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2 An act relating to a statewide unified building  
3 code; amending ss. 468.621, F.S.; providing an  
4 additional ground for certain disciplinary  
5 actions; amending ss. 471.033, 481.225,  
6 481.2251, and 481.325, F.S.; providing for  
7 additional fines for certain violations of the  
8 Florida Building Code; amending s. 468.602,  
9 F.S.; clarifying application of an exemption  
10 for certain persons; amending ss. 468.609,  
11 468.627, 471.017, 471.019, 481.215, 481.313,  
12 489.115, 489.1455, and 489.5335, F.S.;  
13 requiring certificateholders, licensees, or  
14 registrants to prove completion of certain  
15 education requirements relating to the Florida  
16 Building Code; providing certain core  
17 curriculum or continuing education requirements  
18 for certain license, certificate, or  
19 registration renewals; authorizing certain  
20 licensing boards to require certain specialized  
21 or advanced education courses; creating s.  
22 455.2286, F.S.; requiring the Department of  
23 Business and Professional Regulation to  
24 implement an automated information system for  
25 certain purposes; providing requirements  
26 relating to such system; amending s. 489.103,  
27 F.S.; exempting certain residential structures  
28 from certain construction contracting  
29 requirements; amending s. 489.117, F.S.;  
30 clarifying certain information provision  
31 requirements for local jurisdictions relating

1 to specialty contractor licensure and  
2 discipline; amending s. 489.513, F.S.;  
3 requiring local jurisdictions to provide  
4 certain information to certain licensing  
5 boards; requiring such boards to maintain and  
6 provide such information through an automated  
7 information system; providing for local  
8 responsibility for imposing certain  
9 disciplinary action; authorizing imposition of  
10 penalties by ordinance; amending s. 489.517,  
11 F.S.; requiring certificateholders or  
12 registrants to provide proof of completion of  
13 certain education courses; authorizing the  
14 electrical contractors' licensing board to  
15 require certain education courses; amending s.  
16 489.533, F.S.; revising a ground for certain  
17 disciplinary action; amending s. 553.06, F.S.;  
18 requiring the Florida Building Commission to  
19 adopt the State Plumbing Code; amending s.  
20 553.19, F.S.; requiring the commission to adopt  
21 certain electrical standards as part of the  
22 Florida Building Code and to revise and  
23 maintain such standards; amending s. 553.71,  
24 F.S.; revising certain definitions; renaming  
25 the Board of Building Codes and Standards as  
26 the Florida Building g Commission; amending s.  
27 553.72, F.S.; revising legislative intent;  
28 amending s. 553.73, F.S.; providing for  
29 adoption of the Florida Building Code to  
30 replace the State Minimum Building Codes;  
31 providing for legislative approval; providing

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

1 powers of the commission; requiring commission  
2 staff to attend certain meetings; requiring the  
3 commission to develop and publish descriptions  
4 of roles and responsibilities of certain  
5 persons; authorizing the commission to provide  
6 plans review and approval of certain public  
7 buildings; creating s. 553.781, F.S.; providing  
8 for licensee accountability; authorizing local  
9 jurisdictions to impose fines and order certain  
10 disciplinary action for certain violations of  
11 the Florida Building Code; providing for  
12 challenges to such actions; requiring the  
13 Department of Business and Professional  
14 Regulation and local jurisdictions to report  
15 such disciplinary actions; providing for  
16 disposition and use of such fines; providing  
17 construction; providing for suspension of  
18 certain permitting privileges under certain  
19 circumstance; amending s. 553.79, F.S., to  
20 conform; authorizing owners of certain  
21 buildings to designate such buildings as  
22 threshold buildings for certain purposes;  
23 providing for local government enforcement of  
24 the Florida Building Code under certain  
25 circumstances; amending s. 553.80, F.S.;  
26 authorizing certain additional permit fees and  
27 reinspection fees under certain circumstances;  
28 requiring certain agencies to provide support  
29 to local governments for certain purposes;  
30 specifying certain code enforcement  
31 requirements for state universities, community

1 colleges, and public school districts;  
2 preserving authority of certain local  
3 governments to enforce code requirements;  
4 providing construction; creating s. 553.841,  
5 F.S.; providing for establishing a building  
6 code training program; providing requirements;  
7 providing criteria; authorizing the Florida  
8 Building Commission to enter into contracts for  
9 certain purposes; requiring the assistance and  
10 participation of certain state agencies;  
11 creating s. 553.842, F.S.; providing for a  
12 system for product evaluation and approval;  
13 providing requirements; providing procedures;  
14 providing for challenging, review, and appeal  
15 of certain evaluations; authorizing the  
16 commission to charge fees for certain  
17 certifications and reviews; providing  
18 exceptions; amending s. 553.905, F.S.;  
19 exempting certain HVAC equipment from  
20 additional insulation requirements; amending s.  
21 633.01, F.S.; authorizing the Department of  
22 Insurance to issue declaratory statements of  
23 certain firesafety codes; creating s. 633.0215,  
24 F.S.; requiring the Department of Insurance to  
25 adopt certain fire prevention and life safety  
26 codes; providing requirements; providing for  
27 temporary effect of local amendments to such  
28 codes; providing providing procedures for  
29 adopting or rescinding local amendments to such  
30 codes; requiring the department to update such  
31 codes periodically; providing for technical

1 amendments to such codes; providing exceptions  
2 to application of such codes for certain  
3 purposes; amending s. 633.025, F.S.; specifying  
4 adoption by local jurisdictions of certain  
5 firesafety codes; authorizing local  
6 jurisdictions to adopt more stringent  
7 firesafety standards under certain  
8 circumstances; providing procedures; providing  
9 limitations; deleting obsolete provisions;  
10 amending s. 633.085, F.S.; clarifying certain  
11 inspection duties of the State Fire Marshal;  
12 amending s. 633.72, F.S.; specifying  
13 cooperation between the Florida Fire Code  
14 Advisory Council and the Florida Building  
15 Commission under certain circumstances;  
16 requiring administrative staff of the State  
17 Fire Marshal to attend certain meetings and  
18 coordinate efforts for consistency between  
19 certain codes; amending ss. 125.69, 161.54,  
20 161.56, 162.21, 166.0415, 489.127, 489.131,  
21 489.531, 489.537, 500.459, 553.18, and 627.351,  
22 F.S., to conform; requiring the Florida  
23 Building Commission to submit the Florida  
24 Building Code to the Legislature for approval;  
25 requiring the commission to recommend changes  
26 to the law to conform to adoption of the  
27 Florida Building Code; providing for future  
28 repeal of local amendments to certain building  
29 codes; providing for readoption; requiring the  
30 State Fire Marshal, the Florida Building  
31 Commission, and the Commissioner of Education

1 to establish a select committee for certain  
2 purposes; providing for committee membership;  
3 providing duties of the committee; requiring a  
4 report to the Legislature; requiring the  
5 Department of Management Services to conduct a  
6 pilot project to study the effects of  
7 installing an ozonation water treatment system  
8 for a cooling tower on state buildings;  
9 requiring a report to the Legislature;  
10 repealing s. 471.003(2)(f), F.S., relating to  
11 engineering faculty exemption from registration  
12 requirements; repealing s. 489.539, F.S.,  
13 relating to adoption of electrical standards;  
14 repealing s. 553.73(5), F.S., relating to a  
15 presumption of compliance with certain building  
16 code requirements; providing for future repeal  
17 of s. 489.120, F.S., relating to an automated  
18 information system; providing for future repeal  
19 of s. 489.129(1)(d), F.S., relating to  
20 disciplinary action for knowing violations of  
21 building codes; providing for future repeal of  
22 parts I, II, and III of chapter 553, F.S.,  
23 relating to the Florida Plumbing Control Act,  
24 the Florida Electrical Code, and glass  
25 standards; providing appropriations; providing  
26 effective dates.

27  
28 WHEREAS, the Legislature finds the system of regulating  
29 construction in Florida is a pressing affair of the state with  
30 statewide significance. The Legislature further finds that  
31 such system is complex and confusing because of the

1 multiplicity of building codes and administrative processes  
2 which has resulted in weak and inadequate compliance, and

3 WHEREAS, the Legislature further finds that, to be  
4 effective, a building code system must promote consistent and  
5 effective compliance and enforcement by addressing the  
6 complexity caused by too many codes and administrative  
7 processes and by providing a clear understanding of roles and  
8 responsibilities and adequate education and training for all  
9 participants within the system, and

10 WHEREAS, it is the intent of the Legislature that all  
11 processes which comprise the overall building construction  
12 regulatory system be coordinated and integrated to achieve  
13 optimal effectiveness and provide predictability in the system  
14 and accountability for all participants in the system, and

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

20 WHEREAS, it is the intent of the Legislature that the  
21 Florida Building Commission consider the recommendations of  
22 the Governor's Building Codes Study Commission and other  
23 affected stakeholders when implementing the provisions of this  
24 act, NOW, THEREFORE,

25

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

27

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

31 125.69 Penalties; enforcement by code inspectors.--



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

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

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

17           161.54 Definitions.--In construing ss. 161.52-161.58:

18           (11) "State minimum building codes" means the Florida  
19 Building Code ~~recognized model building construction codes~~ as  
20 identified in s. 553.73.

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

23           161.56 Establishment of local enforcement.--

24           (1) Each local government which is required to enforce  
25 the Florida ~~adopt a~~ Building Code by s. 553.73 and which has a  
26 coastal building zone or some portion of a coastal zone within  
27 its territorial boundaries shall enforce ~~adopt, not later than~~  
28 ~~January 1, 1987, as part of its building code, the~~  
29 requirements of the code established in s. 161.55, ~~and such~~  
30 ~~requirements shall be enforced by the local enforcement agency~~  
31 ~~as defined in s. 553.71.~~

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

3           162.21 Enforcement of county or municipal codes or  
4 ordinances; penalties.--

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

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

14           166.0415 Enforcement by code inspectors; citations.--

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

22           Section 6. Section 455.2286, Florida Statutes, is  
23 created to read:

24           455.2286 Automated information system.--By November 1,  
25 1999, the department shall implement an automated information  
26 system for all certificateholders and registrants under part  
27 XII of chapter 468, chapter 471, chapter 481, or chapter 489.  
28 The system shall provide instant notification to local  
29 building departments and other interested parties regarding  
30 the status of the certification or registration. The  
31 provision of such information shall consist, at a minimum, of

1 an indication of whether the certification or registration is  
2 active, of any current failure to meet the terms of any final  
3 action by a licensing authority, of any ongoing disciplinary  
4 cases that are subject to public disclosure, whether there are  
5 any outstanding fines, and of the reporting of any material  
6 violations pursuant to s. 553.781. The system shall also  
7 retain information developed by the department and local  
8 governments on individuals found to be practicing or  
9 contracting without holding the applicable license,  
10 certification, or registration required by law. The system may  
11 be Internet based.

12 Section 7. Effective January 1, 2001, subsection (3)  
13 of section 468.602, Florida Statutes, is amended to read:

14 468.602 Exemptions.--This part does not apply to:

15 (3) Persons acting as special inspectors for code  
16 enforcement jurisdictions and plans examiners pursuant to s.  
17 235.26 while conducting special inspections not required as  
18 minimum inspections by the Florida Building Code activities  
19 authorized by certification under that section.

20 Section 8. Paragraph (d) is added to subsection (2) of  
21 section 468.609, Florida Statutes, to read:

22 468.609 Administration of this part; standards for  
23 certification; additional categories of certification.--

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

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

1 provides proof of completion of such curriculum or course work  
2 within 6 months after such certification.

3 Section 9. Effective January 1, 2001, paragraph (h) is  
4 added to subsection (1) of section 468.621, Florida Statutes,  
5 to read:

6 468.621 Disciplinary proceedings.--

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

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

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

15 468.627 Application; examination; renewal; fees.--

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

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

1 established by s. 553.841, within 2 years after commencement  
2 of the program. Continuing education hours spent taking such  
3 core curriculum courses shall count toward the number required  
4 for license renewal. A licensee who passes the equivalency  
5 test in lieu of taking the core curriculum courses shall  
6 receive full credit for core curriculum course hours.

7 Section 11. Subsection (3) is added to section  
8 471.017, Florida Statutes, to read:

9 471.017 Renewal of license.--

10 (3) Commencing with licensure renewal in 2002, each  
11 licensee actively participating in the design of engineering  
12 works or systems in connection with buildings, structures, and  
13 facilities covered by the Florida Building Code shall submit  
14 proof to the board that the licensee participates in  
15 continuing education courses relating to the core curriculum  
16 courses or the building code training program or evidence of  
17 passing an equivalency test on the core curriculum courses or  
18 specialized or advanced courses on any portion of the Florida  
19 Building Code applicable to the area of practice.

20 Section 12. Section 471.019, Florida Statutes, is  
21 amended to read:

22 471.019 Reactivation; design of engineering works or  
23 systems; continuing education.--

24 (1) The board shall prescribe by rule continuing  
25 education requirements for reactivating a license. The  
26 continuing education requirements for reactivating a license  
27 for a registered engineer may not exceed 12 classroom hours  
28 for each year the license was inactive.

29 (2) All licensees actively participating in the design  
30 of engineering works or systems in connection with buildings,  
31 structures, or facilities and systems covered by the Florida

1 Building Code shall take continuing education courses and  
2 submit proof to the board, at such times and in such manner as  
3 established by the board by rule, that the licensee has  
4 completed the core curriculum courses and any specialized or  
5 advanced courses on any portion of the Florida Building Code  
6 applicable to the licensee's area of practice or has passed  
7 the appropriate equivalency test of the Building Code Training  
8 Program established by s. 553.841. The board shall record  
9 reported continuing education courses on a system easily  
10 accessed by code enforcement jurisdictions for evaluation when  
11 determining license status for purposes of processing design  
12 documents. Local jurisdictions shall be responsible for  
13 notifying the board when design documents are submitted for  
14 building construction permits by persons who are not in  
15 compliance with this section. The board shall take appropriate  
16 action as provided by its rules when such noncompliance is  
17 determined to exist.

18 Section 13. Effective January 1, 2001, paragraph (c)  
19 of subsection (3) of section 471.033, Florida Statutes, is  
20 amended to read:

21 471.033 Disciplinary proceedings.--

22 (3) When the board finds any person guilty of any of  
23 the grounds set forth in subsection (1), it may enter an order  
24 imposing one or more of the following penalties:

25 (c) Imposition of an administrative fine not to exceed  
26 \$1,000 for each count or separate offense and a fine of up to  
27 \$5,000 for matters pertaining to a material violation of the  
28 Florida Building Code as reported by a local jurisdiction.

29 Section 14. Effective January 1, 2001, subsections (5)  
30 and (6) are added to section 481.215, Florida Statutes, to  
31 read:

1           481.215 Renewal of license.--

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

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

18           Section 15. Effective January 1, 2001, paragraph (c)  
19 of subsection (3) of section 481.225, Florida Statutes, is  
20 amended to read:

21           481.225 Disciplinary proceedings against registered  
22 architects.--

23           (3) When the board finds any registered architect  
24 guilty of any of the grounds set forth in subsection (1), it  
25 may enter an order imposing one or more of the following  
26 penalties:

27           (c) Imposition of an administrative fine not to exceed  
28 \$1,000 for each count or separate offense and a fine of up to  
29 \$5,000 for matters pertaining to a material violation of the  
30 Florida Building Code as reported by a local jurisdiction.

31

1           Section 16. Effective January 1, 2001, paragraph (d)  
2 of subsection (2) of section 481.2251, Florida Statutes, is  
3 amended to read:

4           481.2251 Disciplinary proceedings against registered  
5 interior designers.--

6           (2) When the board finds any person guilty of any of  
7 the grounds set forth in subsection (1), it may enter an order  
8 taking the following action or imposing one or more of the  
9 following penalties:

10           (d) Imposition of an administrative fine not to exceed  
11 \$1,000 for each violation or separate offense and a fine of up  
12 to \$5,000 for matters pertaining to a material violation of  
13 the Florida Building Code as reported by a local jurisdiction;  
14 or

15           Section 17. Effective January 1, 2001, subsections  
16 (3), (4), (5), and (6) are added to section 481.313, Florida  
17 Statutes, to read:

18           481.313 Renewal of license.--

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

29           (4) The board, by rule adopted pursuant to ss.  
30 120.536(1) and 120.54, shall establish criteria for the  
31 approval of continuing education courses and providers, and



1 shall by rule establish criteria for accepting alternative  
2 nonclassroom continuing education on an hour-for-hour basis.

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

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

19 Section 18. Effective January 1, 2001, paragraph (c)  
20 of subsection (3) of section 481.325, Florida Statutes, is  
21 amended to read:

22 481.325 Disciplinary proceedings.--

23 (3) When the board finds any registered landscape  
24 architect guilty of any of the grounds set forth in subsection  
25 (1), it may enter an order imposing one or more of the  
26 following penalties:

27 (c) Imposition of an administrative fine not to exceed  
28 \$1,000 for each count or separate offense and a fine of up to  
29 \$5,000 for matters pertaining to a material violation of the  
30 Florida Building Code as reported by a local jurisdiction.

31

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

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

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

8           (a) Obtain all necessary building permits.

9           (b) Obtain all required building inspections.

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

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

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

16           (4)

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

31

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

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

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

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

1 (4)

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

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

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

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

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

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

19 489.117 Registration; specialty contractors.--

20 (4)

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

31

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

3           489.127 Prohibitions; penalties.--

4           (1) No person shall:

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

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

16           Section 24. Effective January 1, 2001, paragraph (e)  
17 of subsection (3) of section 489.131, Florida Statutes, is  
18 amended to read:

19           489.131 Applicability.--

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

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

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

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

11 489.1455 Journeyman; reciprocity; standards.--

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

19 (a) Has scored at least 70 percent, or after October  
20 1, 1997, at least 75 percent, on a proctored journeyman Block  
21 and Associates examination or other proctored examination  
22 approved by the board for the trade in which he or she is  
23 licensed;

24 (b) Has completed an apprenticeship program registered  
25 with the Department of Labor and Employment Security and  
26 demonstrates 4 years' verifiable practical experience in the  
27 trade for which he or she is licensed, or demonstrates 6  
28 years' verifiable practical experience in the trade for which  
29 he or she is licensed; ~~and~~

30 (c) Has satisfactorily completed specialized and  
31 advanced module course work approved by the Florida Building

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

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

13 Section 26. Subsections (6) and (7) are added to  
14 section 489.513, Florida Statutes, to read:

15 489.513 Registration; application; requirements.--

16 (6) The local jurisdictions shall be responsible for  
17 providing licensure information, code violation information  
18 pursuant to s. 553.781, and disciplinary information on  
19 locally licensed individuals to the board within 30 days after  
20 licensure or any disciplinary action, and the board shall  
21 maintain such licensure and disciplinary information as is  
22 provided to them, and shall make such information available  
23 through the automated information system provided pursuant to  
24 s. 455.2286.

25 (7) Neither the board nor the department assumes any  
26 responsibility for providing discipline pursuant to having  
27 provided the tracking registration. Providing discipline to  
28 such locally licensed individuals shall be the responsibility  
29 of the local jurisdiction. Failure to obtain a tracking  
30 registration shall not be considered a violation of this  
31 chapter. However, a local jurisdiction requiring such



1 tracking registration may levy such penalties for failure to  
2 obtain the tracking registration as the local jurisdiction  
3 chooses to provide through local ordinance.

4 Section 27. Subsection (3) of section 489.517, Florida  
5 Statutes, is amended, and subsection (4) is added to said  
6 section, to read:

7 489.517 Renewal of certificate or registration;  
8 continuing education.--

9 (3)(a) Each certificateholder or registrant shall  
10 provide proof, in a form established by rule of the board,  
11 that the certificateholder or registrant has completed at  
12 least 14 classroom hours of at least 50 minutes each of  
13 continuing education courses during each biennium since the  
14 issuance or renewal of the certificate or registration. The  
15 board shall by rule establish criteria for the approval of  
16 continuing education courses and providers and may by rule  
17 establish criteria for accepting alternative nonclassroom  
18 continuing education on an hour-for-hour basis.

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

31

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

7           Section 28. Paragraph (i) of subsection (1) of section  
8 489.531, Florida Statutes, is amended to read:

9           489.531 Prohibitions; penalties.--

10          (1) A person may not:

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

15          Section 29. Effective January 1, 2001, paragraph (i)  
16 of subsection (1) of section 489.533, Florida Statutes, is  
17 amended to read:

18          489.533 Disciplinary proceedings.--

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

21          (i) ~~Willfully or deliberately disregarding and~~  
22 Violating the applicable building codes or laws of the state  
23 or any municipality or county thereof.

24  
25 For the purposes of this subsection, construction is  
26 considered to be commenced when the contract is executed and  
27 the contractor has accepted funds from the customer or lender.

28          Section 30. Subsection (1) of section 489.5335,  
29 Florida Statutes, is amended to read:

30          489.5335 Journeyman; reciprocity; standards.--

31

1           (1) An individual who holds a valid, active journeyman  
2 license in the electrical trade issued by any county or  
3 municipality in this state may work as a journeyman in any  
4 other county or municipality of this state without taking an  
5 additional examination or paying an additional license fee, if  
6 he or she:

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

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

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

28           ~~(d)(c)~~ Has not had a license suspended or revoked  
29 within the last 5 years.  
30  
31

1           Section 31. Effective January 1, 2001, paragraph (d)  
2 of subsection (3) of section 489.537, Florida Statutes, is  
3 amended to read:

4           489.537 Application of this part.--

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

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

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

27           2. To issue permits with specific conditions to a  
28 contractor who, within the previous 12 months, has had final  
29 action taken against him or her, by the department or by a  
30 local board or agency which licenses contractors and has  
31 reported the action pursuant to paragraph (5)(c), for engaging

1 in the business or acting in the capacity of a contractor  
2 without a license.

3 Section 32. Effective January 1, 2001, paragraph (d)  
4 of subsection (5) of section 500.459, Florida Statutes, is  
5 amended to read:

6 500.459 Water vending machines.--

7 (5) OPERATING STANDARDS.--

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

13 Section 33. Subsection (1) of section 553.06, Florida  
14 Statutes, is amended to read:

15 553.06 State Plumbing Code.--

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

1 or diminish the authority of the Department of Business and  
2 Professional Regulation to conduct plan reviews, issue  
3 variances, and adopt rules regarding sanitary facilities in  
4 public lodging and public food service establishments pursuant  
5 to chapter 509, providing that such actions do not conflict  
6 with the requirements for public restrooms in s. 553.141.

7 Section 34. Effective January 1, 2001, subsection (2)  
8 of section 553.18, Florida Statutes, is amended to read:

9 553.18 Scope.--

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

18 Section 35. Section 553.19, Florida Statutes, is  
19 amended to read:

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

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

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

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

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

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

- 1 (b) NFPA No. 56B-1982, "Respiratory Therapy 1982."  
2 (c) NFPA No. 56C-1980, "Laboratories in Health-related  
3 Institutions 1980."  
4 (d) NFPA No. 56D-1982, "Hyperbaric Facilities."  
5 (e) NFPA No. 56F-1983, "Nonflammable Medical Gas  
6 Systems 1983."  
7 (f) NFPA No. 76A-1984, "Essential Electrical Systems  
8 for Health Care Facilities 1984."  
9 (5) ~~Chapter 10D-29~~ of The rules and regulations of the  
10 Department of Health ~~and Rehabilitative Services~~, entitled  
11 "Nursing Homes and Related Facilities Licensure."  
12 (6) The minimum standards for grounding of portable  
13 electric equipment, chapter 8C-27 as recommended by the  
14 Industrial Standards Section, Division of Workers'  
15 Compensation, Department of Labor and Employment Security.  
16  
17 The Florida Building Commission shall update and maintain such  
18 electrical standards consistent with the procedures  
19 established in s. 553.73.  
20 Section 36. Effective January 1, 2001, part VII of  
21 chapter 553, Florida Statutes, shall be entitled "Florida  
22 Building Code."  
23 Section 37. Subsections (1), (3), and (5) of section  
24 553.71, Florida Statutes, are amended to read:  
25 553.71 Definitions.--As used in this part, the term:  
26 (1) "Commission Board" means the Florida Building  
27 Commission ~~Board of Building Codes and Standards~~ created by  
28 this part.  
29 (3) "State enforcement agency" means the agency of  
30 state government with authority to make inspections of  
31 buildings and to enforce the codes, as required by this part,

1 which establish standards for design, construction, erection,  
2 alteration, repair, modification, or demolition of public or  
3 private buildings, structures, or facilities.

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

10 Section 38. Effective January 1, 2001, section 553.72,  
11 Florida Statutes, is amended to read:

12 553.72 Intent.--

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



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 in accordance with ss. 120.536(1) and 120.54 and enforced by  
12 authorized state and local government 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 in accordance with  
17 ss. 120.536(1) and 120.54 and included by reference as  
18 sections in the Florida Building Code.

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

27 Section 39. Subsections (3) and (9) of section 553.73,  
28 Florida Statutes, are amended to read:

29 553.73 State Minimum Building Codes.--

30 (3) The commission board may, by rule adopted in  
31 accordance with the requirements of ss. 120.536(1) and 120.54

1 ~~chapter 120~~, designate all or a part of an updated or revised  
2 version of a model code listed in subsection (2) as a State  
3 Minimum Building Code.

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

14 Section 40. Effective January 1, 2001, section 553.73,  
15 Florida Statutes, as amended by this act, is amended to read:

16 553.73 Florida State Minimum Building Code ~~Codes~~.--

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

1 ~~forth in chapter 527, which pertains to liquefied petroleum~~  
2 ~~gas.~~

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

15       **(c)** The Florida Fire Prevention Code and the Life  
16 Safety Code shall be referenced in the Florida Building Code,  
17 but shall be adopted, modified, revised, or amended,  
18 interpreted, and maintained by the Department of Insurance by  
19 rule adopted pursuant to ss. 120.536(1) and 120.54. Nothing in  
20 the Florida Building Code shall affect the statutory powers,  
21 duties, and responsibilities of any fire official or the  
22 Department of Insurance.

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

1 resolution, the question shall be referred to a mediator,  
2 mutually agreeable to both parties, to resolve the conflict in  
3 favor of the provision that offers the greatest life safety,  
4 or alternatives that would provide an equivalent degree of  
5 life safety and an equivalent method of construction.

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

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

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

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

31

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

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

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

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

1 Building Code. The commission may modify the selected model  
2 codes and standards as needed to accommodate the specific  
3 needs of this state. Standards or criteria referenced by the  
4 selected model codes shall be similarly incorporated by  
5 reference. If a referenced standard or criterion requires  
6 amplification or modification to be appropriate for use in  
7 this state, only the amplification or modification shall be  
8 specifically set forth in the Florida Building Code. The  
9 commission shall incorporate within sections of the Florida  
10 Building Code provisions which address regional and local  
11 concerns and variations. The commission shall make every  
12 effort to minimize conflicts between the Florida Building  
13 Code, the Florida Fire Prevention Code, and the Life Safety  
14 Code.~~The commission may, by rule adopted in accordance with~~  
15 ~~the requirements of ss. 120.536(1) and 120.54, designate all~~  
16 ~~or a part of an updated or revised version of a model code~~  
17 ~~listed in subsection (2) as a State Minimum Building Code.~~

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

31

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

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

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

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

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

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

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

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

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



1 subject to judicial review pursuant to s. 120.68. The  
2 compliance review board shall determine whether its decisions  
3 apply to a respective local jurisdiction or apply countywide.

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

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

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

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

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

3       (5) The commission, by rule adopted pursuant to ss.  
4 120.536(1) and 120.54, shall update the Florida Building Code  
5 every 3 years. Once initially adopted and subsequently  
6 updated by the board, the Florida Building Code shall be  
7 deemed adopted for use statewide without adoptions by local  
8 government. When updating the Florida Building Code, the  
9 commission shall consider changes made by the adopting entity  
10 of any selected model code for any model code incorporated  
11 into the Florida Building Code by the commission, the  
12 commission's own interpretations, declaratory statements,  
13 appellate decisions, and approved statewide and local  
14 technical amendments.

15       ~~(6)(5) It shall be the responsibility of each~~  
16 ~~municipality and county in the state and of each state agency~~  
17 ~~with statutory authority to regulate building construction to~~  
18 ~~enforce the provisions of the Florida ~~specific model code of~~~~  
19 ~~the State Minimum Building Code Codes adopted by that~~  
20 ~~municipality, county, or agency, in accordance with the~~  
21 ~~provisions of s. 553.80. If such responsibility has been~~  
22 ~~delegated to another unit of government pursuant to s.~~  
23 ~~553.79(9), the specific model code adopted by the delegate~~  
24 ~~shall apply and be enforced.~~

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

31

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

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

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

10           4. Does not degrade the effectiveness of the Florida  
11 Building Code.

12  
13 Amendments approved under this paragraph shall be adopted by  
14 rule pursuant to ss. 120.536(1) and 120.54.

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

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

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

15 (a) Buildings and structures specifically regulated  
16 and preempted by the Federal Government.

17 (b) Railroads and ancillary facilities associated with  
18 the railroad.

19 (c) Nonresidential farm buildings on farms.

20 (d) Temporary buildings or sheds used exclusively for  
21 construction purposes.

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

25 (9)(7)(a) In the event of a conflict between the  
26 Florida ~~applicable minimum~~ Building Code and the Florida Fire  
27 Prevention Code and the Life Safety ~~applicable minimum~~  
28 firesafety Code, the conflict it shall be resolved by  
29 agreement between the local building code enforcement official  
30 and the local fire code enforcement official in favor of the  
31 requirement of the code which offers the greatest degree of

1 lifesafety or alternatives which would provide an equivalent  
2 degree of lifesafety and an equivalent method of construction.

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

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

31

1 lifesafety or alternatives which would provide an equivalent  
2 degree of lifesafety and an equivalent method of construction.

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

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

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

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

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

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

17 Section 41. Section 553.74, Florida Statutes, is  
18 amended to read:

19 553.74 Florida Building Commission ~~State Board of~~  
20 ~~Building Codes and Standards.~~--

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

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

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

- 1 (c) One mechanical contractor certified to do business  
2 in this state and actively engaged in the profession.
- 3 (d) One electrical contractor certified to do business  
4 in this state and actively engaged in the profession.
- 5 (e) One member from fire protection engineering or  
6 technology who is actively engaged in the profession.
- 7 (f) One general contractor certified to do business in  
8 this state and actively engaged in the profession.
- 9 (g) One plumbing contractor licensed to do business in  
10 this state and actively engaged in the profession.
- 11 (h) One roofing, sheet metal, or air-conditioning  
12 contractor certified to do business in this state and actively  
13 engaged in the profession.
- 14 (i) One residential contractor licensed to do business  
15 in this state and actively engaged in the profession.
- 16 (j) Three members who are municipal or district codes  
17 enforcement officials, one of whom is also a fire official.
- 18 (k) One member who represents the Department of  
19 Insurance ~~a state agency, other than the Department of~~  
20 ~~Community Affairs, empowered by law to enforce building codes.~~
- 21 (l) One member who is a county codes enforcement  
22 official.
- 23 (m) One member of a Florida-based organization of  
24 ~~handicapped~~ persons with disabilities or a nationally  
25 chartered organization of ~~handicapped~~ persons with  
26 disabilities with chapters in this state.
- 27 (n) One member of the manufactured buildings industry  
28 who is licensed to do business in this state and is actively  
29 engaged in the industry.

30  
31



1           (o) One mechanical or electrical engineer registered  
2 to practice in this state and actively engaged in the  
3 profession.

4           

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

6           

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

9           

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

12           

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

14           

(t) One member who is a representative of public  
15 education.

16           

(u) One member who shall be the chair.

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

1 to be a practicing member of the profession indicated or  
2 otherwise, shall thereby forfeit membership on the commission  
3 board.

4 Section 42. Section 553.75, Florida Statutes, is  
5 amended to read:

6 553.75 Organization of commission board; rules and  
7 regulations; meetings; staff; fiscal affairs.--

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

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

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

28 Section 43. Section 553.76, Florida Statutes, is  
29 amended to read:

30 553.76 General powers of the commission board.--The  
31 commission board is authorized to:

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

4 (2) Provide rules of procedure for its internal  
5 management and control.

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

9 Section 44. Effective January 1, 2001, subsections (4)  
10 and (5) are added to section 553.76, Florida Statutes, as  
11 amended by this act, to read:

12 553.76 General powers of the commission.--The  
13 commission is authorized to:

14 (4) Adopt rules pursuant to ss. 120.536(1) and 120.54  
15 to implement the provisions of the Florida Building Code and  
16 the provisions of this chapter.

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

29 Section 45. Section 553.77, Florida Statutes, is  
30 amended to read:

31 553.77 Specific powers of the commission ~~board~~.--

- 1           (1) The commission board shall:
- 2           (a) Adopt rules and regulations or amendments thereto
- 3 pursuant to ss. 120.536(1) and 120.54 ~~in accordance with the~~
- 4 ~~procedures prescribed in chapter 120.~~
- 5           (b) Make a continual study of the operation of the
- 6 State Minimum Building Codes and other laws relating to the
- 7 construction of buildings, including manufactured buildings,
- 8 to ascertain their effect upon the cost of building
- 9 construction and determine the effectiveness of their
- 10 provisions.
- 11           (c) Upon written application by a private party or a
- 12 local enforcement agency, issue declaratory statements
- 13 pursuant to s. 120.565 ~~advisory opinions~~ relating to new
- 14 technologies, techniques, and materials which have been tested
- 15 where necessary and found to meet the objectives of the State
- 16 Minimum Building Codes and the Florida Manufactured Building
- 17 Act of 1979.
- 18           (d) Upon written application by a private party or a
- 19 local enforcement agency, issue declaratory statements
- 20 pursuant to s. 120.565 ~~advisory opinions~~ relating to the
- 21 interpretation, enforcement, administration, or modification
- 22 by local governments of the State Minimum Building Codes and
- 23 the Florida Manufactured Building Act of 1979.
- 24           (e) Make recommendations to, and provide assistance
- 25 upon the request of, the Florida Commission on Human Relations
- 26 regarding rules relating to handicapped accessibility.
- 27           (f) Coordinate and cooperate with the Florida Fire
- 28 Code Advisory Council created under s. 633.72, for assistance
- 29 and recommendations relating to firesafety code
- 30 interpretations.
- 31

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

3           (a) Provide for the testing of materials, devices, and  
4 method of construction.

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

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

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

19           (4)(a) Upon written application by a private party,  
20 the commission board shall issue a declaratory statement  
21 pursuant to s. 120.565 ~~binding opinion~~ relating to a state  
22 agency's interpretation and enforcement of the specific model  
23 code adopted by the agency to regulate building construction  
24 or relating to the conformity of new technologies, techniques,  
25 and materials to the objectives of that model code. The  
26 provisions of this paragraph shall not be construed to provide  
27 any powers to the commission board with respect to any  
28 decision of the State Board of Education made pursuant to the  
29 provisions of s. 235.26, to the State Fire Marshal made  
30 pursuant to the provisions of chapter 633, to the Department  
31 of Management Services made pursuant to the provisions of s.

1 255.25, or to any local government decision with respect to  
2 construction not subject to a state agency model code.

3 (b) Upon written applications by private parties or  
4 the enforcement agency, the commission board may issue  
5 declaratory statements pursuant to s. 120.565 ~~binding opinions~~  
6 relating to the interpretation of ss. 553.71(7) and  
7 553.79(5)(a) and (c), (6)(a), (b), (d), and (e), and (7)(a)  
8 and (c).

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

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

19 Section 46. Effective January 1, 2001, section 553.77,  
20 Florida Statutes, as amended by this act, is amended to read:

21 553.77 Specific powers of the commission.--

22 (1) The commission shall:

23 (a) Adopt and update the Florida Building Code rules  
24 ~~and regulations~~ or amendments thereto, pursuant to ss.  
25 120.536(1) and 120.54.

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

1 upon the cost of building construction and determine the  
2 effectiveness of their provisions. Upon updating the Florida  
3 Building Code every 3 years, the commission shall review  
4 existing provisions of law and make recommendations to the  
5 Legislature for the next regular session of the Legislature  
6 regarding provisions of law that should be revised or repealed  
7 to ensure consistency with the Florida Building Code at the  
8 point the update goes into effect. State agencies and local  
9 jurisdictions shall provide such information as requested by  
10 the commission for evaluation of the effectiveness of the  
11 system of building code laws for reporting to the Legislature.  
12 Any proposed legislation providing for the revision or repeal  
13 of existing laws and rules relating to technical requirements  
14 applicable to building structures or facilities should  
15 expressly state that such legislation is not intended to imply  
16 any repeal or sunset of existing general or special laws that  
17 are not specifically identified in the legislation.

18 (c) Upon written application by any substantially  
19 affected person ~~a private party~~ or a local enforcement agency,  
20 issue declaratory statements pursuant to s. 120.565 relating  
21 to new technologies, techniques, and materials which have been  
22 tested where necessary and found to meet the objectives of the  
23 ~~Florida State Minimum Building Code Codes and the Florida~~  
24 ~~Manufactured Building Act of 1979.~~

25 (d) Upon written application by any substantially  
26 affected person ~~a private party~~ or a local enforcement agency,  
27 issue declaratory statements pursuant to s. 120.565 relating  
28 to the interpretation, enforcement, administration, or  
29 modification by local governments of the ~~Florida State Minimum~~  
30 ~~Building Code Codes and the Florida Manufactured Building Act~~  
31 ~~of 1979.~~

1           (e) When requested in writing by any substantially  
2 affected person or a local enforcing agency, shall issue  
3 declaratory statements pursuant to s. 120.565 relating to part  
4 VII of chapter 553, which shall apply prospectively only.  
5 Actions of the commission are subject to judicial review  
6 pursuant to s. 120.68.

7           (f)(e) Make recommendations to, and provide assistance  
8 upon the request of, the Florida Commission on Human Relations  
9 regarding rules relating to ~~handicapped~~ accessibility for  
10 persons with disabilities.

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

19           (h) Hear appeals of the decisions of local boards of  
20 appeal regarding interpretation decisions of local building  
21 officials, or if no local board exists, hear appeals of  
22 decisions of the building officials regarding interpretations  
23 of the code. For such appeals:

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

28           2. All appeals shall be heard in the county of the  
29 jurisdiction defending the appeal.

30           3. Actions of the commission are subject to judicial  
31 review pursuant to s. 120.68.



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

3           (i)(a) Determine the types of products requiring  
4 approval for local or statewide use and shall provide for the  
5 evaluation and approval testing of such products, materials,  
6 devices, and method of construction for statewide use.  
7 Evaluation and approval shall be by action of the commission  
8 or delegated pursuant to s. 553.84. This paragraph does not  
9 apply to products approved by the State Fire Marshal.

10           (j)(b) Appoint experts, consultants, technical  
11 advisers, and advisory committees for assistance and  
12 recommendations relating to the major areas addressed in the  
13 Florida State Minimum Building Code Codes.

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

21           1. Minimum post-disaster structural, electrical, and  
22 plumbing inspections and procedures.

23           2. Emergency permitting and inspection procedures.

24           3. Establishing contact with emergency management  
25 personnel and other state and federal agencies.

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

30           (m) Coordinate with the state and local governments,  
31 industry, and other affected stakeholders in the examination

1 of legislative provisions and make recommendations to fulfill  
2 the responsibility to develop a consistent, single code.

3 (n) Provide technical assistance to local building  
4 departments in order to implement policies, procedures, and  
5 practices which would produce the most cost effective property  
6 insurance ratings.

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

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

19 ~~(2)(3)~~ (2)(3) With respect to the qualification program for  
20 special inspectors of threshold buildings as required by s.  
21 553.79(5)(c), the commission may prescribe initial and annual  
22 renewal fees for certification, by rule, in accordance with  
23 chapter 120.

24 ~~(3)(4)(a)~~ (3)(4)(a) Upon written application by any  
25 substantially affected person ~~a private party~~, the commission  
26 shall issue a declaratory statement pursuant to s. 120.565  
27 relating to a state agency's interpretation and enforcement of  
28 the specific provisions of the Florida Building model Code  
29 required under this section ~~adopted by the agency to regulate~~  
30 ~~building construction~~ or relating to the conformity of new  
31 technologies, techniques, and materials to the objectives of

1 the Florida Building ~~that model~~ Code. The provisions of this  
2 paragraph shall not be construed to provide any powers, other  
3 than advisory, to the commission with respect to any decision  
4 of the ~~State Board of Education made pursuant to the~~  
5 ~~provisions of s. 235.26, to the State Fire Marshal made~~  
6 ~~pursuant to the provisions of chapter 633, to the Department~~  
7 ~~of Management Services made pursuant to the provisions of s.~~  
8 ~~255.25, or to any local government decision with respect to~~  
9 ~~construction not subject to a state agency model code.~~

10 ~~(b) Upon written applications by private parties or~~  
11 ~~the enforcement agency, the commission may issue declaratory~~  
12 ~~statements pursuant to s. 120.565 relating to the~~  
13 ~~interpretation of ss. 553.71(7) and 553.79(5)(a) and (c),~~  
14 ~~(6)(a), (b), (d), and (e), and (7)(a) and (c).~~

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

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

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

11           Section 47. Effective January 1, 2001, section  
12 553.781, Florida Statutes, is created to read:

13           553.781 Licensee accountability.--

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

20           (2)(a) Upon a determination by a local jurisdiction  
21 that a licensee, certificateholder, or registrant licensed  
22 under chapters 455, 471, 481, or 489 has committed a material  
23 violation of the Florida Building Code and failed to correct  
24 the violation within a reasonable time, such local  
25 jurisdiction shall impose a fine of no less than \$500 and no  
26 more than \$5,000 per material violation.

27           (b) If the licensee, certificateholder, or registrant  
28 disputes the violation within 30 days following notification  
29 by the local jurisdiction, the fine is abated and the local  
30 jurisdiction shall report the dispute to the appropriate  
31 professional licensing board for disciplinary investigation

1 and final disposition. If an administrative complaint is filed  
2 by the professional licensing board against the  
3 certificateholder or registrant, the commission may intervene  
4 in such proceeding. Any fine imposed by the professional  
5 licensing board, pursuant to matters reported by the local  
6 jurisdiction to the professional licensing board, shall be  
7 divided equally between the board and the local jurisdiction  
8 which reported the violation.

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

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

29  
30 For purposes of this section, a material code violation is a  
31 violation that exists within a completed building, structure,

1 or facility which may reasonably result, or has resulted, in  
2 physical harm to a person or significant damage to the  
3 performance of a building or its systems. Except when the  
4 fine is abated as provided in subsection (2), failure to pay  
5 the fine within 30 days shall result in a suspension of the  
6 licensee's, certificateholder's, or registrant's ability to  
7 obtain permits within this state until such time as the fine  
8 is paid. Such suspension shall be reflected on the automated  
9 information system under s. 455.2286.

10 Section 48. Paragraphs (a) and (c) of subsection (5)  
11 and subsection (15) of section 553.79, Florida Statutes, are  
12 amended to read:

13 553.79 Permits; applications; issuance; inspections.--

14 (5)(a) The enforcing agency shall require a special  
15 inspector to perform structural inspections on a threshold  
16 building pursuant to a structural inspection plan prepared by  
17 the engineer or architect of record. The structural inspection  
18 plan must be submitted to the enforcing agency prior to the  
19 issuance of a building permit for the construction of a  
20 threshold building. The purpose of the structural inspection  
21 plan is to provide specific inspection procedures and  
22 schedules so that the building can be adequately inspected for  
23 compliance with the permitted documents. The special inspector  
24 shall inspect the shoring and reshoring for conformance with  
25 the shoring and reshoring plans submitted to the enforcing  
26 agency. A fee simple title owner of a building, which does not  
27 meet the minimum size, height, occupancy, occupancy  
28 classification, or number of stories criteria which would  
29 result in classification as a threshold building under s.  
30 553.71(7), may designate such building as a threshold

31

1 building, subject to more than the minimum number of  
2 inspections required by the Florida Building Code.

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

16           (15) Certifications by contractors authorized under  
17 the provisions of s. 489.115(4)(b) shall be considered  
18 equivalent to sealed plans and specifications by a person  
19 licensed under chapter 471 or chapter 481 by local enforcement  
20 agencies for plans review for permitting purposes relating to  
21 compliance with the wind resistance provisions of the code or  
22 alternate methodologies approved by the commission board for  
23 one and two family dwellings. Local enforcement agencies may  
24 rely upon such certification by contractors that the plans and  
25 specifications submitted conform to the requirements of the  
26 code for wind resistance. Upon good cause shown, local  
27 government code enforcement agencies may accept or reject  
28 plans sealed by persons licensed under chapter 471, chapter  
29 481, or chapter 489.

30           Section 49. Effective January 1, 2001, subsections  
31 (1), (2), (3), (4), (6), (9), (10), and (14) of section

1 553.79, Florida Statutes, are amended, and subsection (17) is  
2 added to said section, to read:

3 553.79 Permits; applications; issuance; inspections.--

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

24 (2) ~~After January 1, 1988,~~ No enforcing agency may  
25 issue any permit for construction, erection, alteration,  
26 modification, repair, or demolition until the local building  
27 code administrator or inspector, in conjunction with the  
28 appropriate firesafety inspector, has reviewed the plans and  
29 specifications for such proposal and both officials have found  
30 the plans to be in compliance with the Florida applicable  
31 ~~State Minimum Building Code Codes~~ and the Florida Fire



1 Prevention Code and the Life Safety Code ~~applicable firesafety~~  
2 ~~standards~~ as determined by the local authority in accordance  
3 with this chapter and chapter 633. Building plans approved  
4 pursuant to s. 553.77(6) and state-approved manufactured  
5 buildings are exempt from local codes enforcing agency plan  
6 reviews except for provisions of the code relating to  
7 erection, assembly, or construction at the site. Erection,  
8 assembly, and construction at the site are subject to local  
9 permitting and inspections. Any building or structure which is  
10 not subject to a firesafety code and any building or structure  
11 which is exempt from the local building permit process shall  
12 not be required to have its plans reviewed by the local  
13 officials. Industrial construction on sites where design,  
14 construction, and firesafety are supervised by appropriate  
15 design and inspection professionals and which contain adequate  
16 in-house fire departments and rescue squads is exempt, subject  
17 to local government option, from review of plans and  
18 inspections, providing owners certify that applicable codes  
19 and standards have been met and supply appropriate approved  
20 drawings to local building and firesafety inspectors. The  
21 enforcing agency shall issue a permit to construct, erect,  
22 alter, modify, repair, or demolish any building when the plans  
23 and specifications for such proposal comply with the  
24 provisions of the Florida State Minimum Building Code Codes  
25 and the Florida Fire Prevention Code and the Life Safety Code  
26 ~~applicable firesafety standards~~ as determined by the local  
27 authority in accordance with this chapter and chapter 633.  
28 (3) Except as provided in this chapter, the Florida  
29 State Minimum Building Code Codes, after the effective date of  
30 ~~their~~ adoption pursuant to the provisions of this part, shall  
31 supersede all other building construction codes or ordinances

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

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

18 (6) No permit may be issued for any building  
19 construction, erection, alteration, modification, repair, or  
20 addition unless the applicant for such permit provides to the  
21 enforcing agency which issues the permit any of the following  
22 documents which apply to the construction for which the permit  
23 is to be issued and which shall be prepared by or under the  
24 direction of an engineer registered under chapter 471:

25 (a) Electrical documents for any new building or  
26 addition which requires an aggregate service capacity of 600  
27 amperes (240 volts) or more on a residential electrical system  
28 or 800 amperes (240 volts) or more on a commercial or  
29 industrial electrical system and which costs more than  
30 \$50,000.

31

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

4 (c) Fire sprinkler documents for any new building or  
5 addition which includes a fire sprinkler system which contains  
6 50 or more sprinkler heads. A Contractor I, Contractor II, or  
7 Contractor IV, certified under s. 633.521, may design a fire  
8 sprinkler system of 49 or fewer heads and may design the  
9 alteration of an existing fire sprinkler system if the  
10 alteration consists of the relocation, addition, or deletion  
11 of not more than 49 heads, notwithstanding the size of the  
12 existing fire sprinkler system.

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

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

27  
28 Documents requiring an engineer seal by this part ~~No such~~  
29 ~~document~~ shall not be valid unless a professional engineer who  
30 possesses a valid certificate of registration has signed,  
31 dated, and stamped such document as provided in s. 471.025.

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

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

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

25           (17) Notwithstanding any other provision of law, state  
26 agencies responsible for the construction, erection,  
27 alteration, modification, repair, or demolition of public  
28 buildings, or the regulation of public and private buildings,  
29 structures, and facilities, shall be subject to enforcement of  
30 the Florida Building Code by local jurisdictions. This  
31 subsection applies in addition to the jurisdiction and

1 authority of the Department of Insurance to inspect  
2 state-owned buildings. This subsection does not apply to the  
3 jurisdiction and authority of the Department of Agriculture  
4 and Consumer Services to inspect amusement rides or the  
5 Department of Insurance to inspect state owned buildings and  
6 boilers.

7 Section 50. Subsections (1) and (2) of section 553.80,  
8 Florida Statutes, are amended to read:

9 553.80 Enforcement.--

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

26 (2) ~~Except for charter counties,~~Any two or more  
27 counties or municipalities, or any combination thereof, may,  
28 in accordance with the provisions of chapter 163, governing  
29 interlocal agreements, form an enforcement district for the  
30 purpose of adopting, enforcing, and administering the  
31 provisions of the State Minimum Building Codes. Each district

1 so formed shall be registered with the department on forms to  
2 be provided for that purpose. Nothing in this subsection shall  
3 be construed to supersede provisions of county charters which  
4 preempt municipal authorities respective to building codes.

5 Section 51. Effective January 1, 2001, section 553.80,  
6 Florida Statutes, as amended by this act, is amended to read:

7 553.80 Enforcement.--

8 (1) It shall be the responsibility of each local  
9 government and~~each~~ legally constituted enforcement district,  
10 ~~and each state agency~~ with statutory authority to regulate  
11 building construction to enforce the Florida Building Code  
12 required by this part on all public or private buildings,  
13 structures, and facilities ~~adopted by such body in accordance~~  
14 ~~with s. 553.73~~, unless such responsibility has been delegated  
15 to another unit of government pursuant to s. 553.79(9). The  
16 governing bodies of local governments may provide a schedule  
17 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
18 section, for the enforcement of the provisions of this part.

19 Such fees shall be used solely for carrying out the  
20 responsibilities of enforcing the Florida Building Code. The  
21 authority of state enforcing agencies to set fees for  
22 enforcement shall be derived from authority existing on the  
23 effective date of this act. However, nothing contained in this  
24 subsection shall operate to limit such agencies from adjusting  
25 their fee schedule in conformance with existing authority.

26 (2)(a) Any two or more counties or municipalities, or  
27 any combination thereof, may, in accordance with the  
28 provisions of chapter 163, governing interlocal agreements,  
29 form an enforcement district for the purpose of ~~adopting,~~  
30 ~~enforcing,~~ and administering the provisions of the Florida  
31 ~~State Minimum Building Code Codes~~. Each district so formed

1 shall be registered with the department on forms to be  
2 provided for that purpose. Nothing in this subsection shall be  
3 construed to supersede provisions of county charters which  
4 preempt municipal authorities respective to building codes.

5 (b) With respect to evaluation of design  
6 professionals' documents, if a local government finds it  
7 necessary, in order to enforce compliance with the Florida  
8 Building Code and issue a permit, to reject design documents  
9 required by the code three or more times for failure to  
10 correct a code violation specifically and continuously noted  
11 in each rejection, including, but not limited to, egress, fire  
12 protection, structural stability, energy, accessibility,  
13 lighting, ventilation, electrical, mechanical, plumbing, and  
14 gas systems, or other requirements identified by rule of the  
15 Florida Building Commission adopted pursuant to chapter 120,  
16 the local government shall impose, each time after the third  
17 such review the plans are rejected for that code violation, a  
18 fee of four times the amount of the proportion of the permit  
19 fee attributed to plans review.

20 (c) With respect to inspections, if a local government  
21 finds it necessary, in order to enforce compliance with the  
22 Florida Building Code, to conduct any inspection after an  
23 initial inspection and one subsequent reinspection of any  
24 project or activity for the same code violation specifically  
25 and continuously noted in each rejection, including, but not  
26 limited to, egress, fire protection, structural stability,  
27 energy, accessibility, lighting, ventilation, electrical,  
28 mechanical, plumbing, and gas systems, or other requirements  
29 identified by rule of the Florida Building Commission adopted  
30 pursuant to chapter 120, the local government shall impose a  
31 fee of four times the amount of the fee imposed for the

1 initial inspection or first reinspection, whichever is  
2 greater, for each such subsequent reinspection.

3 (3) Each enforcement district shall be governed by a  
4 board, the composition of which shall be determined by the  
5 affected localities. At its own option each enforcement  
6 district or local enforcement agency may promulgate rules  
7 granting to the owner of a single-family residence one or more  
8 exemptions from the Florida State Minimum Building Code Codes  
9 relating to:

10 (a) Addition, alteration, or repairs performed by the  
11 property owner upon his or her own property, provided any  
12 addition or alteration shall not exceed 1,000 square feet or  
13 the square footage of the primary structure, whichever is  
14 less.

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

18 (c) Building and inspection fees.

19

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

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

30 (5) State and regional agencies with special expertise  
31 in building code standards and licensing of contractors and



1 design professionals shall provide support to local  
2 governments upon request.

3 (6) Notwithstanding any other provision of law, state  
4 universities, community colleges, and public school districts  
5 shall be subject to enforcement of the Florida Building Code  
6 pursuant to this part.

7 (a) State universities, state community colleges, or  
8 public school districts shall conduct plan review and  
9 construction inspections to enforce building code compliance  
10 for their building projects that are subject to the Florida  
11 Building Code. Such entities shall have personnel  
12 appropriately certified under part XII of chapter 468 perform  
13 the plan reviews and inspections required by the code. Under  
14 such arrangements, such entities shall not be subject to local  
15 government permitting requirements, plans review, and  
16 inspection fees. State universities, state community colleges,  
17 and public school districts shall be liable and responsible  
18 for all of their buildings, structures, and facilities.  
19 Nothing in this paragraph shall be construed to limit the  
20 authority of the county, municipality, or code enforcement  
21 district to ensure that buildings, structures, and facilities  
22 owned by such entities comply with the Florida Building Code  
23 or to limit the authority and responsibility of the fire  
24 official to conduct firesafety inspections pursuant to chapter  
25 633.

26 (b) If a state university, state community college, or  
27 public school district elects to use a local government's code  
28 enforcement offices:

29 1. Fees charged by counties and municipalities for  
30 enforcement of the Florida Building Code on buildings,  
31 structures, and facilities of state universities, state

1 colleges, and public school districts shall not be more than  
2 the actual labor and administrative costs incurred for plans  
3 review and inspections to ensure compliance with the code.

4 2. Counties and municipalities shall expedite building  
5 construction permitting, building plans review, and  
6 inspections of projects of state universities, state community  
7 colleges, and public school districts which are subject to the  
8 Florida Building Code according to guidelines established by  
9 the Florida Building Commission.

10 (c) The Florida Building Commission and code  
11 enforcement jurisdictions shall consider balancing code  
12 criteria and enforcement to unique functions, where they  
13 occur, of research institutions by application of performance  
14 criteria in lieu of prescriptive criteria.

15  
16 Nothing in this part shall be construed to authorize counties,  
17 municipalities, or code enforcement districts to conduct any  
18 permitting, plans review, or inspections not covered by the  
19 Florida Building Code. Any actions by counties or  
20 municipalities not in compliance with this part may be  
21 appealed to the Florida Building Commission. The commission,  
22 upon a determination that actions not in compliance with this  
23 part have delayed permitting or construction, may suspend the  
24 authority of a county, municipality, or code enforcement  
25 district to enforce the Florida Building Code on the  
26 buildings, structures, or facilities of a state university,  
27 state community college, or public school district and provide  
28 for code enforcement at the expense of the state university,  
29 state community college, or public school district.

30 Section 52. Section 553.841, Florida Statutes, is  
31 created to read:

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

13           Section 53. (1) The commission, in consultation with  
14 the respective professional licensing boards within the  
15 Department of Business and Professional Regulation, the  
16 Department of Education, the Department of Labor and  
17 Employment Security, the State University System, Community  
18 Colleges, and the entity administering the Code Training  
19 Program, shall develop a program and standards for providing  
20 entry level construction workers:

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

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

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

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

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

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

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

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

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

15 Section 54. Section 553.842, Florida Statutes, is  
16 created to read:

17 553.842 Product evaluation and approval.--

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

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

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

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

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

31

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

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

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

6           (h) Cost effectiveness.

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

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

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

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

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

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

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

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

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

30 (8) A building official may appeal the required  
31 approval for local use of a product or method or system of



1 construction to the commission. The commission shall  
2 establish expedited procedures to handle such appeals.

3 (9) The decisions of local building officials shall be  
4 appealable to the local board of appeals, if such board  
5 exists, then to the commission. Decisions of the commission  
6 regarding statewide product approvals and appeals of local  
7 product approval shall be subject to judicial review pursuant  
8 to s. 120.68.

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

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

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

25  
26 For purposes of this section, an approved product evaluation  
27 entity is an entity that has been accredited by a nationally  
28 recognized independent evaluation authority or entity  
29 otherwise approved by the commission.

30 Section 55. Section 553.905, Florida Statutes, is  
31 amended to read:

1           553.905 Thermal efficiency standards for new  
2 residential buildings.--Thermal designs and operations for new  
3 residential buildings for which building permits are obtained  
4 after March 15, 1979, shall at a minimum take into account  
5 exterior envelope physical characteristics, HVAC system  
6 selection and configuration, HVAC equipment performance, and  
7 service water heating design and equipment selection and shall  
8 not be required to meet standards more stringent than the  
9 provisions of the Florida Energy Efficiency Code for Building  
10 Construction. HVAC equipment mounted in an attic or a garage  
11 shall not be required to have supplemental insulation in  
12 addition to that installed by the manufacturer. All new  
13 residential buildings, except those herein exempted, shall  
14 have insulation in ceilings rated at R-19 or more, space  
15 permitting. Thermal efficiency standards do not apply to a  
16 building of less than 1,000 square feet which is not primarily  
17 used as a principal residence and which is constructed and  
18 owned by a natural person for hunting or similar recreational  
19 purposes; however, no such person may build more than one  
20 exempt building in any 12-month period.

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

24           627.351 Insurance risk apportionment plans.--

25           (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

26           (c) The provisions of paragraph (b) are applicable  
27 only with respect to:

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

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

1 a. Due to the lack of windstorm insurance coverage in  
2 the county or area so affected, economic growth and  
3 development is being deterred or otherwise stifled in such  
4 county or area, mortgages are in default, and financial  
5 institutions are unable to make loans;

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

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

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

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

31 633.01 State Fire Marshal; powers and duties; rules.--

1           (1) The head of the Department of Insurance shall be  
2 designated as "State Fire Marshal." The State Fire Marshal  
3 shall make and promulgate all rules necessary to implement the  
4 provisions of this chapter which grant powers and impose  
5 duties on the State Fire Marshal and to effectuate the  
6 enforcement of such powers and duties. ~~However, The~~  
7 department shall ~~not~~ adopt the Florida Fire Prevention Code  
8 and the Life Safety Code minimum firesafety standards, except  
9 to the extent required by s. 394.879.

10           (7) It is the intent of the Legislature that there are  
11 to be no conflicting requirements between the Florida Fire  
12 Prevention Code and the Life Safety Code authorized by this  
13 chapter and the provisions of the Florida Building Code or  
14 conflicts in their enforcement and interpretation. Potential  
15 conflicts shall be resolved through coordination and  
16 cooperation of the State Fire Marshal and the Florida Building  
17 Commission as provided by this chapter and part VII of chapter  
18 553.

19           (8) The Department of Insurance shall issue, when  
20 requested in writing by any substantially affected person or a  
21 local enforcing agency, declaratory statements pursuant to s.  
22 120.565 relating to the Florida Fire Prevention Code and the  
23 Life Safety Code. Such declaratory statements shall apply  
24 prospectively, except whenever the State Fire Marshal  
25 determines that a serious threat to life exists that warrants  
26 retroactive application.

27           Section 58. Effective January 1, 2001, section  
28 633.0215, Florida Statutes, is created to read:

29           633.0215 Florida Fire Prevention Code.--

30           (1) The department shall adopt, by rule pursuant to  
31 ss. 120.536(1) and 120.54, the Florida Fire Prevention Code

1 which shall contain or incorporate by reference all firesafety  
2 laws and rules that pertain to and govern the design,  
3 construction, erection, alteration, modification, repair, and  
4 demolition of public and private buildings, structures, and  
5 facilities and the enforcement of such firesafety laws and  
6 rules.

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

20 (3) Any local amendment to the Florida Fire Prevention  
21 Code adopted by a local government shall be effective only  
22 until the adoption by the department of the new edition of the  
23 Florida Fire Prevention Code, which shall be every third year.  
24 At such time, the department shall adopt such amendment as  
25 part of the Florida Fire Prevention Code or rescind the  
26 amendment. The department shall immediately notify the  
27 respective local government of the rescission of the  
28 amendment. After receiving such notice, the respective local  
29 government may readopt the rescinded amendment. Incorporation  
30 of local amendments as regional and local concerns and  
31 variations shall be considered as adoption of an amendment

1 pursuant to this part. Notwithstanding other state or local  
2 building and construction code laws to the contrary, locally  
3 adopted fire code requirements that were in existence on the  
4 effective date of this section shall be deemed local  
5 variations of the Florida Fire Prevention Code until the  
6 department takes action to adopt or rescind such requirements  
7 as provided herein and such action shall take place no later  
8 than January 1, 2001.

9 (4) The department shall update, by rule adopted  
10 pursuant to ss. 120.536(1) and 120.54, the Florida Fire  
11 Prevention Code every 3 years. Once initially adopted and  
12 subsequently updated by the department, the Florida Fire  
13 Prevention Code and the Life Safety Code shall be adopted for  
14 use statewide without adoptions by local governments. When  
15 updating the Florida Fire Prevention Code and the most recent  
16 edition of the Life Safety Code, the department shall consider  
17 changes made by the national model fire codes incorporated  
18 into the Florida Fire Prevention Code, the department's own  
19 interpretations, declaratory statements, appellate decisions,  
20 and approved statewide and local technical amendments.

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

25 (6) The Florida Fire Prevention Code does not apply  
26 to, and no code enforcement action shall be brought with  
27 respect to, zoning requirements or land use requirements.  
28 Additionally, a local code enforcement agency may not  
29 administer or enforce the Florida Fire Prevention Code to  
30 prevent the siting of any publicly owned facility, including,  
31 but not limited to, correctional facilities, juvenile justice

1 facilities, or state universities, community colleges, or  
2 public education facilities. This section shall not be  
3 construed to prohibit local government from imposing built-in  
4 fire protection systems or fire-related infrastructure  
5 requirements needed to properly protect the intended facility.

6 Section 59. Effective January 1, 2001, section  
7 633.025, Florida Statutes, is amended to read:

8 633.025 Minimum firesafety standards.--

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

22 (2) Pursuant to subsection (1), each municipality,  
23 county, and special district with firesafety responsibilities  
24 shall ~~adopt and enforce the Florida Fire Prevention Code and~~  
25 ~~the Life Safety Code codes specified in paragraph (a),~~  
26 ~~paragraph (b), paragraph (c), or paragraph (d) as the minimum~~  
27 firesafety code required by this section+

28 (a) ~~The Standard Fire Prevention Code, 1985 edition or~~  
29 ~~subsequent edition, as adopted by the Southern Building Code~~  
30 ~~Congress International.~~

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

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

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

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

13           ~~(4) It is the intent of the Legislature that a South~~  
14 ~~Florida Fire Prevention Code be promulgated as a further~~  
15 ~~option to counties, municipalities, and special districts with~~  
16 ~~firesafety responsibilities as an alternative to the~~  
17 ~~firesafety codes specified in paragraphs (2)(a), (b), and (c).~~  
18 ~~In the event that an appropriate South Florida Fire Prevention~~  
19 ~~Code is submitted by the Broward County Board of Rules and~~  
20 ~~Appeals or the Dade County Board of Rules and Appeals to the~~  
21 ~~Legislature by March 1, 1988, such code or codes shall be~~  
22 ~~deemed to be an alternative to the firesafety codes specified~~  
23 ~~in paragraphs (2)(a), (b), and (c) as of July 1, 1988, unless~~  
24 ~~the Legislature expressly prohibits the use of such code.~~  
25 ~~Until July 1, 1988, Dade and Broward Counties may use the~~  
26 ~~firesafety standards within their current Fire Prevention Code~~  
27 ~~as an alternative. In the event Dade or Broward County fails~~  
28 ~~to adopt a South Florida Fire Prevention Code as of July 1,~~  
29 ~~1988, then such county shall be subject to subsections (2),~~  
30 ~~(3), and (6).~~

31



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

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

28           (b) Such additional requirements shall not be  
29 discriminatory as to materials, products, or construction  
30 techniques of demonstrated capabilities.

31

1           (c) Paragraphs (a) and (b) apply solely to the local  
2 enforcing agency's adoption of requirements more stringent  
3 than those specified in the Florida Fire Prevention Code and  
4 the Life Safety Code that have the effect of amending building  
5 construction standards. Upon request, the enforcing agency  
6 shall provide a person making application for a building  
7 permit, or any state agency or board with construction-related  
8 regulation responsibilities, a listing of all such  
9 requirements and codes.

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

15           1. Unless the local government agrees to stay  
16 enforcement of the amendment, or other good cause is shown,  
17 the challenging party shall be entitled to a hearing on the  
18 challenge within 45 days.

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

22  
23 A substantially affected person may appeal, to the Department  
24 of Insurance, the local government's resolution of the  
25 challenge and the department shall determine if the amendment  
26 complies with this section. Actions of the department are  
27 subject to judicial review pursuant to s. 120.68. The  
28 department shall consider reports of the Florida Building  
29 Commission, pursuant to part VII of chapter 533, when  
30 evaluating building code enforcement.

31

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

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

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

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

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

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

16 ~~(8)(11)~~ ~~With respect to standards established by the~~  
17 ~~National Fire Protection Association (NFPA) 101, Life Safety~~  
18 ~~Code, 1985 edition, s. 19-3.4.4.1, Battery operated smoke~~  
19 ~~detectors shall be considered as an approved detection device~~  
20 ~~for residential buildings having direct access to the outside~~  
21 ~~from each living unit and having three stories or less.~~

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

27 Section 60. Paragraph (a) of subsection (1) of section  
28 633.085, Florida Statutes, is amended to read:

29 633.085 Inspections of state buildings and premises;  
30 tests of firesafety equipment; building plans to be  
31 approved.--

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

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

17           633.72 Florida Fire Code Advisory Council.--

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

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

1 (b) One member shall be an administrative officer from  
2 a fire department representing a municipality or a county  
3 selected from a list of persons submitted by the Florida Fire  
4 Chiefs Association;

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

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

11 (e) One member shall be an administrative officer from  
12 a building department of a county or municipality selected  
13 from a list of persons submitted by the Building Officials  
14 Association of Florida;

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

18 (g) One member shall be representative of the general  
19 public.

20 (h) The administrative staff of the State Fire Marshal  
21 shall attend meetings of the Florida Building Commission and  
22 coordinate efforts to provide consistency between the Florida  
23 Building Code and the Florida Fire Prevention Code and the  
24 Life Safety Code.

25  
26 The council and Florida Building Commission shall cooperate  
27 through joint representation and staff coordination.

28 Section 62. (1) Before the 2000 Regular Session of  
29 the Legislature, the Florida Building Commission shall submit  
30 to the Legislature, for review and approval or rejection, the  
31 Florida Building Code adopted by the commission and shall

1 prepare list of recommendations of revisions to the Florida  
2 Statutes necessitated by adoption of the Florida Building Code  
3 if the Legislature approves the Florida Building Code.

4 (2) Upon approval of the Florida Building Code by the  
5 Legislature, all existing local technical amendments to any  
6 building code adopted by any local government are repealed.  
7 Each local government may readopt such amendments pursuant to  
8 s. 553.73, Florida Statutes, provided such amendments comply  
9 with applicable provisions of the Florida Building Code.

10 Section 63. The Legislature recognizes that  
11 maintaining public school buildings is a costly endeavor. The  
12 Legislature further recognizes that retroactively enforcing  
13 the prescriptive codes currently applied to existing public  
14 schools is not always cost effective. It is the intent of the  
15 Legislature to establish performance-based criteria for the  
16 cost-effective application of codes and code alternatives for  
17 existing educational facilities. Therefore, the Legislature  
18 directs the State Fire Marshal, the Florida Building  
19 Commission, and the Commissioner of Education to appoint a  
20 select committee to consider the development of a Public  
21 School Facility Fire Safety Evaluation Performance Code for  
22 existing educational facilities. The State Fire Marshal, or  
23 his or her appointee, shall be represented on this committee.  
24 The State Fire Marshal shall appoint a representative of the  
25 Florida Fire Chiefs' Association, a representative of the  
26 Florida Fire Marshals' Association, a representative versed  
27 and experienced in the delivery of educational programs to  
28 fire service inspectors, and a representative of the fire  
29 protection industry. The Commissioner of Education, or his or  
30 her appointee, shall be represented on the select committee.  
31 The Commissioner of Education shall appoint a representative

1 of the School Boards Association, a representative of the  
2 Florida Educational Facility Planners Association, a  
3 representative of the Division of Educational Facilities, and  
4 an architect experienced in school construction. The State  
5 Fire Marshal and the Commissioner of Education shall consider  
6 recommendations of the associations described in this section  
7 when making appointments. The select committee shall conduct  
8 its first meeting at the call of the State Fire Marshal. The  
9 committee shall elect its chair, vice chair, and recording  
10 secretary at its first meeting and shall then meet at the call  
11 of the chair. The committee shall consider the work of the  
12 Center for Fire Research, the National Institute of Science  
13 and Technology, and the alternative code solutions published  
14 by the National Fire Protection Association when considering  
15 the establishment of a performance-based fire safety code for  
16 existing educational facilities. The report to the Legislature  
17 shall consider the feasibility of and recommendations relating  
18 to establishing such a performance-based code. If the  
19 recommendation is affirmative, the report shall include roles  
20 and responsibilities necessary to develop and maintain the  
21 code, as well as a plan to deliver educational programs on  
22 applying the performance-based code to those charged with its  
23 enforcement. Members of the committee shall serve at their own  
24 expense except that state employees shall be reimbursed for  
25 travel costs incurred from existing budget sources. The  
26 Department of Education shall be responsible for printing  
27 costs of the final report, from existing budget sources. The  
28 select committee shall report the results of its study to the  
29 Legislature no later than October 31, 1998.

30       Section 64. The Department of Management Services is  
31 directed to initiate a pilot project to evaluate the costs and



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

13 Section 65. Paragraph (f) of subsection (2) of section  
14 471.003, Florida Statutes, section 489.539, Florida Statutes,  
15 and subsection (5) of section 553.73, Florida Statutes, are  
16 repealed.

17 Section 66. Effective January 1, 1999, section  
18 489.120, Florida Statutes, is repealed.

19 Section 67. Effective January 1, 2001, paragraph (d)  
20 of subsection (1) of section 489.129, Florida Statutes, is  
21 repealed.

22 Section 68. Effective upon the approval by the  
23 Legislature of the adoption of the Florida Building Code by  
24 the Florida Building Commission, parts I, II, and III of  
25 chapter 553, Florida Statutes, consisting of sections 553.01,  
26 553.02, 553.03, 553.04, 553.041, 553.05, 553.06, 553.07,  
27 553.08, 553.10, 553.11, 553.14, 553.15, 553.16, 553.17,  
28 553.18, 553.19, 553.20, 553.21, 553.22, 553.23, 553.24,  
29 553.25, 553.26, 553.27, and 553.28, Florida Statutes, are  
30 repealed and section 553.141, Florida Statutes, is transferred  
31 and renumbered as section 553.86, Florida Statutes.

1           Section 69. (1) There is hereby appropriated to the  
2 Department of Community affairs for fiscal year 1998-1999 the  
3 sum of \$2,090,000 from the department's Operating Trust Fund  
4 to be used to support the selection, development, and adoption  
5 of the Florida Building Code, to develop a statewide  
6 evaluation and approval process for construction products and  
7 materials, and to assist in the development of a statewide  
8 system for reporting and tracking disciplinary actions taken  
9 against contractors and design professionals by local  
10 governments.

11           (2) The sum of \$500,000 is hereby appropriated from  
12 the Insurance Commissioner's Regulatory Trust Fund to the  
13 Florida Building Commission for fiscal year 1998-1999 for the  
14 purpose of funding the development of core curriculum and  
15 specialized and advanced modules of curriculum, as required  
16 for the various building industry professions, by the Florida  
17 Building Commission for implementation of the Florida Building  
18 Code.

19           (3) The sum of \$150,000 is hereby appropriated from  
20 the Insurance Commissioner's Regulatory Trust Fund to the Fire  
21 College Trust Fund for fiscal year 1998-1999 for the purpose  
22 of funding the development of core curriculum and specialized  
23 and advanced modules of curriculum in coordination with the  
24 Florida Building Commission for implementation of the Florida  
25 Building Code as it relates to fire safety.

26           (4) The sum of \$250,000 is hereby appropriated from  
27 the Insurance Commissioner's Regulatory Trust Fund to the  
28 Florida Building Commission for fiscal year 1998-1999 for the  
29 purpose of funding the construction of mobile demonstration  
30 training models displaying state of the art techniques for  
31 wind resistant construction to be used in the delivery of

1 training and public awareness displays for implementation of  
2 the Florida Building Code.

3           Section 70. Except as otherwise provided herein, this  
4 act shall take effect July 1 of the year in which enacted or  
5 upon becoming a law, whichever occurs later.

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