Fire Marshal made pursuant to the provisions of chapter
16 633, ~~to the Department of Management Services made pursuant to~~
17 ~~the provisions of s. 255.25, or to any local government~~
18 ~~decision with respect to construction not subject to a state~~
19 ~~agency model code~~.

20 ~~(b) Upon written applications by private parties or~~
21 ~~the enforcement agency, the commission may issue binding~~
22 ~~opinions relating to the interpretation of ss. 553.71(7) and~~
23 ~~553.79(5)(a) and (c), (6)(a), (b), (d), and (e), and (7)(a)~~
24 ~~and (c).~~

25 (b)~~(c)~~ Each opinion issued pursuant to this section
26 shall be rendered in the same manner provided in s. 120.565,
27 relating to declaratory statements.

28 (4)~~(5)~~ The commission may designate a commission
29 member with demonstrated expertise in interpreting building
30 plans to attend each meeting of the advisory council created
31 in s. 553.512. The commission member may vary from meeting to

1 meeting, shall serve on the council in a nonvoting capacity,
2 and shall receive per diem and expenses as provided in s.
3 553.74(3).

4 (5) The commission shall develop and publish a
5 document which contains detailed descriptions of the roles and
6 responsibilities of the licensed design professional,
7 residential designer, contractor, and local building and fire
8 code officials. The State Fire Marshal shall be responsible
9 for developing and specifying roles and responsibilities for
10 fire code officials. Such document may also contain
11 descriptions of roles and responsibilities of other
12 participants involved in the building codes system.

13 (6) The commission may provide for plans review and
14 approval of prototype buildings owned by public entities to be
15 replicated throughout the state. Such approved plans or
16 prototype buildings shall be exempt from further review
17 required by s. 553.79(2) or any local amendment to any part of
18 the Florida Building Code. Construction or erection of such
19 prototype buildings are subject to local permitting and
20 inspections pursuant to this part.

21 Section 48. Effective January 1, 2001, section
22 553.781, Florida Statutes, is created to read:

23 553.781 Licensee accountability.--

24 (1) The Legislature finds that accountability for work
25 performed by design professionals and contractors is the key
26 to strong and consistent compliance with the Florida Building
27 Code and, therefore, protection of the public health, safety,
28 and welfare. The purpose of this section is to provide such
29 accountability.

30 (2)(a) Notwithstanding the provisions of ss. 455.227,
31 471.033, 481.225, 481.2251, 481.325, 489.129, or 489.531, upon

1 a final determination by a local jurisdiction, based on clear
2 and convincing evidence, that a licensee, certificateholder,
3 or registrant has committed a material violation of the
4 Florida Building Code and failed to correct such violation
5 within a reasonable time, such local jurisdiction shall impose
6 a fine of no less than \$500 and no more than \$5,000 per
7 material violation of the Florida Building Code and, in the
8 case of a licensee under chapter 455, a registrant under
9 chapter 471 or chapter 481, or a certificateholder or
10 registrant under chapter 489, shall recommend remedial
11 education or training, probation, or suspension or revocation
12 of the license, certificate, or registration to the
13 appropriate licensing authority having jurisdiction over the
14 license, certificate, or registration or the licensee,
15 certificateholder, or registrant. Unless appealed pursuant to
16 s. 553.77, failure to comply with the order of the local
17 jurisdiction within 45 days shall result in suspension of
18 licensure until compliance.

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

24 (3) The recommendation shall be made after completion
25 of any appeal pursuant to s. 553.77 and shall contain findings
26 of fact, conclusions of law, and the recommended penalty.
27 After a recommendation by a local jurisdiction for remedial
28 education and training, probation, or suspension or revocation
29 of a certificate or registration has been served on the
30 certificateholder or registrant and the certificateholder or
31 registrant has not challenged such recommendation within 45

1 days after such service, the recommendation shall become a
2 final action of the licensing authority. If the recommendation
3 is challenged in a timely manner, the licensing authority
4 shall determine the appropriate level of discipline.

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

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

25
26 For purposes of this section, a material code violation is a
27 violation which may reasonably result in physical harm to a
28 person or significant damage to a building or its systems. The
29 determination of the existence of any material violation and
30 specific corrective action shall be subject only to the
31 appellate process provided in s. 553.77 and shall not be

1 subject any other appeals or determinations. This provision
2 shall not preclude the appropriate licensing authorities from
3 administering discipline related to negligence or
4 incompetence.

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

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

9 (5)

10 (c) The commission board shall, by rule, establish a
11 qualification program for special inspectors and shall compile
12 a list of persons qualified to be special inspectors. Special
13 inspectors shall not be required to meet standards for
14 qualification other than those established by the commission
15 ~~board~~, nor shall the fee owner of a threshold building be
16 prohibited from selecting any person qualified by the
17 commission board to be a special inspector. The architect or
18 engineer of record may act as the special inspector provided
19 she or he is on the list of persons qualified to be special
20 inspectors. School boards may utilize employees as special
21 inspectors provided such employees are on the list of persons
22 qualified to be special inspectors.

23 (15) Certifications by contractors authorized under
24 the provisions of s. 489.115(4)(b) shall be considered
25 equivalent to sealed plans and specifications by a person
26 licensed under chapter 471 or chapter 481 by local enforcement
27 agencies for plans review for permitting purposes relating to
28 compliance with the wind resistance provisions of the code or
29 alternate methodologies approved by the commission board for
30 one and two family dwellings. Local enforcement agencies may
31 rely upon such certification by contractors that the plans and

1 specifications submitted conform to the requirements of the
2 code for wind resistance. Upon good cause shown, local
3 government code enforcement agencies may accept or reject
4 plans sealed by persons licensed under chapter 471, chapter
5 481, or chapter 489.

6 Section 50. Effective January 1, 2001, subsections
7 (1), (2), (3), (4), (6), (9), (10), and (14) of section
8 553.79, Florida Statutes, are amended, and subsection (17) is
9 added to said section, to read:

10 553.79 Permits; applications; issuance; inspections.--

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

31

1 (2) ~~After January 1, 1988,~~No enforcing agency may
2 issue any permit for construction, erection, alteration,
3 modification, repair, or demolition until the local building
4 code administrator or inspector, in conjunction with the
5 appropriate firesafety inspector, has reviewed the plans and
6 specifications for such proposal and both officials have found
7 the plans to be in compliance with the Florida applicable
8 ~~State Minimum Building Code Codes~~ and the Florida Fire
9 Prevention Code and the Life Safety Code applicable firesafety
10 ~~standards~~ as determined by the local authority in accordance
11 with this chapter and chapter 633. Building plans approved
12 pursuant to s. 553.77(6) and state-approved manufactured
13 buildings are exempt from local codes enforcing agency plan
14 reviews except for provisions of the code relating to
15 erection, assembly, or construction at the site. Erection,
16 assembly, and construction at the site are subject to local
17 permitting and inspections.Any building or structure which is
18 not subject to a firesafety code and any building or structure
19 which is exempt from the local building permit process shall
20 not be required to have its plans reviewed by the local
21 officials. Industrial construction on sites where design,
22 construction, and firesafety are supervised by appropriate
23 design and inspection professionals and which contain adequate
24 in-house fire departments and rescue squads is exempt, subject
25 to local government option, from review of plans and
26 inspections, providing owners certify that applicable codes
27 and standards have been met and supply appropriate approved
28 drawings to local building and firesafety inspectors. The
29 enforcing agency shall issue a permit to construct, erect,
30 alter, modify, repair, or demolish any building when the plans
31 and specifications for such proposal comply with the

1 provisions of the Florida State Minimum Building Code Codes
2 and the Florida Fire Prevention Code and the Life Safety Code
3 ~~applicable firesafety standards~~ as determined by the local
4 authority in accordance with this chapter and chapter 633.

5 (3) Except as provided in this chapter, the Florida
6 ~~State Minimum Building Code Codes~~, after the effective date of
7 ~~their~~ adoption pursuant to the provisions of this part, shall
8 supersede all other building construction codes or ordinances
9 in the state, whether at the local or state level and whether
10 adopted by administrative regulation or by legislative
11 enactment, ~~unless such building construction codes or~~
12 ~~ordinances are more stringent than the State Minimum Building~~
13 ~~Codes and the conditions of s. 553.73(4) are met.~~ However,
14 this subsection does not apply to the manufacture of mobile
15 homes as defined by federal law ~~chapter 320~~. Nothing
16 contained in this subsection shall be construed as nullifying
17 or divesting appropriate state or local agencies of authority
18 to make inspections or to enforce the codes within their
19 respective areas of jurisdiction.

20 (4) The Florida State Minimum Building Code Codes,
21 after the effective date of ~~their~~ adoption pursuant to the
22 provisions of this part, may be modified by local governments
23 to require more stringent standards than those specified in
24 the Florida State Minimum Building Code Codes, provided the
25 conditions of s. 553.73(4) are met.

26 (6) No permit may be issued for any building
27 construction, erection, alteration, modification, ~~repair,~~ or
28 addition unless the applicant for such permit provides to the
29 enforcing agency which issues the permit any of the following
30 documents which apply to the construction for which the permit
31 is to be issued:

1 (a) Electrical documents for any new building or
2 addition which requires an aggregate service capacity of 600
3 amperes (240 volts) or more on a residential electrical system
4 or 800 amperes (240 volts) or more on a commercial or
5 industrial electrical system and which costs more than
6 \$50,000.

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

10 (c) Fire sprinkler documents for any new building or
11 addition which includes a fire sprinkler system which contains
12 50 or more sprinkler heads. A Contractor I, Contractor II, or
13 Contractor IV, certified under s. 633.521, may design a fire
14 sprinkler system of 49 or fewer heads and may design the
15 alteration of an existing fire sprinkler system if the
16 alteration consists of the relocation, addition, or deletion
17 of not more than 49 heads, notwithstanding the size of the
18 existing fire sprinkler system.

19 (d) Heating, ventilation, and air-conditioning
20 documents for any new building or addition which requires more
21 than a 15-ton-per-system capacity which is designed to
22 accommodate 100 or more persons or for which the system costs
23 more than \$50,000. This paragraph does not include any
24 document for the replacement or repair of an existing system
25 in which the work does not require altering a structural part
26 of the building or for work on a residential one-family,
27 two-family, three-family, or four-family structure.

28 (e) Any specialized mechanical, electrical, or
29 plumbing document for any new building or addition which
30 includes a medical gas, oxygen, steam, vacuum, toxic air
31

1 filtration, halon, or fire detection and alarm system which
2 costs more than \$5,000.

3

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

8 (9) Any state agency with building construction
9 responsibility ~~may enter into an agreement with any other unit~~
10 ~~of government to delegate its responsibility to enforce the~~
11 ~~delegate's building code governing the construction, erection,~~
12 ~~alteration, repair, or demolition of any state building and is~~
13 authorized to expend public funds for permit and inspection
14 fees, which fees may be no greater than the fees charged
15 others.

16 (10) An enforcing authority may not issue a building
17 permit for any building construction, erection, alteration,
18 modification, repair, or addition unless the permit either
19 includes on its face or there is attached to the permit the
20 following statement: "NOTICE: In addition to the requirements
21 of this permit, there may be additional restrictions
22 applicable to this property that may be found in the public
23 records of this county, and there may be additional permits
24 required from other governmental entities such as water
25 management districts, state agencies, or federal agencies."

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

1 (17) Notwithstanding any other provision of law, state
2 agencies responsible for the construction, erection,
3 alteration, modification, repair, or demolition of public
4 buildings, or the regulation of public and private buildings,
5 structures, and facilities, shall be subject to enforcement of
6 the Florida Building Code by local jurisdictions. This
7 subsection applies in addition to the jurisdiction and
8 authority of the Department of Insurance to inspect
9 state-owned buildings. This subsection does not apply to the
10 jurisdiction and authority of the Department of Agriculture
11 and Consumer Services to inspect amusement rides or the
12 Department of Insurance to inspect state owned buildings and
13 boilers.

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

16 553.80 Enforcement.--

17 (1) It shall be the responsibility of each local
18 government, each legally constituted enforcement district, and
19 each state agency with statutory authority to regulate
20 building construction to enforce the building code adopted by
21 such body in accordance with s. 553.73, unless such
22 responsibility has been delegated to another unit of
23 government pursuant to s. 553.79(9). The governing bodies of
24 local governments may provide a schedule of fees for the
25 enforcement of the provisions of this part. Such fees shall
26 be used solely for carrying out the local government's
27 responsibilities in enforcing the code.The authority of state
28 enforcing agencies to set fees for enforcement shall be
29 derived from authority existing on the effective date of this
30 act. However, nothing contained in this subsection shall
31

1 operate to limit such agencies from adjusting their fee
2 schedule in conformance with existing authority.

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

5 553.80 Enforcement.--

6 (1) It shall be the responsibility of each local
7 government ~~and~~ each legally constituted enforcement district,
8 ~~and each state agency~~ with statutory authority to regulate
9 building construction to enforce the Florida Building Code
10 required by this part on all public or private buildings,
11 structures, and facilities adopted by such body in accordance
12 with s. 553.73, unless such responsibility has been delegated
13 to another unit of government pursuant to s. 553.79(9). The
14 governing bodies of local governments may provide a schedule
15 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
16 section, for the enforcement of the provisions of this part.
17 Such fees shall be used solely for carrying out the
18 responsibilities of enforcing the Florida Building Code. If a
19 local government finds it necessary, in order to enforce
20 compliance with the Florida Building Code, to conduct any
21 inspection after an initial inspection and a subsequent
22 reinspection of any project or activity and the local
23 government imposes a fee for such inspections, the local
24 government shall impose a fee of up to four times the amount
25 of the fee imposed for the initial inspection or first
26 reinspection for each such subsequent reinspection. The
27 authority of state enforcing agencies to set fees for
28 enforcement shall be derived from authority existing on the
29 effective date of this act. However, nothing contained in this
30 subsection shall operate to limit such agencies from adjusting
31 their fee schedule in conformance with existing authority.

1 (2) ~~Except for charter counties,~~Any two or more
2 counties or municipalities, or any combination thereof, may,
3 in accordance with the provisions of chapter 163, governing
4 interlocal agreements, form an enforcement district for the
5 purpose of ~~adopting, enforcing, and administering the~~
6 provisions of the Florida State Minimum Building Code Codes.
7 Each district so formed shall be registered with the
8 department on forms to be provided for that purpose. Nothing
9 in this subsection shall be construed to supersede provisions
10 of county charters which preempt municipal authorities
11 respective to building codes.

12 (3) Each enforcement district shall be governed by a
13 board, the composition of which shall be determined by the
14 affected localities. At its own option each enforcement
15 district or local enforcement agency may promulgate rules
16 granting to the owner of a single-family residence one or more
17 exemptions from the ~~Florida State Minimum Building Code Codes~~
18 relating to:

19 (a) Addition, alteration, or repairs performed by the
20 property owner upon his or her own property, provided any
21 addition or alteration shall not exceed 1,000 square feet or
22 the square footage of the primary structure, whichever is
23 less.

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

27 (c) Building and inspection fees.

28
29 Each code exemption, as defined in paragraphs (a), (b), and
30 (c), shall be certified to the local board 10 days prior to
31 implementation and shall only be effective in the territorial

1 jurisdiction of the enforcement district or local enforcement
2 agency implementing it.

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

8 (5) State and regional agencies with special expertise
9 in building code standards and licensing of contractors and
10 design professionals shall provide support to local
11 governments upon request.

12 Section 53. Section 553.841, Florida Statutes, is
13 created to read:

14 553.841 Building code training program; participant
15 competency requirements.--

16 (1) The Legislature finds that the effectiveness of
17 the building codes of this state depends on the performance of
18 all participants, as demonstrated through knowledge of the
19 codes and commitment to compliance with code directives and
20 that to strengthen compliance by industry and enforcement by
21 government, a Building Code Training Program is needed.

22 (2) The commission shall establish the Building Code
23 Training Program to develop and provide a core curriculum and
24 advance module courses relating to the Florida Building Code
25 and a system of administering and enforcing the Florida
26 Building Code.

27 (3) The program shall be developed, implemented, and
28 administered by the commission in consultation with the
29 Department of Education, the Department of Community Affairs,
30 the Department of Business and Professional Regulation, the
31

1 State University System, and the Division of Community
2 Colleges.

3 (4) The commission may enter into contracts with the
4 Department of Education, the State University System, the
5 Division of Community Colleges, model code organizations,
6 professional organizations, vocational-technical schools,
7 trade organizations, and private industry to administer the
8 program.

9 (5) The program shall be affordable, accessible,
10 meaningful, financially self-sufficient and shall make maximum
11 use of existing sources, systems, institutions, and programs
12 available through private sources.

13 (6) The commission, in coordination with the
14 Department of Community Affairs, the Department of Business
15 and Professional Regulation, the respective licensing boards,
16 and the State Fire Marshal shall develop or cause to be
17 developed:

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

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

22 (7) The core curriculum shall cover the information
23 required to have all categories of participants appropriately
24 informed as to their technical and administrative
25 responsibilities in the effective execution of the code
26 process by all individuals currently licensed under part XII
27 of chapter 468 or chapters 471, 481, or 489, except as
28 otherwise provided in s. 471.017. The core curriculum shall
29 be prerequisite to the advanced module course work for all
30 licensees and shall be completed by individuals licensed in
31 all categories under part XII of chapter 468 or chapters 471,

1 481, or 489 within the first 2-year period after establishment
2 of the program. Core course hours taken by licensees to
3 complete this requirement shall count toward fulfillment of
4 required continuing education units under part XII of chapter
5 468 or chapters 471, 481, or 489.

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

14 (9) The commission, in consultation with the
15 Department of Business and Professional Regulation, shall
16 develop or cause to be developed, or approve as a part of the
17 program, a core curriculum and specialized or advanced module
18 course work for the construction workforce, including, but not
19 limited to, superintendents, journeymen, and residential
20 designers.

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

26 Section 54. (1) The commission, in consultation with
27 the respective professional licensing boards within the
28 Department of Business and Professional Regulation, the
29 Department of Education, the Department of Labor and
30 Employment Security, the State University System, Community
31 Colleges, and the entity administering the Code Training

1 Program, shall develop a program and standards for providing
2 entry level construction workers:
3 (a) Long-term training intended to produce crafts
4 people who are competent to perform all tasks associated with
5 a specific trade.
6 (b) Short-term intensive training intended to teach
7 specific skills within a trade.
8 (c) Brief in-service training intended to inform
9 workers regarding new code requirements, construction
10 techniques, and materials.
11 (2) The commission, in consultation with the
12 respective licensing boards within the Department of Business
13 and Professional Regulation, the Department of Education, the
14 State University System, the Division of Community Colleges,
15 and the Department of Labor and Employment Security, shall
16 develop a proposed method of implementing the training
17 programs in subsection (1) that is a combination of:
18 (a) Mandatory licensing which enforces initial
19 qualification requirements and continuing education
20 requirements.
21 (b) Mandatory training which establishes and enforces
22 training standards.
23 (c) Voluntary training not enforced by a government
24 agency.
25 (3) The commission shall present the implementation
26 proposal to the Legislature in a report no later than January
27 31, 2000.
28 Section 55. Section 553.842, Florida Statutes, is
29 created to read:
30 553.842 Product evaluation and approval.--
31

1 (1) The commission shall develop a product evaluation
2 and approval system to operate in coordination with the
3 Florida Building Code. The product evaluation and approval
4 system shall provide, pursuant to rules and procedures adopted
5 pursuant to chapter 120, for:

6 (a) Appropriate promotion of innovation and new
7 technologies.

8 (b) Processing submittals of products from
9 manufacturers in a timely manner.

10 (c) Independent, third-party qualified and accredited
11 testing and laboratory facilities.

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

14 (e) Development of stringent but reasonable testing
15 criteria based upon existing consensus standards, when
16 available, for products.

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

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

19 (h) Cost effectiveness.

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

26 (3) Products or methods or systems of construction
27 required to be approved and certified by an approved product
28 evaluation entity as complying with the standards specified by
29 the code shall be permitted to be used statewide, without
30 further evaluation or approval.

31

1 (4) Products may be approved either by the commission
2 for statewide use, or by a local building department for use
3 in that department's jurisdiction only. Notwithstanding a
4 local government's authority to amend the Florida Building
5 Code as provided in this act, statewide approval shall
6 preclude local jurisdictions from requiring further testing,
7 evaluation, or submission of other evidence as a condition of
8 using the product so long as the product is being used
9 consistent with the conditions of its approval.

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

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

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

30 (6) A building official may deny the local application
31 of a product or method or system of construction which has

1 received statewide approval, based upon a written report
2 signed by the official that concludes the product application
3 is inconsistent with the statewide approval and that states
4 the reasons the application is inconsistent. Such denial of
5 an application may be appealed to the commission pursuant to
6 s. 553.77.

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

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

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

25 (10) The commission shall maintain a list of the
26 approved products and product evaluation entities and make
27 such list available in the most cost effective manner. The
28 commission shall establish reasonable time frames associated
29 with the product approval process and availability of the
30 list.

31

1 (11) The commission may establish reasonable and
2 appropriate fees for the review of rational analyses and
3 certification of manufactured buildings submitted pursuant to
4 this section and may enter into any contracts the commission
5 deems necessary in order to implement this section.

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

11
12 For purposes of this section, an approved product evaluation
13 entity is an entity that has been accredited by a nationally
14 recognized independent evaluation authority or entity
15 otherwise approved by the commission.

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

19 627.351 Insurance risk apportionment plans.--

20 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

21 (c) The provisions of paragraph (b) are applicable
22 only with respect to:

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

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

27 a. Due to the lack of windstorm insurance coverage in
28 the county or area so affected, economic growth and
29 development is being deterred or otherwise stifled in such
30 county or area, mortgages are in default, and financial
31 institutions are unable to make loans;

1 b. The county or area so affected ~~has adopted and is~~
2 enforcing the structural requirements of the Florida State
3 ~~Minimum Building Code Codes~~, as defined in s. 553.73, for new
4 construction and has included adequate minimum floor elevation
5 requirements for structures in areas subject to inundation;
6 and

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

15
16 The department shall consider reports of the Florida Building
17 Commission when evaluating building code enforcement.Any time
18 after the department has determined that the criteria referred
19 to in this subparagraph do not exist with respect to any
20 county or area of the state, it may, after a subsequent public
21 hearing, declare that such county or area is no longer
22 eligible for windstorm coverage through the plan.

23 Section 57. Effective January 1, 2001, subsection (1)
24 of section 633.01, Florida Statutes, is amended, and
25 subsections (7) and (8) are added to said section, to read:

26 633.01 State Fire Marshal; powers and duties; rules.--

27 (1) The head of the Department of Insurance shall be
28 designated as "State Fire Marshal." The State Fire Marshal
29 shall make and promulgate all rules necessary to implement the
30 provisions of this chapter which grant powers and impose
31 duties on the State Fire Marshal and to effectuate the

1 enforcement of such powers and duties. ~~However,~~The
2 department shall ~~not~~ adopt the Florida Fire Prevention Code
3 and the Life Safety Code ~~minimum firesafety standards, except~~
4 ~~to the extent required by s. 394.879.~~

5 (7) It is the intent of the Legislature that there are
6 to be no conflicting requirements between the Florida Fire
7 Prevention Code and the Life Safety Code authorized by this
8 chapter and the provisions of the Florida Building Code or
9 conflicts in their enforcement and interpretation. Potential
10 conflicts shall be resolved through coordination and
11 cooperation of the State Fire Marshal and the Florida Building
12 Commission as provided by this chapter and part VII of chapter
13 553.

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

21 Section 58. Effective January 1, 2001, section
22 633.0215, Florida Statutes, is created to read:

23 633.0215 Florida Fire Prevention Code.--

24 (1) The department shall adopt the Florida Fire
25 Prevention Code which shall contain or incorporate by
26 reference all firesafety laws and rules that pertain to and
27 govern the design, construction, erection, alteration,
28 modification, repair, and demolition of public and private
29 buildings, structures, and facilities and the enforcement of
30 such firesafety laws and rules.

31

1 (2) The department shall adopt the National Fire
2 Protection Association's Standard 1, Fire Prevention Code.
3 The department shall adopt the Life Safety Code, Pamphlet 101,
4 current editions, by reference. The department may modify the
5 selected codes and standards as needed to accommodate the
6 specific needs of the state. Standards or criteria in the
7 selected codes shall be similarly incorporated by reference.
8 The department shall incorporate within sections of the
9 Florida Fire Prevention Code provisions that address uniform
10 fire safety standards as established in s. 633.022. The
11 department shall incorporate within sections of the Florida
12 Fire Prevention Code provisions addressing regional and local
13 concerns and variations.

14 (3) Any local amendment to the Florida Fire Prevention
15 Code adopted by a local government shall be effective only
16 until the adoption by the department of the new edition of the
17 Florida Fire Prevention Code, which shall be every third year.
18 At such time, the department shall adopt such amendment as
19 part of the Florida Fire Prevention Code or rescind the
20 amendment. Adoption or rescission of the amendment by the
21 department shall take effect 90 days after the department
22 takes such action. The department shall immediately notify
23 the respective local government of the rescission of the
24 amendment. After receiving such notice, the respective local
25 government may readopt the rescinded amendment. Incorporation
26 of local amendments as regional and local concerns and
27 variations shall be considered as adoption of an amendment
28 pursuant to this part. Notwithstanding other state or local
29 building and construction code laws to the contrary, locally
30 adopted fire code requirements that were in existence on the
31 effective date of this section shall be deemed local

1 variations of the Florida Fire Prevention Code until the
2 department takes action to adopt or rescind such requirements
3 as provided herein and such action shall take place no later
4 than January 1, 2001.

5 (4) The department shall update the Florida Fire
6 Prevention Code every 3 years. Once initially adopted and
7 subsequently updated by the department, the Florida Fire
8 Prevention Code and the Life Safety Code shall be adopted for
9 use statewide without adoptions by local governments. When
10 updating the Florida Fire Prevention Code and the most recent
11 edition of the Life Safety Code, the department shall consider
12 changes made by the national model fire codes incorporated
13 into the Florida Fire Prevention Code, the department's own
14 binding interpretations, advisory opinions, appellate
15 decisions, and approved statewide and local technical
16 amendments.

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

21 (6) The Florida Fire Prevention Code does not apply
22 to, and no code enforcement action shall be brought with
23 respect to, zoning requirements or land use requirements.
24 Additionally, a local code enforcement agency may not
25 administer or enforce the Florida Fire Prevention Code to
26 prevent the siting of any state correctional facility,
27 juvenile justice facility, or state university, community
28 college, or public education facility. This section shall not
29 be construed to prohibit local government from imposing
30 built-in fire protection systems or fire-related
31

1 infrastructure requirements needed to properly protect the
2 intended facility.

3 Section 59. Effective January 1, 2001, section
4 633.025, Florida Statutes, is amended to read:

5 633.025 Minimum firesafety standards.--

6 (1) The Florida Fire Prevention Code and the Life
7 Safety Code adopted by the Department of Insurance, Each
8 ~~municipality, county, and special district with firesafety~~
9 ~~responsibilities shall adopt minimum firesafety standards~~
10 ~~which shall operate in conjunction with the Florida state~~
11 ~~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 Florida Fire Prevention Code and~~
22 ~~the Life Safety Code codes specified in paragraph (a),~~
23 ~~paragraph (b), paragraph (c), or paragraph (d) as the minimum~~
24 ~~firesafety code required by this section.~~

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

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

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

31

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

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

11 ~~(4) It is the intent of the Legislature that a South~~
12 ~~Florida Fire Prevention Code be promulgated as a further~~
13 ~~option to counties, municipalities, and special districts with~~
14 ~~firesafety responsibilities as an alternative to the~~
15 ~~firesafety codes specified in paragraphs (2)(a), (b), and (c).~~
16 ~~In the event that an appropriate South Florida Fire Prevention~~
17 ~~Code is submitted by the Broward County Board of Rules and~~
18 ~~Appeals or the Dade County Board of Rules and Appeals to the~~
19 ~~Legislature by March 1, 1988, such code or codes shall be~~
20 ~~deemed to be an alternative to the firesafety codes specified~~
21 ~~in paragraphs (2)(a), (b), and (c) as of July 1, 1988, unless~~
22 ~~the Legislature expressly prohibits the use of such code.~~
23 ~~Until July 1, 1988, Dade and Broward Counties may use the~~
24 ~~firesafety standards within their current Fire Prevention Code~~
25 ~~as an alternative. In the event Dade or Broward County fails~~
26 ~~to adopt a South Florida Fire Prevention Code as of July 1,~~
27 ~~1988, then such county shall be subject to subsections (2),~~
28 ~~(3), and (6).~~

29 ~~(4)(5)~~ Such codes shall be minimum codes and a
30 municipality, county, or special district with firesafety
31 responsibilities may adopt more stringent firesafety

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

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

25 (b) Such additional requirements shall not be
26 discriminatory as to materials, products, or construction
27 techniques of demonstrated capabilities.

28 (c) Paragraphs (a) and (b) apply solely to the local
29 enforcing agency's adoption of requirements more stringent
30 than those specified in the Florida Fire Prevention Code and
31 the Life Safety Code that have the effect of amending building

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

6 (d) A local government which adopts amendments to the
7 minimum firesafety code must provide a procedure by which the
8 validity of such amendments may be challenged by any
9 substantially affected party to test the amendment's
10 compliance with the provisions of this section.

11 1. Unless the local government agrees to stay
12 enforcement of the amendment, or other good cause is shown,
13 the challenging party shall be entitled to a hearing on the
14 challenge within 45 days.

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

18
19 A substantially affected party may appeal, to the Department
20 of Insurance, the local government's resolution of the
21 challenge and the department shall determine if the amendment
22 complies with this section. The department shall consider
23 reports of the Florida Building Commission, pursuant to part
24 VII of chapter 533, when evaluating building code enforcement.

25 ~~(6) The minimum firesafety standards that counties,~~
26 ~~municipalities, and special districts are required to adopt~~
27 ~~pursuant to this section shall be adopted by January 1, 1988.~~
28 ~~No municipality or county or special district shall be~~
29 ~~required to amend an ordinance which presently complies with~~
30 ~~this section. In the event that any such local governmental~~
31 ~~entity fails to adopt minimum firesafety standards by January~~

1 ~~1, 1988, the minimum firesafety standards shall consist of the~~
2 ~~Standard Fire Prevention Code, 1985 edition, and National Fire~~
3 ~~Protection Association (NFPA) 101, Life Safety Code, 1985~~
4 ~~edition.~~

5 (5)~~(7)~~ The new building or structure provisions
6 enumerated within the firesafety code adopted pursuant to this
7 section shall apply only to buildings or structures for which
8 the building permit is issued on or after the effective date
9 of this act ~~January 1, 1988~~. Subject to the provisions of
10 subsection~~(6)~~~~(8)~~, the existing building or structure
11 provisions enumerated within the firesafety code adopted
12 pursuant to this section shall apply to buildings or
13 structures for which the building permit was issued or the
14 building or structure was constructed prior to the effective
15 date of this act ~~January 1, 1988~~.

16 (6)~~(8)~~ With regard to existing buildings, the
17 Legislature recognizes that it is not always practical to
18 apply any or all of the provisions of the minimum firesafety
19 code and that physical limitations may require
20 disproportionate effort or expense with little increase in
21 lifesafety. Prior to applying the minimum firesafety code to
22 an existing building, the local fire official shall determine
23 that a threat to lifesafety or property exists. If a threat to
24 lifesafety or property exists, the fire official shall apply
25 the applicable firesafety code for existing buildings to the
26 extent practical to assure a reasonable degree of lifesafety
27 and safety of property or the fire official shall fashion a
28 reasonable alternative which affords an equivalent degree of
29 lifesafety and safety of property. The decision of the local
30 fire official may be appealed to the local administrative
31 board described in s. 553.73.

1 ~~(7)(9)~~ Nothing herein shall preclude a municipality,
2 county, or special district from requiring a structure to be
3 maintained in accordance with the applicable firesafety code.

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

9 ~~(8)(11)~~ ~~With respect to standards established by the~~
10 ~~National Fire Protection Association (NFPA) 101, Life Safety~~
11 ~~Code, 1985 edition, s. 19-3.4.4.1, Battery operated smoke~~
12 detectors shall be considered as an approved detection device
13 for residential buildings having direct access to the outside
14 from each living unit and having three stories or less.

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

20 Section 60. Paragraph (a) of subsection (1) of section
21 633.085, Florida Statutes, is amended to read:

22 633.085 Inspections of state buildings and premises;
23 tests of firesafety equipment; building plans to be
24 approved.--

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

1 violation of the firesafety standards for state-owned ~~and~~
2 ~~state-leased~~ buildings, the provisions of this chapter, or the
3 rules or regulations adopted and promulgated pursuant hereto.
4 The State Fire Marshal shall, within 7 days following an
5 inspection, submit a report of such inspection to the head of
6 the department of state government responsible for the
7 building.

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

10 633.72 Florida Fire Code Advisory Council.--

11 (1) There is created within the department the Florida
12 Fire Code Advisory Council with seven members appointed by the
13 State Fire Marshal. The council, in cooperation with the
14 Florida Building Commission, shall advise and recommend to the
15 State Fire Marshal and, where appropriate, for further
16 recommendation to the Legislature changes in and
17 interpretation of the firesafety codes that have the effect of
18 conflicting with building construction standards that are
19 adopted pursuant to s. 633.0215 ~~ss. 633.022 and 633.025~~. The
20 members of the council shall represent the following groups
21 and professions:

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

25 (b) One member shall be an administrative officer from
26 a fire department representing a municipality or a county
27 selected from a list of persons submitted by the Florida Fire
28 Chiefs Association;

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

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

4 (e) One member shall be an administrative officer from
5 a building department of a county or municipality selected
6 from a list of persons submitted by the Building Officials
7 Association of Florida;

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

11 (g) One member shall be representative of the general
12 public.

13 (h) The administrative staff of the State Fire Marshal
14 shall attend meetings of the Florida Building Commission and
15 coordinate efforts to provide consistency between the Florida
16 Building Code and the Florida Fire Prevention Code and the
17 Life Safety Code.

18
19 The council and Florida Building Commission shall cooperate
20 through joint representation and staff coordination.

21 Section 62. (1) Before the 2000 Regular Session of
22 the Legislature, the Florida Building Commission shall submit
23 to the Legislature, for review and approval or rejection, the
24 Florida Building Code adopted by the commission and shall
25 prepare list of recommendations of revisions to the Florida
26 Statutes necessitated by adoption of the Florida Building Code
27 if the Legislature approves the Florida Building Code.

28 (2) Upon approval of the Florida Building Code by the
29 Legislature, all existing local technical amendments to any
30 building code adopted by any local government are repealed.
31 Each local government may readopt such amendments pursuant to

1 s. 553.73, Florida Statutes, provided such amendments comply
2 with applicable provisions of the Florida Building Code.

3 Section 63. The Department of Management Services is
4 directed to initiate a pilot project to evaluate the costs and
5 benefits of installing an ozonation water treatment system for
6 a cooling tower in a state building. An appropriate building
7 project shall be selected, the ozonation equipment installed,
8 the performance data of the system collected and compiled, and
9 the Department of Management Services shall report back to the
10 Legislature no later than March 1, 2000. Such findings shall
11 provide the basis for determining a life-cycle cost analysis
12 that can be used in future building projects. If the
13 Department of Management Services is unable to meet the
14 deadline because of unforeseen fiscal or technical
15 complications, the department shall provide the information to
16 the Legislature as soon as possible after such date.

17 Section 64. Paragraph (f) of subsection (2) of section
18 471.003, Florida Statutes, section 489.539, Florida Statutes,
19 and subsection (5) of section 553.73, Florida Statutes, are
20 repealed.

21 Section 65. Effective January 1, 1999, section
22 489.120, Florida Statutes, is repealed.

23 Section 66. Effective January 1, 2001, paragraph (d)
24 of subsection (1) of section 489.129, Florida Statutes, is
25 repealed.

26 Section 67. Effective upon the approval by the
27 Legislature of the adoption of the Florida Building Code by
28 the Florida Building Commission, parts I, II, and III of
29 chapter 553, Florida Statutes, consisting of sections 553.01,
30 553.02, 553.03, 553.04, 553.041, 553.05, 553.06, 553.07,
31 553.08, 553.10, 553.11, 553.14, 553.15, 553.16, 553.17,

1 553.18, 553.19, 553.20, 553.21, 553.22, 553.23, 553.24,
2 553.25, 553.26, 553.27, and 553.28, Florida Statutes, are
3 repealed and section 553.141, Florida Statutes, is transferred
4 and renumbered as section 553.86, Florida Statutes.

5 Section 68. Except as otherwise provided herein, this
6 act shall take effect July 1 of the year in which enacted or
7 upon becoming a law, whichever occurs later.

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