

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Clary

316-1946A-99

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 s.
11 468.617, F.S.; providing nothing prohibits
12 school boards, community colleges, or
13 universities from entering into contracts;
14 amending ss. 489.115, 497.255, 553.06, 553.73,
15 553.74, 553.141, 553.503, 553.506, 553.512,
16 F.S.; changing references from the Board of
17 Building Codes and Standards to the Florida
18 Building Commission; amending s. 62 of ch.
19 98-287, Laws of Florida; recognizing that the
20 rule adopting the Florida Building Code may not
21 become final by the 2000 Legislative Session if
22 challenged pursuant to s. 120.56(2), F.S.;
23 specifying effectiveness; amending s. 553.73,
24 F.S.; clarifying the effect on local
25 governments of adopting and updating the
26 Florida Building Code; specifying that
27 amendments to certain standards or criteria are
28 effective statewide only upon adoption by the
29 commission; prohibiting persons who participate
30 in the passage of a local amendment from
31 sitting on a countywide compliance review

1 board; providing for application of a certain
2 edition of the Florida Building Code under
3 certain circumstances; revising requirements
4 for the adoption of technical amendments;
5 amending s. 553.77, F.S.; revising the powers
6 of the commission; correcting a
7 cross-reference; amending s. 553.781, F.S.;
8 clarifying that the Department of Business and
9 Professional Regulation conduct disciplinary
10 investigations and take disciplinary actions;
11 amending s. 553.80, F.S.; deleting a
12 cross-reference; amending s. 553.842, F.S.;
13 clarifying certain provisions relating to
14 product evaluation and approval; amending ss.
15 633.01, 633.0215, 633.025, F.S.; replacing
16 references to the Department of Insurance with
17 references to the State Fire Marshal; amending
18 s. 633.025, F.S.; clarifying certain provisions
19 relating to smoke detector requirements in
20 residential buildings; amending s. 68 of ch.
21 98-287, Laws of Florida, to revise a future
22 repeal of certain sections of the Florida
23 Statutes; repealing s. 471.017(3), 489.513(7),
24 F.S.; eliminating a continuing education
25 requirement for engineers and provisions that
26 relieve the department of responsibility for
27 disciplining contractors; amending s. 553.841,
28 F.S.; adding the Building Officials Association
29 of Florida, and the State Fire Marshal to the
30 group responsible for developing the Building
31 Code Training Program; amending s. 553.19,

1 F.S.; providing for certain rules of the Agency
2 for Health Care Administration to be adopted as
3 standards for electrical and alarm systems;
4 providing effective dates.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

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

10 161.56 Establishment of local enforcement.--

11 (1) Each local government which is required by s.
12 553.73 to adopt a building code ~~by s. 553.73~~ and which has a
13 coastal building zone or some portion of a coastal zone within
14 its territorial boundaries shall adopt, not later than January
15 1, 1987, as part of its building code, the requirements
16 established in s. 161.55, and such requirements shall be
17 enforced by the local enforcement agency as defined in s.
18 553.71.

19 Section 2. Effective January 1, 2001, subsection (1)
20 of section 161.56, Florida Statutes, 1998 Supplement, as
21 amended by section 3 of chapter 98-287, Laws of Florida, is
22 amended to read:

23 161.56 Establishment of local enforcement.--

24 (1) Each local government which is required by s.
25 553.73 to enforce the Florida Building Code ~~by s. 553.73~~ and
26 which has a coastal building zone or some portion of a coastal
27 zone within its territorial boundaries shall enforce the
28 requirements of the code established in s. 161.55.

29 Section 3. Section 468.607, Florida Statutes, is
30 amended to read:
31

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

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

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

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

25 (a) Is at least 18 years of age.~~+~~

26 (b) Is of good moral character.~~+~~~~and~~

27 (c) Meets eligibility requirements according to one of
28 the following criteria:

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

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

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

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

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

24 (a) Is at least 18 years of age. ~~+~~

25 (b) Is of good moral character. ~~+~~ ~~and~~

26 (c) Meets eligibility requirements according to one of
27 the following criteria:

28 1. Demonstrates 10 years' combined experience as an
29 architect, engineer, plans examiner, building code inspector,
30 registered or certified contractor, or construction

31

1 superintendent, with at least 5 years of such experience in
2 supervisory positions; or

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

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

19 Section 5. Section 468.617, Florida Statutes, 1998
20 Supplement, is amended to read:

21 468.617 Joint inspection department; other
22 arrangements.--

23 (1) Nothing in this part shall prohibit any local
24 jurisdiction school board, community college board, or state
25 university from entering into and carrying out contracts with
26 any other local jurisdiction or educational board under which
27 the parties agree to create and support a joint inspection
28 department for conforming to the provisions of this part. In
29 lieu of a joint inspection department, any local jurisdiction
30 may designate an inspector from another local jurisdiction to
31 serve as an inspector for the purposes of this part.

1 (2) Nothing in this part shall prohibit local
2 governments, school boards, community college boards, or state
3 universities from contracting with persons certified pursuant
4 to this part to perform inspections or plan reviews. An
5 individual or entity may not inspect or examine plans on
6 projects in which the individual or entity designed or
7 permitted the projects.

8 (3) Nothing in this part shall prohibit any county or
9 municipal government, school board, community college board,
10 or state university from entering into any contract with any
11 person or entity for the provision of services regulated under
12 this part, and notwithstanding any other statutory provision,
13 such county or municipal governments may enter into contracts.

14 Section 6. Subsection (4) of section 489.115, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 489.115 Certification and registration; endorsement;
17 reciprocity; renewals; continuing education.--

18 (4)(a) Each certificateholder or registrant who
19 desires to continue as a certificateholder or registrant shall
20 renew the certificate or registration every 2 years. The
21 department shall mail each certificateholder and registrant an
22 application for renewal.

23 (b)1. Each certificateholder or registrant shall
24 provide proof, in a form established by rule of the board,
25 that the certificateholder or registrant has completed at
26 least 14 classroom hours of at least 50 minutes each of
27 continuing education courses during each biennium since the
28 issuance or renewal of the certificate or registration. The
29 board shall establish by rule that a portion of the required
30 14 hours must deal with the subject of workers' compensation,
31 business practices, and workplace safety. The board shall by

1 rule establish criteria for the approval of continuing
2 education courses and providers, including requirements
3 relating to the content of courses and standards for approval
4 of providers, and may by rule establish criteria for accepting
5 alternative nonclassroom continuing education on an
6 hour-for-hour basis. The board shall prescribe by rule the
7 continuing education, if any, which is required during the
8 first biennium of initial licensure. A person who has been
9 licensed for less than an entire biennium must not be required
10 to complete the full 14 hours of continuing education.

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

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

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

6 (c) The certificateholder or registrant shall
7 complete, sign, and forward the renewal application to the
8 department, together with the appropriate fee. Upon receipt of
9 the application and fee, the department shall renew the
10 certificate or registration.

11 Section 7. Section 497.255, Florida Statutes, 1998
12 Supplement, is amended to read:

13 497.255 Standards for construction and significant
14 alteration or renovation of mausoleums and columbaria.--

15 (1) All newly constructed and significantly altered or
16 renovated mausoleums and columbaria must, in addition to
17 complying with applicable building codes, conform to the
18 standards adopted under this section.

19 (2) The board shall adopt, by no later than July 1,
20 1999, rules establishing minimum standards for all newly
21 constructed and significantly altered or renovated mausoleums
22 and columbaria; however, in the case of significant
23 alterations or renovations to existing structures, the rules
24 shall apply only, when physically feasible, to the newly
25 altered or renovated portion of such structures, except as
26 specified in subsection (4). In developing and promulgating
27 said rules, the board may define different classes of
28 structures or construction standards, and may provide for
29 different rules to apply to each of said classes, if the
30 designation of classes and the application of different rules
31 is in the public interest and is supported by findings by the

1 board based on evidence of industry practices, economic and
2 physical feasibility, location, or intended uses; provided,
3 that the rules shall provide minimum standards applicable to
4 all construction. For example, and without limiting the
5 generality of the foregoing, the board may determine that a
6 small single-story ground level mausoleum does not require the
7 same level of construction standards that a large multistory
8 mausoleum might require; or that a mausoleum located in a
9 low-lying area subject to frequent flooding or hurricane
10 threats might require different standards than one located on
11 high ground in an area not subject to frequent severe weather
12 threats. The board shall develop the rules in cooperation
13 with, and with technical assistance from, the Florida Board of
14 Building Commission Codes and Standards of the Department of
15 Community Affairs, to ensure that the rules are in the proper
16 form and content to be included as part of the State Minimum
17 Building Codes under part VII of chapter 553. If the Florida
18 Board of Building Commission Codes and Standards advises that
19 some of the standards proposed by the board are not
20 appropriate for inclusion in such building codes, the board
21 may choose to include those standards in a distinct chapter of
22 its rules entitled "Non-Building-Code Standards for
23 Mausoleums" or "Additional Standards for Mausoleums," or other
24 terminology to that effect. If the board elects to divide the
25 standards into two or more chapters, all such rules shall be
26 binding on licensees and others subject to the jurisdiction of
27 the board, but only the chapter containing provisions
28 appropriate for building codes shall be transmitted to the
29 Florida Board of Building Commission Codes and Standards
30 pursuant to subsection (3). Such rules may be in the form of
31 standards for design and construction; methods, materials, and

1 specifications for construction; or other mechanisms. Such
2 rules shall encompass, at a minimum, the following standards:

3 (a) No structure may be built or significantly altered
4 for use for interment, entombment, or inurnment purposes
5 unless constructed of such material and workmanship as will
6 ensure its durability and permanence, as well as the safety,
7 convenience, comfort, and health of the community in which it
8 is located, as dictated and determined at the time by modern
9 mausoleum construction and engineering science.

10 (b) Such structure must be so arranged that the
11 exterior of any vault, niche, or crypt may be readily examined
12 at any time by any person authorized by law to do so.

13 (c) Such structure must contain adequate provision for
14 drainage and ventilation.

15 (d) Such structure must be of fire-resistant
16 construction. Notwithstanding the requirements of s. 553.895
17 and chapter 633, any mausoleum or columbarium constructed of
18 noncombustible materials, as defined in the Standard Building
19 Code, shall not require a sprinkler system.

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

23 (f) Suitable provisions must be made for securely and
24 permanently sealing each crypt with durable materials after
25 the interment or entombment of human remains, so that no
26 effluvia or odors may escape therefrom except as provided by
27 design and sanitary engineering standards. Panels for
28 permanent seals must be solid and constructed of materials of
29 sufficient weight, permanence, density, imperviousness, and
30 strength as to ensure their durability and continued
31 functioning. Permanent crypt sealing panels must be securely

1 installed and set in with high quality fire-resistant,
2 resilient, and durable materials after the interment or
3 entombment of human remains. The outer or exposed covering of
4 each crypt must be of a durable, permanent, fire-resistant
5 material; however, plastic, fiberglass, and wood are not
6 acceptable materials for such outer or exposed coverings.

7 (g) Interior and exterior fastenings for hangers,
8 clips, doors, and other objects must be of copper, copper-base
9 alloy, aluminum, or stainless steel of adequate gauges, or
10 other materials established by rule which provide equivalent
11 or better strength and durability, and must be properly
12 installed.

13 (3) The board shall transmit the rules as adopted
14 under subsection (2), hereinafter referred to as the
15 "mausoleum standards," to the Florida Board of Building
16 Commission Codes and Standards, which shall initiate
17 rulemaking under chapter 120 to consider such mausoleum
18 standards. If such mausoleum standards are not deemed
19 acceptable, they shall be returned by the Florida Board of
20 Building Commission Codes and Standards to the board with
21 details of changes needed to make them acceptable. If such
22 mausoleum standards are acceptable, the Florida Board of
23 Building Commission Codes and Standards shall adopt a rule
24 designating the mausoleum standards as an approved revision to
25 the State Minimum Building Codes under part VII of chapter
26 553. When so designated by the Board of Building Codes and
27 Standards, such mausoleum standards shall become a required
28 element of the State Minimum Building Codes under s. 553.73(2)
29 and shall be transmitted to each local enforcement agency, as
30 defined in s. 553.71(5). Such local enforcement agency shall
31 consider and inspect for compliance with such mausoleum

1 standards as if they were part of the local building code, but
2 shall have no continuing duty to inspect after final approval
3 of the construction pursuant to the local building code. Any
4 further amendments to the mausoleum standards shall be
5 accomplished by the same procedure. Such designated mausoleum
6 standards, as from time to time amended, shall be a part of
7 the State Minimum Building Codes under s. 553.73 until the
8 adoption and effective date of a new statewide uniform minimum
9 building code, which may supersede the mausoleum standards as
10 provided by the law enacting the new statewide uniform minimum
11 building code.

12 (4) In addition to the rules adopted under subsection
13 (2), the board shall adopt rules providing that following all
14 interments, inurnments, and entombments in mausoleums and
15 columbaria occurring after the effective date of such rules,
16 whether newly constructed or existing, suitable provision must
17 be made, when physically feasible, for sealing each crypt in
18 accordance with standards promulgated pursuant to paragraph
19 (2)(f).

20 (5) For purposes of this section, "significant
21 alteration or renovation" means any addition, renovation, or
22 repair which results in the creation of new crypt or niche
23 spaces.

24 Section 8. Subsection (1) of section 553.06, Florida
25 Statutes, 1998 Supplement, is amended to read:

26 553.06 State Plumbing Code.--

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

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

18 Section 9. Section 62 of chapter 98-287, Laws of
19 Florida, is amended to read:

20 Section 62. (1) Before the 2000 Regular Session of
21 the Legislature, the Florida Building Commission shall submit
22 to the Legislature, for review and approval or rejection, the
23 Florida Building Code adopted by rule by the commission,
24 unless the proposed rule adopting the Florida Building Code
25 has been challenged pursuant to s. 120.56(2). The commission
26 ~~and~~ shall also prepare and submit to the Legislature a list of
27 recommendations of revisions to the Florida Statutes
28 necessitated by adoption of the Florida Building Code ~~if the~~
29 ~~Legislature approves the Florida Building Code.~~

30 (2) Effective January 1, 2001, or upon the resolution
31 of an administrative challenge to the rule adopting the

1 Florida Building Code, pursuant to s. 120.56(2)~~approval of~~
2 ~~the Florida Building Code by the Legislature,~~ all existing
3 local technical amendments to any building code adopted by any
4 local government are repealed. Each local government may
5 readopt such amendments pursuant to s. 553.73, Florida
6 Statutes, provided such amendments comply with applicable
7 provisions of the Florida Building Code.

8 Section 10. Effective January 1, 2001, subsections
9 (4), (5), and (7) of section 553.73, Florida Statutes, 1998
10 Supplement, as amended by section 40 of chapter 98-287, Laws
11 of Florida, as amended by section 61 of chapter 98-419, Laws
12 of Florida, are amended to read:

13 553.73 Florida Building Code.--

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

28 (b) Local governments may, subject to the limitations
29 of this section, adopt amendments to the technical provisions
30 of the Florida Building Code which apply solely within the
31 jurisdiction of such government and which provide for more

1 stringent requirements than those specified in the Florida
2 Building Code, not more than once every 6 months, provided:
3 1. The local governing body determines, following a
4 public hearing which has been advertised in a newspaper of
5 general circulation at least 10 days before the hearing, that
6 there is a need to strengthen the requirements of the Florida
7 Building Code. The determination must be based upon a review
8 of local conditions by the local governing body, which review
9 demonstrates that local conditions justify more stringent
10 requirements than those specified in the Florida Building Code
11 for the protection of life and property.
12 2. Such additional requirements are not discriminatory
13 against materials, products, or construction techniques of
14 demonstrated capabilities.
15 3. Such additional requirements may not introduce a
16 new subject not addressed in the Florida Building Code.
17 4. The enforcing agency shall make readily available,
18 in a usable format, all amendments adopted pursuant to this
19 section.
20 5. Any amendment to the Florida Building Code shall be
21 transmitted within 30 days by the adopting local government to
22 the commission. The commission shall maintain copies of all
23 such amendments in a format that is usable and obtainable by
24 the public.
25 6. Any amendment to the Florida Building Code adopted
26 by a local government pursuant to this paragraph shall be
27 effective only until the adoption by the commission of the new
28 edition of the Florida Building Code every third year. At
29 such time, the commission shall adopt such amendment as part
30 of the Florida Building Code or rescind the amendment. The
31 commission shall immediately notify the respective local

1 government of the rescission of any amendment. After receiving
2 such notice, the respective local government may readopt the
3 rescinded amendment pursuant to the provisions of this
4 paragraph.

5 7. Each county and municipality desiring to make local
6 technical amendments to the Florida Building Code shall by
7 interlocal agreement establish a countywide compliance review
8 board to review any amendment to the Florida Building Code,
9 adopted by a local government within the county pursuant to
10 this paragraph, that is challenged by any substantially
11 affected party for purposes of determining the amendment's
12 compliance with this paragraph. No public officer, as defined
13 in s. 112.313(1), who votes on a local amendment may sit on
14 the countywide compliance review board which hears a challenge
15 to the validity of that amendment.If the compliance review
16 board determines such amendment is not in compliance with this
17 paragraph, the compliance review board shall notify such local
18 government of the noncompliance and that the amendment is
19 invalid and unenforceable until the local government corrects
20 the amendment to bring it into compliance. The local
21 government may appeal the decision of the compliance review
22 board to the commission. If the compliance review board
23 determines such amendment to be in compliance with this
24 paragraph, any substantially affected party may appeal such
25 determination to the commission. Actions of the commission are
26 subject to judicial review pursuant to s. 120.68. The
27 compliance review board shall determine whether its decisions
28 apply to a respective local jurisdiction or apply countywide.

29 8. An amendment adopted under this paragraph shall
30 include a fiscal impact statement which documents the costs
31 and benefits of the proposed amendment. Criteria for the

1 fiscal impact statement shall include the impact to local
2 government relative to enforcement, the impact to property and
3 building owners, as well as to industry, relative to the cost
4 of compliance. The fiscal impact statement may not be used as
5 a basis for challenging the amendment for compliance.

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

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

18 (5) The commission, by rule adopted pursuant to ss.
19 120.536(1) and 120.54, shall update the Florida Building Code
20 every 3 years. The initial adoption of, and any subsequent
21 update to, the Florida Building Code by the commission is ~~once~~
22 initially adopted and subsequently updated by the board, the
23 Florida Building Code shall be deemed adopted for use
24 statewide without adoptions by local government. When updating
25 the Florida Building Code, the commission shall consider
26 changes made by the adopting entity of any selected model code
27 for any model code incorporated into the Florida Building Code
28 by the commission, the commission's own interpretations,
29 declaratory statements, appellate decisions, and approved
30 statewide and local technical amendments. No change by an
31 institute or standards organization to any standard or

1 criterion adopted by reference in the Florida Building Code
2 shall become effective until adopted by the commission. The
3 edition of the Florida Building Code in effect on the date of
4 application of any permit authorized by the code shall govern
5 the permitted work for the life of the permit and any
6 extension granted to such permit, except that an amendment
7 adopted upon a finding by the commission that the amendment is
8 necessary to protect the public from immediate threat of harm
9 shall take effect immediately.

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

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

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

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

25 4. Does not degrade the effectiveness of the Florida
26 Building Code.

27
28 Amendments approved under this paragraph shall be adopted by
29 rule pursuant to ss. 120.536(1) and 120.54.

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

1 proposed amendment. Criteria for the fiscal impact statement
2 shall be established by rule by the commission and shall
3 include the impact to local government relative to
4 enforcement, the impact to property and building owners, as
5 well as to industry, relative to the cost of compliance.

6 Section 11. Subsections (3) and (4) of section 553.74,
7 Florida Statutes, 1998 Supplement, are amended to read:

8 553.74 Florida Building Commission.--

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

12 (4) Each appointed member is accountable to the
13 Governor for the proper performance of the duties of the
14 office. The Governor shall cause to be investigated any
15 complaint or unfavorable report received concerning an action
16 of the commission ~~board~~ or any member and shall take
17 appropriate action thereon. The Governor may remove from
18 office any appointed member for malfeasance, misfeasance,
19 neglect of duty, incompetence, permanent inability to perform
20 official duties, or pleading guilty or nolo contendere to, or
21 being found guilty of, a felony.

22 Section 12. Effective January 1, 2001, paragraphs (d),
23 (e), and (i) of subsection (1) of section 553.77, Florida
24 Statutes, 1998 Supplement, as amended by section 46 of chapter
25 98-287, Laws of Florida, are amended, and paragraph (p) is
26 added to said subsection, to read:

27 553.77 Specific powers of the commission.--

28 (1) The commission shall:

29 (d) Upon written application by any substantially
30 affected person, a state agency, or a local enforcement
31 agency, issue declaratory statements pursuant to s. 120.565

1 relating to the interpretation, enforcement, administration,
2 or modification by local governments of the Florida Building
3 Code.

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

10 (i) Determine the types of products requiring approval
11 for local or statewide use and shall provide for the
12 evaluation and approval of such products, materials, devices,
13 and method of construction for statewide use. Evaluation and
14 approval shall be by action of the commission or delegated
15 pursuant to s. 553.842 ~~553.84~~. This paragraph does not apply
16 to products approved by the State Fire Marshal.

17 (p) Upon the request of a private party or local
18 enforcement agency, provide technical assistance and issue
19 advisory opinions concerning both the technical and
20 administrative provisions of the Florida Building Code.

21 Section 13. Subsection (2) of section 553.77, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 553.77 Specific powers of the commission.--

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

27 (a) Provide for the testing of materials, devices, and
28 method of construction.

29 (b) Appoint experts, consultants, technical advisers,
30 and advisory committees for assistance and recommendations
31 relating to the State Minimum Building Codes.

1 (c) Appoint an advisory committee consisting of at
2 least five plumbing contractors licensed to do business in
3 this state for assistance and recommendations relating to
4 plumbing code interpretations, if the commission identifies
5 the need for additional assistance in making decisions
6 regarding the State Plumbing Code.

7 (d) Provide technical assistance and issue advisory
8 opinions concerning both the technical and administrative
9 provisions of the State Minimum Building Codes.

10 Section 14. Subsection (4) of section 553.141, Florida
11 Statutes, is amended to read:

12 553.141 Public restrooms; ratio of facilities for men
13 and women; application; rules.--

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

17 Section 15. Section 553.503, Florida Statutes, is
18 amended to read:

19 553.503 Adoption of guidelines.--Subject to the
20 exceptions in s. 553.504, the federal Americans with
21 Disabilities Act Accessibility Guidelines, as adopted by
22 reference in 28 C.F.R., part 36, subparts A and D, and Title
23 II of Pub. L. No. 101-336, are hereby adopted and incorporated
24 by reference as the law of this state. The guidelines shall
25 establish the minimum standards for the accessibility of
26 buildings and facilities built or altered within this state.
27 The 1997 Florida Accessibility Code for Building Construction
28 must be adopted by the Florida Board of Building Commission
29 Codes and Standards in accordance with chapter 120.

30 Section 16. Section 553.506, Florida Statutes, is
31 amended to read:

1 553.506 Powers of the commission board.--In addition
2 to any other authority vested in the commission board by law,
3 the Florida Board of Building Commission Codes and Standards,
4 in implementing ss. 553.501-553.513, may, by rule, adopt
5 revised and updated versions of the Americans with
6 Disabilities Act Accessibility Guidelines in accordance with
7 chapter 120.

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

10 553.512 Modifications and waivers; advisory council.--

11 (1) The Florida ~~Board of Building Commission Codes and~~
12 ~~Standards~~ shall provide by regulation criteria for granting
13 individual modifications of, or exceptions from, the literal
14 requirements of this part upon a determination of unnecessary,
15 unreasonable, or extreme hardship, provided such waivers shall
16 not violate federal accessibility laws and regulations and
17 shall be reviewed by the Handicapped Accessibility Advisory
18 Council consisting of the following seven members, who shall
19 be knowledgeable in the area of handicapped accessibility.
20 The Secretary of Community Affairs shall appoint the
21 following: a representative from the Advocacy Center for
22 Persons with Disabilities, Inc.; a representative from the
23 Division of Blind Services; a representative from the Division
24 of Vocational Rehabilitation; a representative from a
25 statewide organization representing the physically
26 handicapped; a representative from the hearing impaired; a
27 representative from the President, Florida Council of
28 Handicapped Organizations; and a representative of the
29 Paralyzed Veterans of America. The terms for the first three
30 council members appointed subsequent to October 1, 1991, shall
31 be for 4 years, the terms for the next two council members

1 appointed shall be for 3 years, and the terms for the next two
2 members shall be for 2 years. Thereafter, all council member
3 appointments shall be for terms of 4 years. No council member
4 shall serve more than two 4-year terms subsequent to October
5 1, 1991. Any member of the council may be replaced by the
6 secretary upon three unexcused absences. Upon application
7 made in the form provided, an individual waiver or
8 modification may be granted by the commission ~~board~~ so long as
9 such modification or waiver is not in conflict with more
10 stringent standards provided in another chapter.

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

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

16 Section 18. Paragraph (b) of subsection (2) of section
17 553.781, Florida Statutes, 1998 Supplement, is amended to
18 read:

19 553.781 Licensee accountability.--

20 (2)

21 (b) If the licensee, certificateholder, or registrant
22 disputes the violation within 30 days following notification
23 by the local jurisdiction, the fine is abated and the local
24 jurisdiction shall report the dispute to the Department of
25 Business and Professional Regulation or the appropriate
26 professional licensing board for disciplinary investigation
27 and final disposition. If an administrative complaint is filed
28 by the department or the professional licensing board against
29 the certificateholder or registrant, the commission may
30 intervene in such proceeding. Any fine imposed by the
31 department or the professional licensing board, pursuant to

1 matters reported by the local jurisdiction to the department
2 or the professional licensing board, shall be divided equally
3 between the board and the local jurisdiction which reported
4 the violation.

5 Section 19. Effective January 1, 2001, subsection (1)
6 of section 553.80, Florida Statutes, 1998 Supplement, as
7 amended by section 51 of chapter 98-287, Laws of Florida, is
8 amended to read:

9 553.80 Enforcement.--

10 (1) It shall be the responsibility of each local
11 government and each legally constituted enforcement district
12 with statutory authority to regulate building construction to
13 enforce the Florida Building Code required by this part on all
14 public or private buildings, structures, and facilities~~;~~
15 ~~unless such responsibility has been delegated to another unit~~
16 ~~of government pursuant to s. 553.79(9)~~. The governing bodies
17 of local governments may provide a schedule of fees, as
18 authorized by s. 125.56(2) or s. 166.222 and this section, for
19 the enforcement of the provisions of this part. Such fees
20 shall be used solely for carrying out the local government's
21 responsibilities in enforcing the Florida Building Code. The
22 authority of state enforcing agencies to set fees for
23 enforcement shall be derived from authority existing on the
24 effective date of this act. However, nothing contained in this
25 subsection shall operate to limit such agencies from adjusting
26 their fee schedule in conformance with existing authority.

27
28 Nothing in this part shall be construed to authorize counties,
29 municipalities, or code enforcement districts to conduct any
30 permitting, plans review, or inspections not covered by the
31 Florida Building Code. Any actions by counties or

1 municipalities not in compliance with this part may be
2 appealed to the Florida Building Commission. The commission,
3 upon a determination that actions not in compliance with this
4 part have delayed permitting or construction, may suspend the
5 authority of a county, municipality, or code enforcement
6 district to enforce the Florida Building Code on the
7 buildings, structures, or facilities of a state university,
8 state community college, or public school district and provide
9 for code enforcement at the expense of the state university,
10 state community college, or public school district.

11 Section 20. Subsections (3), (5), and (12) of section
12 553.842, Florida Statutes, 1998 Supplement, are amended to
13 read:

14 553.842 Product evaluation and approval.--

15 (3) Products, or methods, or systems of construction
16 ~~required to be approved based upon a report and certified~~ by
17 an approved product evaluation entity indicating compliance
18 with the Florida Building Code as complying with the standards
19 ~~specified by the code~~ shall be permitted to be used statewide,
20 without further evaluation or approval.

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

23 (a) Issuance ~~Submittal and validation~~ of a complete
24 product evaluation report from an approved product evaluation
25 entity indicating the product or method or system of
26 construction was tested to be in compliance with the Florida
27 Building Code or with the intent of the Florida Building Code
28 and the product or method or system of construction is, for
29 the purpose intended, at least equivalent of that required by
30 the Florida Building Code; or

31

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

11 (12) Products reported to comply with the requirements
12 of the Standard Building Code (1997 Edition) or the South
13 Florida Building Code (Broward and Dade Edition) or otherwise
14 certified or approved for statewide or local use by an
15 approved product evaluation entity prior to the effective date
16 of the Florida Building Code ~~this act~~ shall be deemed to be
17 approved for use in this state pursuant to this section and to
18 comply with this section until the expiration date of such
19 approval or for no more than 2 years following the effective
20 date of the Florida Building Code.

21
22 For purposes of this section, an approved product evaluation
23 entity is ~~an entity that has been accredited by~~ a nationally
24 recognized independent evaluation authority, including, but
25 not limited to, the Southern Building Code Congress
26 International, Evaluation Services; National Evaluation
27 Services; the Building Officials Code Administration
28 International, Evaluation Services; the International
29 Conference of Building Officials, Evaluation Services; or
30 other entity otherwise approved by the commission.

31

1 Section 21. Effective January 1, 2001, subsection (6)
2 of section 633.01, Florida Statutes, 1998 Supplement, as
3 amended by chapters 98-200 and 98-287, Laws of Florida, is
4 amended to read:

5 (6) Only the State Fire Marshal may issue, and when
6 requested in writing by any substantially affected person or a
7 local enforcing agency, the State Fire Marshal shall issue ~~The~~
8 ~~Department of Insurance shall issue, when requested in writing~~
9 ~~by any substantially affected person or a local enforcing~~
10 ~~agency,~~ declaratory statements pursuant to s. 120.565 relating
11 to the Florida Fire Prevention Code and the Life Safety Code.
12 Such declaratory statements shall apply prospectively, except
13 whenever the State Fire Marshal determines that a serious
14 threat to life exists that warrants retroactive application.

15 Section 22. Effective January 1, 2001, subsections
16 (1), (2), (3), (4), and (5) of section 633.0215, Florida
17 Statutes, 1998 Supplement, as created by section 59 of chapter
18 98-287, Laws of Florida, are amended and new subsections (7)
19 and (8) are added to read:

20 633.0215 Florida Fire Prevention Code.--

21 (1) The State Fire Marshal ~~department~~ shall adopt, by
22 rule pursuant to ss. 120.536(1) and 120.54, the Florida Fire
23 Prevention Code which shall contain or incorporate by
24 reference all firesafety laws and rules that pertain to and
25 govern the design, construction, erection, alteration,
26 modification, repair, and demolition of public and private
27 buildings, structures, and facilities and the enforcement of
28 such firesafety laws and rules.

29 (2) The State Fire Marshal ~~department~~ shall adopt the
30 National Fire Protection Association's Standard 1, Fire
31 Prevention Code. The State Fire Marshal ~~department~~ shall

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

12 (3) Any local amendment to the Florida Fire Prevention
13 Code adopted by a local government shall be effective only
14 until the adoption by the department of the new edition of the
15 Florida Fire Prevention Code, which shall be every third year.
16 At such time, the State Fire Marshal ~~department~~ shall adopt
17 such amendment as part of the Florida Fire Prevention Code or
18 rescind the amendment. The State Fire Marshal ~~department~~
19 shall immediately notify the respective local government of
20 the rescission of the amendment. After receiving such notice,
21 the respective local government may readopt the rescinded
22 amendment. Incorporation of local amendments as regional and
23 local concerns and variations shall be considered as adoption
24 of an amendment pursuant to this part. Notwithstanding other
25 state or local building and construction code laws to the
26 contrary, locally adopted fire code requirements that were in
27 existence on the effective date of this section shall be
28 deemed local variations of the Florida Fire Prevention Code
29 until the State Fire Marshal ~~department~~ takes action to adopt
30 or rescind such requirements as provided herein, and such
31 action shall take place no later than January 1, 2001.

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

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

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

31

1 (7) Any local amendment adopted by a local government
2 must strengthen the requirements of the minimum firesafety
3 code.

4 (8) The State Fire Marshal shall have the authority to
5 make rules that implement this section, s. 633.01, and s.
6 633.025, for the purpose of accomplishing the objectives as
7 set forth therein.

8 Section 23. Effective January 1, 2001, subsections
9 (1), (3), (4), (8), and (9) of section 633.025, Florida
10 Statutes, 1998 Supplement, as amended by section 59 of chapter
11 98-287, Laws of Florida, are amended to read:

12 633.025 Minimum firesafety standards.--

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

22 (3) The most current edition of the National Fire
23 Protection Association (NFPA) 101, Life Safety Code, adopted
24 by the State Fire Marshal ~~Department of Insurance~~, shall be
25 deemed to be adopted by each municipality, county, and special
26 district with firesafety responsibilities as part of the
27 minimum firesafety code.

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

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

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

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

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

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

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

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

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

17
18 A substantially affected person may appeal, to the State Fire
19 Marshal Department of Insurance, the local government's
20 resolution of the challenge, and the department shall
21 determine if the amendment complies with this section. Actions
22 of the State Fire Marshal department are subject to judicial
23 review pursuant to s. 120.68. The State Fire Marshal
24 department shall consider reports of the Florida Building
25 Commission, pursuant to part VII of chapter 533, when
26 evaluating building code enforcement.

27 (8) Electrically Battery operated single station smoke
28 detectors required ~~shall be considered as an approved~~
29 ~~detection device~~ for residential buildings shall not be
30 required to be interconnected within individual living units
31 in all buildings having direct access to the outside from each

1 living unit and having three stories or less. This subsection
2 shall not apply to any residential building required to have a
3 manual or automatic fire alarm system.

4 (9) The provisions of the Life Safety Code shall not
5 apply to newly constructed one-family and two-family
6 dwellings. However, fire sprinkler protection may be
7 permitted by local government in lieu of other fire
8 protection-related development requirements for ~~in~~ such
9 structures.

10 Section 24. The Florida Building Commission shall
11 conduct research regarding private sector assistance with the
12 plans review and inspection functions of local government
13 building departments. Such study shall include:

14 (1) A survey of the extent to which building
15 departments comply with the provisions of section 553.79,
16 Florida Statutes, for the issuance of building permits and the
17 reasons, if any, for noncompliance. The survey shall consider
18 regional and other significant patterns affecting the building
19 permit issuance process;

20 (2) Inventory of local jurisdictions which have
21 exercised the current statutory option, pursuant to section
22 468.617, Florida Statutes, to use private inspectors;

23 (3) Survey of the experience of local jurisdictions in
24 regards to the impacts of privatization, including fiscal,
25 administrative, and health, safety and welfare impacts; and

26 (4) Survey of the experience of other states with
27 privatizing building department plans review and inspection
28 functions.

29
30 The Florida Building Commission shall analyze and evaluate the
31 advantages and disadvantages of privatizing plans review and

1 inspection functions and recommend whether privatization
2 should be mandatory, and if so, when and under what
3 circumstances and in what manner such privatization should be
4 implemented. Staff from the Legislative Committee on
5 Intergovernmental Relations shall provide technical assistance
6 to the Florida Building Commission regarding paragraphs
7 (1)-(4) of this section. The Commission shall present a
8 report and recommendations to the Legislature by January 15,
9 2000.

10 Section 25. Section 68 of chapter 98-287, Laws of
11 Florida, is amended to read:

12 Section 68. Effective January 1, 2001, or upon the
13 resolution of an administrative challenge to the rule adopted
14 by the Florida Building Commission pursuant to s. 120.56(2)
15 adopting the Florida Building Code approval by the Legislature
16 of the adoption of the Florida Building Code by the Florida
17 Building Commission, parts I, II, and III of chapter 553,
18 Florida Statutes, consisting of sections 553.01, 553.02,
19 553.03, 553.04, 553.041, 553.05, 553.06, 553.07, 553.08,
20 553.10, 553.11, 553.14, 553.15, 553.16, 553.17, 553.18,
21 553.19, 553.20, 553.21, 553.22, 553.23, 553.24, 553.25,
22 553.26, 553.27, and 553.28, Florida Statutes, are repealed and
23 section 553.141, Florida Statutes, is transferred and
24 renumbered as section 553.86, Florida Statutes.

25 Section 26. Subsection (3) of section 471.017, Florida
26 Statutes, 1998 Supplement, and subsection (7) of section
27 489.513, Florida Statutes, 1998 Supplement, are repealed.

28 Section 27. Subsection (3) of section 553.841, Florida
29 Statutes, 1998 Supplement, is amended to read:

30 553.841 Building code training program; participant
31 competency requirements.--

1 (3) The program shall be developed, implemented, and
2 administered by the commission in consultation with the
3 Department of Education, the Department of Community Affairs,
4 the Department of Business and Professional Regulation, the
5 State University System, the Building Officials Association of
6 Florida, the State Fire Marshal, and the Division of Community
7 Colleges.

8 Section 28. Section 553.19, Florida Statutes, 1998
9 Supplement, is amended to read:

10 553.19 Adoption of electrical and alarm
11 standards.--For the purpose of establishing minimum electrical
12 and alarm standards in this state, the current edition of the
13 following standards are adopted:

14 (1) "National Electrical Code," NFPA No. 70.

15 (2) Underwriters' Laboratories, Inc., "Standards for
16 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
17 57 and UL 153.

18 (3) Underwriters' Laboratories, Inc., "Standard for
19 Electric Signs," UL 48.

20 (4) The provisions of the following which prescribe
21 minimum electrical and alarm standards:

22 (a) NFPA No. 56A, "Inhalation Anesthetics."

23 (b) NFPA No. 56B, "Respiratory Therapy."

24 (c) NFPA No. 56C, "Laboratories in Health-related
25 Institutions."

26 (d) NFPA No. 56D, "Hyperbaric Facilities."

27 (e) NFPA No. 56F, "Nonflammable Medical Gas Systems."

28 (f) NFPA No. 72, "National Fire Alarm Code."

29 (g) NFPA No. 76A, "Essential Electrical Systems for
30 Health Care Facilities."

31

1 (5) The rules and regulations of the Agency for Health
2 Care Administration ~~Department of Health~~, entitled "Nursing
3 Homes and Related Facilities Licensure."

4 (6) The minimum standards for grounding of portable
5 electric equipment, chapter 8C-27 as recommended by the
6 Industrial Standards Section, Division of Workers'
7 Compensation, Department of Labor and Employment Security.

8
9 The Florida Building Commission shall update and maintain such
10 electrical standards consistent with the procedures
11 established in s. 553.73.

12 Section 29. Except as otherwise provided in this act,
13 this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1148
4 The CS differs from the bill as filed in that it:
5 Specifies that community colleges, state universities and
6 educational boards as entities which may contract for
7 inspections;
8 Deletes the provision prohibiting rule challenges to the
9 proposed Florida Building Code, and repeals all existing local
10 amendments to any building code on January 1, 2001 or upon the
11 resolution of an administrative challenge to the rule adopting
12 the Florida Building Code;
13 Clarifies that the edition of the Florida Building Code in
14 effect on the date of an application of any permit governs the
15 permitted work, with limited exceptions;
16 Removes a qualifying factor to allow annual adopting of
17 technical amendments to the Florida Building Code;
18 Clarifies terminology for the product evaluation and approval
19 process;
20 Provides for "grandfathering" of product approvals granted
21 under the current building codes, and provides an expiration
22 of such actions;
23 Specifies nationally recognized independent evaluation
24 authorities that may evaluate and approve products for use
25 statewide;
26 Specifies that only the State Fire Marshall, rather than the
27 Department of Insurance, may issue declaratory statements
28 pertaining to the State Fire Prevention Code and the Life
29 Safety Code;
30 Makes numerous reference changes inserting the State Fire
31 Marshal in lieu of the Department of Insurance;
32 Authorizes the State Fire Marshall to adopt implementing
33 rules;
34 Clarifies requirements for the use of electric (hard-wired)
35 smoke detectors in residences;
36 Directs the Florida Building Commission to conduct research
37 regarding private sector assistance with the plans review and
38 inspection functions of local government building departments,
39 with staff of the Legislative Council on Intergovernmental
40 Relations (LCIR) providing technical assistance;
41 Provides that the current State Building Code is repealed
42 January 1, 2001, or upon the resolution of an administrative
43 challenge to the rule adopting the new Florida Building Code;
44 Repeals a provision requiring engineers submit proof of
45 participation in continuing education related to building

1 codes;
2 Repeals a provision relating to disciplining of locally licensed
3 contractors and the new building code violation tracking
4 system to be developed by DBPR;
5 Adds the State Fire Marshal as an entity with which the
6 Florida Building Commission must coordinate in developing the
7 building code training program; and
8 Replaces a reference to the Department of Health with the
9 Agency for Health Care Administration.
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