

Bill No. HB 4439, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Clary moved the following amendment to amendment		
12	(902392):		
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14	Senate Amendment (with title amendment)		
15	On page 106, between lines 9 and 10		
16			
17	insert:		
18	Section 59. Effective January 1, 2001, section 553.73,		
19	Florida Statutes, as amended by CS/CS/HB 4181, 1998 Regular		
20	Session, is amended to read:		
21	553.73 <u>Florida State</u> Minimum Building <u>Code Codes</u> .--		
22	(1)(a) By October 1, 1984, local governments and state		
23	agencies with building construction regulation		
24	responsibilities shall adopt a building code which shall cover		
25	all types of construction. Such code shall include the		
26	provisions of parts I-V, VII, and VIII, relating to plumbing,		
27	electrical requirements, glass, manufactured buildings,		
28	accessibility by handicapped persons, and thermal efficiency,		
29	and shall be in addition to the requirements set forth in		
30	chapter 527, which pertains to liquefied petroleum gas.		
31	(b) In the event that a special act of the		

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1 Legislature, passed prior or subsequent to January 1, 1978,
2 places responsibility for building construction regulation in
3 a specified local board or agency, the words "local
4 government" and "local governing body" as used in this part
5 shall be construed to refer exclusively to such local board or
6 agency.

7 (2) There is created the State Minimum Building Codes
8 which shall consist of the following nationally recognized
9 model codes:

10 (a) Standard Building Codes, 1988 edition, pertaining
11 to building, plumbing, mechanical, and gas, and excluding fire
12 prevention;

13 (b) EPCOT Code, 1982 edition;

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

15 and

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

17

18 Each local government and state agency with building
19 construction regulation responsibilities shall adopt one of
20 the State Minimum Building Codes as its building code, which
21 shall govern the construction, erection, alteration, repair,
22 or demolition of any building for which the local government
23 or state agency has building construction regulation
24 responsibility. If the One and Two Family Dwelling Code is
25 adopted for residential construction, then one of the other
26 recognized model codes must be adopted for the regulation of
27 other residential and nonresidential structures. Provisions to
28 be contained within any State Minimum Building Code are
29 restricted to requirements related to the types of materials
30 used and construction methods and standards employed in order
31 to meet minimum building codes. Provisions relating to the

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1 personnel, supervision or training of personnel, or any other
2 professional qualification requirements relating to
3 contractors or their workforce may not be included within a
4 State Minimum Building Code, and subsection (4) is not to be
5 construed to allow the inclusion of such provisions within any
6 State Minimum Building Code by amendment. This restriction
7 applies to both initial development and amendment of the code.

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

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

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

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

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

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

11 (5) All code requirements in effect in any code
 12 enforcement jurisdiction on January 1, 1978, which are not
 13 inferior to the requirements of any model code specified in
 14 subsection (2) are presumed to meet the conditions of
 15 subsection (4).

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

25 (7) The specific model code of the State Minimum
 26 Building Codes adopted by a municipality, county, or state
 27 agency shall regulate every type of building or structure,
 28 wherever it might be situated in the code enforcement
 29 jurisdiction; however, such regulations shall not apply to
 30 nonresidential farm buildings on farms; to temporary buildings
 31 or sheds used exclusively for construction purposes; to mobile

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

14 (8)(a) In the event of a conflict between the
15 applicable minimum building code and the applicable minimum
16 firesafety code, it shall be resolved by agreement between the
17 local building code enforcement official and the local fire
18 code enforcement official in favor of the requirement of the
19 code which offers the greatest degree of lifesafety or
20 alternatives which would provide an equivalent degree of
21 lifesafety and an equivalent method of construction.

22 (b) Any decision made by the local fire official and
23 the local building official may be appealed to a local
24 administrative board designated by the municipality, county,
25 or special district having firesafety responsibilities. If
26 the decision of the local fire official and the local building
27 official is to apply the provisions of either the applicable
28 minimum building code or the applicable minimum firesafety
29 code, the board may not alter the decision unless the board
30 determines that the application of such code is not
31 reasonable. If the decision of the local fire official and

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1 the local building official is to adopt an alternative to the
2 codes, the local administrative board shall give due regard to
3 the decision rendered by the local officials and may modify
4 that decision if the administrative board adopts a better
5 alternative, taking into consideration all relevant
6 circumstances. In any case in which the local administrative
7 board adopts alternatives to the decision rendered by the
8 local fire official and the local building official, such
9 alternatives shall provide an equivalent degree of lifesafety
10 and an equivalent method of construction as the decision
11 rendered by the local officials.

12 (c) In the event that the local building official and
13 the local fire official are unable to agree on a resolution of
14 the conflict between the building code and the fire code, the
15 local administrative board shall resolve the conflict in favor
16 of the code which offers the greatest degree of lifesafety or
17 alternatives which would provide an equivalent degree of
18 lifesafety and an equivalent method of construction.

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

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

30 (f) Those structures or facilities of electric
31 utilities as defined in s. 366.02 which are directly involved

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1 in the generation, transmission, or distribution of
2 electricity.

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

13
14 (Redesignate subsequent sections.)

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17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 114, line 12 after the semicolon

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insert:

22 amending 553.73, F.S.; adding an exception from
23 the Florida Building Code;

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