

By Representative Constantine

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;
19 amending s. 553.73, F.S.; clarifying the effect
20 on local governments of adopting and updating
21 the Florida Building Code; specifying that
22 amendments to certain standards or criteria are
23 effective statewide only upon adoption by the
24 commission; prohibiting persons who participate
25 in the passage of a local amendment from
26 sitting on a countywide compliance review
27 board; providing for application of a certain
28 edition of the Florida Building Code under
29 certain circumstances; amending s. 553.77,
30 F.S.; revising the powers of the commission;
31 correcting a cross-reference; amending s.

1 553.781, F.S.; clarifying that the Department
2 of Business and Professional Regulation conduct
3 disciplinary investigations and take
4 disciplinary actions; amending s. 553.80, F.S.;
5 deleting a cross-reference; amending s.
6 553.842, F.S.; clarifying certain provisions
7 relating to product evaluation and approval;
8 amending s. 633.025, F.S.; clarifying certain
9 provisions relating to smoke detector
10 requirements in residential buildings; amending
11 s. 68 of ch. 98-287, Laws of Florida, to revise
12 a future repeal of certain sections of the
13 Florida Statutes; providing effective dates.

14

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

16

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

19 161.56 Establishment of local enforcement.--

20 (1) Each local government which is required by s.
21 553.73 to adopt a building code ~~by s. 553.73~~ and which has a
22 coastal building zone or some portion of a coastal zone within
23 its territorial boundaries shall adopt, not later than January
24 1, 1987, as part of its building code, the requirements
25 established in s. 161.55, and such requirements shall be
26 enforced by the local enforcement agency as defined in s.
27 553.71.

28 Section 2. Effective January 1, 2001, subsection (1)
29 of section 161.56, Florida Statutes, 1998 Supplement, as
30 amended by section 3 of chapter 98-287, Laws of Florida, is
31 amended to read:

1 161.56 Establishment of local enforcement.--
2 (1) Each local government which is required by s.
3 553.73 to enforce the Florida Building Code ~~by s. 553.73~~ and
4 which has a coastal building zone or some portion of a coastal
5 zone within its territorial boundaries shall enforce the
6 requirements of the code established in s. 161.55.

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

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

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

28 468.609 Administration of this part; standards for
29 certification; additional categories of certification.--
30
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1 (2) A person shall be entitled to take the examination
2 for certification as an inspector or plans examiner pursuant
3 to this part if the person:

4 (a) Is at least 18 years of age.~~†~~

5 (b) Is of good moral character.~~†~~~~and~~

6 (c) Meets eligibility requirements according to one of
7 the following criteria:

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

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

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

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

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

4 (a) Is at least 18 years of age.~~†~~

5 (b) Is of good moral character.~~† and~~

6 (c) Meets eligibility requirements according to one of
7 the following criteria:

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

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

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

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

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1 489.115 Certification and registration; endorsement;
2 reciprocity; renewals; continuing education.--

3 (4)(a) Each certificateholder or registrant who
4 desires to continue as a certificateholder or registrant shall
5 renew the certificate or registration every 2 years. The
6 department shall mail each certificateholder and registrant an
7 application for renewal.

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

27 2. In addition, the board may approve specialized
28 continuing education courses on compliance with the wind
29 resistance provisions for one and two family dwellings
30 contained in the State Minimum Building Codes and any
31 alternate methodologies for providing such wind resistance

1 which have been approved for use by the Florida ~~Board of~~
2 Building Commission Codes and Standards. Division I
3 certificateholders or registrants who demonstrate proficiency
4 upon completion of such specialized courses may certify plans
5 and specifications for one and two family dwellings to be in
6 compliance with the code or alternate methodologies, as
7 appropriate, except for dwellings located in floodways or
8 coastal hazard areas as defined in ss. 60.3D and E of the
9 National Flood Insurance Program.

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

22 (c) The certificateholder or registrant shall
23 complete, sign, and forward the renewal application to the
24 department, together with the appropriate fee. Upon receipt of
25 the application and fee, the department shall renew the
26 certificate or registration.

27 Section 6. Section 497.255, Florida Statutes, 1998
28 Supplement, is amended to read:

29 497.255 Standards for construction and significant
30 alteration or renovation of mausoleums and columbaria.--

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

5 (2) The board shall adopt, by no later than July 1,
6 1999, rules establishing minimum standards for all newly
7 constructed and significantly altered or renovated mausoleums
8 and columbaria; however, in the case of significant
9 alterations or renovations to existing structures, the rules
10 shall apply only, when physically feasible, to the newly
11 altered or renovated portion of such structures, except as
12 specified in subsection (4). In developing and promulgating
13 said rules, the board may define different classes of
14 structures or construction standards, and may provide for
15 different rules to apply to each of said classes, if the
16 designation of classes and the application of different rules
17 is in the public interest and is supported by findings by the
18 board based on evidence of industry practices, economic and
19 physical feasibility, location, or intended uses; provided,
20 that the rules shall provide minimum standards applicable to
21 all construction. For example, and without limiting the
22 generality of the foregoing, the board may determine that a
23 small single-story ground level mausoleum does not require the
24 same level of construction standards that a large multistory
25 mausoleum might require; or that a mausoleum located in a
26 low-lying area subject to frequent flooding or hurricane
27 threats might require different standards than one located on
28 high ground in an area not subject to frequent severe weather
29 threats. The board shall develop the rules in cooperation
30 with, and with technical assistance from, the Florida Board of
31 Building ~~Commission Codes and Standards~~ of the Department of

1 Community Affairs, to ensure that the rules are in the proper
2 form and content to be included as part of the State Minimum
3 Building Codes under part VII of chapter 553. If the Florida
4 ~~Board of Building Commission Codes and Standards~~ advises that
5 some of the standards proposed by the board are not
6 appropriate for inclusion in such building codes, the board
7 may choose to include those standards in a distinct chapter of
8 its rules entitled "Non-Building-Code Standards for
9 Mausoleums" or "Additional Standards for Mausoleums," or other
10 terminology to that effect. If the board elects to divide the
11 standards into two or more chapters, all such rules shall be
12 binding on licensees and others subject to the jurisdiction of
13 the board, but only the chapter containing provisions
14 appropriate for building codes shall be transmitted to the
15 Florida Board of Building Commission Codes and Standards
16 pursuant to subsection (3). Such rules may be in the form of
17 standards for design and construction; methods, materials, and
18 specifications for construction; or other mechanisms. Such
19 rules shall encompass, at a minimum, the following standards:
20 (a) No structure may be built or significantly altered
21 for use for interment, entombment, or inurnment purposes
22 unless constructed of such material and workmanship as will
23 ensure its durability and permanence, as well as the safety,
24 convenience, comfort, and health of the community in which it
25 is located, as dictated and determined at the time by modern
26 mausoleum construction and engineering science.
27 (b) Such structure must be so arranged that the
28 exterior of any vault, niche, or crypt may be readily examined
29 at any time by any person authorized by law to do so.
30 (c) Such structure must contain adequate provision for
31 drainage and ventilation.

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

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

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

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

30 (3) The board shall transmit the rules as adopted
31 under subsection (2), hereinafter referred to as the

1 "mausoleum standards," to the Florida ~~Board of~~ Building
2 Commission Codes and Standards, which shall initiate
3 rulemaking under chapter 120 to consider such mausoleum
4 standards. If such mausoleum standards are not deemed
5 acceptable, they shall be returned by the Florida ~~Board of~~
6 Building Commission Codes and Standards to the board with
7 details of changes needed to make them acceptable. If such
8 mausoleum standards are acceptable, the Florida ~~Board of~~
9 Building Commission Codes and Standards shall adopt a rule
10 designating the mausoleum standards as an approved revision to
11 the State Minimum Building Codes under part VII of chapter
12 553. When so designated by the Board of Building Codes and
13 Standards, such mausoleum standards shall become a required
14 element of the State Minimum Building Codes under s. 553.73(2)
15 and shall be transmitted to each local enforcement agency, as
16 defined in s. 553.71(5). Such local enforcement agency shall
17 consider and inspect for compliance with such mausoleum
18 standards as if they were part of the local building code, but
19 shall have no continuing duty to inspect after final approval
20 of the construction pursuant to the local building code. Any
21 further amendments to the mausoleum standards shall be
22 accomplished by the same procedure. Such designated mausoleum
23 standards, as from time to time amended, shall be a part of
24 the State Minimum Building Codes under s. 553.73 until the
25 adoption and effective date of a new statewide uniform minimum
26 building code, which may supersede the mausoleum standards as
27 provided by the law enacting the new statewide uniform minimum
28 building code.

29 (4) In addition to the rules adopted under subsection
30 (2), the board shall adopt rules providing that following all
31 interments, inurnments, and entombments in mausoleums and

1 columbaria occurring after the effective date of such rules,
2 whether newly constructed or existing, suitable provision must
3 be made, when physically feasible, for sealing each crypt in
4 accordance with standards promulgated pursuant to paragraph
5 (2)(f).

6 (5) For purposes of this section, "significant
7 alteration or renovation" means any addition, renovation, or
8 repair which results in the creation of new crypt or niche
9 spaces.

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

12 553.06 State Plumbing Code.--

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

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

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

6 Section 62. (1) Before the 2000 Regular Session of
7 the Legislature, the Florida Building Commission shall submit
8 to the Legislature, for review and approval or rejection, the
9 Florida Building Code adopted by rule by the commission,
10 unless the proposed rule adopting the Florida Building Code
11 has been challenged pursuant to s. 120.56(2). The commission
12 and shall also prepare and submit to the Legislature a list of
13 recommendations of revisions to the Florida Statutes
14 necessitated by adoption of the Florida Building Code ~~if the~~
15 ~~Legislature approves the Florida Building Code.~~

16 (2) Effective January 1, 2001, or upon the resolution
17 of an administrative challenge to the rule adopting the
18 Florida Building Code, pursuant to s. 120.56(2) ~~approval of~~
19 ~~the Florida Building Code by the Legislature~~, all existing
20 local technical amendments to any building code adopted by any
21 local government are repealed. Each local government may
22 readopt such amendments pursuant to s. 553.73, Florida
23 Statutes, provided such amendments comply with applicable
24 provisions of the Florida Building Code.

25 Section 9. Effective January 1, 2001, subsections (4)
26 and (5) of section 553.73, Florida Statutes, 1998 Supplement,
27 as amended by section 40 of chapter 98-287, Laws of Florida,
28 as amended by section 61 of chapter 98-419, Laws of Florida,
29 are amended to read:

30 553.73 Florida Building Code.--
31

1 (4)(a) Local governments shall comply with applicable
2 standards for issuance of mandatory certificates of occupancy,
3 minimum types of inspections, and procedures for plans review
4 and inspections as established by the commission ~~board~~ by
5 rule. Any amendments to standards established by the Florida
6 Building Code pursuant to this paragraph shall be more
7 stringent than such standards and shall be transmitted to the
8 commission within 30 days after enactment. The local
9 government shall make such amendments available to the general
10 public in a usable format. The Department of Insurance is
11 responsible for establishing the standards and procedures
12 required in this paragraph for governmental entities with
13 respect to applying the Florida Fire Prevention Code and the
14 Life Safety Code.

15 (b) Local governments may, subject to the limitations
16 of this section, adopt amendments to the technical provisions
17 of the Florida Building Code which apply solely within the
18 jurisdiction of such government and which provide for more
19 stringent requirements than those specified in the Florida
20 Building Code, not more than once every 6 months, provided:

21 1. The local governing body determines, following a
22 public hearing which has been advertised in a newspaper of
23 general circulation at least 10 days before the hearing, that
24 there is a need to strengthen the requirements of the Florida
25 Building Code. The determination must be based upon a review
26 of local conditions by the local governing body, which review
27 demonstrates that local conditions justify more stringent
28 requirements than those specified in the Florida Building Code
29 for the protection of life and property.

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1 2. Such additional requirements are not discriminatory
2 against materials, products, or construction techniques of
3 demonstrated capabilities.

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

6 4. The enforcing agency shall make readily available,
7 in a usable format, all amendments adopted pursuant to this
8 section.

9 5. Any amendment to the Florida Building Code shall be
10 transmitted within 30 days by the adopting local government to
11 the commission. The commission shall maintain copies of all
12 such amendments in a format that is usable and obtainable by
13 the public.

14 6. Any amendment to the Florida Building Code adopted
15 by a local government pursuant to this paragraph shall be
16 effective only until the adoption by the commission of the new
17 edition of the Florida Building Code every third year. At
18 such time, the commission shall adopt such amendment as part
19 of the Florida Building Code or rescind the amendment. The
20 commission shall immediately notify the respective local
21 government of the rescission of any amendment. After receiving
22 such notice, the respective local government may readopt the
23 rescinded amendment pursuant to the provisions of this
24 paragraph.

25 7. Each county and municipality desiring to make local
26 technical amendments to the Florida Building Code shall by
27 interlocal agreement establish a countywide compliance review
28 board to review any amendment to the Florida Building Code,
29 adopted by a local government within the county pursuant to
30 this paragraph, that is challenged by any substantially
31 affected party for purposes of determining the amendment's

1 compliance with this paragraph. No public officer, as defined
2 in s. 112.313(1), who votes on a local amendment may sit on
3 the countywide compliance review board which hears a challenge
4 to the validity of that amendment.If the compliance review
5 board determines such amendment is not in compliance with this
6 paragraph, the compliance review board shall notify such local
7 government of the noncompliance and that the amendment is
8 invalid and unenforceable until the local government corrects
9 the amendment to bring it into compliance. The local
10 government may appeal the decision of the compliance review
11 board to the commission. If the compliance review board
12 determines such amendment to be in compliance with this
13 paragraph, any substantially affected party may appeal such
14 determination to the commission. Actions of the commission are
15 subject to judicial review pursuant to s. 120.68. The
16 compliance review board shall determine whether its decisions
17 apply to a respective local jurisdiction or apply countywide.

18 8. An amendment adopted under this paragraph shall
19 include a fiscal impact statement which documents the costs
20 and benefits of the proposed amendment. Criteria for the
21 fiscal impact statement shall include the impact to local
22 government relative to enforcement, the impact to property and
23 building owners, as well as to industry, relative to the cost
24 of compliance. The fiscal impact statement may not be used as
25 a basis for challenging the amendment for compliance.

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

30 (c) Any amendment adopted by a local enforcing agency
31 pursuant to this subsection shall not apply to state or school

1 district owned buildings, manufactured buildings approved by
2 the commission, or prototype buildings approved pursuant to s.
3 553.77(6). The respective responsible entities shall consider
4 the physical performance parameters substantiating such
5 amendments when designing, specifying, and constructing such
6 exempt buildings.

7 (5) The commission, by rule adopted pursuant to ss.
8 120.536(1) and 120.54, shall update the Florida Building Code
9 every 3 years. The initial adoption of, and any subsequent
10 update to, the Florida Building Code by the commission is ~~once~~
11 ~~initially adopted and subsequently updated by the board, the~~
12 ~~Florida Building Code shall be~~ deemed adopted for use
13 statewide without adoptions by local government. When updating
14 the Florida Building Code, the commission shall consider
15 changes made by the adopting entity of any selected model code
16 for any model code incorporated into the Florida Building Code
17 by the commission, the commission's own interpretations,
18 declaratory statements, appellate decisions, and approved
19 statewide and local technical amendments. No change by an
20 institute or standards organization to any standard or
21 criterion adopted by reference in the Florida Building Code
22 shall become effective statewide until adopted by the
23 commission. The edition of the Florida Building Code in effect
24 on the date of application of any permit authorized by the
25 code shall govern the permitted work for the life of the
26 permit and any extension granted to such permit.

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

29 553.74 Florida Building Commission.--
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1 (3) Members of the commission ~~board~~ shall serve
2 without compensation, but shall be entitled to reimbursement
3 for per diem and travel expenses as provided by s. 112.061.

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

14 Section 11. Effective January 1, 2001, paragraphs (d),
15 (e), and (i) of subsection (1) of section 553.77, Florida
16 Statutes, 1998 Supplement, as amended by section 46 of chapter
17 98-287, Laws of Florida, are amended, and paragraph (p) is
18 added to said subsection, to read:

19 553.77 Specific powers of the commission.--

20 (1) The commission shall:

21 (d) Upon written application by any substantially
22 affected person, a state agency, or a local enforcement
23 agency, issue declaratory statements pursuant to s. 120.565
24 relating to the interpretation, enforcement, administration,
25 or modification by local governments of the Florida Building
26 Code.

27 (e) When requested in writing by any substantially
28 affected person, a state agency, or a local enforcing agency,
29 shall issue declaratory statements pursuant to s. 120.565
30 relating to this part, which shall apply prospectively only.
31

1 Actions of the commission are subject to judicial review
2 pursuant to s. 120.68.
3 (i) Determine the types of products requiring approval
4 for local or statewide use and shall provide for the
5 evaluation and approval of such products, materials, devices,
6 and method of construction for statewide use. Evaluation and
7 approval shall be by action of the commission or delegated
8 pursuant to s. 553.842 ~~553.84~~. This paragraph does not apply
9 to products approved by the State Fire Marshal. (p) Upon the
10 request of a private party or local enforcement agency,
11 provide technical assistance and issue advisory opinions
12 concerning both the technical and administrative provisions of
13 the Florida Building Code.

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

16 553.77 Specific powers of the commission.--

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

20 (a) Provide for the testing of materials, devices, and
21 method of construction.

22 (b) Appoint experts, consultants, technical advisers,
23 and advisory committees for assistance and recommendations
24 relating to the State Minimum Building Codes.

25 (c) Appoint an advisory committee consisting of at
26 least five plumbing contractors licensed to do business in
27 this state for assistance and recommendations relating to
28 plumbing code interpretations, if the commission identifies
29 the need for additional assistance in making decisions
30 regarding the State Plumbing Code.

31

1 (d) Provide technical assistance and issue advisory
2 opinions concerning both the technical and administrative
3 provisions of the State Minimum Building Codes.

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

6 553.141 Public restrooms; ratio of facilities for men
7 and women; application; rules.--

8 (4) The Florida Board of Building Commission Codes and
9 ~~Standards~~ shall adopt rules to administer this section,
10 pursuant to chapter 120.

11 Section 14. Section 553.503, Florida Statutes, is
12 amended to read:

13 553.503 Adoption of guidelines.--Subject to the
14 exceptions in s. 553.504, the federal Americans with
15 Disabilities Act Accessibility Guidelines, as adopted by
16 reference in 28 C.F.R., part 36, subparts A and D, and Title
17 II of Pub. L. No. 101-336, are hereby adopted and incorporated
18 by reference as the law of this state. The guidelines shall
19 establish the minimum standards for the accessibility of
20 buildings and facilities built or altered within this state.
21 The 1997 Florida Accessibility Code for Building Construction
22 must be adopted by the Florida Board of Building Commission
23 ~~Codes and Standards~~ in accordance with chapter 120.

24 Section 15. Section 553.506, Florida Statutes, is
25 amended to read:

26 553.506 Powers of the commission board.--In addition
27 to any other authority vested in the commission board by law,
28 the Florida Board of Building Commission Codes and Standards,
29 in implementing ss. 553.501-553.513, may, by rule, adopt
30 revised and updated versions of the Americans with
31

1 Disabilities Act Accessibility Guidelines in accordance with
2 chapter 120.

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

5 553.512 Modifications and waivers; advisory council.--

6 (1) The Florida ~~Board of Building Commission Codes and~~
7 ~~Standards~~ shall provide by regulation criteria for granting
8 individual modifications of, or exceptions from, the literal
9 requirements of this part upon a determination of unnecessary,
10 unreasonable, or extreme hardship, provided such waivers shall
11 not violate federal accessibility laws and regulations and
12 shall be reviewed by the Handicapped Accessibility Advisory
13 Council consisting of the following seven members, who shall
14 be knowledgeable in the area of handicapped accessibility.
15 The Secretary of Community Affairs shall appoint the
16 following: a representative from the Advocacy Center for
17 Persons with Disabilities, Inc.; a representative from the
18 Division of Blind Services; a representative from the Division
19 of Vocational Rehabilitation; a representative from a
20 statewide organization representing the physically
21 handicapped; a representative from the hearing impaired; a
22 representative from the President, Florida Council of
23 Handicapped Organizations; and a representative of the
24 Paralyzed Veterans of America. The terms for the first three
25 council members appointed subsequent to October 1, 1991, shall
26 be for 4 years, the terms for the next two council members
27 appointed shall be for 3 years, and the terms for the next two
28 members shall be for 2 years. Thereafter, all council member
29 appointments shall be for terms of 4 years. No council member
30 shall serve more than two 4-year terms subsequent to October
31 1, 1991. Any member of the council may be replaced by the

1 secretary upon three unexcused absences. Upon application
2 made in the form provided, an individual waiver or
3 modification may be granted by the commission ~~board~~ so long as
4 such modification or waiver is not in conflict with more
5 stringent standards provided in another chapter.

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

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

11 Section 17. Paragraph (b) of subsection (2) of section
12 553.781, Florida Statutes, 1998 Supplement, is amended to
13 read:

14 553.781 Licensee accountability.--

15 (2)

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

31

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

5 553.80 Enforcement.--

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

23
24 Nothing in this part shall be construed to authorize counties,
25 municipalities, or code enforcement districts to conduct any
26 permitting, plans review, or inspections not covered by the
27 Florida Building Code. Any actions by counties or
28 municipalities not in compliance with this part may be
29 appealed to the Florida Building Commission. The commission,
30 upon a determination that actions not in compliance with this
31 part have delayed permitting or construction, may suspend the

1 authority of a county, municipality, or code enforcement
2 district to enforce the Florida Building Code on the
3 buildings, structures, or facilities of a state university,
4 state community college, or public school district and provide
5 for code enforcement at the expense of the state university,
6 state community college, or public school district.

7 Section 19. Subsections (3), (5), and (12) of section
8 553.842, Florida Statutes, 1998 Supplement, are amended to
9 read:

10 553.842 Product evaluation and approval.--

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

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

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

27 (b) Submittal and validation of a product evaluation
28 report or rational analysis which is signed and sealed by a
29 professional engineer or architect, licensed in this state,
30 who has no conflict of interest, as determined by national
31 guidelines, who certifies that the product or method or system

1 of construction is, for the purpose intended, at least
2 equivalent of that required by the Florida Building Code. Any
3 product approved under this procedure shall be required to be
4 manufactured under a quality assurance program, certified by
5 an approved product evaluation entity.

6 (12) Products reported to comply with the requirements
7 of the Standard Building Code (1997 Edition) or the South
8 Florida Building Code (Broward and Dade Edition) or otherwise
9 certified or approved for statewide or local use by an
10 approved product evaluation entity prior to the effective date
11 of the Florida Building Code ~~this act~~ shall be deemed to be
12 approved for use in this state pursuant to this section and to
13 comply with this section.

14
15 For purposes of this section, an approved product evaluation
16 entity is ~~an entity that has been accredited by~~ a nationally
17 recognized independent evaluation authority, including, but
18 not limited to, the Southern Building Code Congress
19 International, Evaluation Services; National Evaluation
20 Services; the Building Officials Code Administration
21 International, Evaluation Services; the International
22 Conference of Building Officials, Evaluation Services; or
23 other entity otherwise approved by the commission.

24 Section 20. Effective January 1, 2001, subsections (8)
25 and (9) of section 633.025, Florida Statutes, 1998 Supplement,
26 as amended by section 59 of chapter 98-287, Laws of Florida,
27 are amended to read:

28 633.025 Minimum firesafety standards.--

29 (8) Electrically Battery operated single station smoke
30 detectors required ~~shall be considered as an approved~~
31 ~~detection device~~ for residential buildings shall not be

1 required to be interconnected within individual living units
2 in all buildings having direct access to the outside from each
3 living unit and having three stories or less. This subsection
4 shall not apply to any residential building required to have a
5 manual or automatic fire alarm system.

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

12 Section 21. Section 68 of chapter 98-287, Laws of
13 Florida, is amended to read:

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

27 Section 22. Except as otherwise provided herein, this
28 act shall take effect upon becoming a law.

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HOUSE 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. 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.