

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; providing
11 nothing prohibits school boards, community
12 colleges, or universities from entering into
13 contracts; amending ss. 489.115, 497.255,
14 553.06, 553.73, 553.74, 553.141, 553.503,
15 553.506, and 553.512; changing references from
16 the Board of Building Codes and Standards to
17 the Florida Building Commission; amending s. 62
18 of ch. 98-287, Laws of Florida; recognizing
19 that the rule adopting the Florida Building
20 Code may not become final by the 2000
21 Legislative Session if challenged pursuant to
22 s. 120.56(2); specifying effectiveness;
23 amending s. 553.19, F.S.; correcting an
24 obsolete agency reference for certain purposes;
25 amending s. 553.73, F.S.; clarifying the effect
26 on local governments of adopting and updating
27 the Florida Building Code; specifying that
28 amendments to certain standards or criteria are
29 effective statewide only upon adoption by the
30 commission; providing for immediate effect of
31 certain amendments to the Florida Building Code

1 under certain circumstances; revising criteria
2 for commission approval of technical amendments
3 to the Florida Building Code; prohibiting
4 persons who participate in the passage of a
5 local amendment from sitting on a countywide
6 compliance review board; providing for
7 application of a certain edition of the Florida
8 Building Code under certain circumstances;
9 amending s. 553.77, F.S.; revising the powers
10 of the commission; correcting a
11 cross-reference; amending s. 553.781, F.S.;
12 clarifying that the Department of Business and
13 Professional Regulation conduct disciplinary
14 investigations and take disciplinary actions;
15 amending s. 553.80, F.S.; deleting a
16 cross-reference; amending s. 553.842, F.S.;
17 clarifying certain provisions relating to
18 product evaluation and approval; amending ss.
19 633.01, 633.0215, and 633.025; replacing
20 Department of Insurance language with State
21 Fire Marshal; amending s. 633.025, F.S.;
22 clarifying certain provisions relating to smoke
23 detector requirements in residential buildings;
24 amending s. 68 of ch. 98-287, Laws of Florida,
25 to revise a future repeal of certain sections
26 of the Florida Statutes; amending 553.841;
27 providing the State Fire Marshal is consulted
28 on building code training program; authorizing
29 a certain select committee to continue its
30 investigations; continuing committee
31 appointment authority; allocating certain

1 moneys from the Insurance Commissioner's
2 Regulatory Trust Fund to the State Fire Marshal
3 for certain purposes; requiring the State Fire
4 Marshal's Office to cause the review of a
5 certain code for educational facilities for
6 certain purposes; repealing s. 471.017(3) and
7 489.513(7); providing effective dates.

8
9 Be It Enacted by the Legislature of the State of Florida:

10

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

13 161.56 Establishment of local enforcement.--

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

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

26 161.56 Establishment of local enforcement.--

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

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

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

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

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

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

- 27 (a) Is at least 18 years of age.~~+~~
28 (b) Is of good moral character.~~+~~ ~~and~~
29 (c) Meets eligibility requirements according to one of
30 the following criteria:
31

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

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

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

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

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

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

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

29 (c) Meets eligibility requirements according to one of
30 the following criteria:

31

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

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

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

22 Section 5. Section 468.617, Florida Statutes, 1998
23 Supplement, is amended to read:

24 468.617 Joint inspection department; other
25 arrangements.--

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

1 lieu of a joint inspection department, any local jurisdiction
2 may designate an inspector from another local jurisdiction to
3 serve as an inspector for the purposes of this part.

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

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

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

19 489.115 Certification and registration; endorsement;
20 reciprocity; renewals; continuing education.--

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

26 (b)1. Each certificateholder or registrant shall
27 provide proof, in a form established by rule of the board,
28 that the certificateholder or registrant has completed at
29 least 14 classroom hours of at least 50 minutes each of
30 continuing education courses during each biennium since the
31 issuance or renewal of the certificate or registration. The

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

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

28 3. Each certificateholder or registrant shall provide
 29 to the board proof of completion of the core curriculum
 30 courses, or passing the equivalency test of the Building Code
 31 Training Program established under s. 553.841, specific to the

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

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

14 Section 7. Section 497.255, Florida Statutes, 1998
15 Supplement, is amended to read:

16 497.255 Standards for construction and significant
17 alteration or renovation of mausoleums and columbaria.--

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

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

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

1 Florida Board of Building Commission Codes and Standards

2 pursuant to subsection (3). Such rules may be in the form of
3 standards for design and construction; methods, materials, and
4 specifications for construction; or other mechanisms. Such
5 rules shall encompass, at a minimum, the following standards:

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

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

16 (c) Such structure must contain adequate provision for
17 drainage and ventilation.

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

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

26 (f) Suitable provisions must be made for securely and
27 permanently sealing each crypt with durable materials after
28 the interment or entombment of human remains, so that no
29 effluvia or odors may escape therefrom except as provided by
30 design and sanitary engineering standards. Panels for
31 permanent seals must be solid and constructed of materials of

1 sufficient weight, permanence, density, imperviousness, and
 2 strength as to ensure their durability and continued
 3 functioning. Permanent crypt sealing panels must be securely
 4 installed and set in with high quality fire-resistant,
 5 resilient, and durable materials after the interment or
 6 entombment of human remains. The outer or exposed covering of
 7 each crypt must be of a durable, permanent, fire-resistant
 8 material; however, plastic, fiberglass, and wood are not
 9 acceptable materials for such outer or exposed coverings.

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

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

1 Codes under s. 553.73(2) and shall be transmitted to each
2 local enforcement agency, as defined in s. 553.71(5). Such
3 local enforcement agency shall consider and inspect for
4 compliance with such mausoleum standards as if they were part
5 of the local building code, but shall have no continuing duty
6 to inspect after final approval of the construction pursuant
7 to the local building code. Any further amendments to the
8 mausoleum standards shall be accomplished by the same
9 procedure. Such designated mausoleum standards, as from time
10 to time amended, shall be a part of the State Minimum Building
11 Codes under s. 553.73 until the adoption and effective date of
12 a new statewide uniform minimum building code, which may
13 supersede the mausoleum standards as provided by the law
14 enacting the new statewide uniform minimum building code.

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

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

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

29 553.06 State Plumbing Code.--

30 (1) The Florida Building Commission shall, in
31 accordance with the provisions of chapter 120 and ss.

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

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

23 Section 62. (1) Before the 2000 Regular Session of
 24 the Legislature, the Florida Building Commission shall submit
 25 to the Legislature, for review and approval or rejection, the
 26 Florida Building Code adopted by rule by the commission. If
 27 the proposed rule adopting the Florida Building Code has been
 28 challenged pursuant to s. 120.56(2), the Legislature may
 29 address the subject of the challenge. The commission ~~and~~ shall
 30 also prepare and submit to the Legislature a list of
 31 recommendations of revisions to the Florida Statutes

1 necessitated by adoption of the Florida Building Code ~~if the~~
2 ~~Legislature approves the Florida Building Code.~~

3 (2) Effective January 1, 2001, or upon the resolution
4 of an administrative challenge to the rule adopting the
5 Florida Building Code, pursuant to s. 120.56(2) approval of
6 ~~the Florida Building Code by the Legislature~~, all existing
7 local technical amendments to any building code adopted by any
8 local government are repealed. Each local government may
9 readopt such amendments pursuant to s. 553.73, Florida
10 Statutes, provided such amendments comply with applicable
11 provisions of the Florida Building Code.

12 Section 10. Subsection (5) of section 553.19, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 553.19 Adoption of electrical and alarm
15 standards.--For the purpose of establishing minimum electrical
16 and alarm standards in this state, the current edition of the
17 following standards are adopted:

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

21
22 The Florida Building Commission shall update and maintain such
23 electrical standards consistent with the procedures
24 established in s. 553.73.

25 Section 11. Effective January 1, 2001, subsections (4)
26 and (5) and paragraph (a) of subsection (7) of section 553.73,
27 Florida Statutes, 1998 Supplement, as amended by section 40 of
28 chapter 98-287, Laws of Florida, as amended by section 61 of
29 chapter 98-419, Laws of Florida, 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.

30
31

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 or amendment to, the Florida Building Code by the
 11 commission is ~~once initially adopted and subsequently updated~~
 12 by the board, the Florida Building Code shall be deemed
 13 adopted for use statewide without adoptions by local
 14 government. When updating the Florida Building Code, the
 15 commission shall consider changes made by the adopting entity
 16 of any selected model code for any model code incorporated
 17 into the Florida Building Code by the commission, the
 18 commission's own interpretations, declaratory statements,
 19 appellate decisions, and approved statewide and local
 20 technical amendments. No change by an institute or standards
 21 organization to any standard or criterion adopted by reference
 22 in the Florida Building Code shall become effective statewide
 23 until adopted by the commission. The edition of the Florida
 24 Building Code in effect on the date of application of any
 25 permit authorized by the code shall govern the permitted work
 26 for the life of the permit and any extension granted to such
 27 permit. Any amendment to the Florida Building Code adopted
 28 upon a finding by the commission that the amendment is
 29 necessary to protect the public from immediate threat of harm
 30 shall become effective immediately.

1 (7)(a) The commission may approve technical amendments
2 to the Florida Building Code once each year for statewide
3 application upon a finding that ~~delaying the application of~~
4 ~~the amendment would be contrary to the health, safety, and~~
5 ~~welfare of the public or the amendment provides an economic~~
6 ~~advantage to the consumer and that~~ the amendment:

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

9 2. Strengthens or improves the Florida Building Code,
10 or in the case of innovation or new technology, will provide
11 equivalent or better products or methods or systems of
12 construction.

13 3. Does not discriminate against materials, products,
14 methods, or systems of construction of demonstrated
15 capabilities.

16 4. Does not degrade the effectiveness of the Florida
17 Building Code.

18
19 Amendments approved under this paragraph shall be adopted by
20 rule pursuant to ss. 120.536(1) and 120.54.

21 Section 12. Subsections (3) and (4) of section 553.74,
22 Florida Statutes, 1998 Supplement, are amended to read:

23 553.74 Florida Building Commission.--

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

27 (4) Each appointed member is accountable to the
28 Governor for the proper performance of the duties of the
29 office. The Governor shall cause to be investigated any
30 complaint or unfavorable report received concerning an action
31 of the commission ~~board~~ or any member and shall take

1 appropriate action thereon. The Governor may remove from
2 office any appointed member for malfeasance, misfeasance,
3 neglect of duty, incompetence, permanent inability to perform
4 official duties, or pleading guilty or nolo contendere to, or
5 being found guilty of, a felony.

6 Section 13. Effective January 1, 2001, paragraphs (d),
7 (e), and (i) of subsection (1) of section 553.77, Florida
8 Statutes, 1998 Supplement, as amended by section 46 of chapter
9 98-287, Laws of Florida, are amended, and paragraph (p) is
10 added to said subsection, to read:

11 553.77 Specific powers of the commission.--

12 (1) The commission shall:

13 (d) Upon written application by any substantially
14 affected person, a state agency, or a local enforcement
15 agency, issue declaratory statements pursuant to s. 120.565
16 relating to the interpretation, enforcement, administration,
17 or modification by local governments of the Florida Building
18 Code.

19 (e) When requested in writing by any substantially
20 affected person, a state agency, or a local enforcing agency,
21 shall issue declaratory statements pursuant to s. 120.565
22 relating to this part, which shall apply prospectively only.
23 Actions of the commission are subject to judicial review
24 pursuant to s. 120.68.

25 (i) Determine the types of products requiring approval
26 for local or statewide use and shall provide for the
27 evaluation and approval of such products, materials, devices,
28 and method of construction for statewide use. Evaluation and
29 approval shall be by action of the commission or delegated
30 pursuant to s. 553.842 ~~553.84~~. This paragraph does not apply
31 to products approved by the State Fire Marshal.

1 (p) Upon the request of a private party or local
2 enforcement agency, provide technical assistance and issue
3 advisory opinions concerning both the technical and
4 administrative provisions of the Florida Building Code.

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

7 553.77 Specific powers of the commission.--

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

11 (a) Provide for the testing of materials, devices, and
12 method of construction.

13 (b) Appoint experts, consultants, technical advisers,
14 and advisory committees for assistance and recommendations
15 relating to the State Minimum Building Codes.

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

22 (d) Provide technical assistance and issue advisory
23 opinions concerning both the technical and administrative
24 provisions of the State Minimum Building Codes.

25 Section 15. Subsection (4) of section 553.141, Florida
26 Statutes, is amended to read:

27 553.141 Public restrooms; ratio of facilities for men
28 and women; application; rules.--

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

1 Section 16. Section 553.503, Florida Statutes, is
2 amended to read:

3 553.503 Adoption of guidelines.--Subject to the
4 exceptions in s. 553.504, the federal Americans with
5 Disabilities Act Accessibility Guidelines, as adopted by
6 reference in 28 C.F.R., part 36, subparts A and D, and Title
7 II of Pub. L. No. 101-336, are hereby adopted and incorporated
8 by reference as the law of this state. The guidelines shall
9 establish the minimum standards for the accessibility of
10 buildings and facilities built or altered within this state.
11 The 1997 Florida Accessibility Code for Building Construction
12 must be adopted by the Florida Board of Building Commission
13 ~~Codes and Standards~~ in accordance with chapter 120.

14 Section 17. Section 553.506, Florida Statutes, is
15 amended to read:

16 553.506 Powers of the commission board.--In addition
17 to any other authority vested in the commission board by law,
18 the Florida Board of Building Commission Codes and Standards,
19 in implementing ss. 553.501-553.513, may, by rule, adopt
20 revised and updated versions of the Americans with
21 Disabilities Act Accessibility Guidelines in accordance with
22 chapter 120.

23 Section 18. Section 553.512, Florida Statutes, is
24 amended to read:

25 553.512 Modifications and waivers; advisory council.--

26 (1) The Florida ~~Board of Building Commission Codes and~~
27 ~~Standards~~ shall provide by regulation criteria for granting
28 individual modifications of, or exceptions from, the literal
29 requirements of this part upon a determination of unnecessary,
30 unreasonable, or extreme hardship, provided such waivers shall
31 not violate federal accessibility laws and regulations and

1 shall be reviewed by the Handicapped Accessibility Advisory
 2 Council consisting of the following seven members, who shall
 3 be knowledgeable in the area of handicapped accessibility.
 4 The Secretary of Community Affairs shall appoint the
 5 following: a representative from the Advocacy Center for
 6 Persons with Disabilities, Inc.; a representative from the
 7 Division of Blind Services; a representative from the Division
 8 of Vocational Rehabilitation; a representative from a
 9 statewide organization representing the physically
 10 handicapped; a representative from the hearing impaired; a
 11 representative from the President, Florida Council of
 12 Handicapped Organizations; and a representative of the
 13 Paralyzed Veterans of America. The terms for the first three
 14 council members appointed subsequent to October 1, 1991, shall
 15 be for 4 years, the terms for the next two council members
 16 appointed shall be for 3 years, and the terms for the next two
 17 members shall be for 2 years. Thereafter, all council member
 18 appointments shall be for terms of 4 years. No council member
 19 shall serve more than two 4-year terms subsequent to October
 20 1, 1991. Any member of the council may be replaced by the
 21 secretary upon three unexcused absences. Upon application
 22 made in the form provided, an individual waiver or
 23 modification may be granted by the commission ~~board~~ so long as
 24 such modification or waiver is not in conflict with more
 25 stringent standards provided in another chapter.

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

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

31

1 Section 19. Paragraph (b) of subsection (2) of section
2 553.781, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 553.781 Licensee accountability.--

5 (2)

6 (b) If the licensee, certificateholder, or registrant
7 disputes the violation within 30 days following notification
8 by the local jurisdiction, the fine is abated and the local
9 jurisdiction shall report the dispute to the Department of
10 Business and Professional Regulation or the appropriate
11 professional licensing board for disciplinary investigation
12 and final disposition. If an administrative complaint is filed
13 by the department or the professional licensing board against
14 the certificateholder or registrant, the commission may
15 intervene in such proceeding. Any fine imposed by the
16 department or the professional licensing board, pursuant to
17 matters reported by the local jurisdiction to the department
18 or the professional licensing board, shall be divided equally
19 between the board and the local jurisdiction which reported
20 the violation.

21 Section 20. Effective January 1, 2001, subsection (1)
22 of section 553.80, Florida Statutes, 1998 Supplement, as
23 amended by section 51 of chapter 98-287, Laws of Florida, is
24 amended to read:

25 553.80 Enforcement.--

26 (1) It shall be the responsibility of each local
27 government and each legally constituted enforcement district
28 with statutory authority to regulate building construction to
29 enforce the Florida Building Code required by this part on all
30 public or private buildings, structures, and facilities,
31 ~~unless such responsibility has been delegated to another unit~~

1 ~~of government pursuant to s. 553.79(9)~~. The governing bodies
2 of local governments may provide a schedule of fees, as
3 authorized by s. 125.56(2) or s. 166.222 and this section, for
4 the enforcement of the provisions of this part. Such fees
5 shall be used solely for carrying out the local government's
6 responsibilities in enforcing the Florida Building Code. The
7 authority of state enforcing agencies to set fees for
8 enforcement shall be derived from authority existing on the
9 effective date of this act. However, nothing contained in this
10 subsection shall operate to limit such agencies from adjusting
11 their fee schedule in conformance with existing authority.

12

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

27 Section 21. Subsections (3), (5), and (12) of section
28 553.842, Florida Statutes, 1998 Supplement, are amended to
29 read:

30 553.842 Product evaluation and approval.--

31

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

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

9 (a) Issuance ~~Submittal and validation~~ of a complete
10 product evaluation report from an approved product evaluation
11 entity indicating the product or method or system of
12 construction was tested to be in compliance with the Florida
13 Building Code or with the intent of the Florida Building Code
14 and the product or method or system of construction is, for
15 the purpose intended, at least equivalent of that required by
16 the Florida Building Code; or

17 (b) Issuance ~~Submittal and validation~~ of a complete
18 product evaluation report or rational analysis which is signed
19 and sealed by a professional engineer or architect, licensed
20 in this state, who has no conflict of interest, as determined
21 by national guidelines, who certifies that the product or
22 method or system of construction is, for the purpose intended,
23 at least equivalent of that required by the Florida Building
24 Code. Any product approved under this procedure shall be
25 required to be manufactured under a quality assurance program,
26 certified by an approved product evaluation entity.

27 (12) Products reported to comply with the requirements
28 of the Standard Building Code (1997 Edition) or the South
29 Florida Building Code (Broward and Dade Edition), or otherwise
30 certified or approved for statewide or local use by an
31 approved product evaluation entity prior to the effective date

1 of the Florida Building Code, ~~this act~~ shall be deemed to be
2 approved for use in this state until the expiration date of
3 such approval or for no more than 2 years following the
4 effective date of the Florida Building Code ~~pursuant to this~~
5 ~~section and to comply with this section.~~

6
7 For purposes of this section, an approved product evaluation
8 entity is ~~an entity that has been accredited by~~ a nationally
9 recognized independent evaluation authority, including, but
10 not limited to, the Southern Building Code Congress
11 International, Evaluation Services; National Evaluation
12 Services; the Building Officials Code Administration
13 International, Evaluation Services; the International
14 Conference of Building Officials, Evaluation Services; or
15 other entity otherwise approved by the commission.

16 Section 22. Effective January 1, 2001, subsection (6)
17 of section 633.01, Florida Statutes, 1998 Supplement, as
18 amended by chapters 98-200 and 98-287, Laws of Florida, is
19 amended to read:

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

30 Section 23. Effective January 1, 2001, subsections
31 (1), (2), (3), (4), and (5) of section 633.0215, Florida

1 Statutes, 1998 Supplement, as created by section 59 of chapter
2 98-287, Laws of Florida, are amended and new subsections (7),
3 (8), and (9) are added to read:

4 633.0215 Florida Fire Prevention Code.--

5 (1) The State Fire Marshal ~~department~~ shall adopt, by
6 rule pursuant to ss. 120.536(1) and 120.54, the Florida Fire
7 Prevention Code which shall contain or incorporate by
8 reference all firesafety laws and rules that pertain to and
9 govern the design, construction, erection, alteration,
10 modification, repair, and demolition of public and private
11 buildings, structures, and facilities and the enforcement of
12 such firesafety laws and rules.

13 (2) The State Fire Marshal ~~department~~ shall adopt the
14 National Fire Protection Association's Standard 1, Fire
15 Prevention Code. The State Fire Marshal ~~department~~ shall
16 adopt the Life Safety Code, Pamphlet 101, current editions, by
17 reference. The State Fire Marshal ~~department~~ may modify the
18 selected codes and standards as needed to accommodate the
19 specific needs of the state. Standards or criteria in the
20 selected codes shall be similarly incorporated by reference.
21 The State Fire Marshal ~~department~~ shall incorporate within
22 sections of the Florida Fire Prevention Code provisions that
23 address uniform firesafety standards as established in s.
24 633.022. The State Fire Marshal ~~department~~ shall incorporate
25 within sections of the Florida Fire Prevention Code provisions
26 addressing regional and local concerns and variations.

27 (3) Any local amendment to the Florida Fire Prevention
28 Code adopted by a local government shall be effective only
29 until the adoption by the department of the new edition of the
30 Florida Fire Prevention Code, which shall be every third year.
31 At such time, the State Fire Marshal ~~department~~ shall adopt

1 such amendment as part of the Florida Fire Prevention Code or
 2 rescind the amendment. The State Fire Marshal ~~department~~
 3 shall immediately notify the respective local government of
 4 the rescission of the amendment. After receiving such notice,
 5 the respective local government may readopt the rescinded
 6 amendment. Incorporation of local amendments as regional and
 7 local concerns and variations shall be considered as adoption
 8 of an amendment pursuant to this part. Notwithstanding other
 9 state or local building and construction code laws to the
 10 contrary, locally adopted fire code requirements that were in
 11 existence on the effective date of this section shall be
 12 deemed local variations of the Florida Fire Prevention Code
 13 until the State Fire Marshal ~~department~~ takes action to adopt
 14 or rescind such requirements as provided herein, and such
 15 action shall take place no later than January 1, 2001.

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

29 (5) The State Fire Marshal ~~department~~ may approve
 30 technical amendments notwithstanding the 3-year update cycle
 31 of the Florida Fire Prevention Code upon finding that a threat

1 to life exists that would warrant such action, subject to
2 chapter 120.

3 (6) The Florida Fire Prevention Code does not apply
4 to, and no code enforcement action shall be brought with
5 respect to, zoning requirements or land use requirements.
6 Additionally, a local code enforcement agency may not
7 administer or enforce the Florida Fire Prevention Code to
8 prevent the siting of any publicly owned facility, including,
9 but not limited to, correctional facilities, juvenile justice
10 facilities, or state universities, community colleges, or
11 public education facilities. This section shall not be
12 construed to prohibit local government from imposing built-in
13 fire protection systems or fire-related infrastructure
14 requirements needed to properly protect the intended facility.

15 (7) Any local amendment adopted by a local government
16 must strengthen the requirements of the minimum firesafety
17 code.

18 (8) Within 30 days after a local government adopts a
19 local amendment, such local government shall transmit the
20 amendment to the Florida Building Commission.

21 (9) The State Fire Marshal shall have the authority to
22 make rules that implement this section, s. 633.01, and s.
23 633.025 for the purpose of accomplishing the objectives as set
24 forth therein.

25 Section 24. Effective January 1, 2001, subsections
26 (1), (3), (4), (8), and (9) of section 633.025, Florida
27 Statutes, 1998 Supplement, as amended by section 59 of chapter
28 98-287, Laws of Florida, are amended to read:

29 633.025 Minimum firesafety standards.--

30 (1) The Florida Fire Prevention Code and the Life
31 Safety Code adopted by the State Fire Marshal ~~Department of~~

1 ~~Insurance~~, which shall operate in conjunction with the Florida
2 Building Code, shall be deemed adopted by each municipality,
3 county, and special district with firesafety responsibilities.
4 The minimum firesafety codes shall not apply to buildings and
5 structures subject to the uniform firesafety standards under
6 s. 633.022 and buildings and structures subject to the minimum
7 firesafety standards adopted pursuant to s. 394.879.

8 (3) The most current edition of the National Fire
9 Protection Association (NFPA) 101, Life Safety Code, adopted
10 by the State Fire Marshal Department of Insurance, shall be
11 deemed to be adopted by each municipality, county, and special
12 district with firesafety responsibilities as part of the
13 minimum firesafety code.

14 (4) Such codes shall be minimum codes and a
15 municipality, county, or special district with firesafety
16 responsibilities may adopt more stringent firesafety
17 standards, subject to the requirements of this subsection.
18 Such county, municipality, or special district may establish
19 alternative requirements to those requirements which are
20 required under the minimum firesafety standards on a
21 case-by-case basis, in order to meet special situations
22 arising from historic, geographic, or unusual conditions, if
23 the alternative requirements result in a level of protection
24 to life, safety, or property equal to or greater than the
25 applicable minimum firesafety standards. For the purpose of
26 this subsection, the term "historic" means that the building
27 or structure is listed on the National Register of Historic
28 Places of the United States Department of the Interior.

29 (a) The local governing body shall determine,
30 following a public hearing which has been advertised in a
31 newspaper of general circulation at least 10 days before the

1 hearing, if there is a need to strengthen the requirements of
2 the minimum firesafety code adopted by such governing body.
3 The determination must be based upon a review of local
4 conditions by the local governing body, which review
5 demonstrates that local conditions justify more stringent
6 requirements than those specified in the minimum firesafety
7 code for the protection of life and property or justify
8 requirements that meet special situations arising from
9 historic, geographic, or unusual conditions.

10 (b) Such additional requirements shall not be
11 discriminatory as to materials, products, or construction
12 techniques of demonstrated capabilities.

13 (c) Paragraphs (a) and (b) apply solely to the local
14 enforcing agency's adoption of requirements more stringent
15 than those specified in the Florida Fire Prevention Code and
16 the Life Safety Code that have the effect of amending building
17 construction standards. Upon request, the enforcing agency
18 shall provide a person making application for a building
19 permit, or any state agency or board with construction-related
20 regulation responsibilities, a listing of all such
21 requirements and codes.

22 (d) A local government which adopts amendments to the
23 minimum firesafety code must provide a procedure by which the
24 validity of such amendments may be challenged by any
25 substantially affected party to test the amendment's
26 compliance with the provisions of this section.

27 1. Unless the local government agrees to stay
28 enforcement of the amendment, or other good cause is shown,
29 the challenging party shall be entitled to a hearing on the
30 challenge within 45 days.

31

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

4
5 A substantially affected person may appeal, to the State Fire
6 Marshal Department of Insurance, the local government's
7 resolution of the challenge, and the department shall
8 determine if the amendment complies with this section. Actions
9 of the State Fire Marshal department are subject to judicial
10 review pursuant to s. 120.68. The State Fire Marshal
11 department shall consider reports of the Florida Building
12 Commission, pursuant to part VII of chapter 533, when
13 evaluating building code enforcement.

14 (8) Electrically Battery operated single station smoke
15 detectors required ~~shall be considered as an approved~~
16 ~~detection device~~ for residential buildings shall not be
17 required to be interconnected within individual living units
18 in all buildings having direct access to the outside from each
19 living unit and having three stories or less. This subsection
20 shall not apply to any residential building required to have a
21 manual or automatic fire alarm system.

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

28 Section 25. The Florida Building Commission shall
29 conduct research regarding private sector assistance with the
30 plans review and inspection functions of local government
31 building departments. Such study shall include:

1 (1) Survey of the extent to which building departments
2 comply or fail to comply with the provisions of s. 553.79(14),
3 Florida Statutes, for the issuance of building permits and the
4 reasons, if any, for compliance or noncompliance. The survey
5 shall consider regional and other significant patterns
6 affecting the building permit issuance process;

7 (2) Inventory of local jurisdictions which have
8 exercised the current statutory option, pursuant to section
9 468.617, Florida Statutes, to use private inspectors;

10 (3) Survey of the experience of local jurisdictions in
11 regards to the impacts of privatization, including fiscal,
12 administrative, and health, safety and welfare impacts; and

13 (4) Survey of the experience of other states with
14 privatizing building department plans review and inspection
15 functions.

16
17 The Florida Building Commission shall analyze and evaluate the
18 advantages and disadvantages of privatizing plans review and
19 inspection functions and recommend whether privatization
20 should be mandatory, and if so, when and under what
21 circumstances and in what manner such privatization should be
22 implemented. Staff from the Legislative Committee on
23 Intergovernmental Relations shall provide technical assistance
24 to the Florida Building Commission regarding paragraphs
25 (1)-(4) of this section. The Commission shall present a
26 report and recommendations to the Legislature by January 15,
27 2000.

28 Section 26. Section 68 of chapter 98-287, Laws of
29 Florida, is amended to read:

30 Section 68. Effective January 1, 2001, or upon the
31 resolution of an administrative challenge to the rule adopted

1 by the Florida Building Commission pursuant to s. 120.56(2)
2 adopting the Florida Building Code ~~approval by the Legislature~~
3 ~~of the adoption of the Florida Building Code by the Florida~~
4 ~~Building Commission~~, parts I, II, and III of chapter 553,
5 Florida Statutes, consisting of sections 553.01, 553.02,
6 553.03, 553.04, 553.041, 553.05, 553.06, 553.07, 553.08,
7 553.10, 553.11, 553.14, 553.15, 553.16, 553.17, 553.18,
8 553.19, 553.20, 553.21, 553.22, 553.23, 553.24, 553.25,
9 553.26, 553.27, and 553.28, Florida Statutes, are repealed and
10 section 553.141, Florida Statutes, is transferred and
11 renumbered as section 553.86, Florida Statutes.

12 Section 27. Subsection (3) of section 553.841, Florida
13 Statutes, 1998 Supplement, is amended as follows:

14 553.841 Building code training program; participant
15 competency requirements.--

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

22 Section 28. The select committee to investigate and
23 establish performance-based criteria for the cost effective
24 application of fire codes and fire code alternatives for
25 educational facilities established by chapter 98-287, Laws of
26 Florida, is hereby authorized to continue its investigation.
27 Committee appointment authority established by chapter 98-287,
28 Laws of Florida, shall continue should any position on the
29 select committee become vacant. Members of the committee shall
30 serve at their own expense except that state employees shall
31 be reimbursed for travel costs incurred from existing budgets.

1 There is hereby allocated \$80,000 to the State Fire Marshall
2 from the Insurance Commissioner's Regulatory Trust Fund for
3 the purposes of providing training and education on the
4 application of the performance-based fire safety standards for
5 educational facilities to those impacted by its use. The State
6 Fire Marshall's office shall cause the performance-based bode
7 for educational facilities to be reviewed for inclusion in the
8 Florida Fire Prevention Code as an acceptable alternative for
9 code compliance.

10 Section 29. Subsection (3) of section 471.017, Florida
11 Statutes, 1998 Supplement, and subsection (7) of section
12 489.513, Florida Statutes, 1998 Supplement, are repealed.

13 Section 30. Except as otherwise provided herein, this
14 act shall take effect upon becoming a law.