

By Senator Clary

7-1045-99

See HB

1 A bill to be entitled
2 An act relating to the Florida Building Code;
3 amending s. 161.56, F.S.; making a technical
4 correction; amending s. 468.607, F.S.;
5 providing for continuing validation of
6 certifications of certain building inspectors
7 and plans examiners for a certain period of
8 time; amending s. 468.609, F.S.; clarifying the
9 qualifications of persons eligible to take the
10 certain certification examinations; amending
11 ss. 489.115, 497.255, 553.06, 553.73, 553.74,
12 553.141, 553.503, 553.506, and 553.512;
13 changing references from the Board of Building
14 Codes and Standards to the Florida Building
15 Commission; amending s. 62 of ch. 98-287, Laws
16 of Florida; exempting the rule adopting the
17 Florida Building Code from challenge as a
18 proposed rule; specifying effectiveness upon
19 legislative approval; amending s. 553.73, F.S.;
20 clarifying the effect on local governments of
21 adopting and updating the Florida Building
22 Code; specifying that amendments to certain
23 standards or criteria are effective statewide
24 only upon adoption by the commission;
25 prohibiting persons who participate in the
26 passage of a local amendment from sitting on a
27 countywide compliance review board; amending s.
28 553.77, F.S.; revising the powers of the
29 commission; conforming a cross-reference;
30 amending s. 553.781, F.S.; clarifying that the
31 Department of Business and Professional

1 Regulation conduct disciplinary investigations
2 and take disciplinary actions; amending s.
3 553.80, F.S.; deleting a cross-reference;
4 repealing s. 471.017(3), F.S., relating to
5 certain continuing education requirements;
6 repealing s. 489.513(7), F.S., relating to
7 tracking registration violations; providing
8 effective dates.

9

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

11

12 Section 1. Subsection (1) of section 161.56, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 161.56 Establishment of local enforcement.--

15 (1) Each local government which is required by s.
16 553.73 to adopt a building code ~~by s. 553.73~~ and which has a
17 coastal building zone or some portion of a coastal zone within
18 its territorial boundaries shall adopt, not later than January
19 1, 1987, as part of its building code, the requirements
20 established in s. 161.55, and such requirements shall be
21 enforced by the local enforcement agency as defined in s.
22 553.71.

23 Section 2. Effective January 1, 2001, subsection (1)
24 of section 161.56, Florida Statutes, 1998 Supplement, as
25 amended by section 3 of chapter 98-287, Laws of Florida, is
26 amended to read:

27 161.56 Establishment of local enforcement.--

28 (1) Each local government which is required by s.
29 553.73 to enforce the Florida Building Code ~~by s. 553.73~~ and
30 which has a coastal building zone or some portion of a coastal
31

1 zone within its territorial boundaries shall enforce the
2 requirements of the code established in s. 161.55.

3 Section 3. Section 468.607, Florida Statutes, is
4 amended to read:

5 468.607 Certification of building code administration
6 and inspection personnel.--The board shall issue a certificate
7 to any individual whom the board determines to be qualified,
8 within such class and level as provided in this part and with
9 such limitations as the board may place upon it. No person
10 may be employed by a state agency or local governmental
11 authority to perform the duties of a building code
12 administrator, plans examiner, or inspector after October 1,
13 1993, without possessing the proper valid certificate issued
14 in accordance with the provisions of this part. Persons acting
15 as inspectors and plans examiners pursuant to s. 235.26 while
16 conducting activities authorized by certification under that
17 section shall be deemed certified to continue inspections for
18 the local government until their Uniform Building Code
19 Inspector certification expires, after which time they must
20 possess the proper valid certificate issued in accordance with
21 the provisions of this part.

22 Section 4. Subsections (2) and (3) of section 468.609,
23 Florida Statutes, 1998 Supplement, are amended to read:

24 468.609 Administration of this part; standards for
25 certification; additional categories of certification.--

26 (2) A person shall be entitled to take the examination
27 for certification as an inspector or plans examiner pursuant
28 to this part if the person:

29 (a) Is at least 18 years of age.~~7~~

30 (b) Is of good moral character.~~7~~ ~~and~~

31

1 (c) Meets eligibility requirements according to one of
2 the following criteria:

3 1. Demonstrates 5 years' combined experience in the
4 field of construction or related field inspection, or plans
5 review corresponding to the certification category sought;

6 2. Demonstrates a combination of postsecondary
7 education in the field of construction or related field and
8 experience which totals 4 years, with at least 1 year of such
9 total being experience in construction, building inspection,
10 or plans review; or

11 3. Currently holds a standard certificate as issued by
12 the board and satisfactorily completes an inspector or plans
13 examiner training program of not less than 200 hours in the
14 certification category sought. The board shall establish by
15 rule criteria for the development and implementation of the
16 training programs.

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

26 (3) A person shall be entitled to take the examination
27 for certification as a building code administrator pursuant to
28 this part if the person:

29 (a) Is at least 18 years of age,⁷

30 (b) Is of good moral character,⁷ ~~and~~

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1 (c) Meets eligibility requirements according to one of
2 the following criteria:

3 1. Demonstrates 10 years' combined experience as an
4 architect, engineer, plans examiner, building code inspector,
5 registered or certified contractor, or construction
6 superintendent, with at least 5 years of such experience in
7 supervisory positions; or

8 2. Demonstrates a combination of postsecondary
9 education in the field of construction or related field, no
10 more than 5 years of which may be applied, and experience as
11 an architect, engineer, plans examiner, building code
12 inspector, registered or certified contractor, or construction
13 superintendent which totals 10 years, with at least 5 years of
14 such total being experience in supervisory positions.

15 (d) Once the Building Code Training Program has been
16 established pursuant to s. 553.841,demonstrates successful
17 completion of the core curriculum and specialized or advanced
18 module coursework approved by the Florida Building Commission,
19 ~~as part of the Building Code Training Program established~~
20 ~~pursuant to s. 553.841,~~appropriate to the licensing category
21 sought or, ~~pursuant to authorization by the certifying~~
22 ~~authority, provides proof of completion of such curriculum or~~
23 ~~coursework within 6 months after such certification.~~

24 Section 5. Subsection (4) of section 489.115, Florida
25 Statutes, 1998 Supplement, is amended to read:

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

28 (4)(a) Each certificateholder or registrant who
29 desires to continue as a certificateholder or registrant shall
30 renew the certificate or registration every 2 years. The
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1 department shall mail each certificateholder and registrant an
2 application for renewal.

3 (b)1. Each certificateholder or registrant shall
4 provide proof, in a form established by rule of the board,
5 that the certificateholder or registrant has completed at
6 least 14 classroom hours of at least 50 minutes each of
7 continuing education courses during each biennium since the
8 issuance or renewal of the certificate or registration. The
9 board shall establish by rule that a portion of the required
10 14 hours must deal with the subject of workers' compensation,
11 business practices, and workplace safety. The board shall by
12 rule establish criteria for the approval of continuing
13 education courses and providers, including requirements
14 relating to the content of courses and standards for approval
15 of providers, and may by rule establish criteria for accepting
16 alternative nonclassroom continuing education on an
17 hour-for-hour basis. The board shall prescribe by rule the
18 continuing education, if any, which is required during the
19 first biennium of initial licensure. A person who has been
20 licensed for less than an entire biennium must not be required
21 to complete the full 14 hours of continuing education.

22 2. In addition, the board may approve specialized
23 continuing education courses on compliance with the wind
24 resistance provisions for one and two family dwellings
25 contained in the State Minimum Building Codes and any
26 alternate methodologies for providing such wind resistance
27 which have been approved for use by the Florida Board of
28 Building ~~Commission~~ Codes and Standards. Division I
29 certificateholders or registrants who demonstrate proficiency
30 upon completion of such specialized courses may certify plans
31 and specifications for one and two family dwellings to be in

1 compliance with the code or alternate methodologies, as
2 appropriate, except for dwellings located in floodways or
3 coastal hazard areas as defined in ss. 60.3D and E of the
4 National Flood Insurance Program.

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

17 (c) The certificateholder or registrant shall
18 complete, sign, and forward the renewal application to the
19 department, together with the appropriate fee. Upon receipt of
20 the application and fee, the department shall renew the
21 certificate or registration.

22 Section 6. Section 497.255, Florida Statutes, 1998
23 Supplement, is amended to read:

24 497.255 Standards for construction and significant
25 alteration or renovation of mausoleums and columbaria.--

26 (1) All newly constructed and significantly altered or
27 renovated mausoleums and columbaria must, in addition to
28 complying with applicable building codes, conform to the
29 standards adopted under this section.

30 (2) The board shall adopt, by no later than July 1,
31 1999, rules establishing minimum standards for all newly

1 constructed and significantly altered or renovated mausoleums
2 and columbaria; however, in the case of significant
3 alterations or renovations to existing structures, the rules
4 shall apply only, when physically feasible, to the newly
5 altered or renovated portion of such structures, except as
6 specified in subsection (4). In developing and promulgating
7 said rules, the board may define different classes of
8 structures or construction standards, and may provide for
9 different rules to apply to each of said classes, if the
10 designation of classes and the application of different rules
11 is in the public interest and is supported by findings by the
12 board based on evidence of industry practices, economic and
13 physical feasibility, location, or intended uses; provided,
14 that the rules shall provide minimum standards applicable to
15 all construction. For example, and without limiting the
16 generality of the foregoing, the board may determine that a
17 small single-story ground level mausoleum does not require the
18 same level of construction standards that a large multistory
19 mausoleum might require; or that a mausoleum located in a
20 low-lying area subject to frequent flooding or hurricane
21 threats might require different standards than one located on
22 high ground in an area not subject to frequent severe weather
23 threats. The board shall develop the rules in cooperation
24 with, and with technical assistance from, the Florida Board of
25 Building Commission Codes and Standards of the Department of
26 Community Affairs, to ensure that the rules are in the proper
27 form and content to be included as part of the State Minimum
28 Building Codes under part VII of chapter 553. If the Florida
29 Board of Building Commission Codes and Standards advises that
30 some of the standards proposed by the board are not
31 appropriate for inclusion in such building codes, the board

1 may choose to include those standards in a distinct chapter of
2 its rules entitled "Non-Building-Code Standards for
3 Mausoleums" or "Additional Standards for Mausoleums," or other
4 terminology to that effect. If the board elects to divide the
5 standards into two or more chapters, all such rules shall be
6 binding on licensees and others subject to the jurisdiction of
7 the board, but only the chapter containing provisions
8 appropriate for building codes shall be transmitted to the
9 Florida Board of Building Commission Codes and Standards
10 pursuant to subsection (3). Such rules may be in the form of
11 standards for design and construction; methods, materials, and
12 specifications for construction; or other mechanisms. Such
13 rules shall encompass, at a minimum, the following standards:
14 (a) No structure may be built or significantly altered
15 for use for interment, entombment, or inurnment purposes
16 unless constructed of such material and workmanship as will
17 ensure its durability and permanence, as well as the safety,
18 convenience, comfort, and health of the community in which it
19 is located, as dictated and determined at the time by modern
20 mausoleum construction and engineering science.
21 (b) Such structure must be so arranged that the
22 exterior of any vault, niche, or crypt may be readily examined
23 at any time by any person authorized by law to do so.
24 (c) Such structure must contain adequate provision for
25 drainage and ventilation.
26 (d) Such structure must be of fire-resistant
27 construction. Notwithstanding the requirements of s. 553.895
28 and chapter 633, any mausoleum or columbarium constructed of
29 noncombustible materials, as defined in the Standard Building
30 Code, shall not require a sprinkler system.
31

1 (e) Such structure must be resistant to hurricane and
2 other storm damage to the highest degree provided under
3 applicable building codes for buildings of that class.

4 (f) Suitable provisions must be made for securely and
5 permanently sealing each crypt with durable materials after
6 the interment or entombment of human remains, so that no
7 effluvia or odors may escape therefrom except as provided by
8 design and sanitary engineering standards. Panels for
9 permanent seals must be solid and constructed of materials of
10 sufficient weight, permanence, density, imperviousness, and
11 strength as to ensure their durability and continued
12 functioning. Permanent crypt sealing panels must be securely
13 installed and set in with high quality fire-resistant,
14 resilient, and durable materials after the interment or
15 entombment of human remains. The outer or exposed covering of
16 each crypt must be of a durable, permanent, fire-resistant
17 material; however, plastic, fiberglass, and wood are not
18 acceptable materials for such outer or exposed coverings.

19 (g) Interior and exterior fastenings for hangers,
20 clips, doors, and other objects must be of copper, copper-base
21 alloy, aluminum, or stainless steel of adequate gauges, or
22 other materials established by rule which provide equivalent
23 or better strength and durability, and must be properly
24 installed.

25 (3) The board shall transmit the rules as adopted
26 under subsection (2), hereinafter referred to as the
27 "mausoleum standards," to the Florida Board of Building
28 Commission Codes and Standards, which shall initiate
29 rulemaking under chapter 120 to consider such mausoleum
30 standards. If such mausoleum standards are not deemed
31 acceptable, they shall be returned by the Florida Board of

1 Building Commission Codes and Standards to the board with
2 details of changes needed to make them acceptable. If such
3 mausoleum standards are acceptable, the Florida Board of
4 Building Commission Codes and Standards shall adopt a rule
5 designating the mausoleum standards as an approved revision to
6 the State Minimum Building Codes under part VII of chapter
7 553. When so designated by the Board of Building Codes and
8 Standards, such mausoleum standards shall become a required
9 element of the State Minimum Building Codes under s. 553.73(2)
10 and shall be transmitted to each local enforcement agency, as
11 defined in s. 553.71(5). Such local enforcement agency shall
12 consider and inspect for compliance with such mausoleum
13 standards as if they were part of the local building code, but
14 shall have no continuing duty to inspect after final approval
15 of the construction pursuant to the local building code. Any
16 further amendments to the mausoleum standards shall be
17 accomplished by the same procedure. Such designated mausoleum
18 standards, as from time to time amended, shall be a part of
19 the State Minimum Building Codes under s. 553.73 until the
20 adoption and effective date of a new statewide uniform minimum
21 building code, which may supersede the mausoleum standards as
22 provided by the law enacting the new statewide uniform minimum
23 building code.

24 (4) In addition to the rules adopted under subsection
25 (2), the board shall adopt rules providing that following all
26 interments, inurnments, and entombments in mausoleums and
27 columbaria occurring after the effective date of such rules,
28 whether newly constructed or existing, suitable provision must
29 be made, when physically feasible, for sealing each crypt in
30 accordance with standards promulgated pursuant to paragraph
31 (2)(f).

1 (5) For purposes of this section, "significant
2 alteration or renovation" means any addition, renovation, or
3 repair which results in the creation of new crypt or niche
4 spaces.

5 Section 7. Subsection (1) of section 553.06, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 553.06 State Plumbing Code.--

8 (1) The Florida Building Commission shall, in
9 accordance with the provisions of chapter 120 and ss.
10 553.70-553.895, adopt the Standard Plumbing Code, 1994
11 edition, as adopted at the October 1993 annual meeting of the
12 Southern Building Code Congress International, as the State
13 Plumbing Code which shall be the minimum requirements
14 statewide for all installations, repairs, and alterations to
15 plumbing. The commission ~~board~~ may, in accordance with the
16 requirements of chapter 120, adopt all or parts of updated or
17 revised editions of the State Plumbing Code to keep abreast of
18 latest technological advances in plumbing and installation
19 techniques. Local governments which have adopted the South
20 Florida, One and Two Family Dwelling or EPCOT Plumbing Codes
21 may continue their use provided the requirements contained
22 therein meet or exceed the requirements of the State Plumbing
23 Code. Provided, however, nothing in this section shall alter
24 or diminish the authority of the Department of Business and
25 Professional Regulation to conduct plan reviews, issue
26 variances, and adopt rules regarding sanitary facilities in
27 public lodging and public food service establishments pursuant
28 to chapter 509, providing that such actions do not conflict
29 with the requirements for public restrooms in s. 553.141.

30 Section 8. Section 62 of chapter 98-287, Laws of
31 Florida, is amended to read:

1 Section 62. (1) Before the 2000 Regular Session of
2 the Legislature, the Florida Building Commission shall submit
3 to the Legislature, for review and approval or rejection, the
4 Florida Building Code adopted by the commission and shall
5 prepare list of recommendations of revisions to the Florida
6 Statutes necessitated by adoption of the Florida Building Code
7 if the Legislature approves the Florida Building Code. The
8 rule adopting the Florida Building Code shall not be subject
9 to rule challenge under s. 120.56(2), Florida Statutes. Such
10 rule shall become effective only upon approval by the
11 Legislature.

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

18 Section 9. Effective January 1, 2001, subsections (4)
19 and (5) of section 553.73, Florida Statutes, 1998 Supplement,
20 as amended by section 40 of chapter 98-287, Laws of Florida,
21 as amended by section 61 of chapter 98-419, Laws of Florida,
22 are amended to read:

23 553.73 Florida Building Code.--

24 (4)(a) Local governments shall comply with applicable
25 standards for issuance of mandatory certificates of occupancy,
26 minimum types of inspections, and procedures for plans review
27 and inspections as established by the commission ~~board~~ by
28 rule. Any amendments to standards established by the Florida
29 Building Code pursuant to this paragraph shall be more
30 stringent than such standards and shall be transmitted to the
31 commission within 30 days after enactment. The local

1 government shall make such amendments available to the general
2 public in a usable format. The Department of Insurance is
3 responsible for establishing the standards and procedures
4 required in this paragraph for governmental entities with
5 respect to applying the Florida Fire Prevention Code and the
6 Life Safety Code.

7 (b) Local governments may, subject to the limitations
8 of this section, adopt amendments to the technical provisions
9 of the Florida Building Code which apply solely within the
10 jurisdiction of such government and which provide for more
11 stringent requirements than those specified in the Florida
12 Building Code, not more than once every 6 months, provided:

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

22 2. Such additional requirements are not discriminatory
23 against materials, products, or construction techniques of
24 demonstrated capabilities.

25 3. Such additional requirements may not introduce a
26 new subject not addressed in the Florida Building Code.

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

30 5. Any amendment to the Florida Building Code shall be
31 transmitted within 30 days by the adopting local government to

1 the commission. The commission shall maintain copies of all
2 such amendments in a format that is usable and obtainable by
3 the public.

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

15 7. Each county and municipality desiring to make local
16 technical amendments to the Florida Building Code shall by
17 interlocal agreement establish a countywide compliance review
18 board to review any amendment to the Florida Building Code,
19 adopted by a local government within the county pursuant to
20 this paragraph, that is challenged by any substantially
21 affected party for purposes of determining the amendment's
22 compliance with this paragraph. No public officer, as defined
23 in s. 112.313(1), who votes on a local amendment may sit on
24 the countywide compliance review board which hears a challenge
25 to the validity of that amendment. If the compliance review
26 board determines such amendment is not in compliance with this
27 paragraph, the compliance review board shall notify such local
28 government of the noncompliance and that the amendment is
29 invalid and unenforceable until the local government corrects
30 the amendment to bring it into compliance. The local
31 government may appeal the decision of the compliance review

1 board to the commission. If the compliance review board
2 determines such amendment to be in compliance with this
3 paragraph, any substantially affected party may appeal such
4 determination to the commission. Actions of the commission are
5 subject to judicial review pursuant to s. 120.68. The
6 compliance review board shall determine whether its decisions
7 apply to a respective local jurisdiction or apply countywide.

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

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

20 (c) Any amendment adopted by a local enforcing agency
21 pursuant to this subsection shall not apply to state or school
22 district owned buildings, manufactured buildings approved by
23 the commission, or prototype buildings approved pursuant to s.
24 553.77(6). The respective responsible entities shall consider
25 the physical performance parameters substantiating such
26 amendments when designing, specifying, and constructing such
27 exempt buildings.

28 (5) The commission, by rule adopted pursuant to ss.
29 120.536(1) and 120.54, shall update the Florida Building Code
30 every 3 years. The initial adoption of, and any subsequent
31 update to, the Florida Building Code by the commission is ~~once~~

1 ~~initially adopted and subsequently updated by the board, the~~
2 ~~Florida Building Code shall be~~ deemed adopted for use
3 statewide without adoptions by local government. When updating
4 the Florida Building Code, the commission shall consider
5 changes made by the adopting entity of any selected model code
6 for any model code incorporated into the Florida Building Code
7 by the commission, the commission's own interpretations,
8 declaratory statements, appellate decisions, and approved
9 statewide and local technical amendments. No change by an
10 institute or standards organization to any standard or
11 criterion adopted by reference in the Florida Building Code
12 shall become effective statewide until adopted by the
13 commission.

14 Section 10. Subsections (3) and (4) of section 553.74,
15 Florida Statutes, 1998 Supplement, are amended to read:

16 553.74 Florida Building Commission.--

17 (3) Members of the commission ~~board~~ shall serve
18 without compensation, but shall be entitled to reimbursement
19 for per diem and travel expenses as provided by s. 112.061.

20 (4) Each appointed member is accountable to the
21 Governor for the proper performance of the duties of the
22 office. The Governor shall cause to be investigated any
23 complaint or unfavorable report received concerning an action
24 of the commission ~~board~~ or any member and shall take
25 appropriate action thereon. The Governor may remove from
26 office any appointed member for malfeasance, misfeasance,
27 neglect of duty, incompetence, permanent inability to perform
28 official duties, or pleading guilty or nolo contendere to, or
29 being found guilty of, a felony.

30 Section 11. Effective January 1, 2001, paragraphs (d),
31 (e), and (i) of subsection (1) of section 553.77, Florida

1 Statutes, 1998 Supplement, as amended by section 46 of chapter
2 98-287, Laws of Florida, are amended, and paragraph (p) is
3 added to that subsection, to read:

4 553.77 Specific powers of the commission.--

5 (1) The commission shall:

6 (d) Upon written application by any substantially
7 affected person, a state agency, or a local enforcement
8 agency, issue declaratory statements pursuant to s. 120.565
9 relating to the interpretation, enforcement, administration,
10 or modification by local governments of the Florida Building
11 Code.

12 (e) When requested in writing by any substantially
13 affected person, a state agency, or a local enforcing agency,
14 shall issue declaratory statements pursuant to s. 120.565
15 relating to this part, which shall apply prospectively only.
16 Actions of the commission are subject to judicial review
17 pursuant to s. 120.68.

18 (i) Determine the types of products requiring approval
19 for local or statewide use and shall provide for the
20 evaluation and approval of such products, materials, devices,
21 and method of construction for statewide use. Evaluation and
22 approval shall be by action of the commission or delegated
23 pursuant to s. 553.842 ~~553.84~~. This paragraph does not apply
24 to products approved by the State Fire Marshal.

25 (p) Upon the request of a private party or local
26 enforcement agency, provide technical assistance and issue
27 advisory opinions concerning both the technical and
28 administrative provisions of the Florida Building Code.

29 Section 12. Subsection (2) of section 553.77, Florida
30 Statutes, 1998 Supplement, is amended to read:

31 553.77 Specific powers of the commission.--

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

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

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

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

15 (d) Provide technical assistance and issue advisory
16 opinions concerning both the technical and administrative
17 provisions of the State Minimum Building Codes.

18 Section 13. Subsection (4) of section 553.141, Florida
19 Statutes, is amended to read:

20 553.141 Public restrooms; ratio of facilities for men
21 and women; application; rules.--

22 (4) The Florida Board of Building Commission Codes and
23 Standards shall adopt rules to administer this section,
24 pursuant to chapter 120.

25 Section 14. Section 553.503, Florida Statutes, is
26 amended to read:

27 553.503 Adoption of guidelines.--Subject to the
28 exceptions in s. 553.504, the federal Americans with
29 Disabilities Act Accessibility Guidelines, as adopted by
30 reference in 28 C.F.R., part 36, subparts A and D, and Title
31 II of Pub. L. No. 101-336, are hereby adopted and incorporated

1 by reference as the law of this state. The guidelines shall
2 establish the minimum standards for the accessibility of
3 buildings and facilities built or altered within this state.
4 The 1997 Florida Accessibility Code for Building Construction
5 must be adopted by the Florida Board of Building Commission
6 ~~Codes and Standards~~ in accordance with chapter 120.

7 Section 15. Section 553.506, Florida Statutes, is
8 amended to read:

9 553.506 Powers of the commission board.--In addition
10 to any other authority vested in the commission board by law,
11 the Florida Board of Building Commission Codes and Standards,
12 in implementing ss. 553.501-553.513, may, by rule, adopt
13 revised and updated versions of the Americans with
14 Disabilities Act Accessibility Guidelines in accordance with
15 chapter 120.

16 Section 16. Section 553.512, Florida Statutes, is
17 amended to read:

18 553.512 Modifications and waivers; advisory council.--

19 (1) The Florida ~~Board of Building Commission Codes and~~
20 ~~Standards~~ shall provide by regulation criteria for granting
21 individual modifications of, or exceptions from, the literal
22 requirements of this part upon a determination of unnecessary,
23 unreasonable, or extreme hardship, provided such waivers shall
24 not violate federal accessibility laws and regulations and
25 shall be reviewed by the Handicapped Accessibility Advisory
26 Council consisting of the following seven members, who shall
27 be knowledgeable in the area of handicapped accessibility.
28 The Secretary of Community Affairs shall appoint the
29 following: a representative from the Advocacy Center for
30 Persons with Disabilities, Inc.; a representative from the
31 Division of Blind Services; a representative from the Division

1 of Vocational Rehabilitation; a representative from a
2 statewide organization representing the physically
3 handicapped; a representative from the hearing impaired; a
4 representative from the President, Florida Council of
5 Handicapped Organizations; and a representative of the
6 Paralyzed Veterans of America. The terms for the first three
7 council members appointed subsequent to October 1, 1991, shall
8 be for 4 years, the terms for the next two council members
9 appointed shall be for 3 years, and the terms for the next two
10 members shall be for 2 years. Thereafter, all council member
11 appointments shall be for terms of 4 years. No council member
12 shall serve more than two 4-year terms subsequent to October
13 1, 1991. Any member of the council may be replaced by the
14 secretary upon three unexcused absences. Upon application
15 made in the form provided, an individual waiver or
16 modification may be granted by the commission ~~board~~ so long as
17 such modification or waiver is not in conflict with more
18 stringent standards provided in another chapter.

19 (2) Members of the council shall serve without
20 compensation, but shall be entitled to reimbursement for per
21 diem and travel expenses as provided by s. 112.061.

22 (3) Meetings of the advisory council shall be held in
23 conjunction with the regular meetings of the commission ~~board~~.

24 Section 17. Paragraph (b) of subsection (2) of section
25 553.781, Florida Statutes, 1998 Supplement, is amended to
26 read:

27 553.781 Licensee accountability.--

28 (2)

29 (b) If the licensee, certificateholder, or registrant
30 disputes the violation within 30 days following notification
31 by the local jurisdiction, the fine is abated and the local

1 jurisdiction shall report the dispute to the Department of
2 Business and Professional Regulation or the appropriate
3 professional licensing board for disciplinary investigation
4 and final disposition. If an administrative complaint is filed
5 by the department or the professional licensing board against
6 the certificateholder or registrant, the commission may
7 intervene in such proceeding. Any fine imposed by the
8 department or the professional licensing board, pursuant to
9 matters reported by the local jurisdiction to the department
10 or the professional licensing board, shall be divided equally
11 between the board and the local jurisdiction which reported
12 the violation.

13 Section 18. Effective January 1, 2001, subsection (1)
14 of section 553.80, Florida Statutes, 1998 Supplement, as
15 amended by section 51 of chapter 98-287, Laws of Florida, is
16 amended to read:

17 553.80 Enforcement.--

18 (1) It shall be the responsibility of each local
19 government and each legally constituted enforcement district
20 with statutory authority to regulate building construction to
21 enforce the Florida Building Code required by this part on all
22 public or private buildings, structures, and facilities,
23 ~~unless such responsibility has been delegated to another unit~~
24 ~~of government pursuant to s. 553.79(9)~~. The governing bodies
25 of local governments may provide a schedule of fees, as
26 authorized by s. 125.56(2) or s. 166.222 and this section, for
27 the enforcement of the provisions of this part. Such fees
28 shall be used solely for carrying out the local government's
29 responsibilities in enforcing the Florida Building Code. The
30 authority of state enforcing agencies to set fees for
31 enforcement shall be derived from authority existing on the

1 effective date of this act. However, nothing contained in this
2 subsection shall operate to limit such agencies from adjusting
3 their fee schedule in conformance with existing authority.

4
5 Nothing in this part shall be construed to authorize counties,
6 municipalities, or code enforcement districts to conduct any
7 permitting, plans review, or inspections not covered by the
8 Florida Building Code. Any actions by counties or
9 municipalities not in compliance with this part may be
10 appealed to the Florida Building Commission. The commission,
11 upon a determination that actions not in compliance with this
12 part have delayed permitting or construction, may suspend the
13 authority of a county, municipality, or code enforcement
14 district to enforce the Florida Building Code on the
15 buildings, structures, or facilities of a state university,
16 state community college, or public school district and provide
17 for code enforcement at the expense of the state university,
18 state community college, or public school district.

19 Section 19. Subsection (3) of section 471.017, Florida
20 Statutes, 1998 Supplement, and subsection (7) of section
21 489.513, Florida Statutes, 1998 Supplement, are repealed.

22 Section 20. Except as otherwise provided in this act,
23 this act shall take effect upon becoming a law.

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LEGISLATIVE SUMMARY

Makes technical corrections to the provisions of law enacted in 1998 creating the Florida Building Commission and providing for a unified standard Florida Building Code for use throughout the state. Clarifies the qualifications to take the examinations for inspector, plans examiner, and building code administrator. Exempts the rule adopting the Florida Building Code from challenge as a proposed rule and specifies that the rule is effective only upon legislative approval. Clarifies the effect on local governments of adopting and updating the Florida Building Code. Prohibits persons who participate in the passage of a local building code amendment from sitting on the countywide compliance review board. Specifies that the Department of Business and Professional Regulation conduct disciplinary investigations and take disciplinary actions. (See bill for details.)