

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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The Committee on Transportation & Economic Development
Appropriations offered the following:

Substitute Amendment for Amendment (144603) (with title amendment)

On page 1, line 7,
remove from the bill: everything after the enacting clause,
and insert in lieu thereof:

Section 1. Subsection (16) is added to section 120.80,
Florida Statutes, to read:

120.80 Exceptions and special requirements;
agencies.--

(16) FLORIDA BUILDING COMMISSION.--

(a) Notwithstanding the provisions of s. 120.542, the Florida Building Commission may not accept petition for waiver or variance and may not grant any waiver or variance from the requirements of the Florida Building Code.

(b) The Florida Building Commission shall adopt within the Florida Building Code criteria and procedures for alternative means of compliance with the code or local

Amendment No. ____ (for drafter's use only)

1 amendments thereto, for enforcement by local governments,
2 local enforcement districts, or other entities authorized by
3 law to enforce the Florida Building Code. Appeals from the
4 denial of the use of alternative means shall be heard by the
5 local board, if one exists, and may be appealed to the Florida
6 Building Commission.

7 Section 2. Effective July 1, 2001, paragraphs (d) and
8 (i) of subsection (1) of section 125.01, Florida Statutes, are
9 amended, and paragraph (cc) is added to that subsection, to
10 read:

11 125.01 Powers and duties.--

12 (1) The legislative and governing body of a county
13 shall have the power to carry on county government. To the
14 extent not inconsistent with general or special law, this
15 power includes, but is not restricted to, the power to:

16 (d) Provide fire protection, including the enforcement
17 of the Florida Fire Prevention Code, as provided in ss.
18 633.022 and 633.025, and adopt and enforce local technical
19 amendments to the Florida Fire Prevention Code as provided in
20 those sections and pursuant to s. 633.0215.

21 (i) Adopt, by reference or in full, and enforce
22 ~~building, housing, and~~ related technical codes and
23 regulations.

24 (cc) Enforce the Florida Building Code, as provided in
25 s. 553.80, and adopt and enforce local technical amendments to
26 the Florida Building Code, pursuant to s. 553.73(4)(b) and
27 (c).

28 Section 3. Effective July 1, 2001, section 125.56,
29 Florida Statutes, is amended to read:

30 125.56 Enforcement and ~~Adoption or~~ amendment of the
31 Florida Building Code and the Florida Fire Prevention Code;

Amendment No. ____ (for drafter's use only)

1 inspection fees; inspectors; etc.--

2 (1) The board of county commissioners of each of the
3 several counties of the state is authorized to enforce the
4 Florida Building Code and the Florida Fire Prevention Code, as
5 provided in s. 553.80, 633.022, and 633.025, and, at its
6 discretion, to adopt local technical amendments to the Florida
7 or amend a Building Code, pursuant to s. 553.73(4)(b) and (c)
8 and local technical amendments to the Florida Fire Prevention
9 Code, pursuant to s. 633.0215, to provide for the safe
10 construction, erection, alteration, repair, securing, and
11 demolition of any building within its territory outside the
12 corporate limits of any municipality. Upon a determination to
13 consider amending the Florida ~~or adopting a~~ Building Code or
14 the Florida Fire Prevention Code by a majority of the members
15 of the board of county commissioners of such county, the board
16 shall call a public hearing and comply with the public notice
17 requirements of s. 125.66(2). The board shall hear all
18 interested parties at the public hearing and may then ~~adopt or~~
19 amend the a building code or the fire code consistent with the
20 terms and purposes of this act., ~~which shall be known~~
21 ~~thereafter as the "county building code."~~ Upon adoption, an or
22 amendment to the code shall be in full force and effect
23 throughout the unincorporated area of such county until
24 otherwise notified by the Florida Building Commission pursuant
25 to s. 553.73 or the State Fire Marshal pursuant to s.
26 633.0215. Nothing herein contained shall be construed to
27 prevent the board of county commissioners from ~~amending or~~
28 repealing such amendment to the building code or the fire code
29 at any regular meeting of such board.

30 (2) The board of county commissioners of each of the
31 several counties may provide a schedule of reasonable

Amendment No. ____ (for drafter's use only)

1 inspection fees in order to defer the costs of inspection and
2 enforcement of the provisions of this act, and of the Florida
3 ~~any~~ Building Code and the Florida Fire Prevention Code ~~adopted~~
4 ~~pursuant to the terms of this act.~~

5 (3) The board of county commissioners of each of the
6 several counties may employ a building inspector and such
7 other personnel as it deems necessary to carry out the
8 provisions of this act and may pay reasonable salaries for
9 such services.

10 (4) After adoption of the Florida Building Code by the
11 Florida Building Commission or the Florida Fire Prevention
12 Code by the State Fire Marshal, or amendment of the building
13 code or the fire code as herein provided, it shall be unlawful
14 for any person, firm, or corporation to construct, erect,
15 alter, repair, secure, or demolish any building within the
16 territory embraced by the terms of this act, ~~without first~~
17 obtaining a permit therefor from the appropriate board of
18 county commissioners, or from such persons as may by
19 resolution be directed to issue such permits, upon the payment
20 of such reasonable fees as shall be set forth in the schedule
21 of fees adopted by the board; the board is hereby empowered to
22 revoke any such permit upon a determination by the board that
23 the construction, erection, alteration, repair, securing, or
24 demolition of the building for which the permit was issued is
25 in violation of or not in conformity with the building code or
26 the fire code.

27 (5) Any person, firm, or corporation that ~~which~~
28 violates any of the provisions of this section or of the
29 Florida ~~any duly adopted county~~ Building Code or the Florida
30 Fire Prevention Code is guilty of a misdemeanor of the second
31 degree, punishable as provided in s. 775.082 or s. 775.083.

Amendment No. ____ (for drafter's use only)

1 Section 4. Effective July 1, 2001, section 161.0415,
2 Florida Statutes, is amended to read:

3 161.0415 Citation of rule.--In addition to any other
4 provisions within this chapter or any rules promulgated
5 hereunder, the permitting agency shall, when requesting
6 information for a permit application pursuant to this chapter
7 or such rules promulgated hereunder, cite a specific rule or
8 provision of the Florida Building Code. If a request for
9 information cannot be accompanied by a rule citation, failure
10 to provide such information cannot be grounds to deny a
11 permit.

12 Section 5. Effective July 1, 2001, paragraph (b) of
13 subsection (2) of section 161.052, Florida Statutes, is
14 amended, and subsection (12) is added to said section, to
15 read:

16 161.052 Coastal construction and excavation;
17 regulation.--

18 (2) A waiver or variance of the setback requirements
19 may be authorized by the department in the following
20 circumstances:

21 (b) If in the immediate contiguous or adjacent area a
22 number of existing structures have established a reasonably
23 continuous and uniform construction line closer to the line of
24 mean high water than the foregoing, and if said existing
25 structures have not been unduly affected by erosion, a
26 proposed structure may be permitted along such line on written
27 authorization from the department if such proposed structure
28 complies with the Florida Building Code and the rules of ~~is~~
29 ~~also approved by~~ the department. However, the department shall
30 not contravene setback requirements established by a county or
31 municipality which are equal to, or more strict than, those

Amendment No. ____ (for drafter's use only)

1 setback requirements provided herein.

2 (12) In accordance with ss. 553.73 and 553.79, and
3 upon the effective date of the Florida Building Code, the
4 provisions of this section which pertain to and govern the
5 design, construction, erection, alteration, modification,
6 repair, and demolition of public and private buildings,
7 structures, and facilities shall be incorporated into the
8 Florida Building Code. The Florida Building Commission shall
9 have the authority to adopt rules pursuant to ss. 120.54 and
10 120.536 in order to implement those provisions. This
11 subsection does not limit or abrogate the right and authority
12 of the department to require permits or to adopt and enforce
13 environmental standards, including but not limited to,
14 standards for ensuring the protection of the beach-dune
15 system, proposed or existing structures, adjacent properties,
16 marine turtles, native salt-resistant vegetation, endangered
17 plant communities, and the preservation of public beach
18 access.

19 Section 6. Effective July 1, 2001, subsection (22) is
20 added to section 161.053, Florida Statutes, to read:

21 161.053 Coastal construction and excavation;
22 regulation on county basis.--

23 (22) In accordance with ss. 553.73 and 553.79, and
24 upon the effective date of the Florida Building Code, the
25 provisions of this section which pertain to and govern the
26 design, construction, erection, alteration, modification,
27 repair, and demolition of public and private buildings,
28 structures, and facilities shall be incorporated into the
29 Florida Building Code. The Florida Building Commission shall
30 have the authority to adopt rules pursuant to ss. 120.54 and
31 120.536 in order to implement those provisions. This

Amendment No. ____ (for drafter's use only)

1 subsection does not limit or abrogate the right and authority
2 of the department to require permits or to adopt and enforce
3 environmental standards, including but not limited to,
4 standards for ensuring the protection of the beach-dune
5 system, proposed or existing structures, adjacent properties,
6 marine turtles, native salt-resistant vegetation, endangered
7 plant communities, and the preservation of public beach
8 access.

9 Section 7. Effective July 1, 2001, section 161.05301,
10 Florida Statutes, is amended to read:

11 161.05301 Beach erosion control project staffing;
12 ~~coastal construction building codes review.--~~

13 (1) There are hereby appropriated to the Department of
14 Environmental Protection six positions and \$449,918 for fiscal
15 year 1998-1999 from the Ecosystem Management and Restoration
16 Trust Fund from revenues provided by this act pursuant to s.
17 201.15(11). These positions and funding are provided to
18 assist local project sponsors, and shall be used to facilitate
19 and promote enhanced beach erosion control project
20 administration. Such staffing resources shall be directed
21 toward more efficient contract development and oversight,
22 promoting cost-sharing strategies and regional coordination or
23 projects among local governments, providing assistance to
24 local governments to ensure timely permit review, and
25 improving billing review and disbursement processes.

26 (2) Upon the effective date of the Florida Building
27 Code, when the reviews authorized by s. 161.053 are conducted
28 by local government,~~Upon implementation of the Governor's~~
29 ~~Building Codes Study Commission recommendations pertaining to~~
30 ~~coastal construction, and the adoption of those~~
31 ~~recommendations by local governments, the department shall~~

Amendment No. ____ (for drafter's use only)

1 ~~delegate the coastal construction building codes review~~
2 ~~pursuant to s. 161.053 to those local governments.~~current
3 department positions supporting the coastal construction
4 building codes review shall be directed to support
5 implementation of the subject beach management plan.

6 Section 8. Effective July 1, 2001, section 161.55,
7 Florida Statutes, is amended to read:

8 161.55 Requirements for activities or construction
9 within the coastal building zone.--The following requirements
10 shall apply beginning March 1, 1986, to construction within
11 the coastal building zone and shall be minimum standards for
12 construction in this area:

13 ~~(1) STRUCTURAL REQUIREMENTS; MAJOR STRUCTURES.--~~

14 ~~(a) Major structures shall conform to the state~~
15 ~~minimum building code in effect in the jurisdiction.~~

16 ~~(b) Mobile homes shall conform to the Federal Mobile~~
17 ~~Home Construction and Safety Standards or the Uniform~~
18 ~~Standards Code ANSI book A-119.1, pursuant to s. 320.823, and~~
19 ~~to the requirements of paragraph (c).~~

20 ~~(c) Major structures shall be designed, constructed,~~
21 ~~and located in compliance with National Flood Insurance~~
22 ~~Program regulations as found in 44 C.F.R. Parts 59 and 60 or~~
23 ~~the local flood damage prevention ordinance, whichever is more~~
24 ~~restrictive.~~

25 ~~(d) Major structures, except those conforming to the~~
26 ~~standards of paragraph (b), shall, at a minimum be designed~~
27 ~~and constructed in accordance with s. 1205 of the 1986~~
28 ~~revisions to the 1985 Standard Building Code using a fastest~~
29 ~~mile-wind velocity of 110 miles per hour except for the~~
30 ~~Florida Keys which shall use a fastest mile-wind velocity of~~
31 ~~115 miles per hour. This does not preclude use of a locally~~

Amendment No. ____ (for drafter's use only)

1 ~~adopted building code which is more restrictive.~~

2 ~~(e) Foundation design and construction of a major~~
3 ~~structure shall consider all anticipated loads resulting from~~
4 ~~a 100-year storm event, including wave, hydrostatic, and~~
5 ~~hydrodynamic loads acting simultaneously with live and dead~~
6 ~~loads. Erosion computations for foundation design shall~~
7 ~~account for all vertical and lateral erosion and~~
8 ~~scour-producing forces, including localized scour due to the~~
9 ~~presence of structural components. Foundation design and~~
10 ~~construction shall provide for adequate bearing capacity~~
11 ~~taking into consideration the anticipated loss of soil above~~
12 ~~the design grade as a result of localized scour. The erosion~~
13 ~~computations required by this paragraph do not apply landward~~
14 ~~of coastal construction control lines which have been~~
15 ~~established or updated since June 30, 1980. Upon request, the~~
16 ~~department may provide information and guidance as to those~~
17 ~~areas within the coastal building zone where the erosion and~~
18 ~~scour of a 100-year storm event is applicable.~~

19 ~~(1)(2) REGULATION OF COASTAL STRUCTURAL REQUIREMENTS;~~
20 ~~MINOR STRUCTURES.--Minor structures need not meet specific~~
21 ~~structural requirements provided in subsection (1), except for~~
22 ~~the requirements of paragraph (c) and except for applicable~~
23 ~~provisions of the state minimum building code in effect in the~~
24 ~~jurisdiction. Such structures shall be designed to produce the~~
25 ~~minimum adverse impact on the beach and the dune system and~~
26 ~~adjacent properties and to reduce the potential for water or~~
27 ~~wind blown material. Construction of a rigid coastal or shore~~
28 ~~protection structure designed primarily to protect a minor~~
29 ~~structure shall not be permitted.~~

30 ~~(2)(3) REGULATION OF COASTAL STRUCTURAL REQUIREMENTS;~~
31 ~~NONHABITABLE MAJOR STRUCTURES.--Nonhabitable major structures~~

Amendment No. ____ (for drafter's use only)

1 ~~need not meet specific structural requirements provided in~~
2 ~~subsection (1), except for the requirements of paragraph (c)~~
3 ~~and except for applicable provisions of the state minimum~~
4 ~~building code in effect in the jurisdiction. Such structures~~
5 shall be designed to produce the minimum adverse impact on the
6 beach and dune system ~~and shall comply with any applicable~~
7 ~~state and local standards not found in this section.~~ All
8 sewage treatment plants and public water supply systems shall
9 be flood proofed to prevent infiltration of surface water from
10 a 100-year storm event. Underground utilities, excluding pad
11 transformers and vaults, shall be flood proofed to prevent
12 infiltration of surface water from a 100-year storm event or
13 shall otherwise be designed so as to function when submerged
14 by such storm event.

15 (3)~~(4)~~ LOCATION OF CONSTRUCTION.--Construction, except
16 for elevated walkways, lifeguard support stands, piers, beach
17 access ramps, gazebos, and coastal or shore protection
18 structures, shall be located a sufficient distance landward of
19 the beach to permit natural shoreline fluctuations and to
20 preserve dune stability.

21 (4)~~(5)~~ APPLICATION TO COASTAL BARRIER ISLANDS.--All
22 ~~building~~ requirements of this part which are applicable to the
23 coastal building zone shall also apply to coastal barrier
24 islands. The coastal building zone on coastal barrier islands
25 shall be the land area from the seasonal high-water line to a
26 line 5,000 feet landward from the coastal construction control
27 line established pursuant to s. 161.053, or the entire island,
28 whichever is less. For coastal barrier islands on which a
29 coastal construction control line has not been established
30 pursuant to s. 161.053, the coastal building zone shall be the
31 land area seaward of the most landward velocity zone (V-zone)

Amendment No. ____ (for drafter's use only)

1 boundary line fronting upon the Gulf of Mexico, Atlantic
2 Ocean, Florida Bay, or Straits of Florida. All land area in
3 the Florida Keys located within Monroe County shall be
4 included in the coastal building zone. The coastal building
5 zone on any coastal barrier island between Sebastian Inlet and
6 Fort Pierce Inlet may be reduced in size upon approval of the
7 Land and Water Adjudicatory Commission, if it determines that
8 the local government with jurisdiction has provided adequate
9 protection for the barrier island. In no case, however, shall
10 the coastal building zone be reduced to an area less than a
11 line 2,500 feet landward of the coastal construction control
12 line. ~~In determining whether the local government with~~
13 ~~jurisdiction has provided adequate protection, the Land and~~
14 ~~Water Adjudicatory Commission shall determine that the local~~
15 ~~government has adopted the 1986 Standard Building Code for the~~
16 ~~entire barrier island.~~ The Land and Water Adjudicatory
17 Commission shall withdraw its approval for a reduced coastal
18 building zone if it determines that 6 months after a local
19 government comprehensive plan is due for submission to the
20 state land planning agency pursuant to s. 163.3167 the local
21 government with jurisdiction has not adopted a coastal
22 management element which is in compliance with s. 163.3178.

23 (5)~~(6)~~ PUBLIC ACCESS.--Where the public has
24 established an accessway through private lands to lands
25 seaward of the mean high tide or water line by prescription,
26 prescriptive easement, or any other legal means, development
27 or construction shall not interfere with such right of public
28 access unless a comparable alternative accessway is provided.
29 The developer shall have the right to improve, consolidate, or
30 relocate such public accessways so long as the accessways
31 provided by the developer are:

Amendment No. ____ (for drafter's use only)

- 1 (a) Of substantially similar quality and convenience
2 to the public;
3 (b) Approved by the local government;
4 (c) Approved by the department whenever improvements
5 are involved seaward of the coastal construction control line;
6 and
7 (d) Consistent with the coastal management element of
8 the local comprehensive plan adopted pursuant to s. 163.3178.

9 Section 9. Section 3 of chapter 98-287, Laws of
10 Florida, is amended to read:

11 Section 3. Effective July ~~January~~ 1, 2001, subsection
12 (1) of section 161.56, Florida Statutes, is amended to read:

13 161.56 Establishment of local enforcement.--

14 (1) Each local government which is required to enforce
15 the Florida ~~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 enforce ~~adopt, not later than~~
18 ~~January 1, 1987, as part of its building code, the~~
19 requirements of the code established in s. 161.55, ~~and such~~
20 ~~requirements shall be enforced by the local enforcement agency~~
21 ~~as defined in s. 553.71.~~

22 Section 10. Effective July 1, 2001, section 161.56,
23 Florida Statutes, as amended by section 3 of chapter 98-287,
24 Laws of Florida, is amended to read:

25 161.56 Establishment of local enforcement.--

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

31 ~~(2) Each local government shall provide evidence to~~

Amendment No. ____ (for drafter's use only)

1 ~~the state land planning agency that it has adopted a building~~
2 ~~code pursuant to this section. Within 90 days after January~~
3 ~~1, 1987, the state land planning agency shall submit to the~~
4 ~~Administration Commission a list of those local governments~~
5 ~~which have not submitted such evidence of adoption. The sole~~
6 ~~issue before the Administration Commission shall be whether or~~
7 ~~not to impose sanctions pursuant to s. 163.3184(8).~~

8 (1)(3) Nothing in ss. 161.52-161.58 shall be construed
9 to limit or abrogate the right and power of the department to
10 require permits or to adopt and enforce standards pursuant to
11 s. 161.041 or s. 161.053 for construction seaward of the
12 coastal construction control line that are as restrictive as,
13 or more restrictive than, the requirements provided in s.
14 161.55 or the rights or powers of local governments to enact
15 and enforce setback requirements or zoning or building codes
16 that are as restrictive as, or more restrictive than, the
17 requirements provided in s. 161.55.

18 (2)(4) To assist local governments in the
19 implementation and enforcement of s. 161.55, the state land
20 planning agency shall develop and maintain a biennial coastal
21 building zone construction training program for the local
22 enforcement agencies specified in subsection (1). The state
23 land planning agency shall provide an initial training program
24 not later than April 1, 1987, and on a recurring biennial
25 basis shall provide a continuing education program beginning
26 July 1, 1989. Registration fees, as determined appropriate by
27 the state land planning agency, may be charged to defray the
28 cost of the program if general revenue funds are not provided
29 for this purpose. ~~No later than December 1, 1986, the state~~
30 ~~land planning agency shall further develop a deemed-to-comply~~
31 ~~manual which contains, as determined appropriate by the state~~

Amendment No. ____ (for drafter's use only)

1 ~~land planning agency, methods, materials, connections,~~
2 ~~applicability, and other associated information for use by the~~
3 ~~local enforcement agency in complying with subsection (1).~~

4 Section 11. Effective July 1, 2001, section 235.26,
5 Florida Statutes, is amended to read:

6 235.26 State Uniform Building Code for Public
7 Educational Facilities Construction.--

8 (1) UNIFORM BUILDING CODE.--By July 1, 2001,~~the~~
9 ~~Commissioner of Education shall adopt~~ a uniform statewide
10 building code for the planning and construction of public
11 educational and ancillary plants by district school boards and
12 community college district boards of trustees shall be adopted
13 by the Florida Building Commission within the Florida Building
14 Code, pursuant to s. 553.73. The code must be entitled the
15 State Uniform Building Code for Public Educational Facilities
16 Construction.Included in this code must be flood plain
17 management criteria in compliance with the rules and
18 regulations in 44 C.F.R. parts 59 and 60, and subsequent
19 revisions thereto which are adopted by the Federal Emergency
20 Management Agency. It is also the responsibility of the
21 department to develop, as a part of the uniform building code,
22 standards relating to:

23 (a) Prefabricated facilities or factory-built
24 facilities that are designed to be portable, relocatable,
25 demountable, or reconstructible; are used primarily as
26 classrooms; and do not fall under the provisions of ss.
27 320.822-320.862. Such standards must permit boards to contract
28 with the Department of Community Affairs for factory
29 inspections by certified building code inspectors to certify
30 conformance with applicable law and rules. The standards must
31 comply with the requirements of s. 235.061 for relocatable

Amendment No. ____ (for drafter's use only)

1 facilities intended for long-term use as classroom space, and
2 the relocatable facilities shall be designed subject to
3 missile impact criteria of section 423(24)(d)(1) of the
4 Florida Building Code when located in the windborne debris
5 region.

6 (b) The sanitation of educational and ancillary plants
7 and the health of occupants of educational and ancillary
8 plants.

9 (c) The safety of occupants of educational and
10 ancillary plants as provided in s. 235.06, except that the
11 firesafety criteria shall be established by the State Fire
12 Marshal in cooperation with the Florida Building Commission
13 and the department and such firesafety requirements must be
14 incorporated into the Florida Fire Prevention Code.

15 (d) Accessibility for children, notwithstanding the
16 provisions of s. 553.512.

17 (e) The performance of life-cycle cost analyses on
18 alternative architectural and engineering designs to evaluate
19 their energy efficiencies.

20 1. The life-cycle cost analysis must consist of the
21 sum of:

22 a. The reasonably expected fuel costs over the life of
23 the building which are required to maintain illumination,
24 water heating, temperature, humidity, ventilation, and all
25 other energy-consuming equipment in a facility; and

26 b. The reasonable costs of probable maintenance,
27 including labor and materials, and operation of the building.

28 2. For computation of the life-cycle costs, the
29 department shall develop standards that must include, but need
30 not be limited to:

31 a. The orientation and integration of the facility

Amendment No. ____ (for drafter's use only)

1 with respect to its physical site.

2 b. The amount and type of glass employed in the
3 facility and the directions of exposure.

4 c. The effect of insulation incorporated into the
5 facility design and the effect on solar utilization of the
6 properties of external surfaces.

7 d. The variable occupancy and operating conditions of
8 the facility and subportions of the facility.

9 e. An energy-consumption analysis of the major
10 equipment of the facility's heating, ventilating, and cooling
11 system; lighting system; and hot water system and all other
12 major energy-consuming equipment and systems as appropriate.

13 3. Life-cycle cost criteria published by the
14 Department of Education for use in evaluating projects.

15 4. Standards for construction materials and systems
16 based on life-cycle costs that consider initial costs,
17 maintenance costs, custodial costs, operating costs, and life
18 expectancy. The standards may include multiple acceptable
19 materials. It is the intent of the Legislature to require
20 district school boards to comply with these standards when
21 expending funds from the Public Education Capital Outlay and
22 Debt Service Trust Fund or the School District and Community
23 College District Capital Outlay and Debt Service Trust Fund
24 and to prohibit district school boards from expending local
25 capital outlay revenues for any project that includes
26 materials or systems that do not comply with these standards,
27 unless the district school board submits evidence that
28 alternative materials or systems meet or exceed standards
29 developed by the department. ~~Wherever the words "Uniform~~
30 ~~Building Code" appear, they mean the "State Uniform Building~~
31 ~~Code for Public Educational Facilities Construction."~~

Amendment No. ____ (for drafter's use only)

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2 It is not a purpose of the Florida Uniform Building Code to
3 inhibit the use of new materials or innovative techniques; nor
4 may it specify or prohibit materials by brand names. The code
5 must be flexible enough to cover all phases of construction so
6 as to afford reasonable protection for the public safety,
7 health, and general welfare. The department may secure the
8 service of other state agencies or such other assistance as it
9 finds desirable in recommending to the Florida Building
10 Commission revisions to revising the code.

11 (2) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA
12 FIRE PREVENTION STANDARDS REQUIRED FOR APPROVAL.--

13 ~~(1) UNIFORM BUILDING CODE.--~~

14 (a) Except as otherwise provided in paragraph (b), all
15 public educational and ancillary plants constructed by a
16 district school board or a community college district board of
17 trustees must conform to the Florida State Uniform Building
18 Code and the Florida Fire Prevention Code for Public
19 Educational Facilities Construction, and such plants are
20 exempt from all other state building codes; county, ~~district~~,
21 municipal, or other local amendments to the Florida Building
22 Code and local amendments to the Florida Fire Prevention Code;
23 ~~building codes, interpretations, building permits, and~~
24 assessments of fees for building permits, except as provided
25 in s. 553.80; ordinances; road closures; and impact fees or
26 service availability fees. Any inspection by local or state
27 government must be based on the Florida Uniform Building Code
28 and the Florida Fire Prevention Code as prescribed by rule.
29 Each board shall provide for periodic inspection of the
30 proposed educational plant during each phase of construction
31 to determine compliance with the state requirements for

Amendment No. ____ (for drafter's use only)

1 educational facilities ~~Uniform Building Code.~~

2 (b) A district school board or community college
3 district board of trustees may conform with the Florida
4 Building Code and the Florida Fire Prevention Code ~~local~~
5 ~~building codes~~ and the administration of such codes when
6 constructing ancillary plants that are not attached to
7 educational facilities, if those plants conform to the space
8 size requirements established in the codes ~~Uniform Building~~
9 ~~code.~~

10 ~~(c)(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS~~
11 ~~REQUIRED FOR APPROVAL.~~ A district school board or community
12 college district board of trustees may not approve any plans
13 for the construction, renovation, remodeling, or demolition of
14 any educational or ancillary plants unless these plans conform
15 to the requirements of the Florida ~~Uniform~~ Building Code and
16 the Florida Fire Prevention Code. Each district school board
17 and community college district board of trustees may adopt
18 policies for delegating to the superintendent or community
19 college president authority for submitting documents to the
20 department and for awarding contracts subsequent to and
21 consistent with board approval of the scope, timeframes,
22 funding source, and budget of a survey-recommended project. ~~It~~
23 ~~is also the responsibility of the department to develop, as a~~
24 ~~part of the Uniform Building Code, standards relating to:~~

25 ~~(a) Prefabricated facilities, factory-built~~
26 ~~facilities, or site-built facilities that are designed to be~~
27 ~~portable, relocatable, demountable, or reconstructible; are~~
28 ~~used primarily as classrooms; and do not fall under the~~
29 ~~provisions of ss. 320.822-320.862. Such standards must permit~~
30 ~~boards to contract with the Department of Community Affairs~~
31 ~~for factory inspections by certified Uniform Building Code~~

Amendment No. ____ (for drafter's use only)

1 ~~inspectors to certify conformance with law and with rules of~~
2 ~~the Commissioner of Education. The standards must comply with~~
3 ~~the requirements of s. 235.061 for relocatable facilities~~
4 ~~intended for long-term use as classroom space.~~

5 ~~(b) The sanitation of educational and ancillary plants~~
6 ~~and the health of occupants of educational and ancillary~~
7 ~~plants.~~

8 ~~(c) The safety of occupants of educational and~~
9 ~~ancillary plants as provided in s. 235.06.~~

10 ~~(d) The physically handicapped.~~

11 ~~(e) Accessibility for children, notwithstanding the~~
12 ~~provisions of s. 553.512.~~

13 ~~(f) The performance of life-cycle cost analyses on~~
14 ~~alternative architectural and engineering designs to evaluate~~
15 ~~their energy efficiencies.~~

16 ~~1. The life-cycle cost analysis must consist of the~~
17 ~~sum of:~~

18 ~~a. The reasonably expected fuel costs over the life of~~
19 ~~the building that are required to maintain illumination, water~~
20 ~~heating, temperature, humidity, ventilation, and all other~~
21 ~~energy-consuming equipment in a facility; and~~

22 ~~b. The reasonable costs of probable maintenance,~~
23 ~~including labor and materials, and operation of the building.~~

24 ~~2. For computation of the life-cycle costs, the~~
25 ~~department shall develop standards that must include, but need~~
26 ~~not be limited to:~~

27 ~~a. The orientation and integration of the facility~~
28 ~~with respect to its physical site.~~

29 ~~b. The amount and type of glass employed in the~~
30 ~~facility and the directions of exposure.~~

31 ~~c. The effect of insulation incorporated into the~~

Amendment No. ____ (for drafter's use only)

1 ~~facility design and the effect on solar utilization of the~~
2 ~~properties of external surfaces.~~

3 ~~d. The variable occupancy and operating conditions of~~
4 ~~the facility and subportions of the facility.~~

5 ~~e. An energy consumption analysis of the major~~
6 ~~equipment of the facility's heating, ventilating, and cooling~~
7 ~~system; lighting system; and hot water system and all other~~
8 ~~major energy-consuming equipment and systems as appropriate.~~

9 ~~3. Such standards must be based on the best currently~~
10 ~~available methods of analysis, including such methods as those~~
11 ~~of the National Institute of Standards and Technology, the~~
12 ~~Department of Housing and Urban Development, and other federal~~
13 ~~agencies and professional societies and materials developed by~~
14 ~~the Department of Management Services and the department.~~
15 ~~Provisions must be made for an annual updating of standards as~~
16 ~~required.~~

17 ~~4. By July 1, 1998, the department shall establish~~
18 ~~life-cycle cost criteria in the State Requirements for~~
19 ~~Educational Facilities for use in evaluating projects.~~

20 ~~5. By July 1, 1999, the department shall establish~~
21 ~~standards for construction materials and systems based on~~
22 ~~life-cycle costs that consider initial costs, maintenance~~
23 ~~costs, custodial costs, operating costs, and life expectancy.~~
24 ~~The standards may include multiple acceptable materials. It is~~
25 ~~the intent of the Legislature to require district school~~
26 ~~boards to conform with these standards when expending funds~~
27 ~~from the Public Education Capital Outlay and Debt Service~~
28 ~~Trust Fund or the School District and Community College~~
29 ~~District Capital Outlay and Debt Service Trust Fund and to~~
30 ~~prohibit district school boards from expending local capital~~
31 ~~outlay revenues for any project that includes materials or~~

Amendment No. ____ (for drafter's use only)

1 ~~systems that do not comply with these standards unless the~~
2 ~~district school board submits evidence that alternative~~
3 ~~materials or systems meet or exceed standards developed by the~~
4 ~~department.~~

5 (3) ENFORCEMENT BY BOARD.--It is the responsibility of
6 each district school board and community college district
7 board of trustees to ensure that all plans and educational and
8 ancillary plants meet the standards of the Florida Uniform
9 Building Code and the Florida Fire Prevention Code and to
10 provide for the enforcement of these codes ~~this code~~ in the
11 areas of its jurisdiction. Each board shall provide for the
12 proper supervision and inspection of the work. Each board may
13 employ a chief building official or inspector and such other
14 inspectors, who have been certified ~~by the department or~~
15 ~~certified~~ pursuant to chapter 468, and such personnel as are
16 necessary to administer and enforce the provisions of this
17 code. Boards may also utilize local building department
18 inspectors who are certified by the department to enforce this
19 code. Plans or facilities that fail to meet the standards of
20 the Florida Uniform Building Code or the Florida Fire
21 Prevention Code may not be approved. When planning for and
22 constructing an educational, auxiliary, or ancillary facility,
23 a district school board must use construction materials and
24 systems that meet standards adopted pursuant to subparagraph
25 (2)(f)5. If the planned or actual construction of a facility
26 deviates from the adopted standards, the district school board
27 must, at a public hearing, quantify and compare the costs of
28 constructing the facility with the proposed deviations and in
29 compliance with the adopted standards and the Florida Uniform
30 Building Code. The board must explain the reason for the
31 proposed deviations and compare how the total construction

Amendment No. ____ (for drafter's use only)

1 costs and projected life-cycle costs of the facility or
2 component system of the facility would be affected by
3 implementing the proposed deviations rather than using
4 materials and systems that meet the adopted standards. The
5 provisions of this subsection do apply to educational,
6 auxiliary, and ancillary facility projects commenced on or
7 after July 1, 1999.

8 (4) ENFORCEMENT BY DEPARTMENT.--As a further means of
9 ensuring that all educational and ancillary facilities
10 hereafter constructed or materially altered or added to
11 conform to the Florida Uniform Building Code standards or
12 Florida Fire Prevention Code standards, each district school
13 board and community college district board of trustees that
14 undertakes the construction, renovation, remodeling,
15 purchasing, or lease-purchase of any educational plant or
16 ancillary facility, the cost of which exceeds \$200,000, may
17 submit plans to the department for approval.

18 (5) APPROVAL.--

19 (a) Before a contract has been let for the
20 construction, the department, the board, or the board's
21 authorized review agent must approve the phase III
22 construction documents. A board may reuse prototype plans on
23 another site, provided the facilities list and phase III
24 construction documents have been updated for the new site and
25 for compliance with the Florida Uniform Building Code and the
26 Florida Fire Prevention Code and any laws relating to
27 firesafety, health and sanitation, casualty safety, and
28 requirements for the physically handicapped which are in
29 effect at the time a construction contract is to be awarded.

30 (b) In reviewing plans for approval, the department,
31 the board, or its review agent as authorized in s. 235.017,

Amendment No. ____ (for drafter's use only)

- 1 shall take into consideration:
- 2 1. The need for the new facility.
 - 3 2. The educational and ancillary plant planning.
 - 4 3. The architectural and engineering planning.
 - 5 4. The location on the site.
 - 6 5. Plans for future expansion.
 - 7 6. The type of construction.
 - 8 7. Sanitary provisions.
 - 9 8. Conformity to Florida ~~Uniform~~ Building Code
 - 10 standards.
 - 11 9. The structural design and strength of materials
 - 12 proposed to be used.
 - 13 10. The mechanical design of any heating,
 - 14 air-conditioning, plumbing, or ventilating system. Typical
 - 15 heating, ventilating, and air-conditioning systems preapproved
 - 16 by the department for specific applications may be used in the
 - 17 design of educational facilities.
 - 18 11. The electrical design of educational plants.
 - 19 12. The energy efficiency and conservation of the
 - 20 design.
 - 21 13. Life-cycle cost considerations.
 - 22 14. The design to accommodate physically handicapped
 - 23 persons.
 - 24 15. The ratio of net to gross square footage.
 - 25 16. The proposed construction cost per gross square
 - 26 foot.
 - 27 17. Conformity with the Florida Fire Prevention Code.
 - 28 (c) The board may not occupy a facility until the
 - 29 project has been inspected to verify compliance with statutes,
 - 30 rules, and codes affecting the health and safety of the
 - 31 occupants. Verification of compliance with rules, statutes,

Amendment No. ____ (for drafter's use only)

1 and codes for nonoccupancy projects such as roofing, paving,
2 site improvements, or replacement of equipment may be
3 certified by the architect or engineer of record and
4 verification of compliance for other projects may be made by
5 an inspector certified by the department or certified pursuant
6 to chapter 468 who is not the architect or engineer of record.
7 The board shall maintain a record of the project's completion
8 and permanent archive of phase III construction documents,
9 including any addenda and change orders to the project. The
10 boards shall provide project data to the department, as
11 requested, for purposes and reports needed by the Legislature.

12 (6) REVIEW PROCEDURE.--The Commissioner of Education
13 shall cooperate with the Florida Building Commission in
14 addressing ~~have final review of~~ all questions, disputes, or
15 interpretations involving the provisions of the Florida
16 ~~Uniform~~ Building Code which govern the construction of public
17 educational and ancillary facilities, and any objections to
18 decisions made by the inspectors or the department must be
19 submitted in writing.

20 (7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
21 department shall biennially review and recommend to the
22 Florida Building Commission updates and revisions to the
23 provisions of the Florida, ~~update, and revise the Uniform~~
24 Building Code which govern the construction of public
25 educational and ancillary facilities. The department shall
26 publish and make available to each district school board and
27 community college district board of trustees at no cost copies
28 of the state requirements for educational facilities ~~code~~ and
29 each amendment and revision thereto. The department shall make
30 additional copies available to all interested persons at a
31 price sufficient to recover costs.

Amendment No. ____ (for drafter's use only)

1 ~~(8) LEGAL EFFECT OF CODE.--The State Uniform Building~~
2 ~~Code for Public Educational Facilities Construction has the~~
3 ~~force and effect of law and supersedes any other code adopted~~
4 ~~by a district school board or community college district board~~
5 ~~of trustees or any other building code or ordinance for the~~
6 ~~construction of educational and ancillary plants whether at~~
7 ~~the local, county, or state level and whether adopted by rule~~
8 ~~or legislative enactment. All special acts or general laws of~~
9 ~~local application are hereby repealed to the extent that they~~
10 ~~conflict with this section.~~

11 ~~(8)(9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.--~~

12 (a) The Department of Education shall, in consultation
13 with boards and county and state emergency management offices,
14 include within the standards to be developed under subsection
15 ~~(1) amend the State Uniform Building Code for Public~~
16 ~~Educational Facilities Construction to incorporate public~~
17 ~~shelter design criteria that shall be incorporated into the~~
18 ~~Florida Uniform Building Code. The new criteria must be~~
19 ~~designed to ensure that appropriate core facility areas in new~~
20 ~~educational facilities can serve as public shelters for~~
21 ~~emergency management purposes. The Commissioner of Education~~
22 ~~shall publish proposed amendments to the State Uniform~~
23 ~~Building Code for Public Educational Facilities Construction~~
24 ~~setting forth the public-shelter criteria by July 1, 1995.A~~
25 ~~facility, or an appropriate core facility area within a~~
26 ~~facility, for which a design contract is entered into~~
27 ~~subsequent to the effective date of the inclusion of the~~
28 ~~public shelter criteria in the code must be built in~~
29 ~~compliance with the amended code unless the facility or a part~~
30 ~~thereof is exempted from using the new shelter criteria due to~~
31 ~~its location, size, or other characteristics by the applicable~~

Amendment No. ____ (for drafter's use only)

1 board with the concurrence of the applicable local emergency
2 management agency or the Department of Community Affairs. Any
3 educational facility located or proposed to be located in an
4 identified category 1, 2, or 3 evacuation zone is not subject
5 to the requirements of this subsection. If more than one
6 educational facility is being constructed within any 3-mile
7 radius, no more than one facility, which must be selected on
8 the basis of cost-effectiveness and greatest provision of
9 shelter space, is required to incorporate the public shelter
10 criteria into its construction.

11 (b) By January 31, 1996, and by January 31 every
12 even-numbered year thereafter, the Department of Community
13 Affairs shall prepare and submit a statewide emergency shelter
14 plan to the Governor and the Cabinet for approval. The plan
15 must identify the general location and square footage of
16 existing shelters, by county, and the general location and
17 square footage of needed shelters, by county, in the next 5
18 years. Such plan must identify the types of public facilities
19 which should be constructed to comply with emergency shelter
20 criteria and must recommend an appropriate, adequate, and
21 dedicated source of funding for the additional cost of
22 constructing emergency shelters within these public
23 facilities. After the approval of the plan, a board may not be
24 required to build more emergency shelter space than identified
25 as needed in the plan, and decisions pertaining to exemptions
26 pursuant to paragraph (a) must be guided by the plan and by
27 this subsection.

28 (9)~~(10)~~ LOCAL LEGISLATION PROHIBITED.--After June 30,
29 1985, pursuant to s. 11(a)(21), Art. III of the State
30 Constitution, there shall not be enacted any special act or
31 general law of local application which proposes to amend,

Amendment No. ____ (for drafter's use only)

1 alter, or contravene any provisions of the State Building Code
2 adopted under the authority of this section.

3 Section 12. Effective July 1, 2001, subsection (2) of
4 section 253.033, Florida Statutes, is amended to read:

5 253.033 Inter-American Center property; transfer to
6 board; continued use for government purposes.--

7 (2) It is hereby recognized that certain governmental
8 entities have expended substantial public funds in acquiring,
9 planning for, or constructing public facilities for the
10 purpose of carrying out or undertaking governmental functions
11 on property formerly under the jurisdiction of the authority.
12 All property owned or controlled by any governmental entity
13 shall be exempt from the Florida Building Code and any local
14 amendments thereto and from local ~~building and~~ zoning
15 regulations which might otherwise be applicable in the absence
16 of this section in carrying out or undertaking any such
17 governmental function and purpose.

18 Section 13. Effective July 1, 2001, paragraph (a) of
19 subsection (1) of section 255.25, Florida Statutes, is amended
20 to read:

21 255.25 Approval required prior to construction or
22 lease of buildings.--

23 (1)(a) No state agency may ~~construct a building for~~
24 ~~state use or~~ lease space in a private building that is to be
25 constructed for state use unless prior approval of the
26 architectural design and preliminary construction plans is
27 first obtained from the Department of Management Services.

28 Section 14. Effective July 1, 2001, subsections (1)
29 and (2) of section 255.31, Florida Statutes, are amended to
30 read:

31 255.31 Authority to the Department of Management

Amendment No. ____ (for drafter's use only)

1 Services to manage construction projects for state and local
2 governments.--

3 (1) The design, construction, erection, alteration,
4 modification, repair, and demolition of all public and private
5 buildings is governed by the Florida Building Code and the
6 Florida Fire Prevention Code, which are to be enforced by
7 local jurisdictions or local enforcement districts unless
8 specifically exempted as provided in s. 553.80. However, the
9 Department of Management Services shall provide the project
10 management and administration services for the construction,
11 renovation, repair, modification, or demolition of buildings,
12 utilities, parks, parking lots, or other facilities or
13 improvements for projects for which the funds are appropriated
14 to the department, provided that, with the exception of
15 facilities constructed under the authority of chapters 944,
16 945, and 985, the department may not conduct plans reviews or
17 inspection services for consistency with the Florida Building
18 Code. The department's fees for such services shall be paid
19 from such appropriations.

20 (2) The Department of Management Services may, upon
21 request, enter into contracts with other state agencies under
22 which the department may provide the project management,
23 administration services, or assistance for the construction,
24 renovation, repair, modification, or demolition of buildings,
25 utilities, parks, parking lots, or other facilities or
26 improvements for projects for which the funds are appropriated
27 to other state agencies, provided that the department does not
28 conduct plans reviews or inspection services for consistency
29 with the Florida Building Code. The contracts shall provide
30 for payment of fees to the department.

31 Section 15. Section 316.1955, Florida Statutes, is

Amendment No. ____ (for drafter's use only)

1 amended to read:

2 316.1955 Enforcement of parking requirements spaces
3 for persons who have disabilities.--

4 ~~(1) This section is not intended to expand or diminish~~
5 ~~the defenses available to a place of public accommodation~~
6 ~~under the Americans with Disabilities Act and the federal~~
7 ~~Americans with Disabilities Act Accessibility Guidelines,~~
8 ~~including, but not limited to, the readily achievable~~
9 ~~standard, and the standards applicable to alterations to~~
10 ~~places of public accommodation. Subject to the exceptions~~
11 ~~described in subsections (2), (4), (5), and (6), when the~~
12 ~~parking and loading zone requirements of the federal Americans~~
13 ~~with Disabilities Act Accessibility Guidelines (ADAAG), as~~
14 ~~adopted by reference in 28 C.F.R. part 36, subparts A and D,~~
15 ~~and Title II of Pub. L. No. 101-336, provide increased~~
16 ~~accessibility, those requirements are adopted and incorporated~~
17 ~~by reference as the law of this state.~~

18 ~~(2) State agencies and political subdivisions having~~
19 ~~jurisdiction over street parking or publicly owned or operated~~
20 ~~parking facilities are not required to provide a greater~~
21 ~~right-of-way width than would otherwise be planned under~~
22 ~~regulations, guidelines, or practices normally applied to new~~
23 ~~development.~~

24 ~~(3) If parking spaces are provided for self-parking by~~
25 ~~employees or visitors, or both, accessible spaces shall be~~
26 ~~provided in each such parking area. Such spaces shall be~~
27 ~~designed and marked for the exclusive use of those individuals~~
28 ~~who have a severe physical disability and have permanent or~~
29 ~~temporary mobility problems that substantially impair their~~
30 ~~ability to ambulate and who have been issued either a disabled~~
31 ~~parking permit under s. 316.1958 or s. 320.0848 or a license~~

Amendment No. ____ (for drafter's use only)

1 ~~plate under s. 320.084, s. 320.0842, s. 320.0843, or s.~~
2 ~~320.0845.~~

3 ~~(4) The number of accessible parking spaces must~~
4 ~~comply with the parking requirements in ADAAG s. 4.1 and the~~
5 ~~following:~~

6 ~~(a) There must be one accessible parking space in the~~
7 ~~immediate vicinity of a publicly owned or leased building that~~
8 ~~houses a governmental entity or a political subdivision,~~
9 ~~including, but not limited to, state office buildings and~~
10 ~~courthouses, if no parking for the public is provided on the~~
11 ~~premises of the building.~~

12 ~~(b) There must be one accessible parking space for~~
13 ~~each 150 metered onstreet parking spaces provided by state~~
14 ~~agencies and political subdivisions.~~

15 ~~(c) The number of parking spaces for persons who have~~
16 ~~disabilities must be increased on the basis of demonstrated~~
17 ~~and documented need.~~

18 ~~(5) Accessible perpendicular and diagonal accessible~~
19 ~~parking spaces and loading zones must be designed and located~~
20 ~~in conformance with the guidelines set forth in ADAAG ss.~~
21 ~~4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking~~
22 ~~Design."~~

23 ~~(a) All spaces must be located on an accessible route~~
24 ~~no less than 44 inches wide so that users will not be~~
25 ~~compelled to walk or wheel behind parked vehicles.~~

26 ~~(b) Each space must be located on the shortest safely~~
27 ~~accessible route from the parking space to an accessible~~
28 ~~entrance. If there are multiple entrances or multiple retail~~
29 ~~stores, the parking spaces must be dispersed to provide~~
30 ~~parking at the nearest accessible entrance. If a theme park~~
31 ~~or an entertainment complex as defined in s. 509.013(9)~~

Amendment No. ____ (for drafter's use only)

~~1 provides parking in several lots or areas from which access to
2 the theme park or entertainment complex is provided, a single
3 lot or area may be designated for parking by persons who have
4 disabilities, if the lot or area is located on the shortest
5 safely accessible route to an accessible entrance to the theme
6 park or entertainment complex or to transportation to such an
7 accessible entrance.~~

~~8 (c)1. Each parking space must be no less than 12 feet
9 wide. Parking access aisles must be no less than 5 feet wide
10 and must be part of an accessible route to the building or
11 facility entrance. In accordance with ADAAG s. 4.6.3, access
12 aisles must be placed adjacent to accessible parking spaces;
13 however, two accessible parking spaces may share a common
14 access aisle. The access aisle must be striped diagonally to
15 designate it as a no-parking zone.~~

~~16 2. The parking access aisles are reserved for the
17 temporary exclusive use of persons who have disabled parking
18 permits and who require extra space to deploy a mobility
19 device, lift, or ramp in order to exit from or enter a
20 vehicle. Parking is not allowed in an access aisle. Violators
21 are subject to the same penalties that are imposed for
22 illegally parking in parking spaces that are designated for
23 persons who have disabilities. A vehicle may not be parked in
24 an access aisle, even if the vehicle owner or passenger is
25 disabled or owns a disabled parking permit.~~

~~26 3. Any provision of this subsection to the contrary
27 notwithstanding, a theme park or an entertainment complex as
28 defined in s. 509.013(9) in which are provided continuous
29 attendant services for directing individuals to marked
30 accessible parking spaces or designated lots for parking by
31 persons who have disabilities, may, in lieu of the required~~

Amendment No. ____ (for drafter's use only)

1 ~~parking space design, provide parking spaces that comply with~~
2 ~~ss. 4.1 and 4.6 of the Americans with Disabilities Act~~
3 ~~Accessibility Guidelines.~~

4 ~~(d) On-street parallel parking spaces must be located~~
5 ~~either at the beginning or end of a block or adjacent to alley~~
6 ~~entrances. Such spaces must be designed in conformance with~~
7 ~~the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5.~~
8 ~~exception: access aisles are not required. Curbs adjacent to~~
9 ~~such spaces must be of a height that will not interfere with~~
10 ~~the opening and closing of motor vehicle doors. This~~
11 ~~subsection does not relieve the owner of the responsibility to~~
12 ~~comply with the parking requirements of ADAAG ss. 4.1 and 4.6.~~

13 ~~(e) Parallel parking spaces must be even with surface~~
14 ~~slopes, may match the grade of the adjacent travel lane, and~~
15 ~~must not exceed a cross slope of 1 to 50, where feasible.~~

16 ~~(f) Curb ramps must be located outside of the disabled~~
17 ~~parking spaces and access aisles.~~

18 ~~(g)1. The removal of architectural barriers from a~~
19 ~~parking facility in accordance with 28 C.F.R. s. 36.304 or~~
20 ~~with s. 553.508 must comply with this section unless~~
21 ~~compliance would cause the barrier removal not to be readily~~
22 ~~achievable. If compliance would cause the barrier removal not~~
23 ~~to be readily achievable, a facility may provide parking~~
24 ~~spaces at alternative locations for persons who have~~
25 ~~disabilities and provide appropriate signage directing persons~~
26 ~~who have disabilities to the alternative parking if readily~~
27 ~~achievable. The facility may not reduce the required number~~
28 ~~or dimensions of those spaces, nor may it unreasonably~~
29 ~~increase the length of the accessible route from a parking~~
30 ~~space to the facility. The removal of an architectural~~
31 ~~barrier must not create a significant risk to the health or~~

Amendment No. ____ (for drafter's use only)

1 ~~safety of a person who has a disability or to that of others.~~
2 ~~2. A facility that is making alterations under s.~~
3 ~~553.507(2)(b) must comply with this section to the maximum~~
4 ~~extent feasible. If compliance with parking location~~
5 ~~requirements is not feasible, the facility may provide parking~~
6 ~~spaces at alternative locations for persons who have~~
7 ~~disabilities and provide appropriate signage directing persons~~
8 ~~who have a disability to alternative parking. The facility~~
9 ~~may not reduce the required number or dimensions of those~~
10 ~~spaces, nor may it unnecessarily increase the length of the~~
11 ~~accessible route from a parking space to the facility. The~~
12 ~~alteration must not create a significant risk to the health or~~
13 ~~safety of a person who has a disability or to that of others.~~
14 ~~(6) Each such parking space must be prominently~~
15 ~~outlined with blue paint, and must be repainted when~~
16 ~~necessary, to be clearly distinguishable as a parking space~~
17 ~~designated for persons who have disabilities and must be~~
18 ~~posted with a permanent above-grade sign of a color and design~~
19 ~~approved by the Department of Transportation, which is placed~~
20 ~~on or at a distance of 84 inches above the ground to the~~
21 ~~bottom of the sign and which bears the international symbol of~~
22 ~~accessibility meeting the requirements of ADAAG s. 4.30.7 and~~
23 ~~the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign~~
24 ~~erected after October 1, 1996, must indicate the penalty for~~
25 ~~illegal use of the space. Any provision of this section to the~~
26 ~~contrary notwithstanding, in a theme park or an entertainment~~
27 ~~complex as defined in s. 509.013(9) in which accessible~~
28 ~~parking is located in designated lots or areas, the signage~~
29 ~~indicating the lot as reserved for accessible parking may be~~
30 ~~located at the entrances to the lot in lieu of a sign at each~~
31 ~~parking place. This subsection does not relieve the owner of~~

Amendment No. ____ (for drafter's use only)

1 ~~the responsibility of complying with the signage requirements~~
2 ~~of ADAAG s. 4.30.~~

3 (1)(7) It is unlawful for any person to stop, stand,
4 or park a vehicle within, or to obstruct, any such specially
5 designated and marked parking space provided in accordance
6 with s. 553.5041 ~~this section~~, unless the vehicle displays a
7 disabled parking permit issued under s. 316.1958 or s.
8 320.0848 or a license plate issued under s. 320.084, s.
9 320.0842, s. 320.0843, or s. 320.0845, and the vehicle is
10 transporting the person to whom the displayed permit is
11 issued. The violation may not be dismissed for failure of the
12 marking on the parking space to comply with s. 553.5041 ~~this~~
13 ~~section~~ if the space is in general compliance and is clearly
14 distinguishable as a designated accessible parking space for
15 people who have disabilities. Only a warning may be issued for
16 unlawfully parking in a space designated for persons with
17 disabilities if there is no above-grade sign as provided in s.
18 553.5041 ~~subsection (6)~~.

19 (a) Whenever a law enforcement officer, a parking
20 enforcement specialist, or the owner or lessee of the space
21 finds a vehicle in violation of this subsection, that officer,
22 owner, or lessor shall have the vehicle in violation removed
23 to any lawful parking space or facility or require the
24 operator or other person in charge of the vehicle immediately
25 to remove the unauthorized vehicle from the parking space.
26 Whenever any vehicle is removed under this section to a
27 storage lot, garage, or other safe parking space, the cost of
28 the removal and parking constitutes a lien against the
29 vehicle.

30 (b) The officer or specialist shall charge the
31 operator or other person in charge of the vehicle in violation

Amendment No. ____ (for drafter's use only)

1 with a noncriminal traffic infraction, punishable as provided
2 in s. 316.008(4) or s. 318.18(6).

3 (c) All convictions for violations of this section
4 must be reported to the Department of Highway Safety and Motor
5 Vehicles by the clerk of the court.

6 (d) A law enforcement officer or a parking enforcement
7 specialist has the right to demand to be shown the person's
8 disabled parking permit and driver's license or state
9 identification card when investigating the possibility of a
10 violation of this section. If such a request is refused, the
11 person in charge of the vehicle may be charged with resisting
12 an officer without violence, as provided in s. 843.02.

13 ~~(2)(8)~~ It is unlawful for any person to obstruct the
14 path of travel to an accessible parking space, curb cut, or
15 access aisle by standing or parking a vehicle within any such
16 designated area. The violator is subject to the same penalties
17 as are imposed for illegally parking in a space that is
18 designated as an accessible parking space for persons who have
19 disabilities.

20 ~~(3)(9)~~ Any person who is chauffeuring a person who has
21 a disability is allowed, without need for a disabled parking
22 permit or a special license plate, to stand temporarily in any
23 such parking space, for the purpose of loading or unloading
24 the person who has a disability. A penalty may not be imposed
25 upon the driver for such temporary standing.

26 ~~(4)(10)~~(a) A vehicle that is transporting a person who
27 has a disability and that has been granted a permit under s.
28 320.0848(1)(a) may be parked for a maximum of 30 minutes in
29 any parking space reserved for persons who have disabilities.

30 (b) Notwithstanding paragraph (a), a theme park or an
31 entertainment complex as defined in s. 509.013(9) which

Amendment No. ____ (for drafter's use only)

1 provides parking in designated areas for persons who have
2 disabilities may allow any vehicle that is transporting a
3 person who has a disability to remain parked in a space
4 reserved for persons who have disabilities throughout the
5 period the theme park is open to the public for that day.

6 Section 16. Effective July 1, 2001, subsection (15) of
7 section 381.006, Florida Statutes, is amended to read:

8 381.006 Environmental health.--The department shall
9 conduct an environmental health program as part of fulfilling
10 the state's public health mission. The purpose of this program
11 is to detect and prevent disease caused by natural and manmade
12 factors in the environment. The environmental health program
13 shall include, but not be limited to:

14 (15) A sanitary facilities function, which shall
15 include minimum standards for the maintenance and sanitation
16 of sanitary facilities; public access to sanitary facilities;
17 ~~the number, operation, design, and maintenance of plumbing~~
18 ~~fixtures in places serving the public and places of~~
19 ~~employment;~~ and fixture ratios for special or temporary events
20 and for homeless shelters.

21 Section 17. Effective July 1, 2001, section 383.301,
22 Florida Statutes, is amended to read:

23 383.301 Licensure and regulation of birth centers;
24 legislative intent.--It is the intent of the Legislature to
25 provide for the protection of public health and safety in the
26 establishment, ~~construction,~~ maintenance, and operation of
27 birth centers by providing for licensure of birth centers and
28 for the development, establishment, and enforcement of minimum
29 standards with respect to birth centers.

30 Section 18. Effective July 1, 2001, subsection (1) of
31 section 383.309, Florida Statutes, is amended, and subsection

Amendment No. ____ (for drafter's use only)

1 (3) is added to said section, to read:

2 383.309 Minimum standards for birth centers; rules and
3 enforcement.--

4 (1) The agency shall adopt and enforce rules to
5 administer ss. 383.30-383.335, which rules shall include, but
6 are not limited to, reasonable and fair minimum standards for
7 ensuring that:

8 (a) Sufficient numbers and qualified types of
9 personnel and occupational disciplines are available at all
10 times to provide necessary and adequate patient care and
11 safety.

12 (b) Infection control, housekeeping, sanitary
13 conditions, disaster plan, and medical record procedures that
14 will adequately protect patient care and provide safety are
15 established and implemented.

16 ~~(c) Construction, maintenance, repair, and renovation~~
17 ~~of licensed facilities are governed by rules of the agency~~
18 ~~which use the most recently adopted, nationally recognized~~
19 ~~codes wherever feasible. Facilities licensed under s. 383.305~~
20 ~~are exempt from local construction standards to the extent~~
21 ~~that those standards are in conflict with the standards~~
22 ~~adopted by rule of the agency.~~

23 ~~(c)(d)~~ Licensed facilities are established, organized,
24 and operated consistent with established programmatic
25 standards.

26 (3) The agency may not establish any rule governing
27 the design, construction, erection, alteration, modification,
28 repair, or demolition of birth centers. It is the intent of
29 the Legislature to preempt that function to the Florida
30 Building Commission and the State Fire Marshal through
31 adoption and maintenance of the Florida Building Code and the

Amendment No. ____ (for drafter's use only)

1 Florida Fire Prevention Code. However, the agency shall
2 provide technical assistance to the commission and the State
3 Fire Marshal in updating the construction standards of the
4 Florida Building Code and the Florida Fire Prevention Code
5 which govern birth centers. In addition, the agency may
6 enforce the special-occupancy provisions of the Florida
7 Building Code and the Florida Fire Prevention Code which apply
8 to birth centers in conducting any inspection authorized under
9 this chapter.

10 Section 19. Effective July 1, 2001, paragraph (f) of
11 subsection (1) of section 394.879, Florida Statutes, is
12 amended, and subsection (5) is added to said section, to read:

13 394.879 Rules; enforcement.--

14 (1) The department, in consultation with the agency,
15 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
16 implement the provisions of this chapter, including, at a
17 minimum, rules providing standards to ensure that:

18 ~~(f) Facility construction and design requirements are~~
19 ~~consistent with the patients' conditions and that~~ The
20 operation and purposes of these facilities assure individuals'
21 health, safety, and welfare.

22 (5) The agency or the department may not adopt any
23 rule governing the design, construction, erection, alteration,
24 modification, repair, or demolition of crisis stabilization
25 units. It is the intent of the Legislature to preempt that
26 function to the Florida Building Commission and the State Fire
27 Marshal through adoption and maintenance of the Florida
28 Building Code and the Florida Fire Prevention Code. However,
29 the agency shall provide technical assistance to the
30 commission and the State Fire Marshal in updating the
31 construction standards of the Florida Building Code and the

Amendment No. ____ (for drafter's use only)

1 Florida Fire Prevention Code which govern crisis stabilization
2 units. In addition, the agency may enforce the
3 special-occupancy provisions of the Florida Building Code and
4 the Florida Fire Prevention Code which apply to crisis
5 stabilization units in conducting any inspection authorized
6 under this part.

7 Section 20. Effective July 1, 2001, paragraph (a) of
8 subsection (1) of section 395.0163, Florida Statutes, is
9 amended to read:

10 395.0163 Construction inspections; plan submission and
11 approval; fees.--

12 (1)(a) The design, construction, erection, alteration,
13 modification, repair, and demolition of all public and private
14 health care facilities are governed by the Florida Building
15 Code and the Florida Fire Prevention Code under ss. 553.73 and
16 663.022. In addition to the requirements of ss. 553.79 and
17 553.80, the agency shall review facility plans and survey the
18 construction of any facility licensed under this chapter.The
19 agency shall make, or cause to be made, such construction
20 inspections and investigations as it deems necessary. The
21 agency may prescribe by rule that any licensee or applicant
22 desiring to make specified types of alterations or additions
23 to its facilities or to construct new facilities shall, before
24 commencing such alteration, addition, or new construction,
25 submit plans and specifications therefor to the agency for
26 preliminary inspection and approval or recommendation with
27 respect to compliance with applicable provisions of the
28 Florida Building Code or agency rules and standards. The
29 agency shall approve or disapprove the plans and
30 specifications within 60 days after receipt of the fee for
31 review of plans as required in subsection (2). The agency may

Amendment No. ____ (for drafter's use only)

1 be granted one 15-day extension for the review period if the
2 director of the agency approves the extension. If the agency
3 fails to act within the specified time, it shall be deemed to
4 have approved the plans and specifications. When the agency
5 disapproves plans and specifications, it shall set forth in
6 writing the reasons for its disapproval. Conferences and
7 consultations may be provided as necessary.

8 Section 21. Effective July 1, 2001, subsection (8) is
9 added to section 395.1055, Florida Statutes, to read:

10 395.1055 Rules and enforcement.--

11 (8) The agency may not adopt any rule governing the
12 design, construction, erection, alteration, modification,
13 repair, or demolition of any public or private hospital,
14 intermediate residential treatment facility, or ambulatory
15 surgical center. It is the intent of the Legislature to
16 preempt that function to the Florida Building Commission and
17 the State Fire Marshal through adoption and maintenance of the
18 Florida Building Code and the Florida Fire Prevention Code.
19 However, the agency shall provide technical assistance to the
20 commission and the State Fire Marshal in updating the
21 construction standards of the Florida Building Code and the
22 Florida Fire Prevention Code which govern hospitals,
23 intermediate residential treatment facilities, and ambulatory
24 surgical centers.

25 Section 22. Effective July 1, 2001, subsection (8) is
26 added to section 395.10973, Florida Statutes, to read:

27 395.10973 Powers and duties of the agency.--It is the
28 function of the agency to:

29 (8) Enforce the special-occupancy provisions of the
30 Florida Building Code which apply to hospitals, intermediate
31 residential treatment facilities, and ambulatory surgical

Amendment No. ____ (for drafter's use only)

1 centers in conducting any inspection authorized by this
2 chapter.

3 Section 23. Effective July 1, 2001, section 399.02,
4 Florida Statutes, is amended to read:

5 399.02 General requirements.--

6 (1) The division shall develop and submit to the
7 Florida Building Commission for consideration ~~adopt by rule~~ an
8 elevator safety code, which, when adopted within the Florida
9 Building Code, applies to the installation, relocation, or
10 alteration of an elevator for which a permit has been issued
11 after October 1, 1990, and which must be the same as or
12 similar to the latest revision of "The Safety Code for
13 Elevators and Escalators ASME A17.1."

14 (2)(a) The requirements of this chapter apply to
15 equipment covered by s. 1.1 of the Elevator Safety Code.

16 (b) The equipment not covered by this chapter
17 includes, but is not limited to, the following: elevators,
18 inclined stairway chairlifts, and inclined or vertical
19 wheelchair lifts located in private residences; elevators in
20 television and radio towers; hand-operated dumbwaiters; sewage
21 pump station lifts; automobile parking lifts; and equipment
22 covered in s. 1.2 of the Elevator Safety Code.

23 ~~(3) The division may grant exceptions to the Elevator~~
24 ~~Safety Code as authorized by the Elevator Safety Code.~~

25 (3)~~(4)~~ Each elevator shall have a serial number
26 assigned by the division painted on or attached to the
27 elevator car in plain view and also to the driving mechanism.
28 This serial number shall be shown on all required certificates
29 and permits.

30 (4)~~(5)~~(a) The construction permitholder is responsible
31 for the correction of violations and deficiencies until the

Amendment No. ____ (for drafter's use only)

1 elevator has been inspected and a certificate of operation has
2 been issued by the division. The construction permitholder is
3 responsible for all tests of new and altered equipment until
4 the elevator has been inspected and a certificate of operation
5 has been issued by the division.

6 (b) The elevator owner is responsible for the safe
7 operation and proper maintenance of the elevator after it has
8 been inspected and a certificate of operation has been issued
9 by the division. The responsibilities of the elevator owner
10 may be assigned by lease.

11 (c) The elevator owner shall report to the division 60
12 days before the expiration of the certificate of operation
13 whether there exists a service maintenance contract, with whom
14 the contract exists, and the details concerning the provisions
15 and implementation of the contract which the division
16 requires. The division shall keep the names of companies with
17 whom the contract exists confidential pursuant to the public
18 records exemption provided in s. 119.14(4)(b)3. This annual
19 contract report must be made on forms supplied by the
20 division. The elevator owner must report any material change
21 in the service maintenance contract no fewer than 30 days
22 before the effective date of the change. The division shall
23 determine whether the provisions of the service maintenance
24 contract and its implementation ensure the safe operation of
25 the elevator.

26 (d) Each elevator company must register and have on
27 file with the division a certificate of comprehensive general
28 liability insurance evidencing coverage limits in the minimum
29 amounts of \$100,000 per person and \$300,000 per occurrence and
30 the name of at least one employee who holds a current
31 certificate of competency issued under s. 399.045.

Amendment No. ____ (for drafter's use only)

1 (5)(6) The division is hereby empowered to carry out
2 all of the provisions of this chapter relating to the
3 inspection and regulation of elevators and to enforce the
4 provisions of the Florida Building Code which govern elevators
5 and conveying systems in conducting the inspections authorized
6 under this part to provide for the protection of the public
7 health, welfare, and safety.

8 (6) The division shall annually review the provisions
9 of the Safety Code for Elevators and Escalators ASME A17.1, or
10 other related model codes and amendments thereto, and
11 recommend to the Florida Building Commission revisions to the
12 Florida Building Code to maintain the protection of the public
13 health, safety, and welfare.

14 Section 24. Effective July 1, 2001, section 399.03,
15 Florida Statutes, is amended to read:

16 399.03 Design, installation, and alteration of
17 elevators.--

18 (1) Each elevator shall comply with the edition of the
19 Florida Building Elevator Safety Code that was in effect at
20 the time of receipt of application for the construction permit
21 for the elevator.

22 (2) Each alteration to, or relocation of, an elevator
23 shall comply with the edition of the Florida Building Elevator
24 Safety Code that was in effect at the time of receipt of the
25 application for the construction permit for the alteration or
26 relocation.

27 (3) When any change is made in the classification of
28 an elevator, the elevator shall comply with all of the
29 requirements of the version of the Florida Building Elevator
30 Safety Code that were in effect at the time of receipt of the
31 application for the construction permit for the change in

Amendment No. ____ (for drafter's use only)

1 classification.

2 Section 25. Subsection (1) of section 399.061, Florida
3 Statutes, is amended to read:

4 399.061 Inspections; correction of deficiencies.--

5 (1)(a) All For those elevators subject to this chapter
6 must be inspected pursuant to s. 399.13 by a third-party
7 inspection service certified as a qualified elevator inspector
8 or maintained pursuant to a service maintenance contract
9 continuously in force. A statement verifying the existence,
10 performance, and cancellation of each service maintenance
11 contract must be filed annually with the division as
12 prescribed by rule. All elevators for which a service
13 maintenance contract is not continuously in force, the
14 division shall inspect such elevators at least once between
15 July 1 of any year and June 30 of the next year, the state's
16 fiscal year.

17 ~~(b) When a service maintenance contract is~~
18 ~~continuously maintained with an elevator company, the division~~
19 ~~shall verify with the elevator company before the end of each~~
20 ~~fiscal year that the contract is in force and is being~~
21 ~~implemented. An elevator covered by such a service~~
22 ~~maintenance contract shall be inspected by a~~
23 ~~certificate-of-competency holder state elevator inspector at~~
24 ~~least once every 2 fiscal years; however, if the elevator is~~
25 ~~not an escalator or a dumbwaiter and the elevator serves only~~
26 ~~two adjacent floors and is covered by a service maintenance~~
27 ~~contract, no inspection shall be required so long as the~~
28 ~~service contract remains in effect.~~

29 (b)(c) The division may inspect an elevator whenever
30 necessary to ensure its safe operation.

31 Section 26. Effective July 1, 2001, subsection (1) of

Amendment No. ____ (for drafter's use only)

1 section 399.13, Florida Statutes, is amended to read:

2 399.13 Delegation of authority to municipalities or
3 counties.--

4 (1) The division may enter into contracts with
5 municipalities or counties under which such municipalities or
6 counties will issue construction permits, temporary operation
7 permits, and certificates of operation; will provide
8 inspection of elevators; and will enforce the applicable
9 provisions of the Florida Building Elevator Safety Code, as
10 required by this chapter. Each such agreement shall include a
11 provision that the municipality or county shall maintain for
12 inspection by the division copies of all applications for
13 permits issued, a copy of each inspection report issued, and
14 proper records showing the number of certificates of operation
15 issued; shall include a provision that each required
16 inspection be conducted by the holder of a certificate of
17 competency issued by the division; and may include such other
18 provisions as the division deems necessary.

19 Section 27. Effective July 1, 2001, section 400.011,
20 Florida Statutes, is amended to read:

21 400.011 Purpose.--The purpose of this part is to
22 provide for the development, establishment, and enforcement of
23 basic standards for:

24 (1) The health, care, and treatment of persons in
25 nursing homes and related health care facilities; and

26 (2) The ~~construction, maintenance, and operation~~ of
27 such institutions that ~~which~~ will ensure safe, adequate, and
28 appropriate care, treatment, and health of persons in such
29 facilities.

30 Section 28. Effective July 1, 2001, paragraph (a) of
31 subsection (2) of section 400.23, Florida Statutes, is amended

Amendment No. ____ (for drafter's use only)

1 to read:

2 400.23 Rules; evaluation and deficiencies; licensure
3 status.--

4 (2) Pursuant to the intention of the Legislature, the
5 agency, in consultation with the Department of Health and the
6 Department of Elderly Affairs, shall adopt and enforce rules
7 to implement this part, which shall include reasonable and
8 fair criteria in relation to:

9 (a) ~~The location and construction of the facility+~~
10 ~~including fire and life safety, plumbing, heating, cooling,~~
11 ~~lighting, ventilation, and other housing conditions that which~~
12 ~~will ensure the health, safety, and comfort of residents,~~
13 ~~including an adequate call system. The agency shall establish~~
14 ~~standards for facilities and equipment to increase the extent~~
15 ~~to which new facilities and a new wing or floor added to an~~
16 ~~existing facility after July 1, 1999, are structurally capable~~
17 ~~of serving as shelters only for residents, staff, and families~~
18 ~~of residents and staff, and equipped to be self-supporting~~
19 ~~during and immediately following disasters.~~ The agency shall
20 work with facilities licensed under this part and report to
21 the Governor and Legislature by April 1, 1999, its
22 recommendations for cost-effective renovation standards to be
23 applied to existing facilities. In making such rules, the
24 agency shall be guided by criteria recommended by nationally
25 recognized reputable professional groups and associations with
26 knowledge of such subject matters. The agency shall update or
27 revise such criteria as the need arises. ~~All nursing homes~~
28 ~~must comply with those lifesafety code requirements and~~
29 ~~building code standards applicable at the time of approval of~~
30 ~~their construction plans.~~ The agency may require alterations
31 to a building if it determines that an existing condition

Amendment No. ____ (for drafter's use only)

1 constitutes a distinct hazard to life, health, or safety. In
2 performing any inspections of facilities authorized by this
3 part, the agency may enforce the special-occupancy provisions
4 of the Florida Building Code and the Florida Fire Prevention
5 Code which apply to nursing homes. The agency is directed to
6 provide assistance to the Florida Building Commission in
7 updating the construction standards of the code relative to
8 nursing homes.~~The agency shall adopt fair and reasonable~~
9 ~~rules setting forth conditions under which existing facilities~~
10 ~~undergoing additions, alterations, conversions, renovations,~~
11 ~~or repairs shall be required to comply with the most recent~~
12 ~~updated or revised standards.~~

13 Section 29. Effective July 1, 2001, section 400.232,
14 Florida Statutes, is amended to read:

15 400.232 Review and approval of plans; fees and
16 costs.--The design, construction, erection, alteration,
17 modification, repair, and demolition of all public and private
18 health care facilities are governed by the Florida Building
19 Code and the Florida Fire Prevention Code under ss. 553.73 and
20 633.022. In addition to the requirements of ss. 553.79 and
21 553.80, the agency shall review the facility plans and survey
22 the construction of facilities licensed under this chapter.

23 (1) The agency shall approve or disapprove the plans
24 and specifications within 60 days after receipt of the final
25 plans and specifications. The agency may be granted one
26 15-day extension for the review period, if the director of the
27 agency so approves. If the agency fails to act within the
28 specified time, it shall be deemed to have approved the plans
29 and specifications. When the agency disapproves plans and
30 specifications, it shall set forth in writing the reasons for
31 disapproval. Conferences and consultations may be provided as

Amendment No. ____ (for drafter's use only)

1 necessary.

2 (2) The agency is authorized to charge an initial fee
3 of \$2,000 for review of plans and construction on all
4 projects, no part of which is refundable. The agency may also
5 collect a fee, not to exceed 1 percent of the estimated
6 construction cost or the actual cost of review, whichever is
7 less, for the portion of the review which encompasses initial
8 review through the initial revised construction document
9 review. The agency is further authorized to collect its
10 actual costs on all subsequent portions of the review and
11 construction inspections. Initial fee payment shall accompany
12 the initial submission of plans and specifications. Any
13 subsequent payment that is due is payable upon receipt of the
14 invoice from the agency. Notwithstanding any other provisions
15 of law to the contrary, all money received by the agency
16 pursuant to the provisions of this section shall be deemed to
17 be trust funds, to be held and applied solely for the
18 operations required under this section.

19 Section 30. Section 455.2286, Florida Statutes, is
20 amended to read:

21 455.2286 Automated information system.--By November 1,
22 2001 ~~1999~~, the department shall implement an automated
23 information system for all certificateholders and registrants
24 under part XII of chapter 468, chapter 471, chapter 481, or
25 chapter 489. The system shall provide instant notification to
26 local building departments and other interested parties
27 regarding the status of the certification or registration.
28 The provision of such information shall consist, at a minimum,
29 of an indication of whether the certification or registration
30 is active, of any current failure to meet the terms of any
31 final action by a licensing authority, of any ongoing

Amendment No. ____ (for drafter's use only)

1 disciplinary cases that are subject to public disclosure,
2 whether there are any outstanding fines, and of the reporting
3 of any material violations pursuant to s. 553.781. The system
4 shall also retain information developed by the department and
5 local governments on individuals found to be practicing or
6 contracting without holding the applicable license,
7 certification, or registration required by law. The system may
8 be Internet-based.

9 Section 31. Effective July 1, 2001, section 468.604,
10 Florida Statutes, is amended to read:

11 468.604 Responsibilities of building code
12 administrators, plans examiners, and inspectors.--

13 (1) It is the responsibility of the building code
14 administrator or building official to administrate, supervise,
15 direct, enforce, or perform the permitting and inspection of
16 construction, alteration, repair, remodeling, or demolition of
17 structures and the installation of building systems within the
18 boundaries of their governmental jurisdiction, when permitting
19 is required, to ensure compliance with the Florida Building
20 Code and any applicable local technical amendment to the
21 Florida Building Code building, plumbing, mechanical,
22 electrical, gas fuel, energy conservation, accessibility, and
23 other construction codes which are required or adopted by
24 municipal code, county ordinance, or state law. The building
25 code administrator or building official shall faithfully
26 perform these responsibilities without interference from any
27 person. These responsibilities include:

28 (a) The review of construction plans to ensure
29 compliance with all applicable sections of the code codes. The
30 construction plans must be reviewed before the issuance of any
31 building, system installation, or other construction permit.

Amendment No. ____ (for drafter's use only)

1 The review of construction plans must be done by the building
2 code administrator or building official or by a person having
3 the appropriate plans examiner license issued under this
4 chapter.

5 (b) The inspection of each phase of construction where
6 a building or other construction permit has been issued. The
7 building code administrator or building official, or a person
8 having the appropriate building code inspector license issued
9 under this chapter, shall inspect the construction or
10 installation to ensure that the work is performed in
11 accordance with applicable sections of the code codes.

12 (2) It is the responsibility of the building code
13 inspector to conduct inspections of construction, alteration,
14 repair, remodeling, or demolition of structures and the
15 installation of building systems, when permitting is required,
16 to ensure compliance with the Florida Building Code and any
17 applicable local technical amendment to the Florida Building
18 Code building, plumbing, mechanical, electrical, gas fuel,
19 energy conservation, accessibility, and other construction
20 codes required by municipal code, county ordinance, or state
21 law. Each building code inspector must be licensed in the
22 appropriate category as defined in s. 468.603. The building
23 code inspector's responsibilities must be performed under the
24 direction of the building code administrator or building
25 official without interference from any unlicensed person.

26 (3) It is the responsibility of the plans examiner to
27 conduct review of construction plans submitted in the permit
28 application to assure compliance with the Florida Building
29 Code and any applicable local technical amendment to the
30 Florida Building Code all applicable codes required by
31 municipal code, county ordinance, or state law. The review of

Amendment No. ____ (for drafter's use only)

1 construction plans must be done by the building code
2 administrator or building official or by a person licensed in
3 the appropriate plans examiner category as defined in s.
4 468.603. The plans examiner's responsibilities must be
5 performed under the supervision and authority of the building
6 code administrator or building official without interference
7 from any unlicensed person.

8 Section 32. Section 468.607, Florida Statutes, is
9 amended to read:

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

26 Section 33. Subsections (2) and (3) of section
27 468.609, Florida Statutes, are amended, and paragraph (e) is
28 added to subsection (6) of said section, to read:

29 468.609 Administration of this part; standards for
30 certification; additional categories of certification.--

31 (2) A person may ~~shall be entitled to~~ take the

Amendment No. ____ (for drafter's use only)

1 examination for certification as an inspector or plans
2 examiner pursuant to this part if the person:
3 (a) Is at least 18 years of age,~~+~~
4 (b) Is of good moral character,~~+~~~~and~~
5 (c) Meets eligibility requirements according to one of
6 the following criteria:
7 1. Demonstrates 5 years' combined experience in the
8 field of construction or a related field, building inspection,
9 or plans review corresponding to the certification category
10 sought;
11 2. Demonstrates a combination of postsecondary
12 education in the field of construction or a 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;
16 3. Demonstrates a combination of technical education
17 in the field of construction or a related field and experience
18 which totals 4 years, with at least 1 year of such total being
19 experience in construction, building inspection, or plans
20 review; or
21 4. Currently holds a standard certificate as issued by
22 the board and satisfactorily completes an inspector or plans
23 examiner training program of not less than 200 hours in the
24 certification category sought. The board shall establish by
25 rule criteria for the development and implementation of the
26 training programs.
27 (d) After the Building Code Training Program is
28 established under s. 553.841, demonstrates successful
29 completion of the core curriculum ~~and specialized or advanced~~
30 ~~module coursework~~ approved by the Florida Building Commission,
31 ~~as part of the Building Code Training Program established~~

Amendment No. ____ (for drafter's use only)

1 ~~pursuant to s. 553.841, appropriate to the licensing category~~
2 ~~sought or, pursuant to authorization by the certifying~~
3 ~~authority, provides proof of completion of such curriculum or~~
4 ~~coursework within 6 months after such certification.~~

5 (3) A person may ~~shall be entitled to~~ take the
6 examination for certification as a building code administrator
7 pursuant to this part if the person:

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

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

10 (c) Meets eligibility requirements according to one of
11 the following criteria:

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

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

24 (d) After the Building Code Training Program is
25 established under s. 553.841, demonstrates successful
26 completion of the core curriculum ~~and specialized or advanced~~
27 ~~module coursework~~ approved by the Florida Building Commission,
28 ~~as part of the Building Code Training Program established~~
29 ~~pursuant to s. 553.841, appropriate to the licensing category~~
30 ~~sought or, pursuant to authorization by the certifying~~
31 ~~authority, provides proof of completion of such curriculum or~~

Amendment No. ____ (for drafter's use only)

1 ~~coursework within 6 months after such certification.~~

2 (6)

3 (e) By January 1, 2001, individuals who were employed
4 by an educational board as building code administrators, plans
5 examiners, or inspectors, who are not eligible for a standard
6 certificate but who wish to continue in such employment, shall
7 submit to the board the appropriate application and
8 certification fees and shall receive a limited certificate
9 qualifying such individuals to engage in building code
10 administration, plans examination, or inspection in the class,
11 at the performance level, and within the governmental
12 jurisdiction in which such person is employed.

13 Section 34. Section 468.617, Florida Statutes, is
14 amended to read:

15 468.617 Joint inspection department; other
16 arrangements.--

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

27 (2) Nothing in this part shall prohibit local
28 governments, school boards, community college boards, state
29 universities, or state agencies from contracting with persons
30 certified pursuant to this part to perform inspections or plan
31 reviews. An individual or entity may not inspect or examine

Amendment No. ____ (for drafter's use only)

1 plans on projects in which the individual or entity designed
2 or permitted the projects.

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

10 Section 35. Effective July 1, 2001, paragraph (d) of
11 subsection (1) of section 469.002, Florida Statutes, is
12 amended to read:

13 469.002 Exemptions.--

14 (1) This chapter does not apply to:

15 (d) Moving, removal, or disposal of
16 asbestos-containing materials on a residential building where
17 the owner occupies the building, the building is not for sale
18 or lease, and the work is performed according to the
19 owner-builder limitations provided in this paragraph. To
20 qualify for exemption under this paragraph, an owner must
21 personally appear and sign the building permit application.
22 The permitting agency shall provide the person with a
23 disclosure statement as provided in chapter 1 of the Florida
24 Building Code.~~in substantially the following form:~~

25

26 ~~Disclosure Statement~~

27

28 ~~State law requires asbestos abatement to be done by~~
29 ~~licensed contractors. You have applied for a permit under an~~
30 ~~exemption to that law. The exemption allows you, as the owner~~
31 ~~of your property, to act as your own asbestos abatement~~

Amendment No. ____ (for drafter's use only)

1 ~~contractor even though you do not have a license. You must~~
2 ~~supervise the construction yourself. You may move, remove, or~~
3 ~~dispose of asbestos-containing materials on a residential~~
4 ~~building where you occupy the building and the building is not~~
5 ~~for sale or lease, or the building is a farm outbuilding on~~
6 ~~your property. If you sell or lease such building within 1~~
7 ~~year after the asbestos abatement is complete, the law will~~
8 ~~presume that you intended to sell or lease the property at the~~
9 ~~time the work was done, which is a violation of this~~
10 ~~exemption. You may not hire an unlicensed person as your~~
11 ~~contractor. Your work must be done according to all local,~~
12 ~~state, and federal laws and regulations which apply to~~
13 ~~asbestos abatement projects. It is your responsibility to make~~
14 ~~sure that people employed by you have licenses required by~~
15 ~~state law and by county or municipal licensing ordinances.~~

16 Section 36. Subsection (7) is added to section
17 471.015, Florida Statutes, to read:

18 471.015 Licensure.--

19 (7) The board shall, by rule, establish qualifications
20 for certification of licensees as special inspectors of
21 threshold buildings, as defined in ss. 553.71 and 553.79, and
22 shall compile a list of persons who are certified. A special
23 inspector is not required to meet standards for certification
24 other than those established by the board, and the fee owner
25 of a threshold building may not be prohibited from selecting
26 any person certified by the board to be a special inspector.
27 The board shall develop minimum qualifications for the
28 qualified representative of the special inspector who is
29 authorized to perform inspections of threshold buildings on
30 behalf of the special inspector under s. 553.79.

31 Section 37. Subsection (7) is added to section

Amendment No. ____ (for drafter's use only)

1 481.213, Florida Statutes, to read:

2 481.213 Licensure.--

3 (7) For persons whose licensure requires satisfaction
4 of the requirements of ss. 481.209 and 481.211, the board
5 shall, by rule, establish qualifications for certification of
6 such persons as special inspectors of threshold buildings, as
7 defined in ss. 553.71 and 553.79, and shall compile a list of
8 persons who are certified. A special inspector is not required
9 to meet standards for certification other than those
10 established by the board, and the fee owner of a threshold
11 building may not be prohibited from selecting any person
12 certified by the board to be a special inspector. The board
13 shall develop minimum qualifications for the qualified
14 representative of the special inspector who is authorized
15 under s. 553.79 to perform inspections of threshold buildings
16 on behalf of the special inspector.

17 Section 38. Effective July 1, 2001, subsection (19) of
18 section 489.103, Florida Statutes, is amended to read:

19 489.103 Exemptions.--This part does not apply to:

20 (19) The sale, delivery, assembly, or tie-down of
21 prefabricated portable sheds that are not more than 250 square
22 feet in interior size and are not intended for use as a
23 residence or as living quarters. This exemption may not be
24 construed to interfere with the Florida Building Code or any
25 applicable local technical amendment to the Florida Building
26 Code ~~local building codes~~, local licensure requirements, or
27 other local ordinance provisions.

28 Section 39. Effective July 1, 2000, subsection (7) is
29 added to section 489.107, Florida Statutes, to read:

30 489.107 Construction Industry Licensing Board.--

31 (7) Notwithstanding s. 20.165, the physical offices of

Amendment No. ____ (for drafter's use only)

1 the board shall be located in Leon County.

2 Section 40. Effective July 1, 2001, subsection (3) of
3 section 489.109, Florida Statutes, is amended to read:

4 489.109 Fees.--

5 (3) In addition to the fees provided in subsection (1)
6 for application and renewal for certification and
7 registration, all certificateholders and registrants must pay
8 a fee of \$4 to the department at the time of application or
9 renewal. The funds must be transferred at the end of each
10 licensing period to the Department of Community Affairs
11 ~~Education~~ to fund projects relating to the building
12 construction industry or continuing education programs offered
13 to persons engaged in the building construction industry in
14 Florida, to be selected by the Florida Building Commission.
15 The board shall, at the time the funds are transferred, advise
16 the Department of Community Affairs ~~Education~~ on the most
17 needed areas of research or continuing education based on
18 significant changes in the industry's practices or on changes
19 in the state building code or on the most common types of
20 consumer complaints or on problems costing the state or local
21 governmental entities substantial waste. The board's advice is
22 not binding on the Department of Community Affairs ~~Education~~.
23 ~~The Department of Education must allocate 50 percent of the~~
24 ~~funds to a graduate program in building construction in a~~
25 ~~Florida university and 50 percent of the funds to all~~
26 ~~accredited private and state universities and community~~
27 ~~colleges within the state offering approved courses in~~
28 ~~building construction, with each university or college~~
29 ~~receiving a pro rata share of such funds based upon the number~~
30 ~~of full-time building construction students enrolled at the~~
31 ~~institution.~~The Department of Community Affairs ~~Education~~

Amendment No. ____ (for drafter's use only)

1 shall ensure the distribution of research reports and the
2 availability of continuing education programs to all segments
3 of the building construction industry to which they relate.
4 The Department of Community Affairs ~~Education~~ shall report to
5 the board in October of each year, summarizing the allocation
6 of the funds by institution and summarizing the new projects
7 funded and the status of previously funded projects.

8 Section 41. Paragraph (b) of subsection (4) of section
9 489.115, Florida Statutes, is amended to read:

10 489.115 Certification and registration; endorsement;
11 reciprocity; renewals; continuing education.--

12 (4)

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

Amendment No. ____ (for drafter's use only)

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

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

27 Section 42. Section 21 of chapter 98-287, Laws of
28 Florida, is amended to read:

29 Section 21. Effective July ~~January~~ 1, 2001, paragraph
30 (b) of subsection (4) of section 489.115, Florida Statutes, as
31 amended by this act, is amended to read:

Amendment No. ____ (for drafter's use only)

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

3 (4)

4 (b)1. Each certificateholder or registrant shall
5 provide proof, in a form established by rule of the board,
6 that the certificateholder or registrant has completed at
7 least 14 classroom hours of at least 50 minutes each of
8 continuing education courses during each biennium since the
9 issuance or renewal of the certificate or registration. The
10 board shall establish by rule that a portion of the required
11 14 hours must deal with the subject of workers' compensation
12 and workplace safety. The board shall by rule establish
13 criteria for the approval of continuing education courses and
14 providers, including requirements relating to the content of
15 courses and standards for approval of providers, and may by
16 rule establish criteria for accepting alternative nonclassroom
17 continuing education on an hour-for-hour basis.

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

Amendment No. ____ (for drafter's use only)

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

13 4. The board shall require, by rule adopted pursuant
14 to ss. 120.536(1) and 120.54, a specified number of hours in
15 specialized or advanced module courses, approved by the
16 Florida Building Commission, on any portion of the Florida
17 Building Code, adopted pursuant to part VII of chapter 553,
18 relating to the contractor's respective discipline.

19 Section 43. Section 497.255, Florida Statutes, is
20 amended to read:

21 497.255 Standards for construction and significant
22 alteration or renovation of mausoleums and columbaria.--

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

27 (2) The board shall adopt, by no later than July 1,
28 1999, rules establishing minimum standards for all newly
29 constructed and significantly altered or renovated mausoleums
30 and columbaria; however, in the case of significant
31 alterations or renovations to existing structures, the rules

Amendment No. ____ (for drafter's use only)

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

Amendment No. ____ (for drafter's use only)

1 terminology to that effect. If the board elects to divide the
2 standards into two or more chapters, all such rules shall be
3 binding on licensees and others subject to the jurisdiction of
4 the board, but only the chapter containing provisions
5 appropriate for building codes shall be transmitted to the
6 Florida Board of Building Commission Codes and Standards
7 pursuant to subsection (3). Such rules may be in the form of
8 standards for design and construction; methods, materials, and
9 specifications for construction; or other mechanisms. Such
10 rules shall encompass, at a minimum, the following standards:

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

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

21 (c) Such structure must contain adequate provision for
22 drainage and ventilation.

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

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

31 (f) Suitable provisions must be made for securely and

Amendment No. ____ (for drafter's use only)

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

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

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

Amendment No. ____ (for drafter's use only)

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

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

28 (5) For purposes of this section, "significant
29 alteration or renovation" means any addition, renovation, or
30 repair which results in the creation of new crypt or niche
31 spaces.

Amendment No. ____ (for drafter's use only)

1 Section 44. Effective July 1, 2001, subsection (8) is
2 added to section 500.09, Florida Statutes, to read:

3 500.09 Rulemaking; analytical work.--

4 (8) The department may adopt rules necessary for the
5 sanitary manufacture, processing, or handling of food, except
6 for those governing the design, construction, erection,
7 alteration, modification, repair, or demolition of any
8 building, structure, or facility wherein food products are
9 manufactured, processed, handled, stored, sold, or
10 distributed. It is the intent of the Legislature to preempt
11 those functions to the Florida Building Commission through
12 adoption and maintenance of the Florida Building Code. The
13 department shall provide technical assistance to the
14 commission in updating the construction standards of the
15 Florida Building Code which relate to food safety. However,
16 the department is authorized to enforce the provisions of the
17 Florida Building Code which apply to food establishments in
18 conducting any inspections authorized by this chapter.

19 Section 45. Effective July 1, 2001, subsections (7)
20 and (8) are added to section 500.12, Florida Statutes, to
21 read:

22 500.12 Food permits; building permits.--

23 (7) In conducting any preoperational or other
24 inspection, the department may enforce provisions of the
25 Florida Building Code relating to food establishments.

26 (8) Any person who, after October 1, 2000, applies for
27 or renews a local occupational license to engage in business
28 as a food establishment must exhibit a current food permit or
29 an active letter of exemption from the department before the
30 local occupational license may be issued or renewed.

31 Section 46. Effective July 1, 2001, subsection (1) of

Amendment No. ____ (for drafter's use only)

1 section 500.147, Florida Statutes, is amended to read:

2 500.147 Inspection of food establishments and
3 vehicles; food safety pilot program.--

4 (1) The department or its duly authorized agent shall
5 have free access at all reasonable hours to any food
6 establishment or any vehicle being used to transport or hold
7 food in commerce for the purpose of inspecting such
8 establishment or vehicle to determine if any provision of this
9 chapter or any rule adopted under the chapter is being
10 violated; to secure a sample or a specimen of any food after
11 paying or offering to pay for such sample; ~~or~~ to see that all
12 sanitary rules adopted by the department are complied with; or
13 to enforce the special-occupancy provisions of the Florida
14 Building Code which apply to food establishments.

15 Section 47. Effective July 1, 2001, paragraph (d) of
16 subsection (2) and subsection (7) of section 509.032, Florida
17 Statutes, are amended to read:

18 509.032 Duties.--

19 (2) INSPECTION OF PREMISES.--

20 (d) The division shall adopt and enforce sanitation
21 rules consistent with law to ensure the protection of the
22 public from food-borne illness in those establishments
23 licensed under this chapter. These rules shall provide the
24 standards and requirements for obtaining, storing, preparing,
25 processing, serving, or displaying food in public food service
26 establishments, approving public food service establishment
27 facility plans, conducting necessary public food service
28 establishment inspections for compliance with sanitation
29 regulations, cooperating and coordinating with the Department
30 of Health in epidemiological investigations, and initiating
31 enforcement actions, and for other such responsibilities

Amendment No. ____ (for drafter's use only)

1 deemed necessary by the division. The division may not
2 establish by rule any regulation governing the design,
3 construction, erection, alteration, modification, repair, or
4 demolition of any public lodging or public food service
5 establishment. It is the intent of the Legislature to preempt
6 that function to the Florida Building Commission and the State
7 Fire Marshal through adoption and maintenance of the Florida
8 Building Code and the Florida Fire Prevention Code. The
9 division shall provide technical assistance to the commission
10 and the State Fire Marshal in updating the construction
11 standards of the Florida Building Code and the Florida Fire
12 Prevention Code which govern public lodging and public food
13 service establishments. Further, the division shall enforce
14 the provisions of the Florida Building Code and the Florida
15 Fire Prevention Code which apply to public lodging and public
16 food service establishments in conducting any inspections
17 authorized by this part.

18 (7) PREEMPTION AUTHORITY.--The regulation ~~and~~
19 ~~inspection~~ of public lodging establishments and public food
20 service establishments, the inspection of public lodging
21 establishments and public food service establishments for
22 compliance with the sanitation standards adopted under this
23 section, and the regulation of food safety protection
24 standards for required training and testing of food service
25 establishment personnel are preempted to the state. This
26 subsection does not preempt the authority of a local
27 government or local enforcement district to conduct
28 inspections of public lodging and public food service
29 establishments for compliance with the Florida Building Code
30 and the Florida Fire Prevention Code, pursuant to ss. 553.80
31 and 633.022.

Amendment No. ____ (for drafter's use only)

1 Section 48. Effective July 1, 2001, subsection (1) of
2 section 509.221, Florida Statutes, is amended to read:

3 509.221 Sanitary regulations.--

4 (1) Each public lodging establishment and each public
5 food service establishment shall be supplied with potable
6 water and shall provide adequate sanitary facilities for the
7 accommodation of its employees and guests. Such facilities may
8 include, but are not limited to, showers, handwash basins,
9 toilets, and bidets. Such sanitary facilities shall be
10 connected to approved plumbing. Such plumbing shall be sized,
11 installed, and maintained in accordance with the Florida
12 Building Code ~~applicable state and local plumbing codes~~.
13 Wastewater or sewage shall be properly treated onsite or
14 discharged into an approved sewage collection and treatment
15 system.

16 Section 49. Effective July 1, 2001, section 514.021,
17 Florida Statutes, is amended to read:

18 514.021 Department authorization.--

19 (1) The department is authorized to adopt and enforce
20 rules to protect the health, safety, or welfare of persons
21 using public swimming pools and bathing places. The
22 department shall review and revise such rules as necessary,
23 but not less than biannually. Sanitation and safety standards
24 shall include, but not be limited to, matters relating to
25 structure; appurtenances; operation; source of water supply;
26 bacteriological, chemical, and physical quality of water in
27 the pool or bathing area; method of water purification,
28 treatment, and disinfection; lifesaving apparatus; measures to
29 ensure safety of bathers; and measures to ensure the personal
30 cleanliness of bathers.

31 (2) The department may not establish by rule any

Amendment No. ____ (for drafter's use only)

1 regulation governing the design, alteration, modification, or
2 repair of public swimming pools and bathing places which has
3 no impact on the health, safety, and welfare of persons using
4 public swimming pools and bathing places. Further, the
5 department may not adopt by rule any regulation governing the
6 construction, erection, or demolition of public swimming pools
7 and bathing places. It is the intent of the Legislature to
8 preempt those functions to the Florida Building Commission
9 through adoption and maintenance of the Florida Building Code.
10 The department shall provide technical assistance to the
11 commission in updating the construction standards of the
12 Florida Building Code which govern public swimming pools and
13 bathing places. Further, the department is authorized to
14 conduct plan reviews, to issue approvals, and to enforce the
15 special-occupancy provisions of the Florida Building Code
16 which apply to public swimming pools and bathing places in
17 conducting any inspections authorized by this chapter. This
18 subsection does not abrogate the authority of the department
19 to adopt and enforce appropriate sanitary regulations and
20 requirements as authorized in subsection (1).

21 Section 50. Effective July 1, 2001, section 514.03,
22 Florida Statutes, is amended to read:

23 514.03 Construction plans approval necessary to
24 construct, develop, or modify public swimming pools or bathing
25 places.--It is unlawful for any person or public body to
26 construct, develop, or modify any public swimming pool or
27 bathing place without a valid construction plans approval from
28 the department. This section does not preempt the authority of
29 local governments or local enforcement districts to conduct
30 plan reviews and inspections of public swimming pools and
31 bathing places for compliance with the general construction

Amendment No. ____ (for drafter's use only)

1 standards of the Florida Building Code, pursuant to s. 553.80.

2 (1) Any person or public body desiring to construct,
3 develop, or modify any public swimming pool or bathing place
4 shall file an application for a construction plans approval
5 with the department on application forms provided by the
6 department and shall accompany such application with:

7 (a) Engineering drawings, specifications,
8 descriptions, and detailed maps of the structure, its
9 appurtenances, and its intended operation.

10 (b) A description of the source or sources of water
11 supply and amount and quality of water available and intended
12 to be used.

13 (c) A description of the method and manner of water
14 purification, treatment, disinfection, and heating.

15 (d) Other applicable information deemed necessary by
16 the department to fulfill the requirements of this chapter.

17 (2) If the proposed construction of, development of,
18 or modification of a public swimming pool or bathing place
19 meets standards of public health and safety as defined in this
20 chapter and rules adopted hereunder, the department shall
21 grant the application for the construction plans approval
22 within 30 days after receipt of a complete submittal. If
23 engineering plans submitted are in substantial compliance with
24 the standards aforementioned, the department may approve the
25 plans with provisions for corrective action to be completed
26 prior to issuance of the operating permit.

27 (3) If the proposed construction, development, or
28 modification of a public swimming pool or bathing place fails
29 to meet standards of public health and safety as defined in
30 this chapter and rules adopted hereunder, the department shall
31 deny the application for construction plans approval pursuant

Amendment No. ____ (for drafter's use only)

1 to the provisions of chapter 120. Such denial shall be issued
2 in writing within 30 days and shall list the circumstances for
3 denial. Upon correction of such circumstances, an applicant
4 previously denied permission to construct, develop, or modify
5 a public swimming pool or bathing place may reapply for
6 construction plans approval.

7 (4) An approval of construction plans issued by the
8 department under this section becomes void 1 year after the
9 date the approval was issued if the construction is not
10 commenced within 1 year after the date of issuance.

11 Section 51. Subsection (1) of section 553.06, Florida
12 Statutes, is amended to read:

13 553.06 State Plumbing Code.--

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

Amendment No. ____ (for drafter's use only)

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

5 Section 52. Effective July 1, 2001, section 553.141,
6 Florida Statutes, is amended to read:

7 553.141 Public restrooms; ratio of facilities for men
8 and women; application; incorporation into the Florida
9 Building Code rules.--The Florida Building Commission shall
10 incorporate into the Florida Building Code, to be adopted by
11 rule pursuant to s. 553.73(1), a ratio of public restroom
12 facilities for men and women which must be provided in all
13 buildings that are newly constructed after September 30, 1992,
14 and that have restrooms open to the public.

15 ~~(1) A building that is newly constructed after~~
16 ~~September 30, 1992, and that is a publicly owned building or a~~
17 ~~privately owned building that has restrooms open to the public~~
18 ~~must have a ratio of 3 to 2 water closets provided for women~~
19 ~~as the combined total of water closets and urinals provided~~
20 ~~for men, unless there are two or fewer fixtures for men.~~

21 ~~(2) As used in this section, the term "newly~~
22 ~~constructed" means new construction, building, alteration,~~
23 ~~rehabilitation, or repair that equals or exceeds 50 percent of~~
24 ~~the replacement value existing on October 1, 1992, unless the~~
25 ~~same was under design or construction, or under construction~~
26 ~~contract before October 1, 1992.~~

27 ~~(3) This section does not apply to establishments~~
28 ~~licensed under chapter 509 if the establishment does not~~
29 ~~provide meeting or banquet rooms which accommodate more than~~
30 ~~150 persons and the establishment has at least the same number~~
31 ~~of water closets for women as the combined total of water~~

Amendment No. ____ (for drafter's use only)

1 closets and urinals for men.

2 ~~(4) The Board of Building Codes and Standards shall~~
3 ~~adopt rules to administer this section, pursuant to chapter~~
4 ~~120.~~

5 Section 53. The Division of Statutory Revision is
6 requested to change the title of part IV of chapter 553,
7 Florida Statutes, to "MANUFACTURED BUILDINGS."

8 Section 54. Effective July 1, 2001, section 553.355,
9 Florida Statutes, is created to read:

10 553.355 Minimum construction requirements
11 established.--The Florida Building Code and the Florida Fire
12 Prevention and Lifesafety Codes shall be the minimum
13 construction requirements governing the manufacture, design,
14 construction, erection, alteration, modification, repair, and
15 demolition of manufactured buildings.

16 Section 55. Subsections (5) and (11) of section
17 553.36, Florida Statutes, are amended, present subsections
18 (13) and (14) of said section are redesignated as subsections
19 (14) and (15), respectively, and a new subsection (13) is
20 added to said section, to read:

21 553.36 Definitions.--The definitions contained in this
22 section govern the construction of this part unless the
23 context otherwise requires.

24 (5) "Component" means any assembly, subassembly, or
25 combination of parts for use as a part of a building, which
26 may include structural, electrical, mechanical, and fire
27 protection systems and other systems affecting health and
28 safety. Components that incorporate elements of a building
29 subject to the product approval system adopted under s.
30 553.842 are subject to approval in accordance with the product
31 approval system upon implementation thereof and are not

Amendment No. ____ (for drafter's use only)

1 subject to the rules adopted under this part. Components to
2 which the rules adopted under this part apply are limited to
3 three-dimensional systems for use as part of a building.

4 (11) "Manufactured building" means a closed structure,
5 building assembly, or system of subassemblies, which may
6 include structural, electrical, plumbing, heating,
7 ventilating, or other service systems manufactured in
8 manufacturing facilities for installation or erection, ~~with or~~
9 ~~without other specified components,~~ as a finished building or
10 as part of a finished building, which shall include, but not
11 be limited to, residential, commercial, institutional,
12 storage, and industrial structures. The term includes
13 buildings not intended for human habitation such as lawn
14 storage buildings and storage sheds manufactured and assembled
15 offsite by a manufacturer certified in conformance with this
16 part. This part does not apply to mobile homes. ~~Manufactured~~
17 ~~building may also mean, at the option of the manufacturer, any~~
18 ~~building of open construction made or assembled in~~
19 ~~manufacturing facilities away from the building site for~~
20 ~~installation, or assembly and installation, on the building~~
21 ~~site.~~

22 (13) "Module" means a separately transported
23 three-dimensional component of a manufactured building which
24 contains all or a portion of structural systems, electrical
25 systems, plumbing systems, mechanical systems, fire systems,
26 and thermal systems.

27 Section 56. Effective July 1, 2001, subsections (1)
28 and (2) of section 553.36, Florida Statutes, are amended to
29 read:

30 553.36 Definitions.--The definitions contained in this
31 section govern the construction of this part unless the

Amendment No. ____ (for drafter's use only)

1 context otherwise requires.

2 (1) "Approved" means conforming to the requirements of
3 the Florida Building Code ~~Department of Community Affairs~~.

4 (2) "Approved inspection agency" means an organization
5 determined by the department to be especially qualified by
6 reason of facilities, personnel, experience, and demonstrated
7 reliability to investigate, test, and evaluate manufactured
8 building units or systems or the component parts thereof,
9 together with the plans, specifications, and quality control
10 procedures to ensure that such units, systems, or component
11 parts are in full compliance with the Florida Building Code
12 ~~standards adopted by the department pursuant to this part and~~
13 to label such units complying with those standards.

14 Section 57. Subsections (1), (2), (5), and (8) of
15 section 553.37, Florida Statutes, are amended, present
16 subsection (9) of said section is redesignated as subsection
17 (11), and new subsections (9) and (10) are added to said
18 section, to read:

19 553.37 Rules; inspections; and insignia.--

20 (1) The department may enter into contracts and take
21 actions necessary and incidental to the administration of its
22 authority under this part. In addition, the department shall
23 adopt rules in accordance with chapter 120 setting
24 requirements for construction or modification of manufactured
25 buildings and building modules, to address:

26 (a) Submittal to and approval by the department of
27 manufacturers' drawings and specifications, including any
28 amendments.

29 (b) Submittal to and approval by the department of
30 manufacturers' internal quality control procedures and
31 manuals, including any amendments.

Amendment No. ____ (for drafter's use only)

1 (c) Procedures and qualifications for approval of
2 third-party plan review and inspection entities and of those
3 who perform inspections and plan reviews.

4 (d) Investigation of consumer complaints of
5 noncompliance of manufactured buildings with the requirements
6 for construction or modification of such buildings.

7 (e)~~(e)~~ Issuance, cancellation, and revocation of any
8 insignia issued by the department and procedures for auditing
9 and accounting for disposition of them.

10 (f) Monitoring the manufacturers', inspection
11 entities', and plan review entities' compliance with this
12 part. Monitoring may include, but is not limited to,
13 performing audits of plans, inspections of manufacturing
14 facilities and observation of the manufacturing and inspection
15 process, and onsite inspections of buildings.

16 (g)~~(d)~~ The performance by the department of any other
17 functions required by this part.

18 (2) After the effective date of the rules adopted
19 pursuant to this part, no manufactured building, except as
20 provided in subsection(11)~~(9)~~, may be installed in this state
21 unless it is approved and bears the insignia of approval of
22 the department. Approvals issued by the department under the
23 provisions of the prior part shall be deemed to comply with
24 the requirements of this part.

25 (5) Manufactured buildings which have been issued and
26 bear the insignia of approval pursuant to this part upon
27 manufacture or first sale shall not require an additional
28 approval or insignia by a local government in which they are
29 subsequently sold or installed. Buildings or structures that
30 meet the definition of "open construction" are subject to
31 permitting by the local jurisdiction and are not required to

Amendment No. ____ (for drafter's use only)

1 bear insignia.

2 (8) The department may delegate its enforcement
3 authority to a state department having building construction
4 responsibilities or a local government. The department may
5 ~~itself shall not inspect manufactured buildings but shall~~
6 delegate its plan review and inspection authority to a state
7 department having building construction responsibilities, a
8 local government, an approved inspection agency, an approved
9 plan review agency, or an agency of another state.

10 (9) If the department delegates its inspection
11 authority to third-party approved inspection agencies,
12 manufacturers must have one, and only one, inspection agency
13 responsible for inspection of a manufactured building, module,
14 or component at all times.

15 (10) If the department delegates its inspection
16 authority to third-party approved plan review agencies,
17 manufacturers must have one, and only one, plan review agency
18 responsible for review of plans of a manufactured building,
19 module, or component at all times.

20 Section 58. Effective July 1, 2001, subsections (1),
21 (2), (3), (4), (6), (7), (9), and (10) of section 553.37,
22 Florida Statutes, as amended by this act, are amended to read:

23 553.37 Rules; inspections; and insignia.--

24 (1) The Florida Building Commission ~~department may~~
25 ~~enter into contracts and take actions necessary and incidental~~
26 ~~to the administration of its authority under this part. In~~
27 ~~addition, the department shall adopt within the Florida~~
28 Building Code ~~rules in accordance with chapter 120 setting~~
29 requirements for construction or modification of manufactured
30 buildings and building modules, to address:

31 (a) Submittal to and approval by the department of

Amendment No. ____ (for drafter's use only)

1 manufacturers' drawings and specifications, including any
2 amendments.

3 (b) Submittal to and approval by the department of
4 manufacturers' internal quality control procedures and
5 manuals, including any amendments.

6 (c) Procedures and qualifications for approval of
7 third-party plan review and inspection entities and of those
8 who perform inspections and plan review.

9 (d) Investigation of consumer complaints of
10 noncompliance of manufactured buildings with the Florida
11 Building Code and the Florida Fire Prevention Code
12 ~~requirements for construction or modification of such~~
13 ~~buildings.~~

14 (e) Issuance, cancellation, and revocation of any
15 insignia issued by the department and procedures for auditing
16 and accounting for disposition of them.

17 (f) Monitoring the manufacturers', inspection
18 entities', and plan review entities' compliance with this part
19 and the Florida Building Code. Monitoring may include, but is
20 not limited to, performing audits of plans, inspections of
21 manufacturing facilities and observation of the manufacturing
22 and inspection process, and onsite inspections of buildings.

23 (g) The performance by the department of any other
24 functions required by this part.

25 (2) After the effective date of the Florida Building
26 Code ~~rules adopted pursuant to this part~~, no manufactured
27 building, except as provided in subsection (11), may be
28 installed in this state unless it is approved and bears the
29 insignia of approval of the department. Approvals issued by
30 the department under the provisions of the prior part shall be
31 deemed to comply with the requirements of this part.

Amendment No. ____ (for drafter's use only)

1 (3) All manufactured buildings issued and bearing
2 insignia of approval pursuant to subsection (2) shall be
3 deemed to comply with the Florida Building Code and are exempt
4 from local amendments ~~requirements of all ordinances or rules~~
5 enacted by any local government ~~which governs construction~~.

6 (4) No manufactured building bearing department
7 insignia of approval pursuant to subsection (2) shall be in
8 any way modified prior to installation, except in conformance
9 with the Florida Building Code ~~rules of the department~~.

10 (6) If the Florida Building Commission ~~department~~
11 determines that the standards for construction and inspection
12 of manufactured buildings prescribed by statute or rule of
13 another state are at least equal to the Florida Building Code
14 ~~rules prescribed under this part~~ and that such standards are
15 actually enforced by such other state, it may provide by rule
16 that the manufactured building which has been inspected and
17 approved by such other state shall be deemed to have been
18 approved by the department and shall authorize the affixing of
19 the appropriate insignia of approval.

20 (7) The Florida Building Commission ~~department~~, by
21 rule, shall establish a schedule of fees to pay the cost
22 incurred by the department for the work related to
23 administration and enforcement of this part.

24 (9) If the commission ~~department~~ delegates its
25 inspection authority to third-party approved inspection
26 agencies, manufacturers must have one, and only one,
27 inspection agency responsible for inspection of a manufactured
28 building, module, or component at all times.

29 (10) If the commission ~~department~~ delegates its
30 inspection authority to third-party approved plan review
31 agencies, manufacturers must have one, and only one, plan

Amendment No. ____ (for drafter's use only)

1 review agency responsible for review of plans of a
2 manufactured building, module, or component at all times.

3 Section 59. Section 553.375, Florida Statutes, is
4 created to read:

5 553.375 Recertification of manufactured
6 buildings.--Prior to the relocation, modification, or change
7 of occupancy of a manufactured building within the state, the
8 manufacturer, dealer, or owner thereof may apply to the
9 department for recertification of that manufactured building.
10 The department shall, by rule, provide what information the
11 applicant must submit for recertification and for plan review
12 and inspection of such manufactured buildings and shall
13 establish fees for recertification. Upon a determination by
14 the department that the manufactured building complies with
15 the applicable building codes, the department shall issue a
16 recertification insignia. A manufactured building that bears
17 recertification insignia does not require any additional
18 approval by an enforcement jurisdiction in which the building
19 is sold or installed, and is considered to comply with all
20 applicable codes. As an alternative to recertification by the
21 department, the manufacturer, dealer, or owner of a
22 manufactured building may seek appropriate permitting and a
23 certificate of occupancy from the local jurisdiction in
24 accordance with procedures generally applicable under the
25 Florida Building Code.

26 Section 60. Effective July 1, 2001, section 553.38,
27 Florida Statutes, is amended to read:

28 553.38 Application and scope.--

29 ~~(1) The department shall promulgate rules which~~
30 ~~protect the health, safety, and property of the people of this~~
31 ~~state by assuring that each manufactured building is~~

Amendment No. ____ (for drafter's use only)

1 ~~structurally sound and properly installed on site and that~~
2 ~~plumbing, heating, electrical, and other systems thereof are~~
3 ~~reasonably safe, and which interpret and make specific the~~
4 ~~provisions of this part.~~

5 (2) The department shall enforce every provision of
6 the Florida Building Code this part and the rules adopted
7 pursuant hereto, except that local land use and zoning
8 requirements, fire zones, building setback requirements, side
9 and rear yard requirements, site development requirements,
10 property line requirements, subdivision control, and onsite
11 installation requirements, as well as the review and
12 regulation of architectural and aesthetic requirements, are
13 specifically and entirely reserved to local authorities. Such
14 local requirements and rules which may be enacted by local
15 authorities must be reasonable and uniformly applied and
16 enforced without any distinction as to whether a building is a
17 conventionally constructed or manufactured building. A local
18 government shall require permit fees only for those
19 inspections actually performed by the local government for the
20 installation of a factory-built structure. Such fees shall be
21 equal to the amount charged for similar inspections on
22 conventionally built housing.

23 Section 61. Section 553.381, Florida Statutes, is
24 amended to read:

25 553.381 Manufacturer certification, ~~product liability~~
26 ~~insurance as prerequisite.--~~

27 (1) Before manufacturing buildings to be located
28 within this state or selling manufactured buildings within
29 this state, whichever occurs later, a manufacturer must be
30 certified by the department. The department shall certify a
31 manufacturer upon receipt from the manufacturer and approval

Amendment No. ____ (for drafter's use only)

1 and verification by the department of the following:

2 (a) The manufacturer's internal quality-control
3 procedures and manuals, including any amendments;

4 (b) As a prerequisite to obtaining approval to produce
5 manufactured buildings for sale in the state, the manufacturer
6 must submit Evidence that the manufacturer she or he has
7 product liability insurance for the safety and welfare of the
8 public in amounts determined by rule of the department; and-

9 (c) The fee established by the department under s.
10 553.37(7).

11 (2) The department may revoke any certification upon
12 the failure of the manufacturer to comply with the
13 construction standards adopted under this part or other
14 requirements of this part.

15 (3) Certification of manufacturers under this section
16 shall be for a period of 3 years, subject to renewal by the
17 manufacturer. Upon application for renewal, the manufacturer
18 must submit the information described in subsection (1) or a
19 sworn statement that there has been no change in the status or
20 content of that information since the manufacturer's last
21 submittal. Fees for renewal of manufacturers' certification
22 shall be established by the department by rule.

23 Section 62. Effective July 1, 2001, section 553.381,
24 Florida Statutes, as amended by this act, is amended to read:

25 553.381 Manufacturer certification.--

26 (1) Before manufacturing buildings to be located
27 within this state or selling manufactured buildings within
28 this state, whichever occurs later, a manufacturer must be
29 certified by the department. The department shall certify a
30 manufacturer upon receipt from the manufacturer and approval
31 and verification by the department of the following:

Amendment No. ____ (for drafter's use only)

1 (a) The manufacturer's internal quality-control
2 procedures and manuals, including any amendments;

3 (b) Evidence that the manufacturer has product
4 liability insurance for the safety and welfare of the public
5 in amounts determined by rule of the commission department;
6 and

7 (c) The fee established by the commission department
8 under s. 553.37(7).

9 (2) The department may revoke any certification upon
10 the failure of the manufacturer to comply with the Florida
11 Building Code construction standards adopted under this part
12 or other requirements of this part.

13 (3) Certification of manufacturers under this section
14 shall be for a period of 3 years, subject to renewal by the
15 manufacturer. Upon application for renewal, the manufacturer
16 must submit the information described in subsection (2) or a
17 sworn statement that there has been no change in the status or
18 content of that information since the manufacturer's last
19 submittal. Fees for renewal of manufacturers' certification
20 shall be established by the commission department by rule.

21 Section 63. Effective July 1, 2001, section 553.39,
22 Florida Statutes, is amended to read:

23 553.39 Injunctive relief.--The department may seek
24 injunctive or other relief from the circuit court of
25 appropriate jurisdiction to compel compliance with the
26 requirements of this part or with the Florida Building Code
27 ~~rules issued pursuant thereto~~ or to enjoin the sale, delivery,
28 or installation of a manufactured building, upon an affidavit
29 specifying the manner in which the building does not conform
30 to the Florida Building Code or other requirements of this
31 part or to ~~rules issued pursuant thereto~~. Noncompliance with

Amendment No. ____ (for drafter's use only)

1 the Florida Building Code or this part ~~or the rules~~
2 ~~promulgated under this part~~ shall be considered prima facie
3 evidence of irreparable damage in any cause of action brought
4 under the authority of this part.

5 Section 64. Section 553.41, Florida Statutes, is
6 created to read:

7 553.41 Factory-built school buildings.--

8 (1) It is the purpose of this section to provide an
9 alternative procedure for the construction and installation of
10 factory-built school buildings designed or intended for use as
11 school buildings. As used in this section, the term

12 "factory-built school building" means any building designed or
13 intended for use as a school building, which is in whole or in
14 part, manufactured at an off site facility in compliance with
15 the State Uniform Code for Public Educational Facilities and
16 Department of Education rule, effective on January 5, 2000.

17 After July 1, 2001, the Uniform Code for Public Educational
18 Facilities shall be incorporated into the Florida Building
19 Code, including specific requirements for Public Educational
20 Facilities and the Department of Education rule, effective on
21 January 5, 2000. For the purpose of this section,

22 factory-built school buildings include prefabricated
23 educational facilities, factory-built educational facilities,
24 and modular built educational facilities, that are designed to
25 be portable, relocatable, demountable, or reconstructible; are
26 used primarily as classrooms or the components of an entire
27 school; and do not fall under the provisions of ss.

28 320.822-320.862.

29 (2) A manufacturer of factory-built school buildings
30 shall be subject to the certification and enforcement
31 requirements in part IV of chapter 553 except as provided in

Amendment No. ____ (for drafter's use only)

1 this section.

2 (3) Within 90 days after the effective date of this
3 section, the department shall adopt by emergency rule
4 regulations to carry out the provisions of this section. Such
5 rule shall ensure the safety of design, construction,
6 accessibility, alterations, and inspections and shall also
7 prescribe procedures for the plans, specifications, and
8 methods of construction to be submitted to the department for
9 approval.

10 (4) A manufacturer of factory-built school buildings
11 designed or intended for use as school buildings shall submit
12 to the department for approval the manufacturer's plans,
13 specifications, alterations, and methods of construction. The
14 department is authorized to charge manufacturers a fee which
15 reflects the actual expenses incurred for the review of such
16 plans and specifications.

17 (5) The department, in accordance with the standards
18 and procedures adopted pursuant to this section and as such
19 standards and procedures may thereafter be modified, shall
20 approve or reject such plans, specifications, and methods of
21 construction. Approval shall not be given unless such plans,
22 specifications, and methods of construction are in compliance
23 with the State Uniform Building Code for Public Educational
24 Facilities and department rule. After July 1, 2001, the
25 Uniform Code for Public Educational facilities shall be
26 incorporated into the Florida Building Code, including
27 specific requirements for public educational facilities and
28 department rule.

29 (6) The department may delegate its plans review
30 authority to a state agency or public or private entity;
31 however, the department shall ensure that any person

Amendment No. ____ (for drafter's use only)

1 conducting plans reviews is a certified plans examiner,
2 pursuant to part XII of chapter 468.

3 (7) A standard plan approval may be obtained from the
4 department for factory-built school buildings and such
5 department-approved plans shall be accepted by the enforcement
6 agency as approved for the purpose of obtaining a construction
7 permit for the structure itself.

8 (8) Any amendment to the State Uniform Code for Public
9 Educational Facilities, and after July 1, 2001 the Florida
10 Building Code, shall become effective 180 days after the
11 amendment is filed with the Secretary of State.

12 Notwithstanding the 180-day delayed effective date, the
13 manufacturer shall submit and obtain a revised approved plan
14 within the 180 days. A revised plan submitted pursuant to
15 this subsection shall be processed as a renewal or revision
16 with appropriate fees. A plan submitted after the period of
17 time provided shall be processed as a new application with
18 appropriate fees.

19 (9) The school district or community college district
20 for which any factory-built school building is constructed or
21 altered shall provide for periodic inspection of the proposed
22 factory-built school building during each phase of
23 construction or alteration. The inspector shall act under the
24 direction of the governing board for employment purposes.

25 (10) The department shall, by rule, develop forms and
26 reporting periods for the architect or structural engineer in
27 charge of the supervision of the work of construction in the
28 factory, the inspector on the work, and the manufacturer
29 verifying that based upon personal knowledge, the work during
30 the period covered by the report has been performed, and the
31 materials used and installed, in every particular, in

Amendment No. ____ (for drafter's use only)

1 accordance with the approved plans and specifications, setting
2 forth such detailed statements of facts as required by the
3 department.

4 (11) The department shall develop a unique
5 identification label to be affixed to all newly constructed
6 factory-built school buildings and existing factory-built
7 school buildings which have been brought into compliance with
8 the standards for existing "satisfactory" buildings pursuant
9 to chapter 5 of the Uniform Code for Public Educational
10 Facilities, and after July 1, 2001 the Florida Building Code.
11 The department may charge a fee for issuing such labels. Such
12 labels, bearing the department's name and state seal, shall at
13 a minimum, contain:

14 (a) The name of the manufacturer.

15 (b) The standard plan approval number or alteration
16 number.

17 (c) The date of manufacture or alteration.

18 (d) The serial or other identification number.

19 (e) The following designed-for loads: lbs. per square
20 foot live load; lbs. per square foot floor live load; lbs. per
21 square foot horizontal wind load; and lbs. per square foot
22 wind uplift load.

23 (f) The designed-for flood zone usage.

24 (g) The designed-for wind zone usage.

25 (h) The designed-for enhanced hurricane protection
26 zone usage: yes or no.

27 (12) Such identification label shall be permanently
28 affixed by the manufacturer in the case of newly constructed
29 factory-built school buildings, or by the department or its
30 designee in the case of an existing factory-built building
31 altered to comply with provisions of s. 235.061.

Amendment No. ____ (for drafter's use only)

1 (13) As of July 1, 2001, all existing and newly
2 constructed factory-built school buildings shall bear a label
3 pursuant to subsection (12). Existing factory-built school
4 buildings not bearing such label shall not be used as
5 classrooms pursuant to s. 235.061.

6 (14) Nothing in this section shall affect any
7 requirement for compliance with firesafety criteria.

8 Section 65. Section 553.503, Florida Statutes, is
9 amended to read:

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

21 Section 66. Section 553.5041, Florida Statutes, is
22 created to read:

23 553.5041 Parking spaces for persons who have
24 disabilities.--

25 (1) This section is not intended to expand or diminish
26 the defenses available to a place of public accommodation
27 under the Americans with Disabilities Act and the federal
28 Americans with Disabilities Act Accessibility Guidelines,
29 including, but not limited to, the readily achievable
30 standard, and the standards applicable to alterations to
31 places of public accommodation. Subject to the exceptions

Amendment No. ____ (for drafter's use only)

1 described in subsections (2), (4), (5), and (6), when the
2 parking and loading zone requirements of the federal Americans
3 with Disabilities Act Accessibility Guidelines (ADAAG), as
4 adopted by reference in 28 C.F.R. part 36, subparts A and D,
5 and Title II of Pub.L.No. 101-336, provide increased
6 accessibility, those requirements are adopted and incorporated
7 by reference as the law of this state.

8 (2) State agencies and political subdivisions having
9 jurisdiction over street parking or publicly owned or operated
10 parking facilities are not required to provide a greater
11 right-of-way width than would otherwise be planned under
12 regulations, guidelines, or practices normally applied to new
13 development.

14 (3) If parking spaces are provided for self-parking by
15 employees or visitors, or both, accessible spaces shall be
16 provided in each such parking area. Such spaces shall be
17 designed and marked for the exclusive use of those individuals
18 who have a severe physical disability and have permanent or
19 temporary mobility problems that substantially impair their
20 ability to ambulate and who have been issued either a disabled
21 parking permit under s. 316.1958 or s. 320.0848 or a license
22 plate under s. 320.084, s. 320.0842, s. 320.0843, or s.
23 320.0845.

24 (4) The number of accessible parking spaces must
25 comply with the parking requirements in ADAAG s. 4.1 and the
26 following:

27 (a) There must be one accessible parking space in the
28 immediate vicinity of a publicly owned or leased building that
29 houses a governmental entity or a political subdivision,
30 including, but not limited to, state office buildings and
31 courthouses, if no parking for the public is provided on the

Amendment No. ____ (for drafter's use only)

1 premises of the building.

2 (b) There must be one accessible parking space for
3 each 150 metered onstreet parking spaces provided by state
4 agencies and political subdivisions.

5 (c) The number of parking spaces for persons who have
6 disabilities must be increased on the basis of demonstrated
7 and documented need.

8 (5) Accessible perpendicular and diagonal accessible
9 parking spaces and loading zones must be designed and located
10 in conformance with the guidelines set forth in ADAAG ss.
11 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking
12 Design."

13 (a) All spaces must be located on an accessible route
14 no less than 44 inches wide so that users will not be
15 compelled to walk or wheel behind parked vehicles.

16 (b) Each space must be located on the shortest safely
17 accessible route from the parking space to an accessible
18 entrance. If there are multiple entrances or multiple retail
19 stores, the parking spaces must be dispersed to provide
20 parking at the nearest accessible entrance. If a theme park or
21 an entertainment complex as defined in s. 509.013(9) provides
22 parking in several lots or areas from which access to the
23 theme park or entertainment complex is provided, a single lot
24 or area may be designated for parking by persons who have
25 disabilities, if the lot or area is located on the shortest
26 safely accessible route to an accessible entrance to the theme
27 park or entertainment complex or to transportation to such an
28 accessible entrance.

29 (c)1. Each parking space must be no less than 12 feet
30 wide. Parking access aisles must be no less than 5 feet wide
31 and must be part of an accessible route to the building or

Amendment No. ____ (for drafter's use only)

1 facility entrance. In accordance with ADAAG s. 4.6.3, access
2 aisles must be placed adjacent to accessible parking spaces;
3 however, two accessible parking spaces may share a common
4 access aisle. The access aisle must be striped diagonally to
5 designate it as a no-parking zone.

6 2. The parking access aisles are reserved for the
7 temporary exclusive use of persons who have disabled parking
8 permits and who require extra space to deploy a mobility
9 device, lift, or ramp in order to exit from or enter a
10 vehicle. Parking is not allowed in an access aisle. Violators
11 are subject to the same penalties that are imposed for
12 illegally parking in parking spaces that are designated for
13 persons who have disabilities. A vehicle may not be parked in
14 an access aisle, even if the vehicle owner or passenger is
15 disabled or owns a disabled parking permit.

16 3. Any provision of this subsection to the contrary
17 notwithstanding, a theme park or an entertainment complex as
18 defined in s. 509.013(9) in which are provided continuous
19 attendant services for directing individuals to marked
20 accessible parking spaces or designated lots for parking by
21 persons who have disabilities, may, in lieu of the required
22 parking space design, provide parking spaces that comply with
23 ss. 4.1 and 4.6 of the Americans with Disabilities Act
24 Accessibility Guidelines.

25 (d) On-street parallel parking spaces must be located
26 either at the beginning or end of a block or adjacent to alley
27 entrances. Such spaces must be designed in conformance with
28 the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5,
29 exception: access aisles are not required. Curbs adjacent to
30 such spaces must be of a height that will not interfere with
31 the opening and closing of motor vehicle doors. This

Amendment No. ____ (for drafter's use only)

1 subsection does not relieve the owner of the responsibility to
2 comply with the parking requirements of ADAAG ss. 4.1 and 4.6.

3 (e) Parallel parking spaces must be even with surface
4 slopes, may match the grade of the adjacent travel lane, and
5 must not exceed a cross slope of 1 to 50, where feasible.

6 (f) Curb ramps must be located outside of the disabled
7 parking spaces and access aisles.

8 (g)1. The removal of architectural barriers from a
9 parking facility in accordance with 28 C.F.R. s. 36.304 or
10 with s. 553.508 must comply with this section unless
11 compliance would cause the barrier removal not to be readily
12 achievable. If compliance would cause the barrier removal not
13 to be readily achievable, a facility may provide parking
14 spaces at alternative locations for persons who have
15 disabilities and provide appropriate signage directing persons
16 who have disabilities to the alternative parking if readily
17 achievable. The facility may not reduce the required number or
18 dimensions of those spaces, nor may it unreasonably increase
19 the length of the accessible route from a parking space to the
20 facility. The removal of an architectural barrier must not
21 create a significant risk to the health or safety of a person
22 who has a disability or to that of others.

23 2. A facility that is making alterations under s.
24 553.507(2)(b) must comply with this section to the maximum
25 extent feasible. If compliance with parking location
26 requirements is not feasible, the facility may provide parking
27 spaces at alternative locations for persons who have
28 disabilities and provide appropriate signage directing persons
29 who have a disability to alternative parking. The facility may
30 not reduce the required number or dimensions of those spaces,
31 nor may it unnecessarily increase the length of the accessible

Amendment No. ____ (for drafter's use only)

1 route from a parking space to the facility. The alteration
2 must not create a significant risk to the health or safety of
3 a person who has a disability or to that of others.

4 (6) Each such parking space must be prominently
5 outlined with blue paint, and must be repainted when
6 necessary, to be clearly distinguishable as a parking space
7 designated for persons who have disabilities and must be
8 posted with a permanent above-grade sign of a color and design
9 approved by the Department of Transportation, which is placed
10 on or at a distance of 84 inches above the ground to the
11 bottom of the sign and which bears the international symbol of
12 accessibility meeting the requirements of ADAAG s. 4.30.7 and
13 the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign
14 erected after October 1, 1996, must indicate the penalty for
15 illegal use of the space. Any provision of this section to the
16 contrary notwithstanding, in a theme park or an entertainment
17 complex as defined in s. 509.013(9) in which accessible
18 parking is located in designated lots or areas, the signage
19 indicating the lot as reserved for accessible parking may be
20 located at the entrances to the lot in lieu of a sign at each
21 parking place. This subsection does not relieve the owner of
22 the responsibility of complying with the signage requirements
23 of ADAAG s. 4.30.

24 Section 67. 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 Florida Building
28 Commission board by law, the commission Board of Building
29 Codes and Standards, in implementing ss. 553.501-553.513, may,
30 by rule, adopt revised and updated versions of the Americans
31 with Disabilities Act Accessibility Guidelines in accordance

Amendment No. ____ (for drafter's use only)

1 with chapter 120.

2 Section 68. Section 553.512, Florida Statutes, is
3 amended to read:

4 553.512 Modifications and waivers; advisory council.--

5 (1) The Florida Building Commission ~~Board of Building~~
6 ~~Codes and Standards~~ shall provide by regulation criteria for
7 granting individual modifications of, or exceptions from, the
8 literal requirements of this part upon a determination of
9 unnecessary, unreasonable, or extreme hardship, provided such
10 waivers shall not violate federal accessibility laws and
11 regulations and shall be reviewed by the ~~Handicapped~~
12 Accessibility Advisory Council. The commission may not
13 consider waiving any of the requirements of s. 553.5041 unless
14 the applicant first demonstrates that she or he has applied
15 for and been denied waiver or variance from all local
16 government zoning, subdivision regulations, or other
17 ordinances that prevent compliance therewith. Further, the
18 commission may not waive the requirement of s. 553.5041(5)(a)
19 and (c)1. governing the minimum width of accessible routes and
20 minimum width of accessible parking spaces.

21 (2) The Accessibility Advisory Council shall consist
22 ~~consisting~~ of the following seven members, who shall be
23 knowledgeable in the area of ~~handicapped~~ accessibility for
24 persons with disabilities. The Secretary of Community Affairs
25 shall appoint the following: a representative from the
26 Advocacy Center for Persons with Disabilities, Inc.; a
27 representative from the Division of Blind Services; a
28 representative from the Division of Vocational Rehabilitation;
29 a representative from a statewide organization representing
30 the physically handicapped; a representative from the hearing
31 impaired; a representative from the President, Florida Council

Amendment No. ____ (for drafter's use only)

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

15 ~~(3)(2)~~ Members of the council shall serve without
16 compensation, but shall be entitled to reimbursement for per
17 diem and travel expenses as provided by s. 112.061.

18 ~~(4)(3)~~ Meetings of the advisory council shall be held
19 in conjunction with the regular meetings of the commission.

20 Section 69. Subsection (7) of section 553.71, Florida
21 Statutes, is amended, and subsections (9) and (10) are added
22 to said section, to read:

23 553.71 Definitions.--As used in this part, the term:

24 (7) "Threshold building" means any building which is
25 greater than three stories or 50 feet in height, or which has
26 an assembly occupancy classification as defined in the State
27 Minimum Building Codes which ~~that~~ exceeds 5,000 square feet in
28 area and an occupant content of greater than 500 persons.

29 (9) "Special inspector" means a licensed architect or
30 registered engineer who is certified under chapter 471 or
31 chapter 481 to conduct inspections of threshold buildings.

Amendment No. ____ (for drafter's use only)

1 (10) "Exposure category C" means, except in the high
2 velocity hurricane zone, that area which lies within 1500 feet
3 of the coastal construction control line, or within 1500 feet
4 of the mean high tide line, whichever is lesser. On barrier
5 islands, exposure category C shall be applicable in the
6 coastal building zone set forth in s. 161.55(5).

7 Section 70. Effective July 1, 2001, subsections (5)
8 and (7) of section 553.71, Florida Statutes, as amended by
9 this act, are amended, and subsection (11) is added to said
10 section, to read:

11 553.71 Definitions.--As used in this part, the term:

12 (5) "Local enforcement agency" means an agency of
13 local government, local school board, or community college
14 board, with jurisdiction authority to make inspections of
15 buildings and to enforce the codes which establish standards
16 for design, construction, erection, alteration, repair,
17 modification, or demolition of public or private buildings,
18 structures, or facilities.

19 (7) "Threshold building" means any building which is
20 greater than three stories or 50 feet in height, or which has
21 an assembly occupancy classification as defined in the Florida
22 Building Code ~~State Minimum Building Codes~~ which exceeds 5,000
23 square feet in area and an occupant content of greater than
24 500 persons.

25 (11) "Prototype building" means a building constructed
26 in accordance with architectural or engineering plans intended
27 for replication on various sites and which will be updated to
28 comply with the Florida Building Code and applicable laws
29 relating to fire safety, health and sanitation, casualty
30 safety, and requirements for persons with disabilities which
31 are in effect at the time a construction contract is to be

Amendment No. ____ (for drafter's use only)

1 awarded.

2 Section 71. Section 38 of chapter 98-287, Laws of
3 Florida, is amended to read:

4 Section 38. Effective July ~~January~~ 1, 2001, section
5 553.72, Florida Statutes, is amended to read:

6 553.72 Intent.--

7 (1) The purpose and intent of this act is to provide a
8 mechanism for the uniform promulgation, adoption, updating,
9 amendment, interpretation, and enforcement of a single,
10 unified state minimum building code, to be called the Florida
11 Building Code, codes which consists of a single set of
12 documents that apply to the design, construction, erection,
13 alteration, modification, repair, or demolition of public or
14 private buildings, structures, or facilities in this state and
15 to the enforcement of such requirements contain standards
16 flexible enough to cover all phases of construction and which
17 will allow effective and reasonable protection for public
18 safety, health, and general welfare for all the people of
19 Florida at the most reasonable cost to the consumer. The
20 Florida Building Code shall be organized to provide
21 consistency and simplicity of use. The Florida Building Code
22 shall be applied, administered, and enforced uniformly and
23 consistently from jurisdiction to jurisdiction. The Florida
24 Building Code shall provide for flexibility to be exercised in
25 a manner that meets minimum requirements, is affordable, does
26 not inhibit competition, and promotes innovation and new
27 technology.

28 (2) It is the intent of the Legislature that local
29 governments shall have the power to inspect all buildings,
30 structures, and facilities within their jurisdictions in
31 protection of the public health, safety, and welfare pursuant

Amendment No. ____ (for drafter's use only)

1 to chapters 125 and 166.

2 (3) It is the intent of the Legislature that the
3 Florida Building Code be adopted, modified, updated,
4 interpreted, and maintained by the Florida Building Commission
5 in accordance with ss. 120.536(1) and 120.54 and enforced by
6 authorized state and local government enforcement agencies.

7 (4) It is the intent of the Legislature that the
8 Florida Fire Prevention Code and the Life Safety Code of this
9 state be adopted, modified, updated, interpreted, and
10 maintained by the Department of Insurance in accordance with
11 ss. 120.536(1) and 120.54 and included by reference as
12 sections in the Florida Building Code.

13 (5) It is the intent of the Legislature that there be
14 no conflicting requirements between the Florida Fire
15 Prevention Code and the Life Safety Code of the state and
16 other provisions of the Florida Building Code or conflicts in
17 their enforcement and interpretation. Potential conflicts
18 shall be resolved through coordination and cooperation of the
19 State Fire Marshal and the Florida Building Commission as
20 provided by this part and chapter 633.

21 Section 72. Effective July 1, 2001, subsection (1) of
22 section 553.72, Florida Statutes, as amended by section 38 of
23 chapter 98-287, Laws of Florida, is amended, and subsection
24 (6) is added to said section, to read:

25 553.72 Intent.--

26 (1) The purpose and intent of this act is to provide a
27 mechanism for the uniform adoption, updating, amendment,
28 interpretation, and enforcement of a single, unified state
29 building code, to be called the Florida Building Code, which
30 consists of a single set of documents that apply to the
31 design, construction, erection, alteration, modification,

Amendment No. ____ (for drafter's use only)

1 repair, or demolition of public or private buildings,
2 structures, or facilities in this state and to the enforcement
3 of such requirements and which will allow effective and
4 reasonable protection for public safety, health, and general
5 welfare for all the people of Florida at the most reasonable
6 cost to the consumer. The Florida Building Code shall be
7 organized to provide consistency and simplicity of use. The
8 Florida Building Code shall be applied, administered, and
9 enforced uniformly and consistently from jurisdiction to
10 jurisdiction. The Florida Building Code shall provide for
11 flexibility to be exercised in a manner that meets minimum
12 requirements, is affordable, does not inhibit competition, and
13 promotes innovation and new technology. The Florida Building
14 Code shall establish minimum standards primarily for public
15 health and lifesafety, and secondarily for protection of
16 property as appropriate.

17 (6) It is the intent of the Legislature that the
18 nationally recognized private-sector third-party testing and
19 evaluation system shall provide product evaluation for the
20 product-approval system and that effective government
21 oversight be established to ensure accountability to the
22 state.

23 Section 73. Section 40 of chapter 98-287, Laws of
24 Florida, is amended to read:

25 Section 40. Effective ~~July~~ January 1, 2001, section
26 553.73, Florida Statutes, as amended by this act, is amended
27 to read:

28 553.73 ~~Florida State Minimum Building Code Codes.--~~

29 (1)(a) The commission shall adopt, by rule pursuant to
30 ss. 120.536(1) and 120.54, the Florida Building Code which
31 shall contain or incorporate by reference all laws and rules

Amendment No. ____ (for drafter's use only)

1 which pertain to and govern the design, construction,
2 erection, alteration, modification, repair, and demolition of
3 public and private buildings, structures, and facilities and
4 enforcement of such laws and rules, except as otherwise
5 provided in this section.~~By October 1, 1984, local~~
6 ~~governments and state agencies with building construction~~
7 ~~regulation responsibilities shall adopt a building code which~~
8 ~~shall cover all types of construction. Such code shall~~
9 ~~include the provisions of parts I-V, VII, and VIII, relating~~
10 ~~to plumbing, electrical requirements, glass, manufactured~~
11 ~~buildings, accessibility by handicapped persons, and thermal~~
12 ~~efficiency, and shall be in addition to the requirements set~~
13 ~~forth in chapter 527, which pertains to liquefied petroleum~~
14 ~~gas.~~

15 (b) The technical portions of the Florida
16 Accessibility Code for Building Construction shall be
17 contained in its entirety in the Florida Building Code. The
18 civil rights portions and the technical portions of the
19 accessibility laws of this state shall remain as currently
20 provided by law. Any revision or amendments to the Florida
21 Accessibility Code for Building Construction pursuant to part
22 V shall be considered adopted by the commission as part of the
23 Florida Building Code. Neither the commission nor any local
24 government shall revise or amend any standard of the Florida
25 Accessibility Code for Building Construction except as
26 provided for in part V.

27 (c) The Florida Fire Prevention Code and the Life
28 Safety Code shall be referenced in the Florida Building Code,
29 but shall be adopted, modified, revised, or amended,
30 interpreted, and maintained by the Department of Insurance by
31 rule adopted pursuant to ss. 120.536(1) and 120.54. Nothing in

Amendment No. ____ (for drafter's use only)

1 the Florida Building Code shall affect the statutory powers,
2 duties, and responsibilities of any fire official or the
3 Department of Insurance.

4 (d) Conflicting requirements between the Florida
5 Building Code and the Florida Fire Prevention Code and Life
6 Safety Code of the state established pursuant to s. 633.022
7 and s. 633.025 shall be resolved by agreement between the
8 commission and the State Fire Marshal in favor of the
9 requirement that offers the greatest degree of life safety or
10 alternatives that would provide an equivalent degree of life
11 safety and an equivalent method of construction. If the
12 commission and State Fire Marshal are unable to agree on a
13 resolution, the question shall be referred to a mediator,
14 mutually agreeable to both parties, to resolve the conflict in
15 favor of the provision that offers the greatest life safety,
16 or alternatives that would provide an equivalent degree of
17 life safety and an equivalent method of construction.

18 (e)(b) Subject to the provisions of this act, in the
19 event that a special act of the Legislature, passed prior or
20 subsequent to January 1, 1978, places responsibility for
21 enforcement, interpretation, and building construction
22 regulation of the Florida Building Code shall be vested in a
23 specified local board or agency, and the words "local
24 government" and "local governing body" as used in this part
25 shall be construed to refer exclusively to such local board or
26 agency.

27 (2) The Florida Building Code shall contain provisions
28 or requirements for public and private buildings, structures,
29 and facilities relative to structural, mechanical, electrical,
30 plumbing, energy, and gas systems, existing buildings,
31 historical buildings, manufactured buildings, elevators,

Amendment No. ____ (for drafter's use only)

1 coastal construction, lodging facilities, food sales and food
2 service facilities, health care facilities, public or private
3 educational facilities, swimming pools, and correctional
4 facilities and enforcement of and compliance with such
5 provisions or requirements. ~~There is created the State Minimum~~
6 ~~Building Codes which shall consist of the following nationally~~
7 ~~recognized model codes:~~

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

11 ~~(b) EPCOT Code, 1982 edition;~~

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

13 and

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

15
16 ~~Each local government and state agency with building~~
17 ~~construction regulation responsibilities shall adopt one of~~
18 ~~the State Minimum Building Codes as its building code, which~~
19 ~~shall govern the construction, erection, alteration, repair,~~
20 ~~or demolition of any building for which the local government~~
21 ~~or state agency has building construction regulation~~
22 ~~responsibility. If the One and Two Family Dwelling Code is~~
23 ~~adopted for residential construction, then one of the other~~
24 ~~recognized model codes must be adopted for the regulation of~~
25 ~~other residential and nonresidential structures. Provisions to~~
26 ~~be contained within the Florida any State Minimum Building~~
27 ~~Code are restricted to requirements related to the types of~~
28 ~~materials used and construction methods and standards employed~~
29 ~~in order to meet criteria specified in the Florida Building~~
30 ~~Code minimum building codes. Provisions relating to the~~
31 ~~personnel, supervision or training of personnel, or any other~~

Amendment No. ____ (for drafter's use only)

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

8 (3) The commission shall select from available
9 national or international model building codes, or other
10 available building codes and standards currently recognized by
11 the laws of this state, to form the foundation for the Florida
12 Building Code. The commission may modify the selected model
13 codes and standards as needed to accommodate the specific
14 needs of this state. Standards or criteria referenced by the
15 selected model codes shall be similarly incorporated by
16 reference. If a referenced standard or criterion requires
17 amplification or modification to be appropriate for use in
18 this state, only the amplification or modification shall be
19 specifically set forth in the Florida Building Code. The
20 commission shall incorporate within sections of the Florida
21 Building Code provisions which address regional and local
22 concerns and variations. The commission shall make every
23 effort to minimize conflicts between the Florida Building
24 Code, the Florida Fire Prevention Code, and the Life Safety
25 Code. The commission may, by rule adopted in accordance with
26 the requirements of ss. 120.536(1) and 120.54, designate all
27 or a part of an updated or revised version of a model code
28 listed in subsection (2) as a State Minimum Building Code.

29 (4)(a) Local governments shall comply with applicable
30 standards for issuance of mandatory certificates of occupancy,
31 minimum types of inspections, and procedures for plans review

Amendment No. ____ (for drafter's use only)

1 and inspections as established by the board by rule. Any
2 amendments to standards established by the Florida Building
3 Code pursuant to this paragraph shall be more stringent than
4 such standards and shall be transmitted to the commission
5 within 30 days after enactment. The local government shall
6 make such amendments available to the general public in a
7 usable format. The Department of Insurance is responsible for
8 establishing the standards and procedures required in this
9 paragraph for governmental entities with respect to applying
10 the Florida Fire Prevention and the Life Safety Code.

11 (b) Local governments ~~and state agencies with building~~
12 construction regulation responsibilities may, subject to the
13 limitations of this section, adopt amendments to the technical
14 provisions of the Florida Building Code which apply solely
15 within the jurisdiction of such government and which provide
16 for more stringent requirements than those specified in the
17 Florida State Minimum Building Code, not more than once every
18 6 months, Codes provided:

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

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

Amendment No. ____ (for drafter's use only)

1 3.(c) Such additional requirements may not introduce a
2 new subject not addressed in the Florida State Minimum
3 Building Code Codes.

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

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

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

23 7. Each county and municipality desiring to make local
24 technical amendments to the Florida Building Code shall by
25 interlocal agreement establish a countywide compliance review
26 board to review any amendment to the Florida Building Code,
27 adopted by a local government within the county pursuant to
28 this paragraph, that is challenged by any substantially
29 affected party for purposes of determining the amendment's
30 compliance with this paragraph. If the compliance review
31 board determines such amendment is not in compliance with this

Amendment No. ____ (for drafter's use only)

1 paragraph, the compliance review board shall notify such local
2 government of the noncompliance and that the amendment is
3 invalid and unenforceable until the local government corrects
4 the amendment to bring it into compliance. The local
5 government may appeal the decision of the compliance review
6 board to the commission. If the compliance review board
7 determines such amendment to be in compliance with this
8 paragraph, any substantially affected party may appeal such
9 determination to the commission. Actions of the commission are
10 subject to judicial review pursuant to s. 120.68. The
11 compliance review board shall determine whether its decisions
12 apply to a respective local jurisdiction or apply countywide.

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

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

25 (c) Any amendment adopted by a local enforcing agency
26 pursuant to this subsection shall not apply to state or school
27 district owned buildings, manufactured buildings approved by
28 the commission, or prototype buildings approved pursuant to s.
29 553.77(6). The respective responsible entities shall consider
30 the physical performance parameters substantiating such
31 amendments when designing, specifying, and constructing such

Amendment No. ____ (for drafter's use only)

1 exempt buildings.

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

12 (5) The commission, by rule adopted pursuant to ss.
13 120.536(1) and 120.54, shall update the Florida Building Code
14 every 3 years. Once initially adopted and subsequently
15 updated by the board, the Florida Building Code shall be
16 deemed adopted for use statewide without adoptions by local
17 government. When updating the Florida Building Code, the
18 commission shall consider changes made by the adopting entity
19 of any selected model code for any model code incorporated
20 into the Florida Building Code by the commission, the
21 commission's own interpretations, declaratory statements,
22 appellate decisions, and approved statewide and local
23 technical amendments.

24 ~~(6)(5) It shall be the responsibility of each~~
25 ~~municipality and county in the state and of each state agency~~
26 ~~with statutory authority to regulate building construction to~~
27 ~~enforce the provisions of the Florida specific model code of~~
28 ~~the State Minimum Building Code Codes adopted by that~~
29 ~~municipality, county, or agency, in accordance with the~~
30 ~~provisions of s. 553.80. If such responsibility has been~~
31 ~~delegated to another unit of government pursuant to s.~~

Amendment No. ____ (for drafter's use only)

1 ~~553.79(9), the specific model code adopted by the delegate~~
2 ~~shall apply and be enforced.~~

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

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

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

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

18 4. Does not degrade the effectiveness of the Florida
19 Building Code.

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

23 (b) A proposed amendment shall include a fiscal impact
24 statement which documents the costs and benefits of the
25 proposed amendment. Criteria for the fiscal impact statement
26 shall be established by rule by the commission and shall
27 include the impact to local government relative to
28 enforcement, the impact to property and building owners, as
29 well as to industry, relative to the cost of compliance.~~The~~
30 ~~specific model code of the State Minimum Building Codes~~
31 ~~adopted by a municipality, county, or state agency shall~~

Amendment No. ____ (for drafter's use only)

1 ~~regulate every type of building or structure, wherever it~~
2 ~~might be situated in the code enforcement jurisdiction;~~
3 ~~however, such regulations shall not apply to nonresidential~~
4 ~~farm buildings on farms; to temporary buildings or sheds used~~
5 ~~exclusively for construction purposes; to mobile homes used as~~
6 ~~temporary offices, except that the provisions of part V~~
7 ~~relating to accessibility by handicapped persons shall apply~~
8 ~~to such mobile homes used as temporary offices; or to any~~
9 ~~construction exempted under s. 553.80(3) by an enforcement~~
10 ~~district or local enforcement agency. The codes may be divided~~
11 ~~into a number of segments, as determined by the municipality,~~
12 ~~county, or state agency. These segments may be identified as~~
13 ~~building, mechanical, electrical, plumbing, or fire prevention~~
14 ~~codes or by other titles as are deemed proper. However, the~~
15 ~~State Minimum Building Codes shall not contain a housing code;~~
16 ~~nor shall the state interpose in the area of local housing~~
17 ~~codes, except upon request originating from an enforcement~~
18 ~~district or local enforcement agency.~~

19 (8) The following buildings, structures, and
20 facilities may be exempted from the Florida Building Code as
21 provided by law and any further exemptions shall be as
22 determined by the Legislature and provided by law:

23 (a) Buildings and structures specifically regulated
24 and preempted by the Federal Government.

25 (b) Railroads and ancillary facilities associated with
26 the railroad.

27 (c) Nonresidential farm buildings on farms.

28 (d) Temporary buildings or sheds used exclusively for
29 construction purposes.

30 (e) Mobile homes used as temporary offices, except
31 that the provisions of part V relating to accessibility by

Amendment No. ____ (for drafter's use only)

1 persons with disabilities shall apply to such mobile homes.

2 (9)(7)(a) In the event of a conflict between the
3 Florida ~~applicable minimum~~ Building Code and the Florida Fire
4 Prevention Code and the Life Safety ~~applicable minimum~~
5 firesafety Code, the conflict ~~it~~ shall be resolved by
6 agreement between the local building code enforcement official
7 and the local fire code enforcement official in favor of the
8 requirement of the code which offers the greatest degree of
9 lifesafety or alternatives which would provide an equivalent
10 degree of lifesafety and an equivalent method of construction.

11 (b) Any decision made by the local fire official and
12 the local building official may be appealed to a local
13 administrative board designated by the municipality, county,
14 or special district having firesafety responsibilities. If the
15 decision of the local fire official and the local building
16 official is to apply the provisions of either the Florida
17 ~~applicable minimum~~ Building Code or the Florida Fire
18 Prevention Code and the Life Safety ~~applicable minimum~~
19 firesafety Code, the board may not alter the decision unless
20 the board determines that the application of such code is not
21 reasonable. If the decision of the local fire official and
22 the local building official is to adopt an alternative to the
23 codes, the local administrative board shall give due regard to
24 the decision rendered by the local officials and may modify
25 that decision if the administrative board adopts a better
26 alternative, taking into consideration all relevant
27 circumstances. In any case in which the local administrative
28 board adopts alternatives to the decision rendered by the
29 local fire official and the local building official, such
30 alternatives shall provide an equivalent degree of lifesafety
31 and an equivalent method of construction as the decision

Amendment No. ____ (for drafter's use only)

1 rendered by the local officials.

2 (c) ~~If in the event that~~ the local building official
3 and the local fire official are unable to agree on a
4 resolution of the conflict between the Florida Building Code
5 and the Florida Fire Prevention Code and the Life Safety Code,
6 the local administrative board shall resolve the conflict in
7 favor of the code which offers the greatest degree of
8 lifesafety or alternatives which would provide an equivalent
9 degree of lifesafety and an equivalent method of construction.

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

13 (e) All decisions of the local building official and
14 local fire official and all decisions of the administrative
15 board shall be in writing and shall be binding upon all
16 persons but shall not limit the authority of the State Fire
17 Marshal or the Florida Building Commission pursuant to
18 paragraph(1)(d) and ss. 663.01, and s-633.161. Decisions of
19 general application shall be indexed by building and fire code
20 sections and shall be available for inspection during normal
21 business hours.

22 ~~(10)(8)~~ Except within coastal building zones as
23 defined in s. 161.54, specification standards developed by
24 nationally recognized code promulgation organizations to
25 determine compliance with ~~s. 1606 and the engineering design~~
26 ~~criteria of s. 1606~~ of the Florida Standard Building Code for
27 wind load design shall not apply to one or two family
28 dwellings which are two stories or less in height unless
29 approved by the board ~~of Building Codes and Standards~~ for use
30 or unless expressly made subject to said standards and
31 criteria by local ordinance adopted in accordance with the

Amendment No. ____ (for drafter's use only)

1 provisions of subsection (4).

2 (11) The Florida Building Code does not apply to, and
3 no code enforcement action shall be brought with respect to,
4 zoning requirements, land use requirements, and owner
5 specifications or programmatic requirements which do not
6 pertain to and govern the design, construction, erection,
7 alteration, modification, repair, or demolition of public or
8 private buildings, structures, or facilities or to
9 programmatic requirements that do not pertain to enforcement
10 of the Florida Building Code. Additionally, a local code
11 enforcement agency may not administer or enforce the Florida
12 Building Code to prevent the siting of any publicly owned
13 facility, including, but not limited to, correctional
14 facilities, juvenile justice facilities, or state
15 universities, community colleges, or public education
16 facilities, as provided by law.

17 (12) In addition to the requirements of ss. 553.79 and
18 553.80, facilities subject to the provisions of chapter 395
19 and part II of chapter 400 shall have facility plans reviewed
20 and construction surveyed by the state agency authorized to do
21 so under the requirements of chapter 395 and part II of
22 chapter 400 and the certification requirements of the Federal
23 Government.

24 Section 74. Section 61 of chapter 98-419, Laws of
25 Florida, is amended to read:

26 Section 61. Effective July ~~January~~ 1, 2001, paragraph
27 (f) is added to subsection (8) of section 553.73, Florida
28 Statutes, as amended by CS for CS for HB 4181, 1998 Regular
29 Session, to read:

30 553.73 Florida Building Code.--

31 (8) The following buildings, structures, and

Amendment No. ____ (for drafter's use only)

1 facilities may be exempted from the Florida Building Code as
2 provided by law and any further exemptions shall be as
3 determined by the Legislature and provided by law:

4 (f) Those structures or facilities of electric
5 utilities, as defined in s. 366.02, which are directly
6 involved in the generation, transmission, or distribution of
7 electricity.

8 Section 75. Effective July 1, 2001, paragraph (c) of
9 subsection (1) and subsections (2), (4), (5), (6), (7), (8),
10 (9), (10), (11), and (12) of section 553.73, Florida Statutes,
11 as amended by section 40 of chapter 98-287, Laws of Florida,
12 as amended by section 61 of chapter 98-419, Laws of Florida,
13 are amended to read:

14 553.73 Florida Building Code.--

15 (1)

16 (c) The Florida Fire Prevention Code and the Life
17 Safety Code shall be referenced in the Florida Building Code,
18 but shall be adopted, modified, revised, or amended,
19 interpreted, and maintained by the Department of Insurance by
20 rule adopted pursuant to ss. 120.536(1) and 120.54. The
21 Florida Building Commission may not adopt a fire prevention or
22 life safety code and nothing in the Florida Building Code
23 shall affect the statutory powers, duties, and
24 responsibilities of any fire official or the Department of
25 Insurance.

26 (2) The Florida Building Code shall contain provisions
27 or requirements for public and private buildings, structures,
28 and facilities relative to structural, mechanical, electrical,
29 plumbing, energy, and gas systems, existing buildings,
30 historical buildings, manufactured buildings, elevators,
31 coastal construction, lodging facilities, food sales and food

Amendment No. ____ (for drafter's use only)

1 service facilities, health care facilities, including assisted
2 living facilities, adult day care facilities, and facilities
3 for the control of radiation hazards, public or private
4 educational facilities, swimming pools, and correctional
5 facilities and enforcement of and compliance with such
6 provisions or requirements. Technical provisions to be
7 contained within the Florida Building Code are restricted to
8 requirements related to the types of materials used and
9 construction methods and standards employed in order to meet
10 criteria specified in the Florida Building Code. Provisions
11 relating to the personnel, supervision or training of
12 personnel, or any other professional qualification
13 requirements relating to contractors or their workforce may
14 not be included within the Florida Building Code, and
15 subsections (4), (5), and (6) are ~~subsection (4) is~~ not to be
16 construed to allow the inclusion of such provisions within the
17 Florida Building Code by amendment. This restriction applies
18 to both initial development and amendment of the Florida
19 Building Code.

20 (4)(a) All entities authorized to enforce the Florida
21 Building Code pursuant to s. 553.80 ~~local governments~~ shall
22 comply with applicable standards for issuance of mandatory
23 certificates of occupancy, minimum types of inspections, and
24 procedures for plans review and inspections as established by
25 the commission board by rule. Local governments may adopt ~~Any~~
26 amendments to the administrative provisions of standards
27 ~~established by~~ the Florida Building Code, subject pursuant to
28 the limitations of this paragraph. Local amendments shall be
29 more stringent than the minimum ~~such~~ standards described
30 herein and shall be transmitted to the commission within 30
31 days after enactment. The local government shall make such

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

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

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

Amendment No. ____ (for drafter's use only)

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

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

16 7. Each county and municipality desiring to make local
17 technical amendments to the Florida Building Code shall by
18 interlocal agreement establish a countywide compliance review
19 board to review any amendment to the Florida Building Code,
20 adopted by a local government within the county pursuant to
21 this paragraph, that is challenged by any substantially
22 affected party for purposes of determining the amendment's
23 compliance with this paragraph. If the compliance review board
24 determines such amendment is not in compliance with this
25 paragraph, the compliance review board shall notify such local
26 government of the noncompliance and that the amendment is
27 invalid and unenforceable until the local government corrects
28 the amendment to bring it into compliance. The local
29 government may appeal the decision of the compliance review
30 board to the commission. If the compliance review board
31 determines such amendment to be in compliance with this

Amendment No. ____ (for drafter's use only)

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

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

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

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

26 (5) The commission, by rule adopted pursuant to ss.
27 120.536(1) and 120.54, shall update the Florida Building Code
28 every 3 years. The initial adoption of, and any subsequent
29 updates or amendments to, the Florida Building Code by the
30 commission is ~~Once initially adopted and subsequently updated~~
31 ~~by the board, the Florida Building Code shall be deemed~~

Amendment No. ____ (for drafter's use only)

1 adopted for use statewide without adoptions by local
2 government. When updating the Florida Building Code, the
3 commission shall consider changes made by the adopting entity
4 of any selected model code for any model code incorporated
5 into the Florida Building Code ~~by the commission~~, and may
6 subsequently adopt the new edition or successor of the model
7 code or any part of such code, which may then be modified for
8 this state as provided in this section, and shall further
9 consider the commission's own interpretations, declaratory
10 statements, appellate decisions, and approved statewide and
11 local technical amendments. A change made by an institute or
12 standards organization to any standard or criterion that is
13 adopted by reference in the Florida Building Code does not
14 become effective statewide until it has been adopted by the
15 commission. The edition of the Florida Building Code which is
16 in effect on the date of application of any permit authorized
17 by the code governs the permitted work for the life of the
18 permit and any extension granted to the permit. Any amendment
19 to the Florida Building Code which is adopted upon a finding
20 by the commission that the amendment is necessary to protect
21 the public from immediate threat of harm takes effect
22 immediately.

23 ~~(6) It shall be the responsibility of each~~
24 ~~municipality and county in the state and of each state agency~~
25 ~~with statutory authority to regulate building construction to~~
26 ~~enforce the provisions of the Florida Building Code.~~

27 (6)(7)(a) The commission may approve technical
28 amendments to the Florida Building Code once each year for
29 statewide or regional application upon a finding that ~~delaying~~
30 the application of the amendment would be contrary to the
31 health, safety, and welfare of the public or the amendment

Amendment No. ____ (for drafter's use only)

1 ~~provides an economic advantage to the consumer and that the~~
2 amendment:

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

5 2. Strengthens or improves the Florida Building Code,
6 or in the case of innovation or new technology, will provide
7 equivalent or better products or methods or systems of
8 construction.

9 3. Does not discriminate against materials, products,
10 methods, or systems of construction of demonstrated
11 capabilities.

12 4. Does not degrade the effectiveness of the Florida
13 Building Code.

14
15 Furthermore, the Florida Building Commission may approve
16 technical amendments to the code once each year to incorporate
17 into the Florida Building Code its own interpretations of the
18 code which are embodied in its opinions and declaratory
19 statements. Amendments approved under this paragraph shall be
20 adopted by rule pursuant to ss. 120.536(1) and 120.54.

21 (b) A proposed amendment shall include a fiscal impact
22 statement which documents the costs and benefits of the
23 proposed amendment. Criteria for the fiscal impact statement
24 shall be established by rule by the commission and shall
25 include the impact to local government relative to
26 enforcement, the impact to property and building owners, as
27 well as to industry, relative to the cost of compliance.

28 (c) The commission may not approve any proposed
29 amendment that does not accurately and completely address all
30 requirements for amendment which are set forth in this
31 section.

Amendment No. ____ (for drafter's use only)

1 ~~(7)(8)~~ The following buildings, structures, and
2 facilities are exempt ~~may be exempted~~ from the Florida
3 Building Code as provided by law, and any further exemptions
4 shall be as determined by the Legislature and provided by law:

5 (a) Buildings and structures specifically regulated
6 and preempted by the Federal Government.

7 (b) Railroads and ancillary facilities associated with
8 the railroad.

9 (c) Nonresidential farm buildings on farms.

10 (d) Temporary buildings or sheds used exclusively for
11 construction purposes.

12 (e) Mobile homes used as temporary offices, except
13 that the provisions of part V relating to accessibility by
14 persons with disabilities shall apply to such mobile homes.

15 (f) Those structures or facilities of electric
16 utilities, as defined in s. 366.02, which are directly
17 involved in the generation, transmission, or distribution of
18 electricity.

19 (g) Temporary sets, assemblies, or structures used in
20 commercial motion picture or television production, or any
21 sound-recording equipment used in such production, on or off
22 the premises.

23
24 With the exception of paragraphs (a), (b), (c), and (f), in
25 order to preserve the health, safety, and welfare of the
26 public, the Florida Building Commission may, by rule adopted
27 pursuant to chapter 120, provide for exceptions to the broad
28 categories of buildings exempted in this section, including
29 exceptions for application of specific sections of the code or
30 standards adopted therein. The Department of Agriculture and
31 Consumer Services shall have exclusive authority to adopt by

Amendment No. ____ (for drafter's use only)

1 rule, pursuant to chapter 120, exceptions to nonresidential
2 farm buildings exempted in paragraph (c) when reasonably
3 necessary to preserve public health, safety, and welfare. The
4 exceptions must be based upon specific criteria, such as
5 under-roof floor area, aggregate electrical service capacity,
6 HVAC system capacity, or other building requirements. Further,
7 the commission may recommend to the Legislature additional
8 categories of buildings, structures, or facilities which
9 should be exempted from the Florida Building Code, to be
10 provided by law.

11 (8)(9)(a) In the event of a conflict between the
12 Florida Building Code and the Florida Fire Prevention Code and
13 the Life Safety Code as applied to a specific project, the
14 conflict shall be resolved by agreement between the local
15 building code enforcement official and the local fire code
16 enforcement official in favor of the requirement of the code
17 which offers the greatest degree of lifesafety or alternatives
18 which would provide an equivalent degree of lifesafety and an
19 equivalent method of construction.

20 (b) Any decision made by the local fire official and
21 the local building official may be appealed to a local
22 administrative board designated by the municipality, county,
23 or special district having firesafety responsibilities. If the
24 decision of the local fire official and the local building
25 official is to apply the provisions of either the Florida
26 Building Code or the Florida Fire Prevention Code and the Life
27 Safety Code, the board may not alter the decision unless the
28 board determines that the application of such code is not
29 reasonable. If the decision of the local fire official and
30 the local building official is to adopt an alternative to the
31 codes, the local administrative board shall give due regard to

Amendment No. ____ (for drafter's use only)

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

10 (c) If the local building official and the local fire
11 official are unable to agree on a resolution of the conflict
12 between the Florida Building Code and the Florida Fire
13 Prevention Code and the Life Safety Code, the local
14 administrative board shall resolve the conflict in favor of
15 the code which offers the greatest degree of lifesafety or
16 alternatives which would provide an equivalent degree of
17 lifesafety and an equivalent method of construction.

18 (d) All decisions of the local administrative board,
19 or if none exists, the decisions of the local building
20 official and the local fire official, are subject to review by
21 a joint committee composed of members of the Florida Building
22 Commission and the Fire Code Advisory Council. If the joint
23 committee is unable to resolve conflicts between the codes as
24 applied to a specific project, the matter shall be resolved
25 pursuant to the provisions of paragraph (1)(d).

26 (e)(d) The local administrative board shall, to the
27 greatest extent possible, be composed of members with
28 expertise in building construction and firesafety standards.

29 (f)(e) All decisions of the local building official
30 and local fire official and all decisions of the
31 administrative board shall be in writing and shall be binding

Amendment No. ____ (for drafter's use only)

1 upon all persons but shall not limit the authority of the
2 State Fire Marshal or the Florida Building Commission pursuant
3 to paragraph(1)(d) and ss. 663.01 and 633.161. Decisions of
4 general application shall be indexed by building and fire code
5 sections and shall be available for inspection during normal
6 business hours.

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

16 (10)~~(11)~~ The Florida Building Code does not apply to,
17 and no code enforcement action shall be brought with respect
18 to, zoning requirements, land use requirements, and owner
19 specifications or programmatic requirements which do not
20 pertain to and govern the design, construction, erection,
21 alteration, modification, repair, or demolition of public or
22 private buildings, structures, or facilities or to
23 programmatic requirements that do not pertain to enforcement
24 of the Florida Building Code. Additionally, a local code
25 enforcement agency may not administer or enforce the Florida
26 Building Code to prevent the siting of any publicly owned
27 facility, including, but not limited to, correctional
28 facilities, juvenile justice facilities, or state
29 universities, community colleges, or public education
30 facilities, as provided by law.

31 ~~(12) In addition to the requirements of ss. 553.79 and~~

Amendment No. ____ (for drafter's use only)

1 ~~553.80, facilities subject to the provisions of chapter 395~~
2 ~~and part II of chapter 400 shall have facility plans reviewed~~
3 ~~and construction surveyed by the state agency authorized to do~~
4 ~~so under the requirements of chapter 395 and part II of~~
5 ~~chapter 400 and the certification requirements of the Federal~~
6 ~~Government.~~

7 Section 76. Subsections (3) and (4) of section 553.74,
8 Florida Statutes, are amended to read:

9 553.74 Florida Building Commission.--

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

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

23 Section 77. Subsection (2) of section 553.77, Florida
24 Statutes, is amended to read:

25 553.77 Specific powers of the commission.--

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

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

30 (b) Appoint experts, consultants, technical advisers,
31 and advisory committees for assistance and recommendations

Amendment No. ____ (for drafter's use only)

1 relating to the State Minimum Building Codes.

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

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

11 Section 78. Section 46 of chapter 98-287, Laws of
12 Florida, is amended to read:

13 Section 46. Effective ~~July~~ January 1, 2001, section
14 553.77, Florida Statutes, as amended by this act, is amended
15 to read:

16 553.77 Specific powers of the commission.--

17 (1) The commission shall:

18 (a) Adopt and update the Florida Building Code rules
19 ~~and regulations~~ or amendments thereto, pursuant to ss.
20 120.536(1) and 120.54.

21 (b) Make a continual study of the operation of the
22 Florida State Minimum Building Code Codes and other laws
23 relating to the design, construction, erection, alteration,
24 modification, repair, or demolition of public or private of
25 buildings, structures, and facilities, including manufactured
26 buildings, and code enforcement, to ascertain their effect
27 upon the cost of building construction and determine the
28 effectiveness of their provisions. Upon updating the Florida
29 Building Code every 3 years, the commission shall review
30 existing provisions of law and make recommendations to the
31 Legislature for the next regular session of the Legislature

Amendment No. ____ (for drafter's use only)

1 regarding provisions of law that should be revised or repealed
2 to ensure consistency with the Florida Building Code at the
3 point the update goes into effect. State agencies and local
4 jurisdictions shall provide such information as requested by
5 the commission for evaluation of the effectiveness of the
6 system of building code laws for reporting to the Legislature.
7 Any proposed legislation providing for the revision or repeal
8 of existing laws and rules relating to technical requirements
9 applicable to building structures or facilities should
10 expressly state that such legislation is not intended to imply
11 any repeal or sunset of existing general or special laws that
12 are not specifically identified in the legislation.

13 (c) Upon written application by any substantially
14 affected person ~~a private party~~ or a local enforcement agency,
15 issue declaratory statements pursuant to s. 120.565 relating
16 to new technologies, techniques, and materials which have been
17 tested where necessary and found to meet the objectives of the
18 ~~Florida State Minimum Building Code Codes and the Florida~~
19 ~~Manufactured Building Act of 1979.~~

20 (d) Upon written application by any substantially
21 affected person ~~a private party~~ or a local enforcement agency,
22 issue declaratory statements pursuant to s. 120.565 relating
23 to the interpretation, enforcement, administration, or
24 modification by local governments of the ~~Florida State Minimum~~
25 ~~Building Code Codes and the Florida Manufactured Building Act~~
26 ~~of 1979.~~

27 (e) When requested in writing by any substantially
28 affected person or a local enforcing agency, shall issue
29 declaratory statements pursuant to s. 120.565 relating to part
30 VII of chapter 553, which shall apply prospectively only.
31 Actions of the commission are subject to judicial review

Amendment No. ____ (for drafter's use only)

1 pursuant to s. 120.68.

2 (f)(e) Make recommendations to, and provide assistance
3 upon the request of, the Florida Commission on Human Relations
4 regarding rules relating to ~~handicapped~~ accessibility for
5 persons with disabilities.

6 (g)(f) Participate ~~Coordinate and cooperate~~ with the
7 Florida Fire Code Advisory Council created under s. 633.72, to
8 provide for assistance and recommendations relating to
9 firesafety code interpretations. The administrative staff of
10 the commission shall attend meetings of the Florida Fire Code
11 Advisory Council and coordinate efforts to provide consistency
12 between the Florida Building Code and the Florida Fire
13 Prevention Code and the Life Safety Code.

14 (h) Hear appeals of the decisions of local boards of
15 appeal regarding interpretation decisions of local building
16 officials, or if no local board exists, hear appeals of
17 decisions of the building officials regarding interpretations
18 of the code. For such appeals:

19 1. Local decisions declaring structures to be unsafe
20 and subject to repair or demolition shall not be appealable to
21 the commission if the local governing body finds there is an
22 immediate danger to the health and safety of its citizens.

23 2. All appeals shall be heard in the county of the
24 jurisdiction defending the appeal.

25 3. Actions of the commission are subject to judicial
26 review pursuant to s. 120.68.

27 ~~(2) Upon written application by a private party or a~~
28 ~~local enforcement agency, the commission may also:~~

29 (i)(a) Determine the types of products requiring
30 approval for local or statewide use and shall provide for the
31 evaluation and approval ~~testing~~ of such products, materials,

Amendment No. ____ (for drafter's use only)

1 devices, and method of construction for statewide use.
2 Evaluation and approval shall be by action of the commission
3 or delegated pursuant to s. 553.84. This paragraph does not
4 apply to products approved by the State Fire Marshal.

5 (j)(b) Appoint experts, consultants, technical
6 advisers, and advisory committees for assistance and
7 recommendations relating to the major areas addressed in the
8 Florida State Minimum Building Code Codes.

9 (k) Establish and maintain a mutual aid program,
10 organized through the department, to provide an efficient
11 supply of various levels of code enforcement personnel, design
12 professionals, commercial property owners, and construction
13 industry individuals, to assist in the rebuilding effort in an
14 area which has been hit with disaster. The program shall
15 include provisions for:

16 1. Minimum post-disaster structural, electrical, and
17 plumbing inspections and procedures.

18 2. Emergency permitting and inspection procedures.

19 3. Establishing contact with emergency management
20 personnel and other state and federal agencies.

21 (l) Maintain a list of interested parties for noticing
22 rulemaking workshops and hearings, disseminating information
23 on code adoption, revisions, amendments, and all other such
24 actions which are the responsibility of the commission.

25 (m) Coordinate with the state and local governments,
26 industry, and other affected stakeholders in the examination
27 of legislative provisions and make recommendations to fulfill
28 the responsibility to develop a consistent, single code.

29 (n) Provide technical assistance to local building
30 departments in order to implement policies, procedures, and
31 practices which would produce the most cost effective property

Amendment No. ____ (for drafter's use only)

1 insurance ratings.

2 (o) Develop recommendations for local governments to
3 use when pursuing partial or full privatization of building
4 department functions. The recommendations shall include, but
5 not be limited to, provisions relating to equivalency of
6 service, conflict of interest, requirements for competency,
7 liability, insurance, and long-term accountability.

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

14 ~~(2)(3)~~ With respect to the qualification program for
15 special inspectors of threshold buildings as required by s.
16 553.79(5)(c), the commission may prescribe initial and annual
17 renewal fees for certification, by rule, in accordance with
18 chapter 120.

19 ~~(3)(4)(a)~~ Upon written application by any
20 substantially affected person ~~a private party~~, the commission
21 shall issue a declaratory statement pursuant to s. 120.565
22 relating to a state agency's interpretation and enforcement of
23 the specific provisions of the Florida Building Code ~~model~~ Code
24 required under this section ~~adopted by the agency to regulate~~
25 ~~building construction~~ or relating to the conformity of new
26 technologies, techniques, and materials to the objectives of
27 the Florida Building Code ~~that model~~ Code. The provisions of this
28 paragraph shall not be construed to provide any powers, other
29 than advisory, to the commission with respect to any decision
30 of the ~~State Board of Education made pursuant to the~~
31 ~~provisions of s. 235.26, to the State Fire Marshal made~~

Amendment No. ____ (for drafter's use only)

1 pursuant to the provisions of chapter 633, ~~to the Department~~
2 ~~of Management Services made pursuant to the provisions of s.~~
3 ~~255.25, or to any local government decision with respect to~~
4 ~~construction not subject to a state agency model code.~~

5 ~~(b) Upon written applications by private parties or~~
6 ~~the enforcement agency, the commission may issue declaratory~~
7 ~~statements pursuant to s. 120.565 relating to the~~
8 ~~interpretation of ss. 553.71(7) and 553.79(5)(a) and (c),~~
9 ~~(6)(a), (b), (d), and (e), and (7)(a) and (c).~~

10 ~~(4)(5)~~ The commission may designate a commission
11 member with demonstrated expertise in interpreting building
12 plans to attend each meeting of the advisory council created
13 in s. 553.512. The commission member may vary from meeting to
14 meeting, shall serve on the council in a nonvoting capacity,
15 and shall receive per diem and expenses as provided in s.
16 553.74(3).

17 (5) For educational and public information purposes,
18 the commission shall develop and publish an informational and
19 explanatory document which contains descriptions of the roles
20 and responsibilities of the licensed design professional,
21 residential designer, contractor, and local building and fire
22 code officials. The State Fire Marshal shall be responsible
23 for developing and specifying roles and responsibilities for
24 fire code officials. Such document may also contain
25 descriptions of roles and responsibilities of other
26 participants involved in the building codes system.

27 (6) The commission may provide for plans review and
28 approval of prototype buildings owned by public entities to be
29 replicated throughout the state. Such approved plans or
30 prototype buildings shall be exempt from further review
31 required by s. 553.79(2), except changes to the prototype

Amendment No. ____ (for drafter's use only)

1 design, site plans, and other site related items, or any local
2 amendment to any part of the Florida Building Code.

3 Construction or erection of such prototype buildings are
4 subject to local permitting and inspections pursuant to this
5 part.

6 Section 79. Effective July 1, 2001, subsections (1),
7 (3), and (6) of section 553.77, Florida Statutes, as amended
8 by section 46 of chapter 98-287, Laws of Florida, are amended
9 to read:

10 553.77 Specific powers of the commission.--

11 (1) The commission shall:

12 (a) Adopt and update the Florida Building Code or
13 amendments thereto, pursuant to ss. 120.536(1) and 120.54.

14 (b) Make a continual study of the operation of the
15 Florida Building Code and other laws relating to the design,
16 construction, erection, alteration, modification, repair, or
17 demolition of public or private buildings, structures, and
18 facilities, including manufactured buildings, and code
19 enforcement, to ascertain their effect upon the cost of
20 building construction and determine the effectiveness of their
21 provisions. Upon updating the Florida Building Code every 3
22 years, the commission shall review existing provisions of law
23 and make recommendations to the Legislature for the next
24 regular session of the Legislature regarding provisions of law
25 that should be revised or repealed to ensure consistency with
26 the Florida Building Code at the point the update goes into
27 effect. State agencies and local jurisdictions shall provide
28 such information as requested by the commission for evaluation
29 of and recommendations for improving the effectiveness of the
30 system of building code laws for reporting to the Legislature
31 annually. Failure to comply with this or other requirements of

Amendment No. ____ (for drafter's use only)

1 this act must be reported to the Legislature for further
2 action. Any proposed legislation providing for the revision or
3 repeal of existing laws and rules relating to technical
4 requirements applicable to building structures or facilities
5 should expressly state that such legislation is not intended
6 to imply any repeal or sunset of existing general or special
7 laws that are not specifically identified in the legislation.

8 (c) Upon written application by any substantially
9 affected person or a local enforcement agency, issue
10 declaratory statements pursuant to s. 120.565 relating to new
11 technologies, techniques, and materials which have been tested
12 where necessary and found to meet the objectives of the
13 Florida Building Code. This paragraph does not apply to the
14 types of products, materials, devices, or methods of
15 construction required to be approved under paragraph (i).

16 (d) Upon written application by any substantially
17 affected person, state agency, or a local enforcement agency,
18 issue declaratory statements pursuant to s. 120.565 relating
19 to the ~~interpretation, enforcement or, administration, or~~
20 ~~modification~~ by local governments of the Florida Building
21 Code. Paragraph (h) provides the exclusive remedy for
22 addressing local interpretations of the code.

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

29 (f) Make recommendations to, and provide assistance
30 upon the request of, the Florida Commission on Human Relations
31 regarding rules relating to accessibility for persons with

Amendment No. ____ (for drafter's use only)

1 disabilities.

2 (g) Participate with the Florida Fire Code Advisory
3 Council created under s. 633.72, to provide assistance and
4 recommendations relating to firesafety code interpretations.
5 The administrative staff of the commission shall attend
6 meetings of the Florida Fire Code Advisory Council and
7 coordinate efforts to provide consistency between the Florida
8 Building Code and the Florida Fire Prevention Code and the
9 Life Safety Code.

10 (h) Hear appeals of the decisions of local boards of
11 appeal regarding interpretation decisions of local building
12 officials, or if no local board exists, hear appeals of
13 decisions of the building officials regarding interpretations
14 of the code. For such appeals:

15 1. Local decisions declaring structures to be unsafe
16 and subject to repair or demolition shall not be appealable to
17 the commission if the local governing body finds there is an
18 immediate danger to the health and safety of its citizens.

19 2. All appeals shall be heard in the county of the
20 jurisdiction defending the appeal.

21 3. Actions of the commission are subject to judicial
22 review pursuant to s. 120.68.

23 (i) Determine the types of products requiring approval
24 for local or statewide use and shall provide for the
25 evaluation and approval of such products, materials, devices,
26 and method of construction for statewide use. The commission
27 may prescribe by rule a schedule of reasonable fees to provide
28 for evaluation and approval of products, materials, devices,
29 and methods of construction. Evaluation and approval shall be
30 by action of the commission or delegated pursuant to s.
31 553.842 s. 553.84. This paragraph does not apply to products

Amendment No. ____ (for drafter's use only)

1 approved by the State Fire Marshal.

2 (j) Appoint experts, consultants, technical advisers,
3 and advisory committees for assistance and recommendations
4 relating to the major areas addressed in the Florida Building
5 Code.

6 (k) Establish and maintain a mutual aid program,
7 organized through the department, to provide an efficient
8 supply of various levels of code enforcement personnel, design
9 professionals, commercial property owners, and construction
10 industry individuals, to assist in the rebuilding effort in an
11 area which has been hit with disaster. The program shall
12 include provisions for:

13 1. Minimum postdisaster structural, electrical, and
14 plumbing inspections and procedures.

15 2. Emergency permitting and inspection procedures.

16 3. Establishing contact with emergency management
17 personnel and other state and federal agencies.

18 (l) Maintain a list of interested parties for noticing
19 rulemaking workshops and hearings, disseminating information
20 on code adoption, revisions, amendments, and all other such
21 actions which are the responsibility of the commission.

22 (m) Coordinate with the state and local governments,
23 industry, and other affected stakeholders in the examination
24 of legislative provisions and make recommendations to fulfill
25 the responsibility to develop a consistent, single code.

26 (n) Provide technical assistance to local building
27 departments in order to implement policies, procedures, and
28 practices which would produce the most cost-effective property
29 insurance ratings.

30 (o) Develop recommendations for local governments to
31 use when pursuing partial or full privatization of building

Amendment No. ____ (for drafter's use only)

1 department functions. The recommendations shall include, but
2 not be limited to, provisions relating to equivalency of
3 service, conflict of interest, requirements for competency,
4 liability, insurance, and long-term accountability.

5 (3) Upon written application by any substantially
6 affected person, the commission shall issue a declaratory
7 statement pursuant to s. 120.565 relating to a state agency's
8 interpretation and enforcement of the specific provisions of
9 the Florida Building Code the agency is authorized to enforce
10 ~~required under this section or relating to the conformity of~~
11 ~~new technologies, techniques, and materials to the objectives~~
12 ~~of the Florida Building Code.~~ The provisions of this
13 subsection shall not be construed to provide any powers, other
14 than advisory, to the commission with respect to any decision
15 of the State Fire Marshal made pursuant to the provisions of
16 chapter 633.

17 (6) The commission may provide by rule for plans
18 review and approval of prototype buildings owned by public and
19 private entities to be replicated throughout the state. Such
20 approved plans or prototype buildings shall be exempt from
21 further review required by s. 553.79(2), except changes to the
22 prototype design, site plans, and other site-related items, or
23 any local amendment to any part of the Florida Building Code.
24 Construction or erection of such prototype buildings is
25 subject to local permitting and inspections pursuant to this
26 part.

27 Section 80. Section 47 of chapter 98-287, Laws of
28 Florida, is amended to read:

29 Section 47. Effective July ~~January~~ 1, 2001, section
30 553.781, Florida Statutes, is created to read:

31 553.781 Licensee accountability.--

Amendment No. ____ (for drafter's use only)

1 (1) The Legislature finds that accountability for work
2 performed by design professionals and contractors is the key
3 to strong and consistent compliance with the Florida Building
4 Code and, therefore, protection of the public health, safety,
5 and welfare. The purpose of this section is to provide such
6 accountability.

7 (2)(a) Upon a determination by a local jurisdiction
8 that a licensee, certificateholder, or registrant licensed
9 under chapters 455, 471, 481, or 489 has committed a material
10 violation of the Florida Building Code and failed to correct
11 the violation within a reasonable time, such local
12 jurisdiction shall impose a fine of no less than \$500 and no
13 more than \$5,000 per material violation.

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

27 (3) The Department of Business and Professional
28 Regulation, as an integral part of the automated information
29 system provided under s. 455.2286, shall establish, and local
30 jurisdictions and state licensing boards shall participate in,
31 a system of reporting violations and disciplinary actions

Amendment No. ____ (for drafter's use only)

1 taken against all licensees, certificateholders, and
2 registrants under this section that have been disciplined for
3 a violation of the Florida Building Code. Such information
4 shall be available electronically. Any fines collected by a
5 local jurisdiction pursuant to subsection (2) shall be used
6 initially to help set up the parts of the reporting system for
7 which such local jurisdiction is responsible. Any remaining
8 moneys shall be used solely for enforcing the Florida Building
9 Code, licensing activities relating to the Florida Building
10 Code, or education and training on the Florida Building Code.

11 (4) Local jurisdictions shall maintain records,
12 readily accessible by the public, regarding material
13 violations and shall report such violations to the Department
14 of Business and Professional Regulation by means of the
15 reporting system provided in s. 455.2286.

16
17 For purposes of this section, a material code violation is a
18 violation that exists within a completed building, structure,
19 or facility which may reasonably result, or has resulted, in
20 physical harm to a person or significant damage to the
21 performance of a building or its systems. Except when the
22 fine is abated as provided in subsection (2), failure to pay
23 the fine within 30 days shall result in a suspension of the
24 licensee's, certificateholder's, or registrant's ability to
25 obtain permits within this state until such time as the fine
26 is paid. Such suspension shall be reflected on the automated
27 information system under s. 455.2286.

28 Section 81. Effective July 1, 2001, paragraph (b) of
29 subsection (2) of section 553.781, Florida Statutes, is
30 amended to read:

31 553.781 Licensee accountability.--

Amendment No. ____ (for drafter's use only)

1 (2)

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

17 Section 82. Subsections (3) and (5), paragraph (a) of
18 subsection (7), and subsections (10), (12), (14) and (16) of
19 section 553.79, Florida Statutes, are amended to read:

20 553.79 Permits; applications; issuance; inspections.--

21 (3) The State Minimum Building Codes, after the
22 effective date of their adoption pursuant to the provisions of
23 this part, shall supersede all other building construction
24 codes or ordinances in the state, whether at the local or
25 state level and whether adopted by administrative regulation
26 or by legislative enactment, unless such building construction
27 codes or ordinances are more stringent than the State Minimum
28 Building Codes and the conditions of s. 553.73(4) are met.
29 However, this subsection does not apply to manufactured mobile
30 homes as defined by chapter 320. Nothing contained in this
31 subsection shall be construed as nullifying or divesting

Amendment No. ____ (for drafter's use only)

1 appropriate state or local agencies of authority to make
2 inspections or to enforce the codes within their respective
3 areas of jurisdiction.

4 (5)(a) The enforcing agency shall require a special
5 inspector to perform structural inspections on a threshold
6 building pursuant to a structural inspection plan prepared by
7 the engineer or architect of record. The structural inspection
8 plan must be submitted to and approved by the enforcing agency
9 prior to the issuance of a building permit for the
10 construction of a threshold building. The purpose of the
11 structural inspection plan is to provide specific inspection
12 procedures and schedules so that the building can be
13 adequately inspected for compliance with the permitted
14 documents. The special inspector may not serve as a surrogate
15 in carrying out the responsibilities of the building official,
16 the architect, or the engineer of record. The contractor's
17 contractual or statutory obligations are not relieved by any
18 action of the special inspector.The special inspector shall
19 determine that a professional engineer who specializes in
20 shoring design has inspected ~~inspect~~ the shoring and reshoring
21 for conformance with the shoring and reshoring plans submitted
22 to the enforcing agency. A fee simple title owner of a
23 building, which does not meet the minimum size, height,
24 occupancy, occupancy classification, or number-of-stories
25 criteria which would result in classification as a threshold
26 building under s. 553.71(7), may designate such building as a
27 threshold building, subject to more than the minimum number of
28 inspections required by the Florida Building Code.

29 (b) The fee owner of a threshold building shall select
30 and pay all costs of employing a special inspector, but the
31 special inspector shall be responsible to the enforcement

Amendment No. ____ (for drafter's use only)

1 agency. The inspector shall be a person certified, licensed,
2 or registered under chapter 471 as an engineer or under
3 chapter 481 as an architect.

4 (c) ~~The commission shall, by rule, establish a~~
5 ~~qualification program for special inspectors and shall compile~~
6 ~~a list of persons qualified to be special inspectors. Special~~
7 ~~inspectors shall not be required to meet standards for~~
8 ~~qualification other than those established by the commission,~~
9 ~~nor shall the fee owner of a threshold building be prohibited~~
10 ~~from selecting any person qualified by the commission to be a~~
11 ~~special inspector.~~The architect or engineer of record may act
12 as the special inspector provided she or he is on the Board of
13 Professional Engineers' or the Board of Architecture and
14 Interior Design's list of persons qualified to be special
15 inspectors. School boards may utilize employees as special
16 inspectors provided such employees are on one of the
17 professional licensing board's list of persons qualified to be
18 special inspectors.

19 (d) The licensed architect or registered engineer
20 serving as the special inspector shall be permitted to send
21 her or his duly authorized representative to the job site to
22 perform the necessary inspections provided all required
23 written reports are prepared by and bear the seal of the
24 special inspector and are submitted to the enforcement agency.

25 (7) Each enforcement agency shall require that, on
26 every threshold building:

27 (a) The special inspector, upon completion of the
28 building and prior to the issuance of a certificate of
29 occupancy, file a signed and sealed statement with the
30 enforcement agency in substantially the following form: To the
31 best of my knowledge and belief, the ~~above-described~~

Amendment No. ____ (for drafter's use only)

1 construction of all structural load-bearing components
2 described in the threshold inspection plan complies with the
3 permitted documents, and the specialty shoring design
4 professional engineer has ascertained that the shoring and
5 reshoring conforms with the shoring and reshoring plans
6 submitted to the enforcement agency.

7 (10) An enforcing authority may not issue a building
8 permit for any building construction, erection, alteration,
9 repair, or addition unless the permit either includes on its
10 face or there is attached to the permit the following
11 statement: "NOTICE: In addition to the requirements of this
12 permit, there may be additional restrictions applicable to
13 this property that may be found in the public records of this
14 county, and there may be additional permits required from
15 other governmental entities such as water management
16 districts, state agencies, or federal agencies."

17 (12) Nothing in this section shall be construed to
18 alter or supplement the provisions of part IV of this chapter
19 relating to manufactured buildings ~~factory-built housing~~.

20 (14) A building permit for a single-family residential
21 dwelling must be issued within 30 working days of application
22 therefor unless unusual circumstances require a longer time
23 for processing the application or unless the permit
24 application fails to satisfy the enforcing agency's laws,
25 ordinances, or codes.

26 (16)(a) The Florida Building Commission shall
27 establish, within the Florida Building Code adopted by rule,
28 standards for permitting residential buildings or structures
29 moved into or within a county or municipality when such
30 structures do not or cannot comply with the code. However,
31 such buildings or structures shall not be required to be

Amendment No. ____ (for drafter's use only)

1 brought into compliance with the ~~state minimum~~ building code
2 in force at the time the building or structure is moved,
3 provided:

4 1. The building or structure is structurally sound and
5 in occupiable condition for its intended use;

6 2. The occupancy use classification for the building
7 or structure is not changed as a result of the move;

8 3. The building is not substantially remodeled;

9 4. Current fire code requirements for ingress and
10 egress are met;

11 5. Electrical, gas, and plumbing systems meet the
12 codes in force at the time of construction and are operational
13 and safe for reconnection; and

14 6. Foundation plans are sealed by a professional
15 engineer or architect licensed to practice in this state, if
16 required by the building code for all residential buildings or
17 structures of the same occupancy class;

18 (b) The building official shall apply the same
19 standard to a moved residential building or structure as that
20 applied to the remodeling of any comparable residential
21 building or structure to determine whether the moved structure
22 is substantially remodeled. The cost of moving the building
23 and the cost of the foundation on which the moved building or
24 structure is placed shall not be included in the cost of
25 remodeling for purposes of determining whether a moved
26 building or structure has been substantially remodeled.

27 Section 83. Section 49 of chapter 98-287, Laws of
28 Florida, is amended to read:

29 Section 49. Effective July ~~January~~ 1, 2001,
30 subsections (1), (2), (3), (4), (6), (9), (10), and (14) of
31 section 553.79, Florida Statutes, are amended, and subsection

Amendment No. ____ (for drafter's use only)

1 (17) is added to said section, to read:

2 553.79 Permits; applications; issuance; inspections.--

3 (1) After the effective date of the Florida State
4 ~~Minimum Building Code Codes~~ adopted as herein provided, it
5 shall be unlawful for any person, firm, ~~or corporation,~~ or
6 governmental entity to construct, erect, alter, modify,
7 repair, or demolish any building within this state without
8 first obtaining a permit therefor from the appropriate
9 enforcing agency or from such persons as may, by appropriate
10 resolution or regulation of the authorized state or local
11 enforcing agency, be delegated authority to issue such
12 permits, upon the payment of such reasonable fees adopted by
13 the enforcing agency. The enforcing agency is empowered to
14 revoke any such permit upon a determination by the agency that
15 the construction, erection, alteration, modification, repair,
16 or demolition of the building for which the permit was issued
17 is in violation of, or not in conformity with, the provisions
18 of the Florida State ~~Minimum Building Code Codes~~.
19 Installation, replacement, removal, or metering of any load
20 management control device is exempt from and shall not be
21 subject to the permit process and fees otherwise required by
22 this section.

23 (2) ~~After January 1, 1988,~~ No enforcing agency may
24 issue any permit for construction, erection, alteration,
25 modification, repair, or demolition until the local building
26 code administrator or inspector, in conjunction with the
27 appropriate firesafety inspector, has reviewed the plans and
28 specifications for such proposal and both officials have found
29 the plans to be in compliance with the Florida ~~applicable~~
30 ~~State Minimum Building Code Codes~~ and the Florida Fire
31 Prevention Code and the Life Safety Code ~~applicable firesafety~~

Amendment No. ____ (for drafter's use only)

1 ~~standards~~ as determined by the local authority in accordance
2 with this chapter and chapter 633. Building plans approved
3 pursuant to s. 553.77(6) and state-approved manufactured
4 buildings are exempt from local codes enforcing agency plan
5 reviews except for provisions of the code relating to
6 erection, assembly, or construction at the site. Erection,
7 assembly, and construction at the site are subject to local
8 permitting and inspections. Any building or structure which is
9 not subject to a firesafety code and any building or structure
10 which is exempt from the local building permit process shall
11 not be required to have its plans reviewed by the local
12 officials. Industrial construction on sites where design,
13 construction, and firesafety are supervised by appropriate
14 design and inspection professionals and which contain adequate
15 in-house fire departments and rescue squads is exempt, subject
16 to local government option, from review of plans and
17 inspections, providing owners certify that applicable codes
18 and standards have been met and supply appropriate approved
19 drawings to local building and firesafety inspectors. The
20 enforcing agency shall issue a permit to construct, erect,
21 alter, modify, repair, or demolish any building when the plans
22 and specifications for such proposal comply with the
23 provisions of the Florida State Minimum Building Code Codes
24 and the Florida Fire Prevention Code and the Life Safety Code
25 ~~applicable firesafety standards~~ as determined by the local
26 authority in accordance with this chapter and chapter 633.

27 (3) Except as provided in this chapter, the Florida
28 State Minimum Building Code Codes, after the effective date of
29 ~~their~~ adoption pursuant to the provisions of this part, shall
30 supersede all other building construction codes or ordinances
31 in the state, whether at the local or state level and whether

Amendment No. ____ (for drafter's use only)

1 adopted by administrative regulation or by legislative
2 enactment, ~~unless such building construction codes or~~
3 ~~ordinances are more stringent than the State Minimum Building~~
4 ~~Codes and the conditions of s. 553.73(4) are met.~~ However,
5 this subsection does not apply to the manufacture of mobile
6 homes as defined by federal law ~~chapter 320~~. Nothing
7 contained in this subsection shall be construed as nullifying
8 or divesting appropriate state or local agencies of authority
9 to make inspections or to enforce the codes within their
10 respective areas of jurisdiction.

11 (4) The Florida State Minimum Building Code Codes,
12 after the effective date of ~~their~~ adoption pursuant to the
13 provisions of this part, may be modified by local governments
14 to require more stringent standards than those specified in
15 the Florida State Minimum Building Code Codes, provided the
16 conditions of s. 553.73(4) are met.

17 (6) No permit may be issued for any building
18 construction, erection, alteration, modification, repair, or
19 addition unless the applicant for such permit provides to the
20 enforcing agency which issues the permit any of the following
21 documents which apply to the construction for which the permit
22 is to be issued and which shall be prepared by or under the
23 direction of an engineer registered under chapter 471:

24 (a) Electrical documents for any new building or
25 addition which requires an aggregate service capacity of 600
26 amperes (240 volts) or more on a residential electrical system
27 or 800 amperes (240 volts) or more on a commercial or
28 industrial electrical system and which costs more than
29 \$50,000.

30 (b) Plumbing documents for any new building or
31 addition which requires a plumbing system with more than 250

Amendment No. ____ (for drafter's use only)

1 fixture units or which costs more than \$50,000.

2 (c) Fire sprinkler documents for any new building or
3 addition which includes a fire sprinkler system which contains
4 50 or more sprinkler heads. A Contractor I, Contractor II, or
5 Contractor IV, certified under s. 633.521, may design a fire
6 sprinkler system of 49 or fewer heads and may design the
7 alteration of an existing fire sprinkler system if the
8 alteration consists of the relocation, addition, or deletion
9 of not more than 49 heads, notwithstanding the size of the
10 existing fire sprinkler system.

11 (d) Heating, ventilation, and air-conditioning
12 documents for any new building or addition which requires more
13 than a 15-ton-per-system capacity which is designed to
14 accommodate 100 or more persons or for which the system costs
15 more than \$50,000. This paragraph does not include any
16 document for the replacement or repair of an existing system
17 in which the work does not require altering a structural part
18 of the building or for work on a residential one-family,
19 two-family, three-family, or four-family structure.

20 (e) Any specialized mechanical, electrical, or
21 plumbing document for any new building or addition which
22 includes a medical gas, oxygen, steam, vacuum, toxic air
23 filtration, halon, or fire detection and alarm system which
24 costs more than \$5,000.

25
26 Documents requiring an engineer seal by this part ~~No such~~
27 ~~document~~ shall not be valid unless a professional engineer who
28 possesses a valid certificate of registration has signed,
29 dated, and stamped such document as provided in s. 471.025.

30 (9) Any state agency with building construction
31 responsibility ~~may enter into an agreement with any other unit~~

Amendment No. ____ (for drafter's use only)

1 ~~of government to delegate its responsibility to enforce the~~
2 ~~delegate's building code governing the construction, erection,~~
3 ~~alteration, repair, or demolition of any state building and is~~
4 authorized to expend public funds for permit and inspection
5 fees, which fees may be no greater than the fees charged
6 others.

7 (10) An enforcing authority may not issue a building
8 permit for any building construction, erection, alteration,
9 modification, repair, or addition unless the permit either
10 includes on its face or there is attached to the permit the
11 following statement: "NOTICE: In addition to the requirements
12 of this permit, there may be additional restrictions
13 applicable to this property that may be found in the public
14 records of this county, and there may be additional permits
15 required from other governmental entities such as water
16 management districts, state agencies, or federal agencies."

17 (14) A building permit for a single-family residential
18 dwelling must be issued within 30 working days of application
19 therefor unless unusual circumstances require a longer time
20 for processing the application or unless the permit
21 application fails to satisfy the Florida Building Code or the
22 enforcing agency's laws or ordinances, or codes.

23 (17) Notwithstanding any other provision of law, state
24 agencies responsible for the construction, erection,
25 alteration, modification, repair, or demolition of public
26 buildings, or the regulation of public and private buildings,
27 structures, and facilities, shall be subject to enforcement of
28 the Florida Building Code by local jurisdictions. This
29 subsection applies in addition to the jurisdiction and
30 authority of the Department of Insurance to inspect
31 state-owned buildings. This subsection does not apply to the

Amendment No. ____ (for drafter's use only)

1 jurisdiction and authority of the Department of Agriculture
2 and Consumer Services to inspect amusement rides or the
3 Department of Insurance to inspect state owned buildings and
4 boilers.

5 Section 84. Effective July 1, 2001, subsections (2),
6 (3), (6), and (9) of section 553.79, Florida Statutes, as
7 amended by section 49 of chapter 98-287, Laws of Florida, are
8 amended to read:

9 553.79 Permits; applications; issuance; inspections.--

10 (2) No enforcing agency may issue any permit for
11 construction, erection, alteration, modification, repair, or
12 demolition of any building or structure until the local
13 building code administrator or inspector, ~~in conjunction with~~
14 ~~the appropriate firesafety inspector,~~ has reviewed the plans
15 and specifications for such proposal and ~~both officials have~~
16 found the plans to be in compliance with the Florida Building
17 Code. In addition, an enforcing agency may not issue any
18 permit for construction, erection, alteration, modification,
19 repair, or demolition of any building until the appropriate
20 firesafety inspector certified pursuant to s. 633.081 has
21 reviewed the plans and specifications for such proposal and
22 found that the plans comply with ~~and~~ the Florida Fire
23 Prevention Code and the Life Safety Code ~~as determined by the~~
24 ~~local authority in accordance with this chapter and chapter~~
25 ~~633. Building plans approved pursuant to s. 553.77(6) and~~
26 ~~state-approved manufactured buildings are exempt from local~~
27 ~~codes enforcing agency plan reviews except for provisions of~~
28 ~~the code relating to erection, assembly, or construction at~~
29 ~~the site. Erection, assembly, and construction at the site~~
30 ~~are subject to local permitting and inspections.~~ Any building
31 or structure which is not subject to a firesafety code ~~and any~~

Amendment No. ____ (for drafter's use only)

1 ~~building or structure which is exempt from the local building~~
2 ~~permit process~~ shall not be required to have its plans
3 reviewed by the firesafety inspector ~~local officials~~. Any
4 building or structure that is exempt from the local building
5 permit process may not be required to have its plans reviewed
6 by the local building code administrator. Industrial
7 construction on sites where design, construction, and
8 firesafety are supervised by appropriate design and inspection
9 professionals and which contain adequate in-house fire
10 departments and rescue squads is exempt, subject to local
11 government option, from review of plans and inspections,
12 providing owners certify that applicable codes and standards
13 have been met and supply appropriate approved drawings to
14 local building and firesafety inspectors. The enforcing
15 agency shall issue a permit to construct, erect, alter,
16 modify, repair, or demolish any building or structure when the
17 plans and specifications for such proposal comply with the
18 provisions of the Florida Building Code and the Florida Fire
19 Prevention Code and the Life Safety Code as determined by the
20 local authority in accordance with this chapter and chapter
21 633.

22 (3) Except as provided in this chapter, the Florida
23 Building Code, after the effective date of adoption pursuant
24 to the provisions of this part, shall supersede all other
25 building construction codes or ordinances in the state,
26 whether at the local or state level and whether adopted by
27 administrative regulation or by legislative enactment.
28 However, this subsection does not apply to the construction of
29 manufactured ~~manufacture of mobile~~ homes as defined by federal
30 law. Nothing contained in this subsection shall be construed
31 as nullifying or divesting appropriate state or local agencies

Amendment No. ____ (for drafter's use only)

1 of authority to make inspections or to enforce the codes
2 within their respective areas of jurisdiction.

3 (6) A ~~No~~ permit may not be issued for any building
4 construction, erection, alteration, modification, repair, or
5 addition unless the applicant for such permit complies with
6 the requirements for plan review established by the Florida
7 Building Commission within the Florida Building Code.~~provides~~
8 ~~to the enforcing agency which issues the permit any of the~~
9 ~~following documents which apply to the construction for which~~
10 ~~the permit is to be issued and which shall be prepared by or~~
11 ~~under the direction of an engineer registered under chapter~~
12 ~~471:~~

13 (a) ~~Electrical documents for any new building or~~
14 ~~addition which requires an aggregate service capacity of 600~~
15 ~~amperes (240 volts) or more on a residential electrical system~~
16 ~~or 800 amperes (240 volts) or more on a commercial or~~
17 ~~industrial electrical system and which costs more than~~
18 ~~\$50,000.~~

19 (b) ~~Plumbing documents for any new building or~~
20 ~~addition which requires a plumbing system with more than 250~~
21 ~~fixture units or which costs more than \$50,000.~~

22 (c) ~~Fire sprinkler documents for any new building or~~
23 ~~addition which includes a fire sprinkler system which contains~~
24 ~~50 or more sprinkler heads. A Contractor I, Contractor II, or~~
25 ~~Contractor IV, certified under s. 633.521, may design a fire~~
26 ~~sprinkler system of 49 or fewer heads and may design the~~
27 ~~alteration of an existing fire sprinkler system if the~~
28 ~~alteration consists of the relocation, addition, or deletion~~
29 ~~of not more than 49 heads, notwithstanding the size of the~~
30 ~~existing fire sprinkler system.~~

31 (d) ~~Heating, ventilation, and air-conditioning~~

Amendment No. ____ (for drafter's use only)

1 ~~documents for any new building or addition which requires more~~
2 ~~than a 15-ton-per-system capacity which is designed to~~
3 ~~accommodate 100 or more persons or for which the system costs~~
4 ~~more than \$50,000. This paragraph does not include any~~
5 ~~document for the replacement or repair of an existing system~~
6 ~~in which the work does not require altering a structural part~~
7 ~~of the building or for work on a residential one-family,~~
8 ~~two-family, three-family, or four-family structure.~~

9 ~~(e) Any specialized mechanical, electrical, or~~
10 ~~plumbing document for any new building or addition which~~
11 ~~includes a medical gas, oxygen, steam, vacuum, toxic air~~
12 ~~filtration, halon, or fire detection and alarm system which~~
13 ~~costs more than \$5,000.~~

14
15 ~~Documents requiring an engineer seal by this part shall not be~~
16 ~~valid unless a professional engineer who possesses a valid~~
17 ~~certificate of registration has signed, dated, and stamped~~
18 ~~such document as provided in s. 471.025.~~

19 (9) Any state agency whose enabling legislation
20 authorizes it to enforce provisions of the Florida Building
21 Code may enter into an agreement with any other unit of
22 government to delegate its responsibility to enforce those
23 provisions and may with building construction responsibility
24 ~~is authorized to~~ expend public funds for permit and inspection
25 fees, which fees may be no greater than the fees charged
26 others.

27 Section 85. Section 51 of chapter 98-287, Laws of
28 Florida, is amended to read:

29 Section 51. Effective July ~~January~~ 1, 2001, section
30 553.80, Florida Statutes, as amended by this act, is amended
31 to read:

Amendment No. ____ (for drafter's use only)

1 553.80 Enforcement.--

2 (1) It shall be the responsibility of each local

3 government ~~and~~ each legally constituted enforcement district,

4 ~~and each state agency~~ with statutory authority to regulate

5 building construction to enforce the Florida Building Code

6 required by this part on all public or private buildings,

7 structures, and facilities ~~adopted by such body in accordance~~

8 ~~with s. 553.73~~, unless such responsibility has been delegated

9 to another unit of government pursuant to s. 553.79(9). The

10 governing bodies of local governments may provide a schedule

11 of fees, as authorized by s. 125.56(2) or s. 166.222 and this

12 section, for the enforcement of the provisions of this part.

13 Such fees shall be used solely for carrying out the

14 responsibilities of enforcing the Florida Building Code. The

15 authority of state enforcing agencies to set fees for

16 enforcement shall be derived from authority existing on the

17 effective date of this act. However, nothing contained in this

18 subsection shall operate to limit such agencies from adjusting

19 their fee schedule in conformance with existing authority.

20 (2)(a) Any two or more counties or municipalities, or

21 any combination thereof, may, in accordance with the

22 provisions of chapter 163, governing interlocal agreements,

23 form an enforcement district for the purpose of ~~adopting,~~

24 ~~enforcing,~~ and administering the provisions of the Florida

25 ~~State Minimum Building Code Codes~~. Each district so formed

26 shall be registered with the department on forms to be

27 provided for that purpose. Nothing in this subsection shall be

28 construed to supersede provisions of county charters which

29 preempt municipal authorities respective to building codes.

30 (b) With respect to evaluation of design

31 professionals' documents, if a local government finds it

Amendment No. ____ (for drafter's use only)

1 necessary, in order to enforce compliance with the Florida
2 Building Code and issue a permit, to reject design documents
3 required by the code three or more times for failure to
4 correct a code violation specifically and continuously noted
5 in each rejection, including, but not limited to, egress, fire
6 protection, structural stability, energy, accessibility,
7 lighting, ventilation, electrical, mechanical, plumbing, and
8 gas systems, or other requirements identified by rule of the
9 Florida Building Commission adopted pursuant to chapter 120,
10 the local government shall impose, each time after the third
11 such review the plans are rejected for that code violation, a
12 fee of four times the amount of the proportion of the permit
13 fee attributed to plans review.

14 (c) With respect to inspections, if a local government
15 finds it necessary, in order to enforce compliance with the
16 Florida Building Code, to conduct any inspection after an
17 initial inspection and one subsequent reinspection of any
18 project or activity for the same code violation specifically
19 and continuously noted in each rejection, including, but not
20 limited to, egress, fire protection, structural stability,
21 energy, accessibility, lighting, ventilation, electrical,
22 mechanical, plumbing, and gas systems, or other requirements
23 identified by rule of the Florida Building Commission adopted
24 pursuant to chapter 120, the local government shall impose a
25 fee of four times the amount of the fee imposed for the
26 initial inspection or first reinspection, whichever is
27 greater, for each such subsequent reinspection.

28 (3) Each enforcement district shall be governed by a
29 board, the composition of which shall be determined by the
30 affected localities. At its own option each enforcement
31 district or local enforcement agency may promulgate rules

Amendment No. ____ (for drafter's use only)

1 granting to the owner of a single-family residence one or more
2 exemptions from the Florida State Minimum Building Code Codes
3 relating to:

4 (a) Addition, alteration, or repairs performed by the
5 property owner upon his or her own property, provided any
6 addition or alteration shall not exceed 1,000 square feet or
7 the square footage of the primary structure, whichever is
8 less.

9 (b) Addition, alteration, or repairs by a nonowner
10 within a specific cost limitation set by rule, provided the
11 total cost shall not exceed \$5,000 within any 12-month period.

12 (c) Building and inspection fees.

13
14 Each code exemption, as defined in paragraphs (a), (b), and
15 (c), shall be certified to the local board 10 days prior to
16 implementation and shall only be effective in the territorial
17 jurisdiction of the enforcement district or local enforcement
18 agency implementing it.

19 (4) When an enforcement district has been formed as
20 provided herein, upon its registration with the department, it
21 shall have the same authority and responsibility with respect
22 to building codes as provided by this part for local governing
23 bodies.

24 (5) State and regional agencies with special expertise
25 in building code standards and licensing of contractors and
26 design professionals shall provide support to local
27 governments upon request.

28 (6) Notwithstanding any other provision of law, state
29 universities, community colleges, and public school districts
30 shall be subject to enforcement of the Florida Building Code
31 pursuant to this part.

Amendment No. ____ (for drafter's use only)

1 (a) State universities, state community colleges, or
2 public school districts shall conduct plan review and
3 construction inspections to enforce building code compliance
4 for their building projects that are subject to the Florida
5 Building Code. Such entities shall have personnel
6 appropriately certified under part XII of chapter 468 perform
7 the plan reviews and inspections required by the code. Under
8 such arrangements, such entities shall not be subject to local
9 government permitting requirements, plans review, and
10 inspection fees. State universities, state community colleges,
11 and public school districts shall be liable and responsible
12 for all of their buildings, structures, and facilities.
13 Nothing in this paragraph shall be construed to limit the
14 authority of the county, municipality, or code enforcement
15 district to ensure that buildings, structures, and facilities
16 owned by such entities comply with the Florida Building Code
17 or to limit the authority and responsibility of the fire
18 official to conduct firesafety inspections pursuant to chapter
19 633.

20 (b) If a state university, state community college, or
21 public school district elects to use a local government's code
22 enforcement offices:

23 1. Fees charged by counties and municipalities for
24 enforcement of the Florida Building Code on buildings,
25 structures, and facilities of state universities, state
26 colleges, and public school districts shall not be more than
27 the actual labor and administrative costs incurred for plans
28 review and inspections to ensure compliance with the code.

29 2. Counties and municipalities shall expedite building
30 construction permitting, building plans review, and
31 inspections of projects of state universities, state community

Amendment No. ____ (for drafter's use only)

1 colleges, and public school districts which are subject to the
2 Florida Building Code according to guidelines established by
3 the Florida Building Commission.

4 (c) The Florida Building Commission and code
5 enforcement jurisdictions shall consider balancing code
6 criteria and enforcement to unique functions, where they
7 occur, of research institutions by application of performance
8 criteria in lieu of prescriptive criteria.

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

24 Section 86. Effective July 1, 2001, subsection (1) and
25 paragraph (a) of subsection (6) of section 553.80, Florida
26 Statutes, as amended by section 51 of chapter 98-287, Laws of
27 Florida, are amended, and paragraph (d) is added to subsection
28 (6) of said section, to read:

29 553.80 Enforcement.--

30 (1) Except as provided in paragraphs (a)-(e), it shall
31 be the responsibility of each local government and each

Amendment No. ____ (for drafter's use only)

1 legally constituted enforcement district with statutory
2 authority shall ~~to~~ regulate building construction and, where
3 authorized in the state agency's enabling legislation, each
4 state agency shall ~~to~~ enforce the Florida Building Code
5 required by this part on all public or private buildings,
6 structures, and facilities, unless such responsibility has
7 been delegated to another unit of government pursuant to s.
8 553.79(9).

9 (a) Construction regulations relating to correctional
10 facilities under the jurisdiction of the Department of
11 Corrections and the Department of Juvenile Justice are to be
12 enforced exclusively by those departments.

13 (b) Construction regulations relating to elevator
14 equipment under the jurisdiction of the Bureau of Elevators of
15 the Department of Business and Professional Regulation shall
16 be enforced exclusively by that department.

17 (c) In addition to the requirements of s. 553.79 and
18 this section, facilities subject to the provisions of chapter
19 395 and part II of chapter 400 shall have facility plans
20 reviewed and construction surveyed by the state agency
21 authorized to do so under the requirements of chapter 395 and
22 part II of chapter 400 and the certification requirements of
23 the Federal Government.

24 (d) Building plans approved pursuant to s. 553.77(6)
25 and state-approved manufactured buildings, including buildings
26 manufactured and assembled offsite and not intended for
27 habitation, such as lawn storage buildings and storage sheds,
28 are exempt from local code enforcing agency plan reviews
29 except for provisions of the code relating to erection,
30 assembly, or construction at the site. Erection, assembly, and
31 construction at the site are subject to local permitting and

Amendment No. ____ (for drafter's use only)

1 inspections.

2 (e) Construction regulations governing public schools,
3 state universities, and community colleges shall be enforced
4 as provided in subsection (6).

5
6 The governing bodies of local governments may provide a
7 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
8 and this section, for the enforcement of the provisions of
9 this part. Such fees shall be used solely for carrying out
10 the local government's responsibilities in enforcing the
11 Florida Building Code. The authority of state enforcing
12 agencies to set fees for enforcement shall be derived from
13 authority existing on July 1, 1998 ~~the effective date of this~~
14 ~~act~~. However, nothing contained in this subsection shall
15 operate to limit such agencies from adjusting their fee
16 schedule in conformance with existing authority.

17 (6) Notwithstanding any other provision of law, state
18 universities, community colleges, and public school districts
19 shall be subject to enforcement of the Florida Building Code
20 pursuant to this part.

21 (a) State universities, state community colleges, or
22 public school districts shall conduct plan review and
23 construction inspections to enforce building code compliance
24 for their building projects that are subject to the Florida
25 Building Code. Such entities shall use ~~have~~ personnel or
26 contract providers appropriately certified under part XII of
27 chapter 468 to perform the plan reviews and inspections
28 required by the code. Under such arrangements, such entities
29 shall not be subject to local government permitting
30 requirements, plans review, and inspection fees. State
31 universities, state community colleges, and public school

Amendment No. ____ (for drafter's use only)

1 districts shall be liable and responsible for all of their
2 buildings, structures, and facilities. Nothing in this
3 paragraph shall be construed to limit the authority of the
4 county, municipality, or code enforcement district to ensure
5 that buildings, structures, and facilities owned by such
6 entities comply with the Florida Building Code or to limit the
7 authority and responsibility of the fire official to conduct
8 firesafety inspections pursuant to chapter 633.

9 (d) School boards, community college boards, and state
10 universities may use annual facility maintenance permits to
11 facilitate routine maintenance, emergency repairs, building
12 refurbishment, and minor renovations of systems or equipment.
13 The amount expended for maintenance projects may not exceed
14 \$200,000 per project. A facility maintenance permit is valid
15 for 1 year. A detailed log of alterations and inspections must
16 be maintained and annually submitted to the building official.
17 The building official retains the right to make inspections at
18 the facility site as he or she considers necessary. Code
19 compliance must be provided upon notification by the building
20 official. If a pattern of code violations is found, the
21 building official may withhold the issuance of future annual
22 facility maintenance permits.

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

Amendment No. ____ (for drafter's use only)

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 87. Effective July 1, 2001, section 553.83,
8 Florida Statutes, is amended to read:

9 553.83 Injunctive relief.--Any local government,
10 legally constituted enforcement district, or state agency
11 authorized to enforce sections of the Florida Building Code
12 under s. 553.80 ~~code enforcing agency~~ may seek injunctive
13 relief from any court of competent jurisdiction to enjoin the
14 offering for sale, delivery, use, occupancy, erection,
15 alteration, or installation of any building covered by this
16 part, upon an affidavit of the local government, code
17 enforcement district, or state ~~code enforcing~~ agency
18 specifying the manner in which the building does not conform
19 to the requirements of the Florida ~~portion of the State~~
20 ~~Minimum~~ Building Code, or local amendments to the Florida
21 Building Code ~~Codes adopted in that jurisdiction.~~
22 Noncompliance with the ~~a~~ building code promulgated under this
23 part shall be considered prima facie evidence of irreparable
24 damage in any cause of action brought under authority of this
25 part.

26 Section 88. Effective July 1, 2001, section 553.84,
27 Florida Statutes, is amended to read:

28 553.84 Statutory civil action.--Notwithstanding any
29 other remedies available, any person or party, in an
30 individual capacity or on behalf of a class of persons or
31 parties, damaged as a result of a violation of this part or

Amendment No. ____ (for drafter's use only)

1 the ~~Florida State Minimum Building Code Codes~~, has a cause of
2 action in any court of competent jurisdiction against the
3 person or party who committed the violation.

4 Section 89. Subsections (2), (3), and (9) of section
5 553.841, Florida Statutes, are amended, and subsection (11) is
6 added to said section, to read:

7 553.841 Building code training program; participant
8 competency requirements.--

9 (2) The commission shall establish by rule the
10 Building Code Training Program to develop and provide a core
11 curriculum and advance module courses relating to the Florida
12 Building Code and a system of administering and enforcing the
13 Florida Building Code.

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

20 (9) The commission, in consultation with the
21 Department of Business and Professional Regulation, shall
22 develop or cause to be developed, or approve as a part of the
23 program, a core curriculum and specialized or advanced module
24 coursework for the construction workforce, including, but not
25 limited to, superintendents and, journeymen, ~~and residential~~
26 ~~designers~~.

27 (11) The Legislature hereby establishes the Office of
28 Building Code Training Program Administration within the
29 Institute of Applied Technology in Construction Excellence at
30 the Florida Community College at Jacksonville. The office is
31 charged with the following responsibilities as recommended by

Amendment No. ____ (for drafter's use only)

1 the Florida Building Commission and as resources are provided
2 by the Legislature:

3 (a) Provide research-to-practice capability for
4 entry-level construction training development, delivery and
5 quality assurance, as well as training and competency registry
6 systems and recruitment initiatives.

7 (b) Coordinate with the Department of Community
8 Affairs and the Florida Building Commission to serve as school
9 liaison to disseminate construction awareness and promotion
10 programs and materials to schools.

11 (c) Develop model programs and approaches to
12 construction career exploration to promote construction
13 careers.

14 Section 90. Subsection (1) of section 553.842, Florida
15 Statutes, is amended to read:

16 553.842 Product evaluation and approval.--

17 (1) The commission shall make recommendations to the
18 President of the Senate and the Speaker of the House of
19 Representatives prior to the 2001 Regular Session ~~may adopt~~
20 ~~rules pursuant to ss. 120.536(1) and 120.54~~ to develop and
21 implement a product evaluation and approval system to operate
22 in coordination with the Florida Building Code. The product
23 evaluation and approval system shall provide:

24 (a) Appropriate promotion of innovation and new
25 technologies.

26 (b) Processing submittals of products from
27 manufacturers in a timely manner.

28 (c) Independent, third-party qualified and accredited
29 testing and laboratory facilities.

30 (d) An easily accessible product acceptance list to
31 entities subject to the Florida Building Code.

Amendment No. ____ (for drafter's use only)

1 (e) Development of stringent but reasonable testing
2 criteria based upon existing consensus standards, when
3 available, for products.

4 (f) Long-term approvals, where feasible.

5 (g) Recall or revocation of a product approval.

6 (h) Cost-effectiveness.

7

8 For purposes of this section, an approved product evaluation
9 entity is an entity that has been accredited by a nationally
10 recognized independent evaluation authority or entity
11 otherwise approved by the commission.

12 Section 91. Effective July 1, 2001, section 553.85,
13 Florida Statutes, is amended to read:

14 553.85 Liquefied petroleum gases.--The provisions of
15 the Florida State Minimum Building Code Codes and the rules
16 ~~and regulations adopted thereunder~~ for the design,
17 construction, location, installation, services, and operation
18 of equipment for storing, handling, transporting, and
19 utilization of liquefied petroleum gases shall not be in
20 conflict with chapter 527.

21 Section 92. Effective July 1, 2001, section 553.19,
22 Florida Statutes, is transferred and renumbered as section
23 553.88, Florida Statutes, and is amended to read:

24 553.88 ~~553.19~~ Adoption of electrical and alarm
25 standards.--For the purpose of establishing minimum electrical
26 and alarm standards in this state, the current edition of the
27 following standards are adopted:

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

29 (2) Underwriters' Laboratories, Inc., "Standards for
30 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
31 57 and UL 153.

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

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

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

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

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

14 (5) The rules and regulations of the Department of
15 Health, entitled "Nursing Homes and Related Facilities
16 Licensure."

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

21
22 The Florida Building Commission shall update and maintain such
23 electrical standards consistent with the procedures
24 established in s. 553.73 and may recommend the National
25 Electrical Installation Standards.

26 Section 93. Effective July 1, 2001, section 553.901,
27 Florida Statutes, is amended to read:

28 553.901 Purpose of thermal efficiency code.--The
29 Department of Community Affairs shall prepare a ~~The purpose of~~
30 ~~this~~ thermal efficiency code ~~is~~ to provide for a statewide
31 uniform standard for energy efficiency in the thermal design

Amendment No. ____ (for drafter's use only)

1 and operation of all buildings statewide, consistent with
2 energy conservation goals, and to best provide for public
3 safety, health, and general welfare. The Florida Building
4 Commission shall adopt the Florida Energy Efficiency Code for
5 Building Construction within the Florida Building Code, and
6 ~~Department of Community Affairs shall adopt, modify, revise,~~
7 ~~update, and maintain the Florida Energy Efficiency code for~~
8 ~~Building Construction~~ to implement the provisions of this
9 thermal efficiency code and amendments thereto, in accordance
10 with the procedures of chapter 120. The department shall, at
11 least triennially, determine the most cost-effective
12 energy-saving equipment and techniques available and report
13 its determinations to the commission, which shall update the
14 code to incorporate such equipment and techniques. The
15 proposed changes shall be made available for public review and
16 comment no later than 6 months prior to code implementation.
17 The term "cost-effective," for the purposes of this part,
18 shall be construed to mean cost-effective to the consumer.

19 Section 94. Effective July 1, 2001, subsections (1),
20 (4), (6), and (7) of section 553.902, Florida Statutes, are
21 amended to read:

22 553.902 Definitions.--For the purposes of this part:

23 (1) "Exempted building" means:

24 (a) Any building or portion thereof whose peak design
25 rate of energy usage for all purposes is less than 1 watt (3.4
26 Btu per hour) per square foot of floor area for all purposes.

27 (b) Any building which is neither heated nor cooled by
28 a mechanical system designed to control or modify the indoor
29 temperature and powered by electricity or fossil fuels.

30 (c) Any building for which federal mandatory standards
31 preempt state energy codes.

Amendment No. ____ (for drafter's use only)

1 (d) Any historical building as described in s.
2 267.021(6).

3 ~~(e) Any state building that must conform to the more~~
4 ~~stringent "Florida Energy Conservation Act of 1974" and~~
5 ~~amendments thereto.~~

6
7 The Florida Building Commission may recommend to the
8 Legislature additional types of buildings which should be
9 exempted from compliance with the Florida Energy Efficiency
10 Code for Building Construction.

11 (4) "Local enforcement agency" means the agency of
12 local government which has the authority to make inspections
13 of buildings and to enforce the Florida Building Code ~~a code~~
14 ~~or codes which establish standards for construction,~~
15 ~~renovation, or occupancy of buildings.~~ It includes any agency
16 within the definition of s. 553.71(5).

17 ~~(6) "Energy performance index" or "EPI" means a number~~
18 ~~describing the relative energy performance of a residential~~
19 ~~building as compared to a residential building designed to~~
20 ~~baseline energy performance levels for the envelope, HVAC, and~~
21 ~~water heating components. The number shall be calculated~~
22 ~~according to rules and procedures promulgated by the~~
23 ~~Department of Community Affairs.~~

24 (6)(7) "Energy performance level" means the indicator
25 of the energy-related performance of a building, including,
26 but not limited to, the levels of insulation, the amount and
27 type of glass, and the HVAC and water heating system
28 efficiencies.

29 Section 95. Section 553.903, Florida Statutes, is
30 amended to read:

31 553.903 Applicability.--This part shall apply to all

Amendment No. ____ (for drafter's use only)

1 new and renovated buildings in the state, except exempted
2 buildings, for which building permits are obtained after March
3 15, 1979, and to the installation or replacement of building
4 systems and components with new products for which thermal
5 efficiency standards are set by the Florida Energy Efficiency
6 Code for Building Construction. The provisions of this part
7 shall constitute a statewide uniform code. ~~The criteria for~~
8 ~~compliance shall include the provision that the performance~~
9 ~~level of a building built to such thermal performance~~
10 ~~standards shall not vary more than 5 percent as a result of~~
11 ~~choice of energy source.~~

12 Section 96. Effective upon this act becoming a law,
13 section 553.905, Florida Statutes, is amended to read:

14 553.905 Thermal efficiency standards for new
15 residential buildings.--Thermal designs and operations for new
16 residential buildings for which building permits are obtained
17 after March 15, 1979, shall at a minimum take into account
18 exterior envelope physical characteristics, HVAC system
19 selection and configuration, HVAC equipment performance, and
20 service water heating design and equipment selection and shall
21 not be required to meet standards more stringent than the
22 provisions of the Florida Energy Efficiency Code for Building
23 Construction. No provision of the Florida Building Code may
24 prohibit the mounting of HVAC equipment ~~mounted~~ in an attic or
25 a garage and such equipment shall not be required to have
26 supplemental insulation in addition to that installed by the
27 manufacturer. All new residential buildings, except those
28 herein exempted, shall have insulation in ceilings rated at
29 R-19 or more, space permitting. Thermal efficiency standards
30 do not apply to a building of less than 1,000 square feet
31 which is not primarily used as a principal residence and which

Amendment No. ____ (for drafter's use only)

1 is constructed and owned by a natural person for hunting or
2 similar recreational purposes; however, no such person may
3 build more than one exempt building in any 12-month period.

4 Section 97. Effective July 1, 2001, section 553.907,
5 Florida Statutes, is amended to read:

6 553.907 Compliance.--~~Owners of all buildings required~~
7 ~~to comply with this part, or their agents, must certify~~
8 ~~compliance to the designated local enforcement agency prior to~~
9 ~~receiving the permit to begin construction or renovation. If,~~
10 ~~during the building construction or renovation, alterations~~
11 ~~are made in the design, materials, or equipment which would~~
12 ~~diminish the energy performance of the building, an amended~~
13 ~~copy of the compliance certification must be submitted to the~~
14 ~~local enforcement agency on or before the date of final~~
15 ~~inspection by the building owner or his or her agent and must~~
16 ~~be placed on the building permit.~~ Each local enforcement
17 agency shall report to the department any information
18 concerning compliance certifications and amendments at such
19 intervals as the department designates by rule adopted in
20 accordance with chapter 120.

21 Section 98. Section 553.9085, Florida Statutes, is
22 amended to read:

23 553.9085 Energy performance disclosure for residential
24 buildings.--The energy performance level resulting from
25 compliance with the provisions of this part, for each new
26 residential building, shall be disclosed at the request of the
27 prospective purchaser. In conjunction with the normal
28 responsibilities and duties of this part, the local building
29 official shall require that a complete and accurate energy
30 performance level display card be completed and certified by
31 the builder as accurate and correct before final approval of

Amendment No. ____ (for drafter's use only)

1 the building for occupancy. The energy performance level
2 display card shall be included as an addendum to each sales
3 contract ~~executed after January 1, 1994~~. The display card
4 shall be uniform statewide and developed by the Department of
5 Community Affairs. At a minimum, the display card shall list
6 information indicating the energy performance level of the
7 dwelling unit, ~~including an EPI when appropriate,~~ resulting
8 from compliance with the code, shall be signed by the builder,
9 and shall list general information about the energy
10 performance level and the code.

11 Section 99. Subsection (1) of section 553.909, Florida
12 Statutes, is amended to read:

13 553.909 Setting requirements for appliances;
14 exceptions.--

15 (1) The Florida Energy Efficiency Code for Building
16 Construction shall set the minimum requirements for heat traps
17 and thermostat settings for water heaters sold after October
18 1, 1980, for residential use shall be installed with a heat
19 trap and shall have the thermostat set at 110 °F or whatever
20 minimum the unit is capable of if it exceeds 110 °F. The code
21 shall further establish the minimum acceptable standby loss
22 for electric water heaters and the minimum recovery efficiency
23 and standby loss for may not have a standby loss which exceeds
24 4 watts per square foot of tank surface per hour. water
25 heaters fueled by natural gas or liquefied petroleum gas in
26 any form which are sold or installed after March 1, 1981,
27 shall have a recovery efficiency of 75 percent or more and
28 shall have a standby loss in percent per hour not exceeding
29 the number determined by dividing 67 by the volume of the tank
30 in gallons and adding the result to 2.8.

31 Section 100. Effective July 1, 2001, subsection (1) of

Amendment No. ____ (for drafter's use only)

1 section 627.0629, Florida Statutes, is amended to read:

2 627.0629 Residential property insurance; rate
3 filings.--

4 (1) ~~Effective July 1, 1994,~~A rate filing for
5 residential property insurance must include actuarially
6 reasonable appropriate discounts, credits, or other rate
7 differentials, or appropriate reductions in deductibles, for
8 properties on which fixtures or construction techniques
9 actuarially demonstrated to reduce the amount of loss in a
10 windstorm have been installed or implemented. The fixtures or
11 construction techniques shall include, but not be limited to,
12 fixtures or construction techniques which enhance roof
13 strength, roof covering performance, roof-to-wall strength,
14 wall-to-floor-to-foundation strength, opening protection, and
15 window, door, and skylight strength. Credits, discounts, or
16 other rate differentials for fixtures and construction
17 techniques which meet the minimum requirements of the Florida
18 Building Code must be included in the rate filing. All
19 insurance companies must make a rate filing which includes the
20 credits, discounts, or other rate differentials by June 1,
21 2002.

22 Section 101. Section 57 of chapter 98-287, Laws of
23 Florida, is amended to read:

24 Section 57. Effective July ~~January~~ 1, 2001, subsection
25 (1) of section 633.01, Florida Statutes, is amended, and
26 subsections (7) and (8) are added to said section, to read:

27 633.01 State Fire Marshal; powers and duties; rules.--

28 (1) The head of the Department of Insurance shall be
29 designated as "State Fire Marshal." The State Fire Marshal
30 shall make and promulgate all rules necessary to implement the
31 provisions of this chapter which grant powers and impose

Amendment No. ____ (for drafter's use only)

1 duties on the State Fire Marshal and to effectuate the
2 enforcement of such powers and duties. ~~However, The~~
3 department shall ~~not~~ adopt the Florida Fire Prevention Code
4 and the Life Safety Code ~~minimum firesafety standards, except~~
5 ~~to the extent required by s. 394.879.~~

6 (7) It is the intent of the Legislature that there are
7 to be no conflicting requirements between the Florida Fire
8 Prevention Code and the Life Safety Code authorized by this
9 chapter and the provisions of the Florida Building Code or
10 conflicts in their enforcement and interpretation. Potential
11 conflicts shall be resolved through coordination and
12 cooperation of the State Fire Marshal and the Florida Building
13 Commission as provided by this chapter and part VII of chapter
14 553.

15 (8) The Department of Insurance shall issue, when
16 requested in writing by any substantially affected person or a
17 local enforcing agency, declaratory statements pursuant to s.
18 120.565 relating to the Florida Fire Prevention Code and the
19 Life Safety Code. Such declaratory statements shall apply
20 prospectively, except whenever the State Fire Marshal
21 determines that a serious threat to life exists that warrants
22 retroactive application.

23 Section 102. Effective July 1, 2001, subsection (6) of
24 section 633.01, Florida Statutes, as amended by section 57 of
25 chapter 98-287, Laws of Florida, is amended to read:

26 633.01 State Fire Marshal; powers and duties; rules.--

27 (6) Only the State Fire Marshal may issue, and, when
28 requested in writing by any substantially affected person or a
29 local enforcing agency, the State Fire Marshal shall issue ~~The~~
30 ~~Department of Insurance shall issue, when requested in writing~~
31 ~~by any substantially affected person or a local enforcing~~

Amendment No. ____ (for drafter's use only)

1 ~~agency, declaratory statements pursuant to s. 120.565 relating~~
2 ~~to the Florida Fire Prevention Code and the Life Safety Code.~~
3 ~~Such declaratory statements shall apply prospectively, except~~
4 ~~whenever the State Fire Marshal determines that a serious~~
5 ~~threat to life exists that warrants retroactive application.~~

6 Section 103. Section 58 of chapter 98-287, Laws of
7 Florida, is amended to read:

8 Section 58. Effective July ~~January~~ 1, 2001, section
9 633.0215, Florida Statutes, is created to read:

10 633.0215 Florida Fire Prevention Code.--

11 (1) The department shall adopt, by rule pursuant to
12 ss. 120.536(1) and 120.54, the Florida Fire Prevention Code
13 which shall contain or incorporate by reference all firesafety
14 laws and rules that pertain to and govern the design,
15 construction, erection, alteration, modification, repair, and
16 demolition of public and private buildings, structures, and
17 facilities and the enforcement of such firesafety laws and
18 rules.

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

Amendment No. ____ (for drafter's use only)

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

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

Amendment No. ____ (for drafter's use only)

1 and approved statewide and local technical amendments.

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

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

18 Section 104. Effective July 1, 2001, subsections (1),
19 (2), (3), (4), and (5) of section 633.0215, Florida Statutes,
20 as created by section 58 of chapter 98-287, Laws of Florida,
21 are amended, and subsections (7), (8), and (9) are added to
22 said section, to read:

23 633.0215 Florida Fire Prevention Code.--

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

Amendment No. ____ (for drafter's use only)

1 adopt a new edition of the Florida Fire Prevention Code every
2 third year.

3 (2) The State Fire Marshal department shall adopt the
4 National Fire Protection Association's Standard 1, Fire
5 Prevention Code but shall not adopt a building, mechanical, or
6 plumbing code. The State Fire Marshal department shall adopt
7 the Life Safety Code, Pamphlet 101, current editions, by
8 reference. The State Fire Marshal department may modify the
9 selected codes and standards as needed to accommodate the
10 specific needs of the state. Standards or criteria in the
11 selected codes shall be similarly incorporated by reference.
12 The State Fire Marshal department shall incorporate within
13 sections of the Florida Fire Prevention Code provisions that
14 address uniform firesafety standards as established in s.
15 633.022. The State Fire Marshal department shall incorporate
16 within sections of the Florida Fire Prevention Code provisions
17 addressing regional and local concerns and variations.

18 (3) No later than 180 days before the triennial
19 adoption of the Florida Fire Prevention Code, the State Fire
20 Marshal shall notify each municipal, county, and special
21 district fire department of the triennial code adoption and
22 steps necessary for local amendments to be included within the
23 code. No later than 120 days before the triennial adoption of
24 the Florida Fire Prevention Code, each local jurisdiction
25 shall provide the State Fire Marshal with copies of its local
26 fire code amendments. The State Fire Marshal has the option to
27 process local fire code amendments that are received less than
28 120 days before the adoption date of the Florida Fire
29 Prevention Code.

30 (a) The State Fire Marshal shall review or cause the
31 review of local amendments to determine:

Amendment No. ____ (for drafter's use only)

1 1. If the local amendment should be adopted as a
2 statewide provision;

3 2. That the local amendment does not provide a lesser
4 degree of life safety than the code otherwise provides; and

5 3. That the local amendment does not reference a
6 different edition of the national fire codes or other national
7 standard than the edition provided or referenced in the
8 uniform or minimum firesafety codes adopted by the State Fire
9 Marshal or prescribed by statute.

10 (b) Any local amendment to the Florida Fire Prevention
11 Code adopted by a local government shall be effective only
12 until the adoption ~~by the department~~ of the new edition of the
13 Florida Fire Prevention Code, which shall be every third year.
14 At such time, the State Fire Marshal ~~department~~ shall adopt
15 such amendment as part of the Florida Fire Prevention Code or
16 rescind the amendment. The State Fire Marshal ~~department~~
17 shall immediately notify the respective local government of
18 the rescission of the amendment and the reason for the
19 rescission. After receiving such notice, the respective local
20 government may readopt the rescinded amendment. Incorporation
21 of local amendments as regional and local concerns and
22 variations shall be considered as adoption of an amendment
23 pursuant to this part.

24 (c) Notwithstanding other state or local building and
25 construction code laws to the contrary, locally adopted fire
26 code requirements that were in existence on the effective date
27 of this section shall be deemed local variations of the
28 Florida Fire Prevention Code until the State Fire Marshal
29 ~~department~~ takes action to adopt as a statewide firesafety
30 code requirement or rescind such requirements as provided
31 herein, and such action shall take place no later than July

Amendment No. ____ (for drafter's use only)

1 ~~January~~ 1, 2001.

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

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

20 (7) Any local amendment adopted by a local government
21 must strengthen the requirements of the minimum firesafety
22 code.

23 (8) Within 30 days after a local government adopts a
24 local amendment, the local government must transmit the
25 amendment to the Florida Building Commission and the State
26 Fire Marshal.

27 (9) The State Fire Marshal shall make rules that
28 implement this section and ss. 633.01 and 633.025 for the
29 purpose of accomplishing the objectives set forth in those
30 sections.

31 (10) Notwithstanding other provisions of this chapter,

Amendment No. ____ (for drafter's use only)

1 if a county or a municipality within that county adopts an
2 ordinance providing for a local amendment to the Florida Fire
3 Prevention Code and that amendment provides a higher level of
4 protection to the public than the level specified in the
5 Florida Fire Prevention Code, the local amendment becomes
6 effective without approval of the State Fire Marshal and is
7 not rescinded pursuant to the provisions of this section,
8 provided that the ordinance meets one or more of the following
9 criteria:

10 (a) The local authority has adopted, by ordinance, a
11 fire service facilities and operation plan that outlines goals
12 and objectives for related equipment, personnel, and capital
13 improvement needs of the local authority related to the
14 specific amendment for the next 5 years;

15 (b) The local authority has adopted, by ordinance, a
16 provision requiring proportionate reduction in, or rebate or
17 waivers of, impact or other fees or assessments levied on
18 buildings that are built or modified in compliance with the
19 more stringent firesafety standards required by the local
20 amendment; or

21 (c) The local authority has adopted, by ordinance, a
22 growth management plan that requires buildings and structures
23 to be equipped with more stringent firesafety requirements
24 required by the local amendment when these firesafety
25 requirements are used as the basis for planning infrastructure
26 development uses or housing densities.

27
28 Except as provided in s. 633.022, the local appeals process
29 shall be the venue if there is a dispute between parties
30 affected by the provisions of the more stringent local
31 firesafety amendment adopted as part of the Florida Fire

Amendment No. ____ (for drafter's use only)

1 Prevention Code pursuant to the authority in this subsection.
2 Local amendments adopted pursuant to this subsection shall be
3 deemed local or regional variations and published as such in
4 the Florida Fire Prevention Code. The act of publishing
5 locally adopted firesafety amendments to the Florida Fire
6 Prevention Code shall not be construed to mean that the State
7 Fire Marshal approves or denies the authenticity or
8 appropriateness of the locally adopted firesafety provision,
9 and the burden of protecting the local fire safety amendment
10 remains solely with the adopting local governmental authority.

11 Section 105. Section 59 of chapter 98-287, Laws of
12 Florida, is amended to read:

13 Section 59. Effective ~~July~~ January 1, 2001, section
14 633.025, Florida Statutes, is amended to read:

15 633.025 Minimum firesafety standards.--

16 (1) The Florida Fire Prevention Code and the Life
17 Safety Code adopted by the Department of Insurance, ~~Each~~
18 municipality, county, and special district with firesafety
19 responsibilities shall adopt minimum firesafety standards
20 which shall operate in conjunction with the Florida state
21 minimum Building Code, shall be deemed adopted by each
22 municipality, county, and special district with firesafety
23 responsibilities such local jurisdiction as required by s.
24 553.73. The minimum firesafety ~~codes~~ standards shall not
25 apply to buildings and structures subject to the uniform
26 firesafety standards under s. 633.022 and buildings and
27 structures subject to the minimum firesafety standards adopted
28 pursuant to s. 394.879.

29 (2) Pursuant to subsection (1), each municipality,
30 county, and special district with firesafety responsibilities
31 shall ~~adopt and~~ enforce the Florida Fire Prevention Code and

Amendment No. ____ (for drafter's use only)

1 ~~the Life Safety Code codes specified in paragraph (a),~~
2 ~~paragraph (b), paragraph (c), or paragraph (d) as the minimum~~
3 ~~firesafety code required by this section.~~

4 ~~(a) The Standard Fire Prevention Code, 1985 edition or~~
5 ~~subsequent edition, as adopted by the Southern Building Code~~
6 ~~Congress International.~~

7 ~~(b) The EPCOT Fire Prevention Code.~~

8 ~~(c) The National Fire Protection Association (NFPA)~~
9 ~~Pamphlet 1, 1985 edition or subsequent edition.~~

10 ~~(d) The South Florida Fire Prevention Code, subject to~~
11 ~~the provisions of subsection (4).~~

12 (3) The most current edition of the ~~In addition, each~~
13 ~~municipality, county, and special district with firesafety~~
14 ~~responsibilities shall adopt National Fire Protection~~
15 ~~Association (NFPA) 101, Life Safety Code, adopted by the~~
16 ~~Department of Insurance, shall be deemed to be adopted by each~~
17 ~~municipality, county, and special district with firesafety~~
18 ~~responsibilities, 1985 edition or subsequent edition, as part~~
19 ~~of the minimum firesafety code.~~

20 (4) ~~It is the intent of the Legislature that a South~~
21 ~~Florida Fire Prevention Code be promulgated as a further~~
22 ~~option to counties, municipalities, and special districts with~~
23 ~~firesafety responsibilities as an alternative to the~~
24 ~~firesafety codes specified in paragraphs (2)(a), (b), and (c).~~
25 ~~In the event that an appropriate South Florida Fire Prevention~~
26 ~~Code is submitted by the Broward County Board of Rules and~~
27 ~~Appeals or the Dade County Board of Rules and Appeals to the~~
28 ~~Legislature by March 1, 1988, such code or codes shall be~~
29 ~~deemed to be an alternative to the firesafety codes specified~~
30 ~~in paragraphs (2)(a), (b), and (c) as of July 1, 1988, unless~~
31 ~~the Legislature expressly prohibits the use of such code.~~

Amendment No. ____ (for drafter's use only)

1 ~~Until July 1, 1988, Dade and Broward Counties may use the~~
2 ~~firesafety standards within their current Fire Prevention Code~~
3 ~~as an alternative. In the event Dade or Broward County fails~~
4 ~~to adopt a South Florida Fire Prevention Code as of July 1,~~
5 ~~1988, then such county shall be subject to subsections (2),~~
6 ~~(3), and (6).~~

7 (4)(5) Such codes shall be minimum codes and a
8 municipality, county, or special district with firesafety
9 responsibilities may adopt more stringent firesafety
10 standards, subject to the requirements of this subsection.
11 Such county, municipality, or special district may establish
12 alternative requirements to those requirements which are
13 required under the minimum firesafety standards on a
14 case-by-case basis, in order to meet special situations
15 arising from historic, geographic, or unusual conditions, if
16 the alternative requirements result in a level of protection
17 to life, safety, or property equal to or greater than the
18 applicable minimum firesafety standards. For the purpose of
19 this subsection, the term "historic" means that the building
20 or structure is listed on the National Register of Historic
21 Places of the United States Department of the Interior.

22 (a) The local governing body shall determine,
23 following a public hearing which has been advertised in a
24 newspaper of general circulation at least 10 days before the
25 hearing, if there is a need to strengthen the requirements of
26 the minimum firesafety code adopted by such governing body.
27 The determination must be based upon a review of local
28 conditions by the local governing body, which review
29 demonstrates that local conditions justify more stringent
30 requirements than those specified in the minimum firesafety
31 code for the protection of life and property or justify

Amendment No. ____ (for drafter's use only)

1 requirements that meet special situations arising from
2 historic, geographic, or unusual conditions.
3 (b) Such additional requirements shall not be
4 discriminatory as to materials, products, or construction
5 techniques of demonstrated capabilities.
6 (c) Paragraphs (a) and (b) apply solely to the local
7 enforcing agency's adoption of requirements more stringent
8 than those specified in the Florida Fire Prevention Code and
9 the Life Safety Code that have the effect of amending building
10 construction standards. Upon request, the enforcing agency
11 shall provide a person making application for a building
12 permit, or any state agency or board with construction-related
13 regulation responsibilities, a listing of all such
14 requirements and codes.
15 (d) A local government which adopts amendments to the
16 minimum firesafety code must provide a procedure by which the
17 validity of such amendments may be challenged by any
18 substantially affected party to test the amendment's
19 compliance with the provisions of this section.
20 1. Unless the local government agrees to stay
21 enforcement of the amendment, or other good cause is shown,
22 the challenging party shall be entitled to a hearing on the
23 challenge within 45 days.
24 2. For purposes of such challenge, the burden of proof
25 shall be on the challenging party, but the amendment shall not
26 be presumed to be valid or invalid.
27
28 A substantially affected person may appeal, to the Department
29 of Insurance, the local government's resolution of the
30 challenge and the department shall determine if the amendment
31 complies with this section. Actions of the department are

Amendment No. ____ (for drafter's use only)

1 subject to judicial review pursuant to s. 120.68. The
2 department shall consider reports of the Florida Building
3 Commission, pursuant to part VII of chapter 533, when
4 evaluating building code enforcement.

5 ~~(6) The minimum firesafety standards that counties,~~
6 ~~municipalities, and special districts are required to adopt~~
7 ~~pursuant to this section shall be adopted by January 1, 1988.~~
8 ~~No municipality or county or special district shall be~~
9 ~~required to amend an ordinance which presently complies with~~
10 ~~this section. In the event that any such local governmental~~
11 ~~entity fails to adopt minimum firesafety standards by January~~
12 ~~1, 1988, the minimum firesafety standards shall consist of the~~
13 ~~Standard Fire Prevention Code, 1985 edition, and National Fire~~
14 ~~Protection Association (NFPA) 101, Life Safety Code, 1985~~
15 ~~edition.~~

16 (5)(7) The new building or structure provisions
17 enumerated within the firesafety code adopted pursuant to this
18 section shall apply only to buildings or structures for which
19 the building permit is issued on or after the effective date
20 of this act ~~January 1, 1988~~. Subject to the provisions of
21 subsection ~~(6)(8)~~, the existing building or structure
22 provisions enumerated within the firesafety code adopted
23 pursuant to this section shall apply to buildings or
24 structures for which the building permit was issued or the
25 building or structure was constructed prior to the effective
26 date of this act ~~January 1, 1988~~.

27 (6)(8) With regard to existing buildings, the
28 Legislature recognizes that it is not always practical to
29 apply any or all of the provisions of the minimum firesafety
30 code and that physical limitations may require
31 disproportionate effort or expense with little increase in

Amendment No. ____ (for drafter's use only)

1 lifesafety. Prior to applying the minimum firesafety code to
2 an existing building, the local fire official shall determine
3 that a threat to lifesafety or property exists. If a threat to
4 lifesafety or property exists, the fire official shall apply
5 the applicable firesafety code for existing buildings to the
6 extent practical to assure a reasonable degree of lifesafety
7 and safety of property or the fire official shall fashion a
8 reasonable alternative which affords an equivalent degree of
9 lifesafety and safety of property. The decision of the local
10 fire official may be appealed to the local administrative
11 board described in s. 553.73.

12 ~~(7)(9)~~ Nothing herein shall preclude a municipality,
13 county, or special district from requiring a structure to be
14 maintained in accordance with the applicable firesafety code.

15 ~~(10)~~ ~~With respect to standards established by the~~
16 ~~National Fire Protection Association (NFPA) 101, Life Safety~~
17 ~~Code, 1985 edition, s. 19-3.4.2.1, those standards shall not~~
18 ~~apply to structures having direct access to the outside from~~
19 ~~each living unit and having three stories or less.~~

20 ~~(8)(11)~~ ~~With respect to standards established by the~~
21 ~~National Fire Protection Association (NFPA) 101, Life Safety~~
22 ~~Code, 1985 edition, s. 19-3.4.4.1, Battery operated smoke~~
23 detectors shall be considered as an approved detection device
24 for residential buildings having direct access to the outside
25 from each living unit and having three stories or less.

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

31 Section 106. Effective July 1, 2001, subsections (1),

Amendment No. ____ (for drafter's use only)

1 (3), (4), (8), and (9) of section 633.025, Florida Statutes,
2 as amended by section 59 of chapter 98-287, Laws of Florida,
3 are amended to read:

4 633.025 Minimum firesafety standards.--

5 (1) The Florida Fire Prevention Code and the Life
6 Safety Code adopted by the State Fire Marshal ~~Department of~~
7 ~~Insurance~~, which shall operate in conjunction with the Florida
8 Building Code, shall be deemed adopted by each municipality,
9 county, and special district with firesafety responsibilities.
10 The minimum firesafety codes shall not apply to buildings and
11 structures subject to the uniform firesafety standards under
12 s. 633.022 and buildings and structures subject to the minimum
13 firesafety standards adopted pursuant to s. 394.879.

14 (3) The most current edition of the National Fire
15 Protection Association (NFPA) 101, Life Safety Code, adopted
16 by the State Fire Marshal ~~Department of Insurance~~, shall be
17 deemed to be adopted by each municipality, county, and special
18 district with firesafety responsibilities as part of the
19 minimum firesafety code.

20 (4) Such codes shall be minimum codes and a
21 municipality, county, or special district with firesafety
22 responsibilities may adopt more stringent firesafety
23 standards, subject to the requirements of this subsection.
24 Such county, municipality, or special district may establish
25 alternative requirements to those requirements which are
26 required under the minimum firesafety standards on a
27 case-by-case basis, in order to meet special situations
28 arising from historic, geographic, or unusual conditions, if
29 the alternative requirements result in a level of protection
30 to life, safety, or property equal to or greater than the
31 applicable minimum firesafety standards. For the purpose of

Amendment No. ____ (for drafter's use only)

1 this subsection, the term "historic" means that the building
2 or structure is listed on the National Register of Historic
3 Places of the United States Department of the Interior.

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

16 (b) Such additional requirements shall not be
17 discriminatory as to materials, products, or construction
18 techniques of demonstrated capabilities.

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

28 (d) A local government which adopts amendments to the
29 minimum firesafety code must provide a procedure by which the
30 validity of such amendments may be challenged by any
31 substantially affected party to test the amendment's

Amendment No. ____ (for drafter's use only)

1 compliance with the provisions of this section.

2 1. Unless the local government agrees to stay
3 enforcement of the amendment, or other good cause is shown,
4 the challenging party shall be entitled to a hearing on the
5 challenge within 45 days.

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

9
10 This subsection gives local government the authority to
11 establish firesafety codes that exceed the minimum firesafety
12 codes and standards adopted by the State Fire Marshal. The
13 Legislature intends that local government give proper public
14 notice and hold public hearings before adopting more stringent
15 firesafety codes and standards.A substantially affected
16 person may appeal, to the Department of Insurance, the local
17 government's resolution of the challenge, and the department
18 shall determine if the amendment complies with this section.
19 Actions of the department are subject to judicial review
20 pursuant to s. 120.68. The department shall consider reports
21 of the Florida Building Commission, pursuant to part VII of
22 chapter 533, when evaluating building code enforcement.

23 (8) Electrically ~~Battery~~ operated single station smoke
24 detectors required shall be considered as an approved
25 detection device for residential buildings are not required to
26 be interconnected within individual living units in all
27 buildings having direct access to the outside from each living
28 unit and having three stories or less. This subsection does
29 not apply to any residential building required to have a
30 manual or an automatic fire alarm system.

31 (9) The provisions of the Life Safety Code shall not

Amendment No. ____ (for drafter's use only)

1 apply to newly constructed one-family and two-family
2 dwellings. However, fire sprinkler protection may be
3 permitted by local government in lieu of other fire
4 protection-related development requirements for ~~in~~ such
5 structures.

6 Section 107. Section 633.72, Florida Statutes, is
7 amended to read:

8 633.72 Florida Fire Code Advisory Council.--

9 (1) There is created within the department the Florida
10 Fire Code Advisory Council with 11 ~~seven~~ members appointed by
11 the State Fire Marshal. The council, ~~in cooperation with the~~
12 ~~Florida Building Commission,~~ shall advise and recommend to the
13 State Fire Marshal and, ~~where appropriate, for further~~
14 ~~recommendation to the Legislature~~ changes to in and
15 interpretation of the uniform firesafety standards adopted
16 under s. 633.022, the Florida Fire Prevention Code, and those
17 portions of the Florida Fire Prevention Code ~~codes~~ that have
18 the effect of conflicting with building construction standards
19 that are adopted pursuant to ss. ~~s.~~ 633.0215 and 633.022. The
20 members of the council shall represent the following groups
21 and professions:

22 (a) One member shall be the State Fire Marshal, or his
23 or her designated appointee who shall be an administrative
24 employee of the marshal;

25 (b) One member shall be an administrative officer from
26 a fire department representing a municipality or a county
27 selected from a list of persons submitted by the Florida Fire
28 Chiefs Association;

29 (c) One member shall be an architect licensed in the
30 state selected from a list of persons submitted by the Florida
31 Association/American Institute of Architects;

Amendment No. ____ (for drafter's use only)

1 (d) One member shall be an a-structure engineer with
2 fire protection design experience registered to practice in
3 the state selected from a list of persons submitted by the
4 Florida Engineering Society;

5 (e) One member shall be an administrative officer from
6 a building department of a county or municipality selected
7 from a list of persons submitted by the Building Officials
8 Association of Florida;

9 (f) One member shall be a contractor licensed in the
10 state selected from a list submitted by the Florida Home
11 Builders Association; ~~and~~

12 (g) One member shall be a Florida certified
13 firefighter selected from a list submitted by the Florida
14 Professional Firefighters' Association;

15 (h) One member shall be a Florida certified municipal
16 fire inspector selected from a list submitted by the Florida
17 Fire Marshal's Association;

18 (i) One member shall be selected from a list submitted
19 by the Department of Education;

20 (j) One member shall be selected from a list submitted
21 by the Chancellor of the State University System; and

22 (k)~~(g)~~ One member shall be representative of the
23 general public.

24 (2)~~(h)~~ The ~~administrative staff of the~~ State Fire
25 Marshal and shall attend meetings of the Florida Building
26 Commission shall and coordinate efforts to provide consistency
27 between the Florida Building Code and the Florida Fire
28 Prevention Code and the Life Safety Code.

29 (3) The council and Florida Building Commission shall
30 cooperate through joint representation and ~~staff~~ coordination
31 of codes and standards to resolve conflicts in their

Amendment No. ____ (for drafter's use only)

1 development, updating, and interpretation.

2 ~~(4)(2)~~ Each appointee shall serve a 4-year term. No
3 member shall serve more than one term. No member of the
4 council shall be paid a salary as such member, but each shall
5 receive travel and expense reimbursement as provided in s.
6 112.061.

7 Section 108. Section 62 of chapter 98-287, Laws of
8 Florida, is amended to read:

9 Section 62. (1) Before the 2000 Regular Session of
10 the Legislature, the Florida Building Commission shall submit
11 to the Legislature, ~~for review and approval or rejection,~~ the
12 Florida Building Code adopted by the commission and shall
13 prepare list of recommendations of revisions to the Florida
14 Statutes necessitated by adoption of the Florida Building Code
15 if the Legislature approves the Florida Building Code.

16 (2) Effective July 1, 2001 ~~Upon approval of the~~
17 ~~Florida Building Code by the Legislature,~~ all existing local
18 technical amendments to any building code adopted by any local
19 government, except for local ordinances setting forth
20 administrative requirements which are not in conflict with the
21 Florida Building Code, 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 109. Section 68 of chapter 98-287, Laws of
26 Florida, is amended to read:

27 Section 68. Effective July 1, 2001 ~~upon the approval~~
28 ~~by the Legislature of the adoption of the Florida Building~~
29 ~~Code by the Florida Building Commission,~~ parts I, II, and III
30 of chapter 553, Florida Statutes, consisting of sections
31 553.01, 553.02, 553.03, 553.04, 553.041, 553.05, 553.06,

Amendment No. ____ (for drafter's use only)

1 553.07, 553.08, 553.10, 553.11, 553.14, 553.15, 553.16,
2 553.17, 553.18, ~~553.19~~, 553.20, 553.21, 553.22, 553.23,
3 553.24, 553.25, 553.26, 553.27, and 553.28, Florida Statutes,
4 are repealed, ~~and~~ section 553.141, Florida Statutes, is
5 transferred and renumbered as section 553.86, Florida
6 Statutes.

7 Section 110. The Legislature has reviewed the Florida
8 Building Code that was adopted by action of the Florida
9 Building Commission on February 15, 2000, and that was noticed
10 for rule adoption by reference in Rule 9B-3.047, F.A.C., on
11 February 18, 2000, in the Florida Administrative Weekly on
12 page 731. The Florida Building Commission is directed to
13 continue the process to adopt the code, pursuant to section
14 120.54(3), Florida Statutes, and to incorporate the following
15 provisions or standards for the State of Florida:

16 (1) The commission shall apply the criteria set forth
17 at section 553.73(7)(a) and (b), Florida Statutes, as amended
18 by section 40 of chapter 98-287, Laws of Florida, and section
19 553.73(6)(c), Florida Statutes, as created by this act, for
20 the adoption of any amendments to the base codes after the
21 effective date of this act. The commission shall review
22 modifications to the base codes adopted by the commission on
23 or before February 15, 2000, which are identified verbally or
24 in writing during the public hearings on proposed rule
25 9B-3.047 held pursuant to chapter 120, Florida Statutes,
26 except those integrating state agency construction
27 regulations, high velocity hurricane zone provisions, and
28 those necessary to harmonize the Florida Building Code with
29 the Florida Fire Prevention Code, and shall confirm that such
30 amendments meet the requirements of s. 553.73(7), Florida
31 Statutes, as amended by s. 40, chapter 98-287, Laws of

Amendment No. ____ (for drafter's use only)

1 Florida. Any modification which, after such criteria are
2 applied is not approved for inclusion by an affirmative vote
3 of three-fourths of the commission members present and voting,
4 must be removed from the code pursuant to chapter 120, Florida
5 Statutes.

6 (2) All amendments to the Florida Building Code shall
7 be published in legislative format, with underlining
8 indicating where new language is added to the existing
9 provisions and strikeout indicating where existing language is
10 deleted.

11 (3) For areas of the state not within the high
12 velocity hurricane zone, the commission shall adopt, pursuant
13 to s. 553.73, Florida Statutes, the wind protection
14 requirements of the American Society of Civil Engineers,
15 Standard 7, 1998 edition as implemented by the International
16 Building Code, 2000 edition, and as modified by the commission
17 in its February 15, 2000, adoption of the Florida Building
18 Code for rule adoption by reference in Rule 9B-3.047, Florida
19 Administrative Code. The exact location of wind speed lines
20 shall be established by local ordinance, using recognized
21 physical landmarks such as major roads, canals, rivers, and
22 lake shores, wherever possible. Buildings constructed in the
23 windborne debris region must be either designed for internal
24 pressures that may result inside a building when a window or
25 door is broken or a hole is created in its walls or roof by
26 large debris, or be designed with protected openings. Except
27 in the high velocity hurricane zone, local governments may not
28 prohibit the option of designing buildings to resist internal
29 pressures.

30 (4) The Florida Building Commission is directed to
31 amend section 611 of the Plumbing Section of the Florida

Amendment No. ____ (for drafter's use only)

1 Building Code to incorporate the following:

2 (a) When reduction of aesthetic contaminants, such as
3 chlorine, taste, odor, or sediment are claimed, the drinking
4 water treatment units must meet the requirements of NSF
5 Standard 42 Drinking Water Treatment Units-Aesthetic Effects,
6 or Water Quality Association Standard S-200 for Household and
7 Commercial Water Filters. When reduction of regulated health
8 contaminants is claimed, such as inorganic or organic
9 chemicals, or radiological substances, the drinking water
10 treatment unit must meet the requirements of NSF Standard 53
11 Drinking Water Treatment Units-Health Effects.

12 (b) Reverse osmosis drinking water treatment systems
13 shall meet the requirements of NSF Standard 58 Reverse Osmosis
14 Drinking Water Treatment Units or Water Quality Association
15 Standard S-300 Point-of-Use Low Pressure Reverse Osmosis
16 Drinking Water Systems for the Reduction of Total Dissolved
17 Solids Only.

18 (c) When reduction of regulated health contaminants is
19 claimed, such as inorganic or organic chemicals, or
20 radiological substances, the reverse osmosis drinking water
21 treatment unit must meet the requirements of NSF Standard 58
22 Reverse Osmosis Drinking Water Treatment Systems.

23 (d) Waste or discharge from reverse osmosis or other
24 types of water treatment units must enter the drainage system
25 through an air gap or be equipped with an equivalent
26 backflow-prevention device.

27 (5) The Florida Building Commission is directed to
28 reinsert into the Florida Building Code Sections 104.3.2 and
29 104.6.2 of the Florida Building Code, Third Draft, related to
30 a building official's authority to elect to issue a permit
31 based upon plan review by a registered architect or engineer.

Amendment No. ____ (for drafter's use only)

1 The building official is responsible for ensuring that any
2 person conducting a plan review is qualified as a plans
3 examiner under part XII of chapter 468, Florida Statutes, and
4 that any person conducting inspections is qualified as a
5 building inspector under part XII of chapter 468, Florida
6 Statutes.

7 (6) The Florida Building Commission is directed to
8 amend paragraph F of Section 105.13 of the Florida Building
9 Code to make clear that the building department may allow a
10 special inspector to conduct the minimum structural inspection
11 of threshold buildings required by the Florida Building Code
12 and section 553.73, Florida Statutes, without duplicative
13 inspection by the building department. The building official
14 is responsible for ensuring that any person conducting
15 inspections is qualified as a building inspector under part
16 XII of chapter 468, Florida Statutes, or certified as a
17 special inspector under chapter 471, Florida Statutes, or
18 chapter 481, Florida Statutes.

19 (7) The Florida Building Commission is directed to
20 amend Section 127.5.9.8.5 of the Florida Building Code to make
21 clear that the building official may allow a special inspector
22 to conduct all mandatory inspections in accordance with
23 section 127.3 of the Code, without duplicative inspection by
24 the building official. The building official is responsible
25 for ensuring that any person conducting inspections is
26 qualified as a building inspector under part XII of chapter
27 468, Florida Statutes, or certified as a special inspector
28 under chapter 471, Florida Statutes, or chapter 481, Florida
29 Statutes.

30
31 The Legislature declares that changes made to the proposed

Amendment No. ____ (for drafter's use only)

1 Rule 9B-3.047, Florida Administrative Code, to implement the
2 requirements of this act prior to October 1, 2000, are not
3 subject to rule challenges under section 120.56, Florida
4 Statutes. However, the entire rule, adopted pursuant to s.
5 120.54(3), Florida Statutes, as amended after October 1, 2000,
6 is subject to rule challenges under s. 120.56, Florida
7 Statutes.

8 Section 111. (1)(a) The Department of Community
9 Affairs shall undertake a demonstration and education project
10 to demonstrate the true cost associated with the
11 implementation of the Florida Building Code. The project
12 shall consist of the construction of 12 residential
13 single-family homes in various regions of the state to the
14 standards of the Florida Building Code. These project homes
15 shall be used to determine the material and labor cost
16 differential between the Florida Building Code and the current
17 state minimum building code. The cost differential data shall
18 be determined by two categories: those costs associated with
19 compliance with ASCE-7-98 and those costs associated with
20 other incremental costs associated with other compliance
21 provisions of the Florida Building Code. The department shall
22 provide the resources to offset any increased cost of building
23 to the Florida Building Code, and shall provide an analysis
24 and accounting of such additional costs prepared by an
25 appropriate engineering firm and accounting firm. These homes
26 shall be used for educational purposes in the local community,
27 and shall be utilized as a demonstration project available for
28 inspection and education training as determined by the
29 Residential Mitigation Construction Advisory Council.

30 (b) The results of the accounting and analysis shall
31 be forwarded by the department to the Florida Building

Amendment No. ____ (for drafter's use only)

1 Commission for use in reviewing the Florida Building Code and
2 to the Department of Insurance.

3 (c) The department shall implement this project
4 following the effective date of this act.

5 (d) The Residential Mitigation Construction Advisory
6 Council, with the department, shall serve as the advisory
7 group for this project. Decisions regarding the conduct of
8 the project and contracting with the appropriate engineering
9 group and accounting group shall be made by consensus of the
10 advisory group.

11 (2) The department shall issue a report of its
12 findings to the Governor, the President of the Senate, and the
13 Speaker of the House of Representatives upon completion of the
14 construction and data collection.

15 Section 112. (1) The select committee to investigate
16 the feasibility of establishing performance-based criteria for
17 the cost-effective application of fire codes and fire code
18 alternatives for existing educational facilities established
19 by chapter 98-287, Laws of Florida, is authorized to continue
20 its investigation. Committee appointment authority
21 established by chapter 98-287, Laws of Florida, shall continue
22 should any position on the select committee become vacant.
23 Members of the committee shall serve at their own expense
24 except that state employees shall be reimbursed for travel
25 costs incurred from existing budgets in accordance with s.
26 112.061, Florida Statutes.

27 (2) Funds in the amount of \$35,000 are appropriated to
28 the State Fire Marshal from the Insurance Commissioner's
29 Regulatory Trust Fund for the purposes of providing training
30 and education to those impacted by its use on the application
31 of the alternative fire safety standards for educational

Amendment No. ____ (for drafter's use only)

1 facilities. The Division of State Fire Marshal shall review
2 the alternative code for existing educational facilities and
3 may adopt such alternative code by rule as part of the Florida
4 Fire Prevention Code as an acceptable alternative for code
5 compliance.

6 Section 113. The Florida Building Commission shall
7 examine the applicability of the full proposed Florida
8 Building Code to buildings manufactured and assembled offsite
9 but not intended for human habitation, including, but not
10 limited to, storage sheds and lawn storage buildings. The
11 commission shall consider whether such buildings should be
12 subject to the same standards applicable to buildings intended
13 for human habitation; the additional financial costs
14 associated with compliance with such standards; the risk
15 reduction effects associated with such compliance; and the
16 long term economic and practical consequences attendant to
17 such compliance. The commission shall report its findings and
18 recommendations for statutory changes, if any, to the
19 President of the Senate and the Speaker of the House of
20 Representatives prior to the beginning of the 2001 Regular
21 Session of the Legislature.

22 Section 114. Section 1 of chapter 98-287, Laws of
23 Florida, is amended to read:

24 Section 1. Effective July ~~January~~ 1, 2001, paragraph
25 (d) of subsection (2) of section 125.69, Florida Statutes, is
26 amended to read:

27 125.69 Penalties; enforcement by code inspectors.--

28 (2) The board of county commissioners of each county
29 may designate its agents or employees as code inspectors whose
30 duty it is to assure code compliance. Any person designated
31 as a code inspector may issue citations for violations of

Amendment No. ____ (for drafter's use only)

1 county codes and ordinances, respectively, or subsequent
2 amendments thereto, when such code inspector has actual
3 knowledge that a violation has been committed.

4 (d) The provisions of this subsection shall not apply
5 to the enforcement pursuant to ss. 553.79 and 553.80 of the
6 Florida Building Code codes adopted pursuant to s. 553.73 as
7 applied they apply to construction, provided that a building
8 permit is either not required or has been issued by the
9 county. ~~For the purposes of this paragraph, "building codes"~~
10 ~~means only those codes adopted pursuant to s. 553.73.~~

11 Section 115. Section 2 of chapter 98-287, Laws of
12 Florida, is amended to read:

13 Section 2. Effective July ~~January~~ 1, 2001, subsection
14 (11) of section 161.54, Florida Statutes, is amended to read:

15 161.54 Definitions.--In construing ss. 161.52-161.58:

16 (11) "State minimum building codes" means the Florida
17 Building Code recognized model building construction codes as
18 identified in s. 553.73.

19 Section 116. Section 4 of chapter 98-287, Laws of
20 Florida, is amended to read:

21 Section 4. Effective July ~~January~~ 1, 2001, subsection
22 (7) of section 162.21, Florida Statutes, is amended to read:

23 162.21 Enforcement of county or municipal codes or
24 ordinances; penalties.--

25 (7) The provisions of this part shall not apply to the
26 enforcement pursuant to ss. 553.79 and 553.80 of the Florida
27 Building Code codes adopted pursuant to s. 553.73 as applied
28 they apply to construction, provided that a building permit is
29 either not required or has been issued by the county or the
30 municipality. ~~For the purposes of this subsection, "building~~
31 ~~codes" means only those codes adopted pursuant to s. 553.73.~~

Amendment No. ____ (for drafter's use only)

1 Section 117. Section 5 of chapter 98-287, Laws of
2 Florida, is amended to read:

3 Section 5. Effective July ~~January~~ 1, 2001, subsection
4 (5) of section 166.0415, Florida Statutes, is amended to read:

5 166.0415 Enforcement by code inspectors; citations.--

6 (5) The provisions of this section shall not apply to
7 the enforcement pursuant to ss. 553.79 and 553.80 of the
8 Florida Building Code codes adopted pursuant to s. 553.73 as
9 applied they apply to construction, provided that a building
10 permit is either not required or has been issued by the
11 municipality. ~~For the purposes of this subsection, "building~~
12 ~~codes" means only those codes adopted pursuant to s. 553.73.~~

13 Section 118. Section 7 of chapter 98-287, Laws of
14 Florida, is amended to read:

15 Section 7. Effective July ~~January~~ 1, 2001, subsection
16 (3) of section 468.602, Florida Statutes, is amended to read:

17 468.602 Exemptions.--This part does not apply to:

18 (3) Persons acting as special inspectors for code
19 enforcement jurisdictions and plans examiners pursuant to s.
20 235.26 while conducting special inspections not required as
21 minimum inspections by the Florida Building Code activities
22 authorized by certification under that section.

23 Section 119. Section 9 of chapter 98-287, Laws of
24 Florida, is amended to read:

25 Section 9. Effective July ~~January~~ 1, 2001, paragraph
26 (h) is added to subsection (1) of section 468.621, Florida
27 Statutes, to read:

28 468.621 Disciplinary proceedings.--

29 (1) The following acts constitute grounds for which
30 the disciplinary actions in subsection (2) may be taken:

31 (h) Failing to execute the duties and responsibilities

Amendment No. ____ (for drafter's use only)

1 specified in part XII of chapter 468 and ss. 553.73, 553.781,
2 and 553.79.

3 Section 120. Section 13 of chapter 98-287, Laws of
4 Florida, is amended to read:

5 Section 13. Effective July ~~January~~ 1, 2001, paragraph
6 (c) of subsection (3) of section 471.033, Florida Statutes, is
7 amended to read:

8 471.033 Disciplinary proceedings.--

9 (3) When the board finds any person guilty of any of
10 the grounds set forth in subsection (1), it may enter an order
11 imposing one or more of the following penalties:

12 (c) Imposition of an administrative fine not to exceed
13 \$1,000 for each count or separate offense and a fine of up to
14 \$5,000 for matters pertaining to a material violation of the
15 Florida Building Code as reported by a local jurisdiction.

16 Section 121. Section 14 of chapter 98-287, Laws of
17 Florida, is amended to read:

18 Section 14. Effective July ~~January~~ 1, 2001,
19 subsections (5) and (6) are added to section 481.215, Florida
20 Statutes, to read:

21 481.215 Renewal of license.--

22 (5) Each licensee shall provide to the board proof of
23 completion of the core curriculum courses, or passing the
24 equivalency test of the Building Code Training Program
25 established by s. 553.841, within 2 years after commencement
26 of the program or after initial licensure, whichever is later.
27 Hours spent taking core curriculum courses shall count toward
28 the number required for license renewal. A licensee who
29 passes the equivalency test in lieu of taking the core
30 curriculum courses shall receive full credit for such core
31 curriculum course hours.

Amendment No. ____ (for drafter's use only)

1 (6) The board shall require, by rule adopted pursuant
2 to ss. 120.536(1) and 120.54, a specified number of hours in
3 specialized or advanced courses, approved by the Florida
4 Building Commission, on any portion of the Florida Building
5 Code, adopted pursuant to part VII of chapter 553, relating to
6 the licensee's respective area of practice.

7 Section 122. Section 15 of chapter 98-287, Laws of
8 Florida, is amended to read:

9 Section 15. Effective July ~~January~~ 1, 2001, paragraph
10 (c) of subsection (3) of section 481.225, Florida Statutes, is
11 amended to read:

12 481.225 Disciplinary proceedings against registered
13 architects.--

14 (3) When the board finds any registered architect
15 guilty of any of the grounds set forth in subsection (1), it
16 may enter an order imposing one or more of the following
17 penalties:

18 (c) Imposition of an administrative fine not to exceed
19 \$1,000 for each count or separate offense and a fine of up to
20 \$5,000 for matters pertaining to a material violation of the
21 Florida Building Code as reported by a local jurisdiction.

22 Section 123. Section 16 of chapter 98-287, Laws of
23 Florida, is amended to read:

24 Section 16. Effective July ~~January~~ 1, 2001, paragraph
25 (d) of subsection (2) of section 481.2251, Florida Statutes,
26 is amended to read:

27 481.2251 Disciplinary proceedings against registered
28 interior designers.--

29 (2) When the board finds any person guilty of any of
30 the grounds set forth in subsection (1), it may enter an order
31 taking the following action or imposing one or more of the

Amendment No. ____ (for drafter's use only)

1 following penalties:

2 (d) Imposition of an administrative fine not to exceed
3 \$1,000 for each violation or separate offense and a fine of up
4 to \$5,000 for matters pertaining to a material violation of
5 the Florida Building Code as reported by a local jurisdiction;
6 or

7 Section 124. Section 17 of chapter 98-287, Laws of
8 Florida, is amended to read:

9 Section 17. Effective July ~~January~~ 1, 2001,
10 subsections (3), (4), (5), and (6) are added to section
11 481.313, Florida Statutes, to read:

12 481.313 Renewal of license.--

13 (3) No license renewal shall be issued to a landscape
14 architect by the department until the licensee submits proof,
15 satisfactory to the department, that during the 2 year period
16 prior to application for renewal, the licensee participated in
17 such continuing education courses required by the board. The
18 board shall approve only continuing education courses that
19 relate to and increase the basic knowledge of landscape
20 architecture. The board may make an exception from the
21 requirements of continuing education in emergency or hardship
22 cases.

23 (4) The board, by rule adopted pursuant to ss.
24 120.536(1) and 120.54, shall establish criteria for the
25 approval of continuing education courses and providers, and
26 shall by rule establish criteria for accepting alternative
27 nonclassroom continuing education on an hour-for-hour basis.

28 (5) Each license holder shall provide to the board
29 proof of completion of the core curriculum courses, or passing
30 the equivalency test of the Building Code Training Program
31 established by s. 553.841, within 2 years after commencement

Amendment No. ____ (for drafter's use only)

1 of the program or of initial licensure, whichever is later.
2 Hours spent taking core curriculum courses shall count toward
3 the number required for license renewal. A licensee who
4 passes the equivalency test in lieu of taking the core
5 curriculum courses shall receive full credit for core
6 curriculum course hours.

7 (6) The board shall require, by rule adopted pursuant
8 to ss. 120.536(1) and 120.54, a specified number of hours in
9 specialized or advanced courses, approved by the Florida
10 Building Commission, on any portion of the Florida Building
11 Code, adopted pursuant to part VII of chapter 553, relating to
12 the licensee's respective area of practice.

13 Section 125. Section 18 of chapter 98-287, Laws of
14 Florida, is amended to read:

15 Section 18. Effective July ~~January~~ 1, 2001, paragraph
16 (c) of subsection (3) of section 481.325, Florida Statutes, is
17 amended to read:

18 481.325 Disciplinary proceedings.--

19 (3) When the board finds any registered landscape
20 architect guilty of any of the grounds set forth in subsection
21 (1), it may enter an order imposing one or more of the
22 following penalties:

23 (c) Imposition of an administrative fine not to exceed
24 \$1,000 for each count or separate offense and a fine of up to
25 \$5,000 for matters pertaining to a material violation of the
26 Florida Building Code as reported by a local jurisdiction.

27 Section 126. Section 24 of chapter 98-287, Laws of
28 Florida, is amended to read:

29 Section 24. Effective July ~~January~~ 1, 2001, paragraph
30 (e) of subsection (3) of section 489.131, Florida Statutes, is
31 amended to read:

Amendment No. ____ (for drafter's use only)

1 489.131 Applicability.--

2 (3) Nothing in this part limits the power of a
3 municipality or county:

4 (e) To require one bond for each contractor in an
5 amount not to exceed \$5,000, which bond shall be conditioned
6 only upon compliance with the Florida ~~applicable state minimum~~
7 ~~Building Code and applicable local building code requirements~~
8 adopted pursuant to s. 553.73. Any such bond must be equally
9 available to all contractors without regard to the period of
10 time a contractor has been certified or registered and without
11 regard to any financial responsibility requirements. Any such
12 bonds shall be payable to the Construction Industry Recovery
13 Fund and filed in each county or municipality in which a
14 building permit is requested. Bond reciprocity shall be
15 granted statewide. All such bonds shall be included in
16 meeting any financial responsibility requirements imposed by
17 any statute or rule. Any contractor who provides a third
18 party insured warranty policy in connection with a new
19 building or structure for the benefit of the purchaser or
20 owner shall be exempt from the bond requirements under this
21 subsection with respect to such building or structure.

22 Section 127. Section 29 of chapter 98-287, Laws of
23 Florida, is amended to read:

24 Section 29. Effective July ~~January~~ 1, 2001, paragraph
25 (i) of subsection (1) of section 489.533, Florida Statutes, is
26 amended to read:

27 489.533 Disciplinary proceedings.--

28 (1) The following acts shall constitute grounds for
29 disciplinary actions as provided in subsection (2):

30 (i) ~~Willfully or deliberately disregarding and~~
31 Violating the applicable building codes or laws of the state

Amendment No. ____ (for drafter's use only)

1 or any municipality or county thereof.

2

3 For the purposes of this subsection, construction is
4 considered to be commenced when the contract is executed and
5 the contractor has accepted funds from the customer or lender.

6 Section 128. Section 31 of chapter 98-287, Laws of
7 Florida, is amended to read:

8 Section 31. Effective July ~~January~~ 1, 2001, paragraph
9 (d) of subsection (3) of section 489.537, Florida Statutes, is
10 amended to read:

11 489.537 Application of this part.--

12 (3) Nothing in this act limits the power of a
13 municipality or county:

14 (d) To require one bond for each electrical contractor
15 in an amount not to exceed \$5,000, which bond shall be
16 conditioned only upon compliance with the Florida applicable
17 ~~state minimum Building Code and applicable local building code~~
18 ~~requirements~~ adopted pursuant to s. 553.73. Any such bond
19 must be equally available to all electrical contractors
20 without regard to the period of time an electrical contractor
21 has been certified or registered and without regard to any
22 financial responsibility requirements. Any such bonds shall
23 be payable to the Governor and filed in each county or
24 municipality in which a building permit is requested. Bond
25 reciprocity shall be granted statewide. All such bonds shall
26 be included in meeting any financial responsibility
27 requirements imposed by any statute or rule.

28 (e)1. To refuse to issue permits or issue permits with
29 specific conditions to a contractor who has committed multiple
30 violations, when he or she has been disciplined for each of
31 them by the board and when each disciplinary action has

Amendment No. ____ (for drafter's use only)

1 involved revocation or suspension of a license, imposition of
2 an administrative fine of at least \$1,000, or probation.

3 2. To issue permits with specific conditions to a
4 contractor who, within the previous 12 months, has had final
5 action taken against him or her, by the department or by a
6 local board or agency which licenses contractors and has
7 reported the action pursuant to paragraph (5)(c), for engaging
8 in the business or acting in the capacity of a contractor
9 without a license.

10 Section 129. Section 32 of chapter 98-287, Laws of
11 Florida, is amended to read:

12 Section 32. Effective July ~~January~~ 1, 2001, paragraph
13 (d) of subsection (5) of section 500.459, Florida Statutes, is
14 amended to read:

15 500.459 Water vending machines.--

16 (5) OPERATING STANDARDS.--

17 (d) Each water vending machine must have a backflow
18 prevention device that conforms with the applicable provision
19 of the Florida Building Code ~~s. 553.06~~ and an adequate system
20 for collecting and handling dripping, spillage, and overflow
21 of water.

22 Section 130. Section 34 of chapter 98-287, Laws of
23 Florida, is amended to read:

24 Section 34. Effective July ~~January~~ 1, 2001, subsection
25 (2) of section 553.18, Florida Statutes, is amended to read:

26 553.18 Scope.--

27 (2) Local jurisdictions ~~County, municipal, improvement~~
28 ~~district, or state governing bodies~~ may adopt and enforce
29 ~~additional or~~ more stringent standards or administrative
30 procedures and requirements than those prescribed by this
31 code, including but not limited to fees if the standards or

Amendment No. ____ (for drafter's use only)

1 administrative procedures and requirements are in conformity
2 with standards set forth in the Florida Building Code ~~s-~~
3 ~~553.19~~.

4 Section 131. Section 36 of chapter 98-287, Laws of
5 Florida, is amended to read:

6 Section 36. Effective July ~~January~~ 1, 2001, part VII
7 of chapter 553, Florida Statutes, shall be entitled "Florida
8 Building Code."

9 Section 132. Section 44 of chapter 98-287, Laws of
10 Florida, is amended to read:

11 Section 44. Effective July ~~January~~ 1, 2001,
12 subsections (4) and (5) are added to section 553.76, Florida
13 Statutes, as amended by this act, to read:

14 553.76 General powers of the commission.--The
15 commission is authorized to:

16 (4) Adopt rules pursuant to ss. 120.536(1) and 120.54
17 to implement the provisions of the Florida Building Code and
18 the provisions of this chapter.

19 (5) Adopt and promote, in consultation with state and
20 local governments, other boards, advisory councils, and
21 commissions, such recommendations as are deemed appropriate to
22 determine and ensure consistent, effective and efficient
23 enforcement and compliance with the Florida Building Code,
24 including, but not limited to, voluntary professional
25 standards for the operation of building departments and for
26 personnel development. Recommendations shall include, but not
27 be limited to, provisions for coordination among and between
28 local offices with review responsibilities and their
29 coordination with state or regional offices with special
30 expertise.

31 Section 133. Section 56 of chapter 98-287, Laws of

Amendment No. ____ (for drafter's use only)

1 Florida, is amended to read:

2 Section 56. Effective July ~~January~~ 1, 2001, paragraph
3 (c) of subsection (2) of section 627.351, Florida Statutes, is
4 amended to read:

5 627.351 Insurance risk apportionment plans.--

6 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

7 (c) The provisions of paragraph (b) are applicable
8 only with respect to:

9 1. Those areas that were eligible for coverage under
10 this subsection on April 9, 1993; or

11 2. Any county or area as to which the department,
12 after public hearing, finds that the following criteria exist:

13 a. Due to the lack of windstorm insurance coverage in
14 the county or area so affected, economic growth and
15 development is being deterred or otherwise stifled in such
16 county or area, mortgages are in default, and financial
17 institutions are unable to make loans;

18 b. The county or area so affected ~~has adopted and is~~
19 enforcing the structural requirements of the Florida State
20 ~~Minimum Building Code Codes~~, as defined in s. 553.73, for new
21 construction and has included adequate minimum floor elevation
22 requirements for structures in areas subject to inundation;
23 and

24 c. Extending windstorm insurance coverage to such
25 county or area is consistent with and will implement and
26 further the policies and objectives set forth in applicable
27 state laws, rules, and regulations governing coastal
28 management, coastal construction, comprehensive planning,
29 beach and shore preservation, barrier island preservation,
30 coastal zone protection, and the Coastal Zone Protection Act
31 of 1985.

Amendment No. ____ (for drafter's use only)

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The department shall consider reports of the Florida Building Commission when evaluating building code enforcement. Any time after the department has determined that the criteria referred to in this subparagraph do not exist with respect to any county or area of the state, it may, after a subsequent public hearing, declare that such county or area is no longer eligible for windstorm coverage through the plan.

Section 134. Notwithstanding the effective date of any section of this act or chapter 98-287, Laws of Florida, any authority to adopt rules provided by this act or chapter 98-287, Laws of Florida, shall take effect upon this act becoming a law.

Section 135. Section 125.0106, Florida Statutes, is repealed.

Section 136. Effective July 1, 2001, subsection (2) of section 255.21, Florida Statutes, paragraphs (d) and (e) of subsection (1) of section 395.1055, Florida Statutes, and subsection (11) of section 553.79, Florida Statutes, are repealed.

Section 137. This act does not imply any repeal or sunset of existing general or special laws that are not specifically identified in this act.

Section 138. Except as otherwise specifically provided in this act, this act shall take effect upon becoming a law.

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

And the title is amended as follows:

On page 1, lines 3 and 4,
remove from the title of the bill: all of said lines,

Amendment No. ____ (for drafter's use only)

1 and insert in lieu thereof:
2 amending s. 120.80, F.S.; prohibiting the
3 Florida Building Commission from granting a
4 waiver or variance from code requirements;
5 providing for alternative means of compliance
6 and enforcement; amending s. 125.01, F.S.;
7 authorizing counties to enforce and amend the
8 Florida Building Code, rather than adopt a
9 building code; amending s. 125.56, F.S.;
10 substituting references to the Florida Building
11 Code for references to locally adopted building
12 codes; providing for enforcement and amendment
13 of the Florida Fire Prevention Code; amending
14 s. 161.0415, F.S.; requiring the permitting
15 agency to cite to a specific provision of the
16 Florida Building Code when requesting
17 information on a coastal construction permit;
18 amending ss. 161.052, 161.053, F.S.; providing
19 that certain provisions must be incorporated
20 into the Florida Building Code; providing
21 rulemaking authority to the Florida Building
22 Commission; preserving certain rights and
23 authority of the Department of Environmental
24 Protection; amending s. 161.05301, F.S.;
25 deleting authority of the department to
26 delegate coastal construction building codes
27 review to local governments; amending the
28 deadline by which current department positions
29 must support implementation of a beach
30 management plan; amending s. 161.55, F.S.;
31 deleting structural requirements for specific

Amendment No. ____ (for drafter's use only)

1 types of coastal structures; amending s.
2 161.56, F.S.; deleting authority of local
3 governments to enforce coastal construction
4 standards; deleting authority of local
5 governments to adopt specific building codes;
6 amending s. 235.26, F.S.; eliminating authority
7 of the Commissioner of Education to adopt a
8 uniform statewide building code for public
9 educational and ancillary facilities;
10 authorizing the commissioner to develop such a
11 code and submit it to the Florida Building
12 Commission for adoption; providing specific
13 requirements for the development of the code;
14 requiring specific types of construction to
15 conform to the Florida Building Code and the
16 Florida Fire Prevention Code; providing for
17 enforcement of the codes by school districts,
18 community colleges, and the Department of
19 Education; providing for review of and updates
20 to the code; amending s. 253.033, F.S.;
21 replacing references to local building codes
22 with references to the Florida Building Code;
23 amending s. 255.25, F.S.; deleting the
24 requirement that the Department of Management
25 Services approve design and construction plans
26 for state agency buildings; amending s. 255.31,
27 F.S.; eliminating authority of the department
28 to conduct plan reviews and inspection
29 services; providing exceptions; amending s.
30 316.1955, F.S.; deleting parking requirements
31 for persons who have disabilities; amending s.

Amendment No. ____ (for drafter's use only)

1 381.006, F.S.; eliminating the Department of
2 Health's authority to adopt regulations
3 governing sanitary facilities in public places
4 and places of employment; amending s. 383.301,
5 F.S.; amending the legislative intent regarding
6 regulation of birth centers; amending s.
7 383.309, F.S.; eliminating the authority of the
8 Agency for Health Care Administration to adopt
9 certain rules governing birth centers;
10 providing for adoption of those standards
11 within the Florida Building Code and the
12 Florida Fire Prevention Code; authorizing the
13 agency to enforce specified provisions of the
14 Florida Building Code and the Florida Fire
15 Prevention Code; amending s. 394.879, F.S.;
16 eliminating the authority of the Department of
17 Children and Family Services or the Agency for
18 Health Care Administration to adopt certain
19 rules governing crisis stabilization units;
20 providing for adoption of those standards
21 within the Florida Building Code; authorizing
22 the agency to enforce specified provisions of
23 the Florida Building Code; amending s.
24 395.0163, F.S.; providing that construction of
25 certain facilities is governed by the Florida
26 Building Code and the Florida Fire Prevention
27 Code; providing for plan reviews and
28 construction surveys by the Agency for Health
29 Care Administration; clarifying that inspection
30 and approval includes compliance with the
31 Florida Building Code; amending s. 395.1055,

Amendment No. ____ (for drafter's use only)

1 F.S.; eliminating the authority of the Agency
2 for Health Care Administration to adopt
3 standards for construction of licensed
4 facilities; providing for adoption of those
5 standards within the Florida Building Code;
6 authorizing the agency to enforce specified
7 provisions of the Florida Building Code and the
8 Florida Fire Prevention Code; amending s.
9 395.10973, F.S.; authorizing the Agency for
10 Health Care Administration to enforce specified
11 provisions of the Florida Building Code;
12 amending s. 399.02, F.S.; eliminating the
13 Division of Elevator Safety's authority to
14 adopt certain codes and provide exceptions
15 thereto; requiring the division to develop a
16 code and submit it to the Florida Building
17 Commission for adoption; authorizing the
18 division to enforce specified provisions of the
19 Florida Building Code; requiring the division
20 to review and recommend revisions to the
21 Florida Building Code; amending ss. 399.03,
22 399.13, F.S.; substituting references to the
23 Florida Building Code for references to the
24 Elevator Safety Code; amending s. 399.061,
25 F.S.; revising requirements for elevator
26 inspections and service maintenance contracts;
27 amending s. 400.011, F.S.; revising the purpose
28 of part I of ch. 400, F.S., to eliminate the
29 provision of construction standards for nursing
30 homes and related health care facilities;
31 amending s. 400.23, F.S.; eliminating the

Amendment No. ____ (for drafter's use only)

1 authority of the Agency for Health Care
2 Administration to adopt construction
3 regulations for nursing homes and related
4 health care facilities; authorizing the agency
5 to enforce specified provisions of the Florida
6 Building Code; directing the agency to assist
7 the Florida Building Commission; amending s.
8 400.232, F.S.; providing that the design and
9 construction of nursing homes is governed by
10 the Florida Building Code and the Florida Fire
11 Prevention Code; authorizing the agency to
12 conduct plan reviews and construction surveys
13 of those facilities; amending s. 455.2286,
14 F.S.; extending the implementation date for an
15 automated information system; amending s.
16 468.604, F.S.; substituting references to the
17 Florida Building Code for references to listed
18 locally adopted codes; amending s. 468.607,
19 F.S.; providing for the continuing validity of
20 the certifications of certain building
21 inspectors and plans examiners for a certain
22 period of time; amending s. 468.609, F.S.;
23 clarifying the prerequisites for taking certain
24 certification examinations; providing for
25 certain persons employed by an educational
26 board to continue employment in certain
27 capacities under limited certificates; amending
28 s. 468.617, F.S.; adding school boards,
29 community college boards, state agencies, and
30 state universities as entities that may
31 contract for joint inspection services or

Amendment No. ____ (for drafter's use only)

1 contract with other certified persons to
2 perform plan reviews and inspection services;
3 amending s. 469.002, F.S.; eliminating a
4 required asbestos disclosure statement;
5 providing for inclusion of such a statement
6 within the Florida Building Code; amending s.
7 471.015, F.S.; authorizing the Board of
8 Professional Engineers to establish
9 qualifications for special inspectors of
10 threshold buildings and to establish
11 qualifications for the qualified representative
12 of such a special inspector; providing for
13 minimum qualifications for qualified
14 representatives; amending s. 481.213, F.S.;
15 authorizing the Board of Architecture and
16 Interior Design to establish qualifications for
17 certifying licensed architects as special
18 inspectors of threshold buildings and to
19 establish qualifications for the qualified
20 representative of such a special inspector;
21 amending s. 489.103, F.S.; substituting
22 references to the Florida Building Code for
23 references to locally adopted codes; amending
24 s. 489.107, F.S.; requiring that the office of
25 the Construction Industry Licensing Board be in
26 Leon County; amending s. 409.109, F.S.;
27 providing for administration of certain fees by
28 the Department of Community Affairs for certain
29 purposes instead of the Department of
30 Education; amending ss. 489.115, 497.255,
31 553.06, 553.141, 553.503, 553.506, 553.512,

Amendment No. ____ (for drafter's use only)

1 553.73, 553.74, F.S.; replacing references to
2 the Board of Building Codes and Standards with
3 references to the Florida Building Commission;
4 amending s. 500.09, F.S.; clarifying that the
5 Department of Agriculture and Consumer Services
6 may not adopt construction regulations for food
7 establishments; requiring the adoption of such
8 regulations within the Florida Building Code;
9 authorizing the department to enforce specified
10 provisions of the Florida Building Code;
11 preserving the department's authority to adopt
12 and enforce sanitary regulations; amending s.
13 500.12, F.S.; authorizing the department to
14 enforce specific provisions of the Florida
15 Building Code; providing a requirement for
16 obtaining or renewing a local occupational
17 license; amending s. 500.147, F.S.; authorizing
18 the department to enforce specific provisions
19 of the Florida Building Code; amending s.
20 509.032, F.S.; clarifying that the Division of
21 Hotels and Restaurants may not adopt
22 construction standards for public food and
23 public lodging establishments; providing for
24 the adoption of such standards within the
25 Florida Building Code and the Florida Fire
26 Prevention Code; authorizing the division to
27 enforce specified provisions of the Florida
28 Building Code and the Florida Fire Prevention
29 Code; preserving the authority of local
30 governments to inspect public food and public
31 lodging establishments for compliance with the

Amendment No. ____ (for drafter's use only)

1 Florida Building Code and the Florida Fire
2 Prevention Code; amending s. 509.221, F.S.;
3 substituting references to the Florida Building
4 Code for references to other state and local
5 codes; amending s. 514.021, F.S.; providing
6 that the Department of Health may not adopt
7 construction regulations for public swimming
8 pools and bathing places; providing for the
9 adoption of such standards within the Florida
10 Building Code; authorizing the department to
11 conduct plan reviews, to issue approvals, and
12 to enforce specified provisions of the Florida
13 Building Code; preserving the department's
14 authority to adopt and enforce sanitary
15 regulations; amending s. 514.03, F.S.;
16 preserving local governments' authority to
17 conduct plan reviews and inspections for
18 compliance with the Florida Building Code;
19 amending s. 553.06, F.S.; amending portions of
20 the State Plumbing Code by replacing a
21 reference to the board with a reference to the
22 commission; amending s. 553.141, F.S.; deleting
23 specific requirements for the ratio of public
24 restroom facilities for men and women;
25 requiring the incorporation of such
26 requirements into the Florida Building Code;
27 requesting the Division of Statutory Revision
28 to change a title; bbb creating s. 553.355,
29 F.S.; establishing minimum construction
30 requirements for manufactured buildings;
31 amending s. 553.36, F.S.; providing for

Amendment No. ____ (for drafter's use only)

1 approval of building components; redefining the
2 term "manufactured building" to include certain
3 storage sheds and to exclude manufactured
4 housing; defining the term "module"; updating
5 references to the Florida Building Code;
6 amending s. 553.37, F.S.; authorizing the
7 Department of Community Affairs to adopt
8 certain rules; providing that, if the
9 department delegates certain authority,
10 manufacturers shall have plan reviews and
11 inspections conducted by a single agency;
12 transferring rulemaking authority to the
13 Florida Building Commission; creating s.
14 553.375, F.S.; providing for recertification of
15 manufactured buildings; amending s. 553.38,
16 F.S.; transferring to the Florida Building
17 Commission authority to adopt rules governing
18 manufactured buildings; amending s. 553.381,
19 F.S.; providing for certification of
20 manufacturers of manufactured buildings;
21 providing certification requirements;
22 transferring authority for construction
23 standards to the Florida Building Commission;
24 amending s. 553.39, F.S.; replacing the
25 department's rules with the Florida Building
26 Code; creating s. 553.41, F.S.; providing for
27 construction and installation of factory-built
28 school buildings; providing purposes; providing
29 requirements; requiring the department to adopt
30 certain emergency rules; providing criteria,
31 requirements, and procedures for such

Amendment No. ____ (for drafter's use only)

1 construction and installation; creating s.
2 553.5041, F.S.; providing requirements for
3 parking accommodations for persons who have
4 disabilities; amending s. 553.512, F.S.;
5 providing that the commission may not waive
6 specified requirements for parking for persons
7 who have disabilities; providing that
8 applicants for waiver must have applied for
9 variance from specified local requirements;
10 deleting the word "handicapped"; amending s.
11 553.71, F.S.; redefining the term "threshold
12 building"; defining the terms "special
13 inspector," "prototype building," and "exposure
14 category C"; amending s. 553.72, F.S.; amending
15 legislative intent relating to the Florida
16 Building Code; amending s. 553.73, F.S.;
17 prohibiting the Florida Building Commission
18 from adopting a fire prevention or life safety
19 code; expanding the list of regulations to be
20 included in the Florida Building Code;
21 clarifying the limitations applicable to
22 administrative amendments to the code;
23 clarifying the effect on local governments of
24 adopting and updating the Florida Building
25 Code; specifying that amendments to certain
26 standards or criteria are effective statewide
27 only upon adoption by the commission; providing
28 for the immediate effect of certain amendments
29 to the Florida Building Code in certain
30 circumstances; revising criteria for commission
31 approval of amendments to the Florida Building

Amendment No. ____ (for drafter's use only)

1 Code; prescribing which edition of the Florida
2 Building Code applies to a given project;
3 providing an additional exemption from the
4 Florida Building Code; authorizing the Florida
5 Building Commission to provide exceptions to
6 the exemptions; providing for review of
7 decisions of certain local government
8 officials; delegating certain responsibilities
9 to the State Fire Marshal, rather than the
10 Department of Insurance; amending s. 553.77,
11 F.S.; revising the powers of the commission;
12 providing for fees for product approval;
13 correcting a cross-reference; amending s.
14 553.781, F.S.; clarifying that the Department
15 of Business and Professional Regulation
16 conducts disciplinary investigations and takes
17 disciplinary actions; amending s. 553.79, F.S.;
18 replacing the term "mobile home" with the term
19 "manufactured home"; deleting the authority of
20 the Department of Community Affairs to
21 establish qualifications for and certify
22 special inspectors; revising the
23 responsibilities of special inspectors;
24 requiring the Florida Building Commission to
25 establish standards for specified structures;
26 deleting standards for specified structures;
27 clarifying that building code plan review is
28 required independent of firesafety plan review;
29 deleting specific requirements for the
30 submittal of plans; directing the Florida
31 Building Commission to adopt requirements for

Amendment No. ____ (for drafter's use only)

1 plan review; amending s. 553.80, F.S.;

2 consolidating all exemptions from local

3 enforcement of the building code; providing for

4 uses of facility maintenance permits by school

5 boards, community college boards, and state

6 universities; amending ss. 553.83, 553.84,

7 553.85, F.S.; replacing references to local

8 codes and state minimum codes with references

9 to the Florida Building Code; amending s.

10 553.841, F.S.; authorizing the commission to

11 establish the Building Code Training Program by

12 rule; providing that the State Fire Marshal is

13 to be consulted on the Building Code Training

14 Program; amending coursework requirements;

15 establishing the Office of Building Code

16 Training Program Administration; providing

17 responsibilities; amending s. 553.842, F.S.;

18 requiring the commission to make

19 recommendations to the Legislature for a

20 statewide product approval system; exempting

21 certain counties from the statewide product

22 approval system; transferring, renumbering, and

23 amending s. 553.19, F.S.; authorizing the

24 Florida Building Commission to recommend

25 National Electrical Installation Standards;

26 amending s. 553.901, F.S.; transferring the

27 authority to adopt the thermal efficiency code

28 from the Department of Community Affairs to the

29 Florida Building Commission; amending s.

30 553.902, F.S.; amending the term "exempted

31 building"; deleting an exemption; authorizing

Amendment No. ____ (for drafter's use only)

1 the commission to recommend additional
2 exemptions; deleting the term "energy
3 performance index"; amending s. 553.903, F.S.;
4 deleting an obsolete requirement relating to
5 thermal efficiency; amending s. 553.905, F.S.;
6 restricting the Florida Building Code from
7 prohibiting mounting HVAC equipment in certain
8 structures; amending s. 553.907, F.S.; deleting
9 requirements for certification of compliance to
10 local governments; amending s. 553.9085, F.S.;
11 deleting obsolete references; amending s.
12 553.909, F.S.; deleting specific requirements
13 for water heaters; directing that such
14 requirements be set in the energy code;
15 amending s. 627.0629, F.S.; requiring a rating
16 manual on residential property insurance to
17 include certain discounts and credits for
18 certain fixtures or construction techniques;
19 providing requirements; amending ss. 633.01,
20 633.0215, 633.025, F.S.; replacing references
21 to the Department of Insurance with references
22 to the State Fire Marshal; amending s.
23 633.0215, F.S., the Florida Fire Prevention
24 Code; providing for triennial adoption of the
25 code; providing requirements for local
26 amendments; providing requirements for adopting
27 local firesafety codes and standards; amending
28 s. 633.025, F.S.; amending provisions relating
29 to smoke detector requirements in residential
30 buildings; providing requirements for adopting
31 local firesafety codes and standards; amending

Amendment No. ____ (for drafter's use only)

1 s. 633.72, F.S.; revising the membership of the
2 Florida Fire Code Advisory Council; revising
3 duties of the council with regard to the
4 Florida Building Commission; amending s. 62 of
5 ch. 98-287, Laws of Florida; deleting the
6 requirement that the Legislature approve or
7 reject the Florida Building Code, provide for
8 repeal of local codes on a date certain, and
9 provide for certain local ordinances to remain
10 effective; amending s. 68 of ch. 98-287, Laws
11 of Florida; revising the future repeal of
12 certain sections of the Florida Statutes to
13 provide a date certain; providing that the
14 Legislature has reviewed the Florida Building
15 Code and directing the Florida Building
16 Commission to continue the process to adopt the
17 code; requiring the commission to continue to
18 review modifications to certain base codes;
19 providing requirements; prescribing a
20 publication format for amendments to the
21 Florida Building Code; requiring the commission
22 to adopt certain wind protection requirements;
23 providing that certain changes in the code are
24 not subject to rule challenge; providing for
25 determining the cost differential between
26 building under the old code and building under
27 the new code; providing procedures; providing
28 for applicability of the analysis to insurance
29 rates; requiring a report to the Governor and
30 the Legislature; requiring the Florida Building
31 Commission to amend the plumbing section of the

Amendment No. ____ (for drafter's use only)

1 Florida Building Code as specified; directing
2 the Florida Building Commission to revise
3 certain provisions of the Florida Building
4 Code; providing certain responsibilities of
5 certain building officials; requiring the
6 Department of Community Affairs to undertake
7 certain home construction demonstration
8 projects for certain purposes; providing
9 requirements; requiring the Residential
10 Mitigation Construction Advisory Council to
11 serve as an advisory group; requiring the
12 Department of Community Affairs to report the
13 results of the projects to the Governor,
14 President of the Senate, and Speaker of the
15 House of Representatives; continuing the
16 existence of a certain select committee
17 relating to application of fire codes to
18 educational facilities; providing an
19 appropriation to the State Fire Marshal for
20 certain purposes; requiring the Division of
21 State Fire Marshal to review an alternative
22 fire safety code for existing educational
23 facilities and authorizes the division to adopt
24 such code for certain purposes; requiring the
25 Florida Building Commission to consider
26 application of the Florida Building Code to
27 buildings manufactured and assembled offsite
28 but not intended for human habitation; amending
29 sections 1, 2, 3, 4, 5, 7, 9, 13, 14, 15, 16,
30 17, 18, 21, 24, 29, 31, 32, 34, 38, 40, 44, 46,
31 47, 49, 51, 56, 57, 58, and 59 of chapter

Amendment No. ____ (for drafter's use only)

1 98-287, Laws of Florida; revising the effective
2 date of amendments to ss. 125.69, 161.54,
3 161.56, 162.21, 166.0415, 468.602, 468.621,
4 471.033, 481.215, 481.225, 481.2251, 481.313,
5 481.325, 489.115, 489.131, 489.533, 489.537,
6 500.459, 553.18, 553.72, 553.73, 553.76,
7 553.77, 553.781, 553.79, 627.351, 633.01,
8 633.0215, and 633.025, F.S.; amending section
9 61 of chapter 98-419, Laws of Florida; revising
10 the effective date of an amendment to s.
11 553.73, F.S.; amending section 30 of chapter
12 98-287, Laws of Florida; revising an effective
13 date; providing that nothing in the act is
14 intended to imply any repeal or sunset of any
15 existing general or special law not
16 specifically identified; specifying the
17 effective date of certain provisions
18 authorizing rulemaking; repealing s. 125.0106,
19 F.S., relating to authorizing ordinances
20 restricting construction of floating
21 residential structures; repealing s. 255.21(2),
22 F.S., relating to Department of Management
23 Services authority to establish a code panel
24 for purposes of modification of or waivers to
25 certain codes and standards; repealing s.
26 395.1055(1)(d) and (e), F.S., relating to
27 certain rulemaking authority of the Agency for
28 Health Care Administration relating to certain
29 codes and standards; repealing s. 553.79(11),
30 F.S., relating to certain obsolete asbestos
31 notification requirements; providing effective

Amendment No. ____ (for drafter's use only)

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