

Amendment No. 01 (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 Community Affairs offered the following:

Amendment (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
amendments thereto, for enforcement by local governments,
local enforcement districts, or other entities authorized by

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1 law to enforce the Florida Building Code. Appeals from the
2 denial of the use of alternative means shall be heard by the
3 local board, if one exists, and may be appealed to the Florida
4 Building Commission.

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

9 125.01 Powers and duties.--

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

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

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

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

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

28 125.56 Enforcement and ~~Adoption or~~ amendment of the
29 Florida Building Code and the Florida Fire Prevention Code;
30 inspection fees; inspectors; etc.--

31 (1) The board of county commissioners of each of the

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

28 (2) The board of county commissioners of each of the
29 several counties may provide a schedule of reasonable
30 inspection fees in order to defer the costs of inspection and
31 enforcement of the provisions of this act, and of the Florida

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1 ~~any Building Code and the Florida Fire Prevention Code adopted~~
2 ~~pursuant to the terms of this act.~~

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

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

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

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

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1 161.0415 Citation of rule.--In addition to any other
2 provisions within this chapter or any rules promulgated
3 hereunder, the permitting agency shall, when requesting
4 information for a permit application pursuant to this chapter
5 or such rules promulgated hereunder, cite a specific rule or
6 provision of the Florida Building Code. If a request for
7 information cannot be accompanied by a rule citation, failure
8 to provide such information cannot be grounds to deny a
9 permit.

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

14 161.052 Coastal construction and excavation;
15 regulation.--

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

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

31 (12) In accordance with ss. 553.73 and 553.79, and

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

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

19 161.053 Coastal construction and excavation;
20 regulation on county basis.--

21 (22) In accordance with ss. 553.73 and 553.79, and
22 upon the effective date of the Florida Building Code, the
23 provisions of this section which pertain to and govern the
24 design, construction, erection, alteration, modification,
25 repair, and demolition of public and private buildings,
26 structures, and facilities shall be incorporated into the
27 Florida Building Code. The Florida Building Commission shall
28 have the authority to adopt rules pursuant to ss. 120.54 and
29 120.536 in order to implement those provisions. This
30 subsection does not limit or abrogate the right and authority
31 of the department to require permits or to adopt and enforce

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1 environmental standards, including but not limited to,
2 standards for ensuring the protection of the beach-dune
3 system, proposed or existing structures, adjacent properties,
4 marine turtles, native salt-resistant vegetation, endangered
5 plant communities, and the preservation of public beach
6 access.

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

9 161.05301 Beach erosion control project staffing;
10 ~~coastal construction building codes review.--~~

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

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

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1 department positions supporting the coastal construction
2 building codes review shall be directed to support
3 implementation of the subject beach management plan.

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

6 161.55 Requirements for activities or construction
7 within the coastal building zone.--The following requirements
8 shall apply beginning March 1, 1986, to construction within
9 the coastal building zone and shall be minimum standards for
10 construction in this area:

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

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

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

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

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

31 ~~(e) Foundation design and construction of a major~~

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

17 ~~(1)(2) REGULATION OF COASTAL STRUCTURAL REQUIREMENTS;~~
18 ~~MINOR STRUCTURES.--Minor structures need not meet specific~~
19 ~~structural requirements provided in subsection (1), except for~~
20 ~~the requirements of paragraph (c) and except for applicable~~
21 ~~provisions of the state minimum building code in effect in the~~
22 ~~jurisdiction. Such structures shall be designed to produce the~~
23 ~~minimum adverse impact on the beach and the dune system and~~
24 ~~adjacent properties and to reduce the potential for water or~~
25 ~~wind blown material. Construction of a rigid coastal or shore~~
26 ~~protection structure designed primarily to protect a minor~~
27 ~~structure shall not be permitted.~~

28 ~~(2)(3) REGULATION OF COASTAL STRUCTURAL REQUIREMENTS;~~
29 ~~NONHABITABLE MAJOR STRUCTURES.--Nonhabitable major structures~~
30 ~~need not meet specific structural requirements provided in~~
31 ~~subsection (1), except for the requirements of paragraph (c)~~

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

13 (3)~~(4)~~ LOCATION OF CONSTRUCTION.--Construction, except
14 for elevated walkways, lifeguard support stands, piers, beach
15 access ramps, gazebos, and coastal or shore protection
16 structures, shall be located a sufficient distance landward of
17 the beach to permit natural shoreline fluctuations and to
18 preserve dune stability.

19 (4)~~(5)~~ APPLICATION TO COASTAL BARRIER ISLANDS.--All
20 ~~building~~ requirements of this part which are applicable to the
21 coastal building zone shall also apply to coastal barrier
22 islands. The coastal building zone on coastal barrier islands
23 shall be the land area from the seasonal high-water line to a
24 line 5,000 feet landward from the coastal construction control
25 line established pursuant to s. 161.053, or the entire island,
26 whichever is less. For coastal barrier islands on which a
27 coastal construction control line has not been established
28 pursuant to s. 161.053, the coastal building zone shall be the
29 land area seaward of the most landward velocity zone (V-zone)
30 boundary line fronting upon the Gulf of Mexico, Atlantic
31 Ocean, Florida Bay, or Straits of Florida. All land area in

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

21 (5)~~(6)~~ PUBLIC ACCESS.--Where the public has
22 established an accessway through private lands to lands
23 seaward of the mean high tide or water line by prescription,
24 prescriptive easement, or any other legal means, development
25 or construction shall not interfere with such right of public
26 access unless a comparable alternative accessway is provided.
27 The developer shall have the right to improve, consolidate, or
28 relocate such public accessways so long as the accessways
29 provided by the developer are:

30 (a) Of substantially similar quality and convenience
31 to the public;

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1 (b) Approved by the local government;
2 (c) Approved by the department whenever improvements
3 are involved seaward of the coastal construction control line;
4 and

5 (d) Consistent with the coastal management element of
6 the local comprehensive plan adopted pursuant to s. 163.3178.

7 Section 9. Effective July 1, 2001, section 161.56,
8 Florida Statutes, as amended by section 3 of chapter 98-287,
9 Laws of Florida, is amended to read:

10 161.56 Establishment of local enforcement.--

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

16 ~~(2) Each local government shall provide evidence to~~
17 ~~the state land planning agency that it has adopted a building~~
18 ~~code pursuant to this section. Within 90 days after January~~
19 ~~1, 1987, the state land planning agency shall submit to the~~
20 ~~Administration Commission a list of those local governments~~
21 ~~which have not submitted such evidence of adoption. The sole~~
22 ~~issue before the Administration Commission shall be whether or~~
23 ~~not to impose sanctions pursuant to s. 163.3184(8).~~

24 (1)~~(3)~~ Nothing in ss. 161.52-161.58 shall be construed
25 to limit or abrogate the right and power of the department to
26 require permits or to adopt and enforce standards pursuant to
27 s. 161.041 or s. 161.053 for construction seaward of the
28 coastal construction control line that are as restrictive as,
29 or more restrictive than, the requirements provided in s.
30 161.55 or the rights or powers of local governments to enact
31 and enforce setback requirements or zoning or building codes

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1 that are as restrictive as, or more restrictive than, the
2 requirements provided in s. 161.55.

3 ~~(2)(4)~~ To assist local governments in the
4 implementation and enforcement of s. 161.55, the state land
5 planning agency shall develop and maintain a biennial coastal
6 building zone construction training program for the local
7 enforcement agencies specified in subsection (1). The state
8 land planning agency shall provide an initial training program
9 not later than April 1, 1987, and on a recurring biennial
10 basis shall provide a continuing education program beginning
11 July 1, 1989. Registration fees, as determined appropriate by
12 the state land planning agency, may be charged to defray the
13 cost of the program if general revenue funds are not provided
14 for this purpose. ~~No later than December 1, 1986, the state~~
15 ~~land planning agency shall further develop a deemed-to-comply~~
16 ~~manual which contains, as determined appropriate by the state~~
17 ~~land planning agency, methods, materials, connections,~~
18 ~~applicability, and other associated information for use by the~~
19 ~~local enforcement agency in complying with subsection (1).~~

20 Section 10. Section 235.0141, Florida Statutes, is
21 created to read:

22 235.0141 Factory-built school buildings.--

23 (1) It is the intent of this section to provide an
24 alternative procedure for the construction and installation of
25 factory-built school buildings designed or intended for use as
26 school buildings. As used in this section, a factory-built
27 building means any building designed or intended for use as a
28 school building which is either wholly manufactured or is in
29 part manufactured at a licensed offsite location in compliance
30 with the State Uniform Code for Public Educational Facilities
31 Construction, and department rule. After July 1, 2001, the

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1 uniform statewide building code for public educational
2 facilities will be the Florida Building Code, including
3 specific requirements for public educational facilities, and
4 department rule. For the purpose of this section,
5 factory-built building includes portable and relocatable
6 classrooms or modular school buildings.

7 (2) The Commissioner of Education shall adopt, by
8 rule, regulations to carry out the provisions of this section.
9 Such regulations shall ensure the safety of design,
10 construction, accessibility, alterations, and inspections of
11 such buildings, and shall also prescribe procedures for the
12 plans, specifications, and methods of construction to be
13 submitted to the department for approval.

14 (3) A manufacturer of factory-built buildings designed
15 or intended for use as school buildings shall submit to the
16 department for approval its plans, specifications,
17 alterations, and methods of construction. The manufacturer
18 shall reimburse the department for the actual expenses
19 incurred for the review of such plans and specifications.

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

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1 the inspection of the facilities and manufacturing processes
2 of the manufacturer to determine the manufacturer's ability to
3 produce factory-built school buildings in accordance with the
4 plans, specifications, and methods of construction which the
5 manufacturer has submitted to the department and, at a
6 minimum, may require the manufacturer to possess a
7 manufacturing business license from the local agency under the
8 jurisdiction of which the manufacturer conducts its business.

9 (5) The school district or community college for which
10 any factory-built building is constructed or altered shall
11 provide for and require competent, adequate, and continuous
12 inspection during construction or alteration. The inspector
13 shall act under the direction of the governing board for
14 employment purposes.

15 (6) From time to time, as the work of construction in
16 the factory progresses and whenever the department requires,
17 the architect or structural engineer in responsible charge of
18 the supervision of the work of construction in the factory,
19 the inspector on the work, and the manufacturer shall each
20 make to the department a report, duly verified by him or her,
21 upon a form prescribed by the department, showing, of his or
22 her own personal knowledge, that the work during the period
23 covered by the report has been performed, and materials used
24 and installed, in every particular, in accordance with the
25 approved plans and specifications, setting forth such detailed
26 statements of facts as required by the department.

27 (7) A standard plan approval may be obtained from the
28 department for new factory-built buildings and such department
29 approved plans shall be accepted by the enforcement agency as
30 approved for the purpose of obtaining a construction permit
31 for the structure itself.

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1 (8) When an amendment to the State Uniform Building
2 Code for Public Educational Facilities Construction, and after
3 July 1, 2001, the Florida Building Code, requires changes to
4 an approved plan, the department shall notify the manufacturer
5 of such changes and shall allow the manufacturer 180 days from
6 the date of such notification in which to submit and obtain a
7 revised approved plan. A revised plan submitted pursuant to
8 this section shall be processed as a renewal or revision with
9 appropriate fees. A plan submitted after the period of time
10 provided shall be processed as a new application with
11 appropriate fees.

12 (9) The department shall develop a unique
13 identification label to be affixed to all factory-built
14 buildings and may charge a fee for issuing such labels. Such
15 labels, bearing the department's name and state seal, shall,
16 at a minimum, contain:

17 (a) The name of the licensed manufacturer.

18 (b) The standard plan approval number or alteration
19 number.

20 (c) The date of manufacture or alteration.

21 (d) The serial or other identification number.

22 (e) The following designed-for loads: lbs. per square
23 foot live load; lbs. per square foot floor live load; lbs. per
24 square foot horizontal wind load; lbs. per square foot wind
25 uplift load.

26 (f) The flood zone.

27 (g) The wind zone.

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

30

31 Such identification label shall be permanently affixed by the

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1 manufacturer in the case of newly constructed factory-built
2 buildings, or by the department or its designee in the case of
3 an existing factory-built building being altered to comply
4 with the requirements of s. 235.061.

5 (10) As of July 1, 2001, all existing and newly
6 constructed factory-built buildings shall bear a label
7 pursuant to subsection (9). Existing factory-built buildings
8 not bearing such label shall not be used as classrooms,
9 pursuant to s. 235.061.

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

12 235.26 State Uniform Building Code for Public
13 Educational Facilities Construction.--

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

29 (a) Prefabricated facilities, factory-built
30 facilities, or site-built facilities that are designed to be
31 portable, relocatable, demountable, or reconstructible; are

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1 used primarily as classrooms; and do not fall under the
2 provisions of ss. 320.822-320.862. Such standards must permit
3 boards to contract with the Department of Community Affairs
4 for factory inspections by certified building code inspectors
5 to certify conformance with applicable law and rules. The
6 standards must comply with the requirements of s. 235.061 for
7 relocatable facilities intended for long-term use as classroom
8 space, and the relocatable facilities shall be designed
9 subject to missile impact criteria of section 424(24)(d)(1) of
10 the Florida Building Code.

11 (b) The sanitation of educational and ancillary plants
12 and the health of occupants of educational and ancillary
13 plants.

14 (c) The safety of occupants of educational and
15 ancillary plants as provided in s. 235.06, except that the
16 firesafety criteria shall be established by the department in
17 cooperation with the State Fire Marshal and such firesafety
18 requirements must be incorporated into the Florida Fire
19 Prevention Code.

20 (d) Accessibility for children, notwithstanding the
21 provisions of s. 553.512.

22 (e) The performance of life-cycle cost analyses on
23 alternative architectural and engineering designs to evaluate
24 their energy efficiencies.

25 1. The life-cycle cost analysis must consist of the
26 sum of:

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

31 b. The reasonable costs of probable maintenance,

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1 including labor and materials, and operation of the building.

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

5 a. The orientation and integration of the facility
6 with respect to its physical site.

7 b. The amount and type of glass employed in the
8 facility and the directions of exposure.

9 c. The effect of insulation incorporated into the
10 facility design and the effect on solar utilization of the
11 properties of external surfaces.

12 d. The variable occupancy and operating conditions of
13 the facility and subportions of the facility.

14 e. An energy-consumption analysis of the major
15 equipment of the facility's heating, ventilating, and cooling
16 system; lighting system; and hot water system and all other
17 major energy-consuming equipment and systems as appropriate.

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

20 4. Standards for construction materials and systems
21 based on life-cycle costs that consider initial costs,
22 maintenance costs, custodial costs, operating costs, and life
23 expectancy. The standards may include multiple acceptable
24 materials. It is the intent of the Legislature to require
25 district school boards to comply with these standards when
26 expending funds from the Public Education Capital Outlay and
27 Debt Service Trust Fund or the School District and Community
28 College District Capital Outlay and Debt Service Trust Fund
29 and to prohibit district school boards from expending local
30 capital outlay revenues for any project that includes
31 materials or systems that do not comply with these standards,

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1 unless the district school board submits evidence that
 2 alternative materials or systems meet or exceed standards
 3 developed by the department.~~Wherever the words "Uniform~~
 4 ~~Building Code" appear, they mean the "State Uniform Building~~
 5 ~~Code for Public Educational Facilities Construction."~~

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

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

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

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

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1 and the Florida Fire Prevention Code as prescribed by rule.
2 Each board shall provide for periodic inspection of the
3 proposed educational plant during each phase of construction
4 to determine compliance with the state requirements for
5 educational facilities ~~Uniform Building Code.~~

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

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

29 ~~(a) Prefabricated facilities, factory-built~~
30 ~~facilities, or site-built facilities that are designed to be~~
31 ~~portable, relocatable, demountable, or reconstructible; are~~

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1 ~~used primarily as classrooms; and do not fall under the~~
2 ~~provisions of ss. 320.822-320.862. Such standards must permit~~
3 ~~boards to contract with the Department of Community Affairs~~
4 ~~for factory inspections by certified Uniform Building Code~~
5 ~~inspectors to certify conformance with law and with rules of~~
6 ~~the Commissioner of Education. The standards must comply with~~
7 ~~the requirements of s. 235.061 for relocatable facilities~~
8 ~~intended for long-term use as classroom space.~~

9 ~~(b) The sanitation of educational and ancillary plants~~
10 ~~and the health of occupants of educational and ancillary~~
11 ~~plants.~~

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

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

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

17 ~~(f) 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 that are required to maintain illumination, water~~
24 ~~heating, temperature, humidity, ventilation, and all other~~
25 ~~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~~

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

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

24 ~~5. By July 1, 1999, the department shall establish~~
25 ~~standards for construction materials and systems based on~~
26 ~~life-cycle costs that consider initial costs, maintenance~~
27 ~~costs, custodial costs, operating costs, and life expectancy.~~
28 ~~The standards may include multiple acceptable materials. It is~~
29 ~~the intent of the Legislature to require district school~~
30 ~~boards to conform with these standards when expending funds~~
31 ~~from the Public Education Capital Outlay and Debt Service~~

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1 ~~Trust Fund or the School District and Community College~~
2 ~~District Capital Outlay and Debt Service Trust Fund and to~~
3 ~~prohibit district school boards from expending local capital~~
4 ~~outlay revenues for any project that includes materials or~~
5 ~~systems that do not comply with these standards unless the~~
6 ~~district school board submits evidence that alternative~~
7 ~~materials or systems meet or exceed standards developed by the~~
8 ~~department.~~

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

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1 constructing the facility with the proposed deviations and in
2 compliance with the adopted standards and the Florida Uniform
3 Building Code. The board must explain the reason for the
4 proposed deviations and compare how the total construction
5 costs and projected life-cycle costs of the facility or
6 component system of the facility would be affected by
7 implementing the proposed deviations rather than using
8 materials and systems that meet the adopted standards. The
9 provisions of this subsection do apply to educational,
10 auxiliary, and ancillary facility projects commenced on or
11 after July 1, 1999.

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

22 (5) APPROVAL.--

23 (a) Before a contract has been let for the
24 construction, the department, the board, or the board's
25 authorized review agent must approve the phase III
26 construction documents. A board may reuse prototype plans on
27 another site, provided the facilities list and phase III
28 construction documents have been updated for the new site and
29 for compliance with the Florida Uniform Building Code and the
30 Florida Fire Prevention Code and any laws relating to
31 firesafety, health and sanitation, casualty safety, and

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1 requirements for the physically handicapped which are in
2 effect at the time a construction contract is to be awarded.

3 (b) In reviewing plans for approval, the department,
4 the board, or its review agent as authorized in s. 235.017,
5 shall take into consideration:

6 1. The need for the new facility.

7 2. The educational and ancillary plant planning.

8 3. The architectural and engineering planning.

9 4. The location on the site.

10 5. Plans for future expansion.

11 6. The type of construction.

12 7. Sanitary provisions.

13 8. Conformity to Florida ~~Uniform~~ Building Code
14 standards.

15 9. The structural design and strength of materials
16 proposed to be used.

17 10. The mechanical design of any heating,
18 air-conditioning, plumbing, or ventilating system. Typical
19 heating, ventilating, and air-conditioning systems preapproved
20 by the department for specific applications may be used in the
21 design of educational facilities.

22 11. The electrical design of educational plants.

23 12. The energy efficiency and conservation of the
24 design.

25 13. Life-cycle cost considerations.

26 14. The design to accommodate physically handicapped
27 persons.

28 15. The ratio of net to gross square footage.

29 16. The proposed construction cost per gross square
30 foot.

31 17. Conformity with the Florida Fire Prevention Code.

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1 (c) The board may not occupy a facility until the
2 project has been inspected to verify compliance with statutes,
3 rules, and codes affecting the health and safety of the
4 occupants. Verification of compliance with rules, statutes,
5 and codes for nonoccupancy projects such as roofing, paving,
6 site improvements, or replacement of equipment may be
7 certified by the architect or engineer of record and
8 verification of compliance for other projects may be made by
9 an inspector certified by the department or certified pursuant
10 to chapter 468 who is not the architect or engineer of record.
11 The board shall maintain a record of the project's completion
12 and permanent archive of phase III construction documents,
13 including any addenda and change orders to the project. The
14 boards shall provide project data to the department, as
15 requested, for purposes and reports needed by the Legislature.

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

24 (7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
25 department shall biennially review and recommend to the
26 Florida Building Commission updates and revisions to the
27 provisions of the Florida, ~~update, and revise the Uniform~~
28 Building Code which govern the construction of public
29 educational and ancillary facilities. The department shall
30 publish and make available to each district school board and
31 community college district board of trustees at no cost copies

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1 of the state requirements for educational facilities code and
2 each amendment and revision thereto. The department shall make
3 additional copies available to all interested persons at a
4 price sufficient to recover costs.

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

15 ~~(8)(9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.--~~

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

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1 public shelter criteria in the code must be built in
2 compliance with the amended code unless the facility or a part
3 thereof is exempted from using the new shelter criteria due to
4 its location, size, or other characteristics by the applicable
5 board with the concurrence of the applicable local emergency
6 management agency or the Department of Community Affairs. Any
7 educational facility located or proposed to be located in an
8 identified category 1, 2, or 3 evacuation zone is not subject
9 to the requirements of this subsection. If more than one
10 educational facility is being constructed within any 3-mile
11 radius, no more than one facility, which must be selected on
12 the basis of cost-effectiveness and greatest provision of
13 shelter space, is required to incorporate the public shelter
14 criteria into its construction.

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

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1 ~~(9)(10)~~ LOCAL LEGISLATION PROHIBITED.--After June 30,
2 1985, pursuant to s. 11(a)(21), Art. III of the State
3 Constitution, there shall not be enacted any special act or
4 general law of local application which proposes to amend,
5 alter, or contravene any provisions of the State Building Code
6 adopted under the authority of this section.

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

9 253.033 Inter-American Center property; transfer to
10 board; continued use for government purposes.--

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

22 Section 13. Effective July 1, 2001, paragraph (a) of
23 subsection (1) of section 255.25, Florida Statutes, is amended
24 to read:

25 255.25 Approval required prior to construction or
26 lease of buildings.--

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

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

4 255.31 Authority to the Department of Management
5 Services to manage construction projects for state and local
6 governments.--

7 (1) The design, construction, erection, alteration,
8 modification, repair, and demolition of all public and private
9 buildings is governed by the Florida Building Code and the
10 Florida Fire Prevention Code, which are to be enforced by
11 local jurisdictions or local enforcement districts unless
12 specifically exempted as provided in s. 553.80. However, the
13 Department of Management Services shall provide the project
14 management and administration services for the construction,
15 renovation, repair, modification, or demolition of buildings,
16 utilities, parks, parking lots, or other facilities or
17 improvements for projects for which the funds are appropriated
18 to the department, provided that, with the exception of
19 facilities constructed under the authority of chapters 944,
20 945, and 985, the department may not conduct plans reviews or
21 inspection services for consistency with the Florida Building
22 Code. The department's fees for such services shall be paid
23 from such appropriations.

24 (2) The Department of Management Services may, upon
25 request, enter into contracts with other state agencies under
26 which the department may provide the project management,
27 administration services, or assistance for the construction,
28 renovation, repair, modification, or demolition of buildings,
29 utilities, parks, parking lots, or other facilities or
30 improvements for projects for which the funds are appropriated
31 to other state agencies, provided that the department does not

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1 conduct plans reviews or inspection services for consistency
2 with the Florida Building Code. The contracts shall provide
3 for payment of fees to the department.

4 Section 15. Section 316.1955, Florida Statutes, is
5 amended to read:

6 316.1955 Enforcement of parking requirements spaces
7 for persons who have disabilities.--

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

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

28 ~~(3) If parking spaces are provided for self-parking by~~
29 ~~employees or visitors, or both, accessible spaces shall be~~
30 ~~provided in each such parking area. Such spaces shall be~~
31 ~~designed and marked for the exclusive use of those individuals~~

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1 ~~who have a severe physical disability and have permanent or~~
2 ~~temporary mobility problems that substantially impair their~~
3 ~~ability to ambulate and who have been issued either a disabled~~
4 ~~parking permit under s. 316.1958 or s. 320.0848 or a license~~
5 ~~plate under s. 320.084, s. 320.0842, s. 320.0843, or s.~~
6 ~~320.0845.~~

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

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

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

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

22 ~~(5) Accessible perpendicular and diagonal accessible~~
23 ~~parking spaces and loading zones must be designed and located~~
24 ~~in conformance with the guidelines set forth in ADAAG ss.~~
25 ~~4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking~~
26 ~~Design."~~

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

30 ~~(b) Each space must be located on the shortest safely~~
31 ~~accessible route from the parking space to an accessible~~

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1 ~~entrance. If there are multiple entrances or multiple retail~~
2 ~~stores, the parking spaces must be dispersed to provide~~
3 ~~parking at the nearest accessible entrance. If a theme park~~
4 ~~or an entertainment complex as defined in s. 509.013(9)~~
5 ~~provides parking in several lots or areas from which access to~~
6 ~~the theme park or entertainment complex is provided, a single~~
7 ~~lot or area may be designated for parking by persons who have~~
8 ~~disabilities, if the lot or area is located on the shortest~~
9 ~~safely accessible route to an accessible entrance to the theme~~
10 ~~park or entertainment complex or to transportation to such an~~
11 ~~accessible entrance.~~

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

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

30 ~~3. Any provision of this subsection to the contrary~~
31 ~~notwithstanding, a theme park or an entertainment complex as~~

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1 ~~defined in s. 509.013(9) in which are provided continuous~~
2 ~~attendant services for directing individuals to marked~~
3 ~~accessible parking spaces or designated lots for parking by~~
4 ~~persons who have disabilities, may, in lieu of the required~~
5 ~~parking space design, provide parking spaces that comply with~~
6 ~~ss. 4.1 and 4.6 of the Americans with Disabilities Act~~
7 ~~Accessibility Guidelines.~~

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

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

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

22 ~~(g)1. The removal of architectural barriers from a~~
23 ~~parking facility in accordance with 28 C.F.R. s. 36.304 or~~
24 ~~with s. 553.508 must comply with this section unless~~
25 ~~compliance would cause the barrier removal not to be readily~~
26 ~~achievable. If compliance would cause the barrier removal not~~
27 ~~to be readily achievable, a facility may provide parking~~
28 ~~spaces at alternative locations for persons who have~~
29 ~~disabilities and provide appropriate signage directing persons~~
30 ~~who have disabilities to the alternative parking if readily~~
31 ~~achievable. The facility may not reduce the required number~~

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1 ~~or dimensions of those spaces, nor may it unreasonably~~
2 ~~increase the length of the accessible route from a parking~~
3 ~~space to the facility. The removal of an architectural~~
4 ~~barrier must not create a significant risk to the health or~~
5 ~~safety of a person who has a disability or to that of others.~~

6 ~~2. A facility that is making alterations under s.~~
7 ~~553.507(2)(b) must comply with this section to the maximum~~
8 ~~extent feasible. If compliance with parking location~~
9 ~~requirements is not feasible, the facility may provide parking~~
10 ~~spaces at alternative locations for persons who have~~
11 ~~disabilities and provide appropriate signage directing persons~~
12 ~~who have a disability to alternative parking. The facility~~
13 ~~may not reduce the required number or dimensions of those~~
14 ~~spaces, nor may it unnecessarily increase the length of the~~
15 ~~accessible route from a parking space to the facility. The~~
16 ~~alteration must not create a significant risk to the health or~~
17 ~~safety of a person who has a disability or to that of others.~~

18 ~~(6) Each such parking space must be prominently~~
19 ~~outlined with blue paint, and must be repainted when~~
20 ~~necessary, to be clearly distinguishable as a parking space~~
21 ~~designated for persons who have disabilities and must be~~
22 ~~posted with a permanent above-grade sign of a color and design~~
23 ~~approved by the Department of Transportation, which is placed~~
24 ~~on or at a distance of 84 inches above the ground to the~~
25 ~~bottom of the sign and which bears the international symbol of~~
26 ~~accessibility meeting the requirements of ADAAG s. 4.30.7 and~~
27 ~~the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign~~
28 ~~erected after October 1, 1996, must indicate the penalty for~~
29 ~~illegal use of the space. Any provision of this section to the~~
30 ~~contrary notwithstanding, in a theme park or an entertainment~~
31 ~~complex as defined in s. 509.013(9) in which accessible~~

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1 ~~parking is located in designated lots or areas, the signage~~
2 ~~indicating the lot as reserved for accessible parking may be~~
3 ~~located at the entrances to the lot in lieu of a sign at each~~
4 ~~parking place. This subsection does not relieve the owner of~~
5 ~~the responsibility of complying with the signage requirements~~
6 ~~of ADAAG s. 4.30.~~

7 (1)(7) It is unlawful for any person to stop, stand,
8 or park a vehicle within, or to obstruct, any such specially
9 designated and marked parking space provided in accordance
10 with s. 553.5041 ~~this section~~, unless the vehicle displays a
11 disabled parking permit issued under s. 316.1958 or s.
12 320.0848 or a license plate issued under s. 320.084, s.
13 320.0842, s. 320.0843, or s. 320.0845, and the vehicle is
14 transporting the person to whom the displayed permit is
15 issued. The violation may not be dismissed for failure of the
16 marking on the parking space to comply with s. 553.5041 ~~this~~
17 ~~section~~ if the space is in general compliance and is clearly
18 distinguishable as a designated accessible parking space for
19 people who have disabilities. Only a warning may be issued for
20 unlawfully parking in a space designated for persons with
21 disabilities if there is no above-grade sign as provided in s.
22 553.5041 ~~subsection (6)~~.

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

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1 the removal and parking constitutes a lien against the
2 vehicle.

3 (b) The officer or specialist shall charge the
4 operator or other person in charge of the vehicle in violation
5 with a noncriminal traffic infraction, punishable as provided
6 in s. 316.008(4) or s. 318.18(6).

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

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

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

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

30 ~~(4)(10)~~(a) A vehicle that is transporting a person who
31 has a disability and that has been granted a permit under s.

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1 320.0848(1)(a) may be parked for a maximum of 30 minutes in
2 any parking space reserved for persons who have disabilities.

3 (b) Notwithstanding paragraph (a), a theme park or an
4 entertainment complex as defined in s. 509.013(9) which
5 provides parking in designated areas for persons who have
6 disabilities may allow any vehicle that is transporting a
7 person who has a disability to remain parked in a space
8 reserved for persons who have disabilities throughout the
9 period the theme park is open to the public for that day.

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

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

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

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

27 383.301 Licensure and regulation of birth centers;
28 legislative intent.--It is the intent of the Legislature to
29 provide for the protection of public health and safety in the
30 establishment, ~~construction~~, maintenance, and operation of
31 birth centers by providing for licensure of birth centers and

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1 for the development, establishment, and enforcement of minimum
2 standards with respect to birth centers.

3 Section 18. Effective July 1, 2001, subsection (1) of
4 section 383.309, Florida Statutes, is amended, and subsection
5 (3) is added to that section, to read:

6 383.309 Minimum standards for birth centers; rules and
7 enforcement.--

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

12 (a) Sufficient numbers and qualified types of
13 personnel and occupational disciplines are available at all
14 times to provide necessary and adequate patient care and
15 safety.

16 (b) Infection control, housekeeping, sanitary
17 conditions, disaster plan, and medical record procedures that
18 will adequately protect patient care and provide safety are
19 established and implemented.

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

27 ~~(c)(d)~~ Licensed facilities are established, organized,
28 and operated consistent with established programmatic
29 standards.

30 (3) The agency may not establish any rule governing
31 the design, construction, erection, alteration, modification,

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1 repair, or demolition of birth centers. It is the intent of
2 the Legislature to preempt that function to the Florida
3 Building Commission and the State Fire Marshal through
4 adoption and maintenance of the Florida Building Code and the
5 Florida Fire Prevention Code. However, the agency shall
6 provide technical assistance to the commission and the State
7 Fire Marshal in updating the construction standards of the
8 Florida Building Code and the Florida Fire Prevention Code
9 which govern birth centers. In addition, the agency may
10 enforce the special-occupancy provisions of the Florida
11 Building Code and the Florida Fire Prevention Code which apply
12 to birth centers in conducting any inspection authorized under
13 this chapter.

14 Section 19. Effective July 1, 2001, paragraph (f) of
15 subsection (1) of section 394.879, Florida Statutes, is
16 amended, and subsection (5) is added to that section, to read:

17 394.879 Rules; enforcement.--

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

22 ~~(f) Facility construction and design requirements are~~
23 ~~consistent with the patients' conditions and that The~~
24 operation and purposes of these facilities assure individuals'
25 health, safety, and welfare.

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

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

11 Section 20. Effective July 1, 2001, paragraph (a) of
12 subsection (1) of section 395.0163, Florida Statutes, is
13 amended to read:

14 395.0163 Construction inspections; plan submission and
15 approval; fees.--

16 (1)(a) 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
20 663.022. In addition to the requirements of ss. 553.79 and
21 553.80, the agency shall review facility plans and survey the
22 construction of any facility licensed under this chapter.The
23 agency shall make, or cause to be made, such construction
24 inspections and investigations as it deems necessary. The
25 agency may prescribe by rule that any licensee or applicant
26 desiring to make specified types of alterations or additions
27 to its facilities or to construct new facilities shall, before
28 commencing such alteration, addition, or new construction,
29 submit plans and specifications therefor to the agency for
30 preliminary inspection and approval or recommendation with
31 respect to compliance with applicable provisions of the

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1 Florida Building Code or agency rules and standards. The
2 agency shall approve or disapprove the plans and
3 specifications within 60 days after receipt of the fee for
4 review of plans as required in subsection (2). The agency may
5 be granted one 15-day extension for the review period if the
6 director of the agency approves the extension. If the agency
7 fails to act within the specified time, it shall be deemed to
8 have approved the plans and specifications. When the agency
9 disapproves plans and specifications, it shall set forth in
10 writing the reasons for its disapproval. Conferences and
11 consultations may be provided as necessary.

12 Section 21. Effective July 1, 2001, paragraphs (d) and
13 (e) of subsection (1) of section 395.1055, Florida Statutes,
14 are repealed, and subsection (8) is added to that section, to
15 read:

16 395.1055 Rules and enforcement.--

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

31 Section 22. Effective July 1, 2001, subsection (8) is

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1 added to section 395.10973, Florida Statutes, to read:

2 395.10973 Powers and duties of the agency.--It is the
3 function of the agency to:

4 (8) Enforce the special-occupancy provisions of the
5 Florida Building Code which apply to hospitals, intermediate
6 residential treatment facilities, and ambulatory surgical
7 centers in conducting any inspection authorized by this
8 chapter.

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

11 399.02 General requirements.--

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

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

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

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

31 (3)(4) Each elevator shall have a serial number

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1 assigned by the division painted on or attached to the
2 elevator car in plain view and also to the driving mechanism.
3 This serial number shall be shown on all required certificates
4 and permits.

5 (4)~~(5)~~(a) The construction permitholder is responsible
6 for the correction of violations and deficiencies until the
7 elevator has been inspected and a certificate of operation has
8 been issued by the division. The construction permitholder is
9 responsible for all tests of new and altered equipment until
10 the elevator has been inspected and a certificate of operation
11 has been issued by the division.

12 (b) The elevator owner is responsible for the safe
13 operation and proper maintenance of the elevator after it has
14 been inspected and a certificate of operation has been issued
15 by the division. The responsibilities of the elevator owner
16 may be assigned by lease.

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

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

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

14 (6) The division shall annually review the provisions
15 of the Safety Code for Elevators and Escalators ASME A17.1, or
16 other related model codes and amendments thereto, and
17 recommend to the Florida Building Commission revisions to the
18 Florida Building Code to maintain the protection of the public
19 health, safety, and welfare.

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

22 399.03 Design, installation, and alteration of
23 elevators.--

24 (1) Each elevator shall comply with the edition of the
25 Florida Building Elevator Safety Code that was in effect at
26 the time of receipt of application for the construction permit
27 for the elevator.

28 (2) Each alteration to, or relocation of, an elevator
29 shall comply with the edition of the Florida Building Elevator
30 Safety Code that was in effect at the time of receipt of the
31 application for the construction permit for the alteration or

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1 relocation.

2 (3) When any change is made in the classification of
3 an elevator, the elevator shall comply with all of the
4 requirements of the version of the Florida Building Elevator
5 ~~Safety~~ Code that were in effect at the time of receipt of the
6 application for the construction permit for the change in
7 classification.

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

10 399.061 Inspections; correction of deficiencies.--

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

23 ~~(b) When a service maintenance contract is~~
24 ~~continuously maintained with an elevator company, the division~~
25 ~~shall verify with the elevator company before the end of each~~
26 ~~fiscal year that the contract is in force and is being~~
27 ~~implemented. An elevator covered by such a service~~
28 ~~maintenance contract shall be inspected by a~~
29 certificate-of-competency holder ~~state elevator inspector~~ at
30 least once every 2 ~~fiscal~~ years; however, if the elevator is
31 not an escalator or a dumbwaiter and the elevator serves only

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1 two adjacent floors and is covered by a service maintenance
2 contract, no inspection shall be required so long as the
3 service contract remains in effect.

4 (b)~~(c)~~ The division may inspect an elevator whenever
5 necessary to ensure its safe operation.

6 Section 26. Effective July 1, 2001, subsection (1) of
7 section 399.13, Florida Statutes, is amended to read:

8 399.13 Delegation of authority to municipalities or
9 counties.--

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

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

27 400.011 Purpose.--The purpose of this part is to
28 provide for the development, establishment, and enforcement of
29 basic standards for:

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

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1 (2) The ~~construction, maintenance, and~~ operation of
2 such institutions that ~~which~~ will ensure safe, adequate, and
3 appropriate care, treatment, and health of persons in such
4 facilities.

5 Section 28. Effective July 1, 2001, paragraph (a) of
6 subsection (2) of section 400.23, Florida Statutes, is amended
7 to read:

8 400.23 Rules; evaluation and deficiencies; licensure
9 status.--

10 (2) Pursuant to the intention of the Legislature, the
11 agency, in consultation with the Department of Health and the
12 Department of Elderly Affairs, shall adopt and enforce rules
13 to implement this part, which shall include reasonable and
14 fair criteria in relation to:

15 (a) The location ~~and construction~~ of the facility ~~+~~
16 ~~including fire and life safety, plumbing, heating, cooling,~~
17 ~~lighting, ventilation, and other housing conditions~~ that ~~which~~
18 will ensure the health, safety, and comfort of residents,
19 including an adequate call system. ~~The agency shall establish~~
20 ~~standards for facilities and equipment to increase the extent~~
21 ~~to which new facilities and a new wing or floor added to an~~
22 ~~existing facility after July 1, 1999, are structurally capable~~
23 ~~of serving as shelters only for residents, staff, and families~~
24 ~~of residents and staff, and equipped to be self-supporting~~
25 ~~during and immediately following disasters.~~ The agency shall
26 work with facilities licensed under this part and report to
27 the Governor and Legislature by April 1, 1999, its
28 recommendations for cost-effective renovation standards to be
29 applied to existing facilities. In making such rules, the
30 agency shall be guided by criteria recommended by nationally
31 recognized reputable professional groups and associations with

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1 knowledge of such subject matters. The agency shall update or
2 revise such criteria as the need arises. ~~All nursing homes~~
3 ~~must comply with those lifesafety code requirements and~~
4 ~~building code standards applicable at the time of approval of~~
5 ~~their construction plans.~~The agency may require alterations
6 to a building if it determines that an existing condition
7 constitutes a distinct hazard to life, health, or safety. In
8 performing any inspections of facilities authorized by this
9 part, the agency may enforce the special-occupancy provisions
10 of the Florida Building Code and the Florida Fire Prevention
11 Code which apply to nursing homes. The agency is directed to
12 provide assistance to the Florida Building Commission in
13 updating the construction standards of the code relative to
14 nursing homes.~~The agency shall adopt fair and reasonable~~
15 ~~rules setting forth conditions under which existing facilities~~
16 ~~undergoing additions, alterations, conversions, renovations,~~
17 ~~or repairs shall be required to comply with the most recent~~
18 ~~updated or revised standards.~~

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

21 400.232 Review and approval of plans; fees and
22 costs.--The design, construction, erection, alteration,
23 modification, repair, and demolition of all public and private
24 health care facilities are governed by the Florida Building
25 Code and the Florida Fire Prevention Code under ss. 553.73 and
26 633.022. In addition to the requirements of ss. 553.79 and
27 553.80, the agency shall review the facility plans and survey
28 the construction of facilities licensed under this chapter.

29 (1) The agency shall approve or disapprove the plans
30 and specifications within 60 days after receipt of the final
31 plans and specifications. The agency may be granted one

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

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

25 Section 30. Section 455.2286, Florida Statutes, is
26 amended to read:

27 455.2286 Automated information system.--By November 1,
28 2001 ~~1999~~, the department shall implement an automated
29 information system for all certificateholders and registrants
30 under part XII of chapter 468, chapter 471, chapter 481, or
31 chapter 489. The system shall provide instant notification to

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1 local building departments and other interested parties
2 regarding the status of the certification or registration.
3 The provision of such information shall consist, at a minimum,
4 of an indication of whether the certification or registration
5 is active, of any current failure to meet the terms of any
6 final action by a licensing authority, of any ongoing
7 disciplinary cases that are subject to public disclosure,
8 whether there are any outstanding fines, and of the reporting
9 of any material violations pursuant to s. 553.781. The system
10 shall also retain information developed by the department and
11 local governments on individuals found to be practicing or
12 contracting without holding the applicable license,
13 certification, or registration required by law. The system may
14 be Internet-based.

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

17 468.604 Responsibilities of building code
18 administrators, plans examiners, and inspectors.--

19 (1) It is the responsibility of the building code
20 administrator or building official to administrate, supervise,
21 direct, enforce, or perform the permitting and inspection of
22 construction, alteration, repair, remodeling, or demolition of
23 structures and the installation of building systems within the
24 boundaries of their governmental jurisdiction, when permitting
25 is required, to ensure compliance with the Florida Building
26 Code and any applicable local technical amendment to the
27 Florida Building Code ~~building, plumbing, mechanical,~~
28 ~~electrical, gas fuel, energy conservation, accessibility, and~~
29 ~~other construction codes which are required or adopted by~~
30 ~~municipal code, county ordinance, or state law.~~ The building
31 code administrator or building official shall faithfully

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1 perform these responsibilities without interference from any
2 person. These responsibilities include:

3 (a) The review of construction plans to ensure
4 compliance with all applicable sections of the code codes. The
5 construction plans must be reviewed before the issuance of any
6 building, system installation, or other construction permit.
7 The review of construction plans must be done by the building
8 code administrator or building official or by a person having
9 the appropriate plans examiner license issued under this
10 chapter.

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

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

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1 (3) It is the responsibility of the plans examiner to
2 conduct review of construction plans submitted in the permit
3 application to assure compliance with the Florida Building
4 Code and any applicable local technical amendment to the
5 Florida Building Code ~~all applicable codes required by~~
6 ~~municipal code, county ordinance, or state law.~~ The review of
7 construction plans must be done by the building code
8 administrator or building official or by a person licensed in
9 the appropriate plans examiner category as defined in s.
10 468.603. The plans examiner's responsibilities must be
11 performed under the supervision and authority of the building
12 code administrator or building official without interference
13 from any unlicensed person.

14 Section 32. Section 468.607, Florida Statutes, is
15 amended to read:

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

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1 Section 33. Subsections (2) and (3) of section
2 468.609, Florida Statutes, are amended to read:

3 468.609 Administration of this part; standards for
4 certification; additional categories of certification.--

5 (2) A person may ~~shall be entitled to~~ take the
6 examination for certification as an inspector or plans
7 examiner 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 5 years' combined experience in the
13 field of construction or a related field, building inspection,
14 or plans review corresponding to the certification category
15 sought;

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

21 3. Demonstrates a combination of technical education
22 in the field of construction or a related field and experience
23 which totals 4 years, with at least 1 year of such total being
24 experience in construction, building inspection, or plans
25 review; or

26 4. Currently holds a standard certificate as issued by
27 the board and satisfactorily completes an inspector or plans
28 examiner training program of not less than 200 hours in the
29 certification category sought. The board shall establish by
30 rule criteria for the development and implementation of the
31 training programs.

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1 (d) After the Building Code Training Program is
2 established under s. 553.841, demonstrates successful
3 completion of the core curriculum ~~and specialized or advanced~~
4 ~~module coursework~~ approved by the Florida Building Commission,
5 ~~as part of the Building Code Training Program established~~
6 ~~pursuant to s. 553.841,~~ appropriate to the licensing category
7 sought ~~or, pursuant to authorization by the certifying~~
8 ~~authority, provides proof of completion of such curriculum or~~
9 ~~coursework within 6 months after such certification.~~

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

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

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

15 (c) Meets eligibility requirements according to one of
16 the following criteria:

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

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

29 (d) After the Building Code Training Program is
30 established under s. 553.841, demonstrates successful
31 completion of the core curriculum ~~and specialized or advanced~~

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1 ~~module coursework~~ approved by the Florida Building Commission,
2 ~~as part of the Building Code Training Program established~~
3 ~~pursuant to s. 553.841,~~ appropriate to the licensing category
4 sought or, ~~pursuant to authorization by the certifying~~
5 ~~authority, provides proof of completion of such curriculum or~~
6 ~~coursework within 6 months after such certification.~~

7 Section 34. Section 468.617, Florida Statutes, is
8 amended to read:

9 468.617 Joint inspection department; other
10 arrangements.--

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

21 (2) Nothing in this part shall prohibit local
22 governments, school boards, community college boards, state
23 universities, or state agencies from contracting with persons
24 certified pursuant to this part to perform inspections or plan
25 reviews. An individual or entity may not inspect or examine
26 plans on projects in which the individual or entity designed
27 or permitted the projects.

28 (3) Nothing in this part shall prohibit any county or
29 municipal government, school board, community college board,
30 state university, or state agency from entering into any
31 contract with any person or entity for the provision of

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1 services regulated under this part, and notwithstanding any
2 other statutory provision, such county or municipal
3 governments may enter into contracts.

4 Section 35. Effective July 1, 2001, paragraph (d) of
5 subsection (1) of section 469.002, Florida Statutes, is
6 amended to read:

7 469.002 Exemptions.--

8 (1) This chapter does not apply to:

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

19

20 ~~Disclosure Statement~~

21

22 ~~State law requires asbestos abatement to be done by~~
23 ~~licensed contractors. You have applied for a permit under an~~
24 ~~exemption to that law. The exemption allows you, as the owner~~
25 ~~of your property, to act as your own asbestos abatement~~
26 ~~contractor even though you do not have a license. You must~~
27 ~~supervise the construction yourself. You may move, remove, or~~
28 ~~dispose of asbestos-containing materials on a residential~~
29 ~~building where you occupy the building and the building is not~~
30 ~~for sale or lease, or the building is a farm outbuilding on~~
31 ~~your property. If you sell or lease such building within 1~~

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1 ~~year after the asbestos abatement is complete, the law will~~
2 ~~presume that you intended to sell or lease the property at the~~
3 ~~time the work was done, which is a violation of this~~
4 ~~exemption. You may not hire an unlicensed person as your~~
5 ~~contractor. Your work must be done according to all local,~~
6 ~~state, and federal laws and regulations which apply to~~
7 ~~asbestos abatement projects. It is your responsibility to make~~
8 ~~sure that people employed by you have licenses required by~~
9 ~~state law and by county or municipal licensing ordinances.~~

10 Section 36. Subsection (7) is added to section
11 471.015, Florida Statutes, to read:

12 471.015 Licensure.--

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

25 Section 37. Subsection (7) is added to section
26 481.213, Florida Statutes, to read:

27 481.213 Licensure.--

28 (7) For persons whose licensure requires satisfaction
29 of the requirements of ss. 481.209 and 481.211, the board
30 shall, by rule, establish qualifications for certification of
31 such persons as special inspectors of threshold buildings, as

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1 defined in ss. 553.71 and 553.79, and shall compile a list of
2 persons who are certified. A special inspector is not required
3 to meet standards for certification other than those
4 established by the board, and the fee owner of a threshold
5 building may not be prohibited from selecting any person
6 certified by the board to be a special inspector. The board
7 shall develop minimum qualifications for the qualified
8 representative of the special inspector who is authorized
9 under s. 553.79 to perform inspections of threshold buildings
10 on behalf of the special inspector.

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

13 489.103 Exemptions.--This part does not apply to:

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

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

24 489.107 Construction Industry Licensing Board.--

25 (7) Notwithstanding s. 20.165, the physical offices of
26 the board shall be located in Leon County.

27 Section 40. Paragraph (b) of subsection (4) of section
28 489.115, Florida Statutes, is amended to read:

29 489.115 Certification and registration; endorsement;
30 reciprocity; renewals; continuing education.--

31 (4)

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

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

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1 coastal hazard areas as defined in ss. 60.3D and E of the
2 National Flood Insurance Program.

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

15 Section 41. Effective July 1, 2001, paragraph (b) of
16 subsection (4) of section 489.115, Florida Statutes, as
17 amended by section 21 of chapter 98-287, Laws of Florida, and
18 by this act, is reenacted to read:

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

21 (4)

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

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

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

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

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1 or registrant who passes the equivalency test in lieu of
2 taking the core curriculum courses shall receive full credit
3 for core curriculum course hours.

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

10 Section 42. Section 497.255, Florida Statutes, is
11 amended to read:

12 497.255 Standards for construction and significant
13 alteration or renovation of mausoleums and columbaria.--

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

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

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

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1 rules shall encompass, at a minimum, the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

23 Section 43. Effective July 1, 2001, subsection (8) is
24 added to section 500.09, Florida Statutes, to read:

25 500.09 Rulemaking; analytical work.--

26 (8) The department may adopt rules necessary for the
27 sanitary manufacture, processing, or handling of food, except
28 for those governing the design, construction, erection,
29 alteration, modification, repair, or demolition of any
30 building, structure, or facility wherein food products are
31 manufactured, processed, handled, stored, sold, or

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1 distributed. It is the intent of the Legislature to preempt
2 those functions to the Florida Building Commission through
3 adoption and maintenance of the Florida Building Code. The
4 department shall provide technical assistance to the
5 commission in updating the construction standards of the
6 Florida Building Code which relate to food safety. However,
7 the department is authorized to enforce the provisions of the
8 Florida Building Code which apply to food establishments in
9 conducting any inspections authorized by this chapter.

10 Section 44. Effective July 1, 2001, subsections (7)
11 and (8) are added to section 500.12, Florida Statutes, to
12 read:

13 500.12 Food permits; building permits.--

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

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

22 Section 45. Effective July 1, 2001, subsection (1) of
23 section 500.147, Florida Statutes, is amended to read:

24 500.147 Inspection of food establishments and
25 vehicles; food safety pilot program.--

26 (1) The department or its duly authorized agent shall
27 have free access at all reasonable hours to any food
28 establishment or any vehicle being used to transport or hold
29 food in commerce for the purpose of inspecting such
30 establishment or vehicle to determine if any provision of this
31 chapter or any rule adopted under the chapter is being

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1 violated; to secure a sample or a specimen of any food after
2 paying or offering to pay for such sample; ~~or~~ to see that all
3 sanitary rules adopted by the department are complied with; or
4 to enforce the special-occupancy provisions of the Florida
5 Building Code which apply to food establishments.

6 Section 46. Effective July 1, 2001, paragraph (d) of
7 subsection (2) and subsection (7) of section 509.032, Florida
8 Statutes, are amended to read:

9 509.032 Duties.--

10 (2) INSPECTION OF PREMISES.--

11 (d) The division shall adopt and enforce sanitation
12 rules consistent with law to ensure the protection of the
13 public from food-borne illness in those establishments
14 licensed under this chapter. These rules shall provide the
15 standards and requirements for obtaining, storing, preparing,
16 processing, serving, or displaying food in public food service
17 establishments, approving public food service establishment
18 facility plans, conducting necessary public food service
19 establishment inspections for compliance with sanitation
20 regulations, cooperating and coordinating with the Department
21 of Health in epidemiological investigations, and initiating
22 enforcement actions, and for other such responsibilities
23 deemed necessary by the division. The division may not
24 establish by rule any regulation governing the design,
25 construction, erection, alteration, modification, repair, or
26 demolition of any public lodging or public food service
27 establishment. It is the intent of the Legislature to preempt
28 that function to the Florida Building Commission and the State
29 Fire Marshal through adoption and maintenance of the Florida
30 Building Code and the Florida Fire Prevention Code. The
31 division shall provide technical assistance to the commission

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1 and the State Fire Marshal in updating the construction
2 standards of the Florida Building Code and the Florida Fire
3 Prevention Code which govern public lodging and public food
4 service establishments. Further, the division shall enforce
5 the provisions of the Florida Building Code and the Florida
6 Fire Prevention Code which apply to public lodging and public
7 food service establishments in conducting any inspections
8 authorized by this part.

9 (7) PREEMPTION AUTHORITY.--The regulation ~~and~~
10 ~~inspection~~ of public lodging establishments and public food
11 service establishments, the inspection of public lodging
12 establishments and public food service establishments for
13 compliance with the sanitation standards adopted under this
14 section, and the regulation of food safety protection
15 standards for required training and testing of food service
16 establishment personnel are preempted to the state. This
17 subsection does not preempt the authority of a local
18 government or local enforcement district to conduct
19 inspections of public lodging and public food service
20 establishments for compliance with the Florida Building Code
21 and the Florida Fire Prevention Code, pursuant to ss. 553.80
22 and 633.022.

23 Section 47. Effective July 1, 2001, subsection (1) of
24 section 509.221, Florida Statutes, is amended to read:

25 509.221 Sanitary regulations.--

26 (1) Each public lodging establishment and each public
27 food service establishment shall be supplied with potable
28 water and shall provide adequate sanitary facilities for the
29 accommodation of its employees and guests. Such facilities may
30 include, but are not limited to, showers, handwash basins,
31 toilets, and bidets. Such sanitary facilities shall be

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1 connected to approved plumbing. Such plumbing shall be sized,
2 installed, and maintained in accordance with the Florida
3 Building Code ~~applicable state and local plumbing codes~~.
4 Wastewater or sewage shall be properly treated onsite or
5 discharged into an approved sewage collection and treatment
6 system.

7 Section 48. Effective July 1, 2001, section 514.021,
8 Florida Statutes, is amended to read:

9 514.021 Department authorization.--

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

22 (2) The department may not establish by rule any
23 regulation governing the design, alteration, modification, or
24 repair of public swimming pools and bathing places which has
25 no impact on the health, safety, and welfare of persons using
26 public swimming pools and bathing places. Further, the
27 department may not adopt by rule any regulation governing the
28 construction, erection, or demolition of public swimming pools
29 and bathing places. It is the intent of the Legislature to
30 preempt those functions to the Florida Building Commission
31 through adoption and maintenance of the Florida Building Code.

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1 The department shall provide technical assistance to the
2 commission in updating the construction standards of the
3 Florida Building Code which govern public swimming pools and
4 bathing places. Further, the department is authorized to
5 conduct plan reviews, to issue approvals, and to enforce the
6 special-occupancy provisions of the Florida Building Code
7 which apply to public swimming pools and bathing places in
8 conducting any inspections authorized by this chapter. This
9 subsection does not abrogate the authority of the department
10 to adopt and enforce appropriate sanitary regulations and
11 requirements as authorized in subsection (1).

12 Section 49. Effective July 1, 2001, section 514.03,
13 Florida Statutes, is amended to read:

14 514.03 Construction plans approval necessary to
15 construct, develop, or modify public swimming pools or bathing
16 places.--It is unlawful for any person or public body to
17 construct, develop, or modify any public swimming pool or
18 bathing place without a valid construction plans approval from
19 the department. This section does not preempt the authority of
20 local governments or local enforcement districts to conduct
21 plan reviews and inspections of public swimming pools and
22 bathing places for compliance with the general construction
23 standards of the Florida Building Code, pursuant to s. 553.80.

24 (1) Any person or public body desiring to construct,
25 develop, or modify any public swimming pool or bathing place
26 shall file an application for a construction plans approval
27 with the department on application forms provided by the
28 department and shall accompany such application with:

29 (a) Engineering drawings, specifications,
30 descriptions, and detailed maps of the structure, its
31 appurtenances, and its intended operation.

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1 (b) A description of the source or sources of water
2 supply and amount and quality of water available and intended
3 to be used.

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

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

8 (2) If the proposed construction of, development of,
9 or modification of a public swimming pool or bathing place
10 meets standards of public health and safety as defined in this
11 chapter and rules adopted hereunder, the department shall
12 grant the application for the construction plans approval
13 within 30 days after receipt of a complete submittal. If
14 engineering plans submitted are in substantial compliance with
15 the standards aforementioned, the department may approve the
16 plans with provisions for corrective action to be completed
17 prior to issuance of the operating permit.

18 (3) If the proposed construction, development, or
19 modification of a public swimming pool or bathing place fails
20 to meet standards of public health and safety as defined in
21 this chapter and rules adopted hereunder, the department shall
22 deny the application for construction plans approval pursuant
23 to the provisions of chapter 120. Such denial shall be issued
24 in writing within 30 days and shall list the circumstances for
25 denial. Upon correction of such circumstances, an applicant
26 previously denied permission to construct, develop, or modify
27 a public swimming pool or bathing place may reapply for
28 construction plans approval.

29 (4) An approval of construction plans issued by the
30 department under this section becomes void 1 year after the
31 date the approval was issued if the construction is not

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1 commenced within 1 year after the date of issuance.

2 Section 50. Subsection (1) of section 553.06, Florida
3 Statutes, is amended to read:

4 553.06 State Plumbing Code.--

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

27 Section 51. Effective July 1, 2001, section 553.141,
28 Florida Statutes, is amended to read:

29 553.141 Public restrooms; ratio of facilities for men
30 and women; application; incorporation into the Florida
31 Building Code rules.--The Florida Building Commission shall

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1 incorporate into the Florida Building Code, to be adopted by
2 rule pursuant to s. 553.73(1), a ratio of public restroom
3 facilities for men and women which must be provided in all
4 buildings that are newly constructed after September 30, 1992,
5 and that have restrooms open to the public.

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

12 ~~(2) As used in this section, the term "newly~~
13 ~~constructed" means new construction, building, alteration,~~
14 ~~rehabilitation, or repair that equals or exceeds 50 percent of~~
15 ~~the replacement value existing on October 1, 1992, unless the~~
16 ~~same was under design or construction, or under construction~~
17 ~~contract before October 1, 1992.~~

18 ~~(3) This section does not apply to establishments~~
19 ~~licensed under chapter 509 if the establishment does not~~
20 ~~provide meeting or banquet rooms which accommodate more than~~
21 ~~150 persons and the establishment has at least the same number~~
22 ~~of water closets for women as the combined total of water~~
23 ~~closets and urinals for men.~~

24 ~~(4) The Board of Building Codes and Standards shall~~
25 ~~adopt rules to administer this section, pursuant to chapter~~
26 ~~120.~~

27 Section 52. The Division of Statutory Revision is
28 requested to change the title of part IV of chapter 553,
29 Florida Statutes, to "MANUFACTURED BUILDINGS."

30 Section 53. Effective July 1, 2001, section 553.355,
31 Florida Statutes, is created to read:

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1 553.355 Minimum construction requirements
2 established.--The Florida Building Code and the Florida Fire
3 Prevention and Lifesafety Codes shall be the minimum
4 construction requirements governing the manufacture, design,
5 construction, erection, alteration, modification, repair, and
6 demolition of manufactured buildings.

7 Section 54. Subsections (5) and (11) of section
8 553.36, Florida Statutes, are amended, present subsections
9 (13) and (14) of that section are redesignated as subsections
10 (14) and (15), respectively, and a new subsection (13) is
11 added to that section, to read:

12 553.36 Definitions.--The definitions contained in this
13 section govern the construction of this part unless the
14 context otherwise requires.

15 (5) "Component" means any assembly, subassembly, or
16 combination of parts for use as a part of a building, which
17 may include structural, electrical, mechanical, and fire
18 protection systems and other systems affecting health and
19 safety. Components that incorporate elements of a building
20 subject to the product approval system adopted under s.
21 553.842 are subject to approval in accordance with the product
22 approval system upon implementation thereof and are not
23 subject to the rules adopted under this part. Components to
24 which the rules adopted under this part apply are limited to
25 three-dimensional systems for use as part of a building.

26 (11) "Manufactured building" means a closed structure,
27 building assembly, or system of subassemblies, which may
28 include structural, electrical, plumbing, heating,
29 ventilating, or other service systems manufactured in
30 manufacturing facilities for installation or erection, ~~with or~~
31 ~~without other specified components,~~ as a finished building or

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1 as part of a finished building, which shall include, but not
2 be limited to, residential, commercial, institutional,
3 storage, and industrial structures. The term includes
4 buildings not intended for human habitation such as lawn
5 storage buildings and storage sheds manufactured and assembled
6 offsite by a manufacturer certified in conformance with this
7 part. This part does not apply to mobile homes. ~~Manufactured~~
8 ~~building may also mean, at the option of the manufacturer, any~~
9 ~~building of open construction made or assembled in~~
10 ~~manufacturing facilities away from the building site for~~
11 ~~installation, or assembly and installation, on the building~~
12 ~~site.~~

13 (13) "Module" means a separately transported
14 three-dimensional component of a manufactured building which
15 contains all or a portion of structural systems, electrical
16 systems, plumbing systems, mechanical systems, fire systems,
17 and thermal systems.

18 Section 55. Effective July 1, 2001, subsections (1)
19 and (2) of section 553.36, Florida Statutes, are amended to
20 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 (1) "Approved" means conforming to the requirements of
25 the Florida Building Code Department of Community Affairs.

26 (2) "Approved inspection agency" means an organization
27 determined by the department to be especially qualified by
28 reason of facilities, personnel, experience, and demonstrated
29 reliability to investigate, test, and evaluate manufactured
30 building units or systems or the component parts thereof,
31 together with the plans, specifications, and quality control

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1 procedures to ensure that such units, systems, or component
2 parts are in full compliance with the Florida Building Code
3 ~~standards adopted by the department pursuant to this part~~ and
4 to label such units complying with those standards.

5 Section 56. Subsections (1), (2), (5), and (8) of
6 section 553.37, Florida Statutes, are amended, present
7 subsection (9) of that section is redesignated as subsection
8 (11), and new subsections (9) and (10) are added to that
9 section, to read:

10 553.37 Rules; inspections; and insignia.--

11 (1) The department may enter into contracts and take
12 actions necessary and incidental to the administration of its
13 authority under this part. In addition, the department shall
14 adopt rules in accordance with chapter 120 setting
15 requirements for construction or modification of manufactured
16 buildings and building modules, to address:

17 (a) Submittal to and approval by the department of
18 manufacturers' drawings and specifications, including any
19 amendments.

20 (b) Submittal to and approval by the department of
21 manufacturers' internal quality control procedures and
22 manuals, including any amendments.

23 (c) Procedures and qualifications for approval of
24 third-party plan review and inspection entities and of those
25 who perform inspections and plan reviews.

26 (d) Investigation of consumer complaints of
27 noncompliance of manufactured buildings with the requirements
28 for construction or modification of such buildings.

29 (e)~~(e)~~ Issuance, cancellation, and revocation of any
30 insignia issued by the department and procedures for auditing
31 and accounting for disposition of them.

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1 (f) Monitoring the manufacturers', inspection
2 entities', and plan review entities' compliance with this
3 part. Monitoring may include, but is not limited to,
4 performing audits of plans, inspections of manufacturing
5 facilities and observation of the manufacturing and inspection
6 process, and onsite inspections of buildings.

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

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

16 (5) Manufactured buildings which have been issued and
17 bear the insignia of approval pursuant to this part upon
18 manufacture or first sale shall not require an additional
19 approval or insignia by a local government in which they are
20 subsequently sold or installed. Buildings or structures that
21 meet the definition of "open construction" are subject to
22 permitting by the local jurisdiction and are not required to
23 bear insignia.

24 (8) The department may delegate its enforcement
25 authority to a state department having building construction
26 responsibilities or a local government. The department may
27 ~~itself shall not inspect manufactured buildings but shall~~
28 delegate its plan review and inspection authority to a state
29 department having building construction responsibilities, a
30 local government, an approved inspection agency, an approved
31 plan review agency, or an agency of another state.

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1 (9) If the department delegates its inspection
2 authority to third-party approved inspection agencies,
3 manufacturers must have one, and only one, inspection agency
4 responsible for inspection of a manufactured building, module,
5 or component at all times.

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

11 Section 57. Effective July 1, 2001, subsections (1),
12 (2), (3), (4), (6), (7), (9), and (10) of section 553.37,
13 Florida Statutes, as amended by this act, are amended to read:

14 553.37 Rules; inspections; and insignia.--

15 (1) The Florida Building Commission ~~department may~~
16 ~~enter into contracts and take actions necessary and incidental~~
17 ~~to the administration of its authority under this part. In~~
18 ~~addition, the department shall adopt within the Florida~~
19 ~~Building Code rules in accordance with chapter 120 setting~~
20 requirements for construction or modification of manufactured
21 buildings and building modules, to address:

22 (a) Submittal to and approval by the department of
23 manufacturers' drawings and specifications, including any
24 amendments.

25 (b) Submittal to and approval by the department of
26 manufacturers' internal quality control procedures and
27 manuals, including any amendments.

28 (c) Procedures and qualifications for approval of
29 third-party plan review and inspection entities and of those
30 who perform inspections and plan review.

31 (d) Investigation of consumer complaints of

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1 noncompliance of manufactured buildings with the Florida
2 Building Code and the Florida Fire Prevention Code
3 ~~requirements for construction or modification of such~~
4 ~~buildings.~~

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

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

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

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

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

28 (4) No manufactured building bearing department
29 insignia of approval pursuant to subsection (2) shall be in
30 any way modified prior to installation, except in conformance
31 with the Florida Building Code rules of the department.

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1 (6) If the Florida Building Commission ~~department~~
2 determines that the standards for construction and inspection
3 of manufactured buildings prescribed by statute or rule of
4 another state are at least equal to the Florida Building Code
5 ~~rules prescribed under this part~~ and that such standards are
6 actually enforced by such other state, it may provide by rule
7 that the manufactured building which has been inspected and
8 approved by such other state shall be deemed to have been
9 approved by the department and shall authorize the affixing of
10 the appropriate insignia of approval.

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

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

20 (10) If the commission ~~department~~ delegates its
21 inspection authority to third-party approved plan review
22 agencies, manufacturers must have one, and only one, plan
23 review agency responsible for review of plans of a
24 manufactured building, module, or component at all times.

25 Section 58. Section 553.375, Florida Statutes, is
26 created to read:

27 553.375 Recertification of manufactured
28 buildings.--Prior to the relocation, modification, or change
29 of occupancy of a manufactured building within the state, the
30 manufacturer, dealer, or owner thereof may apply to the
31 department for recertification of that manufactured building.

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1 The department shall, by rule, provide what information the
2 applicant must submit for recertification and for plan review
3 and inspection of such manufactured buildings and shall
4 establish fees for recertification. Upon a determination by
5 the department that the manufactured building complies with
6 the applicable building codes, the department shall issue a
7 recertification insignia. A manufactured building that bears
8 recertification insignia does not require any additional
9 approval by an enforcement jurisdiction in which the building
10 is sold or installed, and is considered to comply with all
11 applicable codes. As an alternative to recertification by the
12 department, the manufacturer, dealer, or owner of a
13 manufactured building may seek appropriate permitting and a
14 certificate of occupancy from the local jurisdiction in
15 accordance with procedures generally applicable under the
16 Florida Building Code.

17 Section 59. Effective July 1, 2001, section 553.38,
18 Florida Statutes, is amended to read:

19 553.38 Application and scope.--

20 ~~(1) The department shall promulgate rules which~~
21 ~~protect the health, safety, and property of the people of this~~
22 ~~state by assuring that each manufactured building is~~
23 ~~structurally sound and properly installed on site and that~~
24 ~~plumbing, heating, electrical, and other systems thereof are~~
25 ~~reasonably safe, and which interpret and make specific the~~
26 ~~provisions of this part.~~

27 (2) The department shall enforce every provision of
28 the Florida Building Code this part and the rules adopted
29 pursuant hereto, except that local land use and zoning
30 requirements, fire zones, building setback requirements, side
31 and rear yard requirements, site development requirements,

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1 property line requirements, subdivision control, and onsite
2 installation requirements, as well as the review and
3 regulation of architectural and aesthetic requirements, are
4 specifically and entirely reserved to local authorities. Such
5 local requirements and rules which may be enacted by local
6 authorities must be reasonable and uniformly applied and
7 enforced without any distinction as to whether a building is a
8 conventionally constructed or manufactured building. A local
9 government shall require permit fees only for those
10 inspections actually performed by the local government for the
11 installation of a factory-built structure. Such fees shall be
12 equal to the amount charged for similar inspections on
13 conventionally built housing.

14 Section 60. Section 553.381, Florida Statutes, is
15 amended to read:

16 553.381 Manufacturer certification; ~~product liability~~
17 ~~insurance as prerequisite.~~--

18 (1) Before manufacturing buildings to be located
19 within this state or selling manufactured buildings within
20 this state, whichever occurs later, a manufacturer must be
21 certified by the department. The department shall certify a
22 manufacturer upon receipt from the manufacturer and approval
23 and verification by the department of the following:

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

26 (b) As a prerequisite to obtaining approval to produce
27 manufactured buildings for sale in the state, the manufacturer
28 must submit Evidence that the manufacturer ~~she or he~~ has
29 product liability insurance for the safety and welfare of the
30 public in amounts determined by rule of the department; and-

31 (c) The fee established by the department under s.

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1 553.37(7).

2 (2) The department may revoke any certification upon
3 the failure of the manufacturer to comply with the
4 construction standards adopted under this part or other
5 requirements of this part.

6 (3) Certification of manufacturers under this section
7 shall be for a period of 3 years, subject to renewal by the
8 manufacturer. Upon application for renewal, the manufacturer
9 must submit the information described in subsection (1) or a
10 sworn statement that there has been no change in the status or
11 content of that information since the manufacturer's last
12 submittal. Fees for renewal of manufacturers' certification
13 shall be established by the department by rule.

14 Section 61. Effective July 1, 2001, section 553.381,
15 Florida Statutes, as amended by this act, is amended to read:

16 553.381 Manufacturer certification.--

17 (1) Before manufacturing buildings to be located
18 within this state or selling manufactured buildings within
19 this state, whichever occurs later, a manufacturer must be
20 certified by the department. The department shall certify a
21 manufacturer upon receipt from the manufacturer and approval
22 and verification by the department of the following:

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

25 (b) Evidence that the manufacturer has product
26 liability insurance for the safety and welfare of the public
27 in amounts determined by rule of the commission ~~department~~;
28 and

29 (c) The fee established by the commission ~~department~~
30 under s. 553.37(7).

31 (2) The department may revoke any certification upon

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1 the failure of the manufacturer to comply with the Florida
2 Building Code ~~construction standards adopted under this part~~
3 or other requirements of this part.

4 (3) Certification of manufacturers under this section
5 shall be for a period of 3 years, subject to renewal by the
6 manufacturer. Upon application for renewal, the manufacturer
7 must submit the information described in subsection (2) or a
8 sworn statement that there has been no change in the status or
9 content of that information since the manufacturer's last
10 submittal. Fees for renewal of manufacturers' certification
11 shall be established by the commission ~~department~~ by rule.

12 Section 62. Effective July 1, 2001, section 553.39,
13 Florida Statutes, is amended to read:

14 553.39 Injunctive relief.--The department may seek
15 injunctive or other relief from the circuit court of
16 appropriate jurisdiction to compel compliance with the
17 requirements of this part or with the Florida Building Code
18 ~~rules issued pursuant thereto~~ or to enjoin the sale, delivery,
19 or installation of a manufactured building, upon an affidavit
20 specifying the manner in which the building does not conform
21 to the Florida Building Code or other requirements of this
22 part ~~or to rules issued pursuant thereto~~. Noncompliance with
23 the Florida Building Code or this part ~~or the rules~~
24 ~~promulgated under this part~~ shall be considered prima facie
25 evidence of irreparable damage in any cause of action brought
26 under the authority of this part.

27 Section 63. Section 553.503, Florida Statutes, is
28 amended to read:

29 553.503 Adoption of guidelines.--Subject to the
30 exceptions in s. 553.504, the federal Americans with
31 Disabilities Act Accessibility Guidelines, as adopted by

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1 reference in 28 C.F.R., part 36, subparts A and D, and Title
2 II of Pub. L. No. 101-336, are hereby adopted and incorporated
3 by reference as the law of this state. The guidelines shall
4 establish the minimum standards for the accessibility of
5 buildings and facilities built or altered within this state.
6 The 1997 Florida Accessibility Code for Building Construction
7 must be adopted by the Florida Building Commission ~~Board of~~
8 ~~Building Codes and Standards~~ in accordance with chapter 120.

9 Section 64. Section 553.5041, Florida Statutes, is
10 created to read:

11 553.5041 Parking spaces for persons who have
12 disabilities.--

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

27 (2) State agencies and political subdivisions having
28 jurisdiction over street parking or publicly owned or operated
29 parking facilities are not required to provide a greater
30 right-of-way width than would otherwise be planned under
31 regulations, guidelines, or practices normally applied to new

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1 development.

2 (3) If parking spaces are provided for self-parking by
3 employees or visitors, or both, accessible spaces shall be
4 provided in each such parking area. Such spaces shall be
5 designed and marked for the exclusive use of those individuals
6 who have a severe physical disability and have permanent or
7 temporary mobility problems that substantially impair their
8 ability to ambulate and who have been issued either a disabled
9 parking permit under s. 316.1958 or s. 320.0848 or a license
10 plate under s. 320.084, s. 320.0842, s. 320.0843, or s.
11 320.0845.

12 (4) The number of accessible parking spaces must
13 comply with the parking requirements in ADAAG s. 4.1 and the
14 following:

15 (a) There must be one accessible parking space in the
16 immediate vicinity of a publicly owned or leased building that
17 houses a governmental entity or a political subdivision,
18 including, but not limited to, state office buildings and
19 courthouses, if no parking for the public is provided on the
20 premises of the building.

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

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

27 (5) Accessible perpendicular and diagonal accessible
28 parking spaces and loading zones must be designed and located
29 in conformance with the guidelines set forth in ADAAG ss.
30 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking
31 Design."

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

4 (b) Each space must be located on the shortest safely
5 accessible route from the parking space to an accessible
6 entrance. If there are multiple entrances or multiple retail
7 stores, the parking spaces must be dispersed to provide
8 parking at the nearest accessible entrance. If a theme park or
9 an entertainment complex as defined in s. 509.013(9) provides
10 parking in several lots or areas from which access to the
11 theme park or entertainment complex is provided, a single lot
12 or area may be designated for parking by persons who have
13 disabilities, if the lot or area is located on the shortest
14 safely accessible route to an accessible entrance to the theme
15 park or entertainment complex or to transportation to such an
16 accessible entrance.

17 (c)1. Each parking space must be no less than 12 feet
18 wide. Parking access aisles must be no less than 5 feet wide
19 and must be part of an accessible route to the building or
20 facility entrance. In accordance with ADAAG s. 4.6.3, access
21 aisles must be placed adjacent to accessible parking spaces;
22 however, two accessible parking spaces may share a common
23 access aisle. The access aisle must be striped diagonally to
24 designate it as a no-parking zone.

25 2. The parking access aisles are reserved for the
26 temporary exclusive use of persons who have disabled parking
27 permits and who require extra space to deploy a mobility
28 device, lift, or ramp in order to exit from or enter a
29 vehicle. Parking is not allowed in an access aisle. Violators
30 are subject to the same penalties that are imposed for
31 illegally parking in parking spaces that are designated for

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1 persons who have disabilities. A vehicle may not be parked in
2 an access aisle, even if the vehicle owner or passenger is
3 disabled or owns a disabled parking permit.

4 3. Any provision of this subsection to the contrary
5 notwithstanding, a theme park or an entertainment complex as
6 defined in s. 509.013(9) in which are provided continuous
7 attendant services for directing individuals to marked
8 accessible parking spaces or designated lots for parking by
9 persons who have disabilities, may, in lieu of the required
10 parking space design, provide parking spaces that comply with
11 ss. 4.1 and 4.6 of the Americans with Disabilities Act
12 Accessibility Guidelines.

13 (d) On-street parallel parking spaces must be located
14 either at the beginning or end of a block or adjacent to alley
15 entrances. Such spaces must be designed in conformance with
16 the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5,
17 exception: access aisles are not required. Curbs adjacent to
18 such spaces must be of a height that will not interfere with
19 the opening and closing of motor vehicle doors. This
20 subsection does not relieve the owner of the responsibility to
21 comply with the parking requirements of ADAAG ss. 4.1 and 4.6.

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

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

27 (g)1. The removal of architectural barriers from a
28 parking facility in accordance with 28 C.F.R. s. 36.304 or
29 with s. 553.508 must comply with this section unless
30 compliance would cause the barrier removal not to be readily
31 achievable. If compliance would cause the barrier removal not

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1 to be readily achievable, a facility may provide parking
2 spaces at alternative locations for persons who have
3 disabilities and provide appropriate signage directing persons
4 who have disabilities to the alternative parking if readily
5 achievable. The facility may not reduce the required number or
6 dimensions of those spaces, nor may it unreasonably increase
7 the length of the accessible route from a parking space to the
8 facility. The removal of an architectural barrier must not
9 create a significant risk to the health or safety of a person
10 who has a disability or to that of others.

11 2. A facility that is making alterations under s.
12 553.507(2)(b) must comply with this section to the maximum
13 extent feasible. If compliance with parking location
14 requirements is not feasible, the facility may provide parking
15 spaces at alternative locations for persons who have
16 disabilities and provide appropriate signage directing persons
17 who have a disability to alternative parking. The facility may
18 not reduce the required number or dimensions of those spaces,
19 nor may it unnecessarily increase the length of the accessible
20 route from a parking space to the facility. The alteration
21 must not create a significant risk to the health or safety of
22 a person who has a disability or to that of others.

23 (6) Each such parking space must be prominently
24 outlined with blue paint, and must be repainted when
25 necessary, to be clearly distinguishable as a parking space
26 designated for persons who have disabilities and must be
27 posted with a permanent above-grade sign of a color and design
28 approved by the Department of Transportation, which is placed
29 on or at a distance of 84 inches above the ground to the
30 bottom of the sign and which bears the international symbol of
31 accessibility meeting the requirements of ADAAG s. 4.30.7 and

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1 the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign
2 erected after October 1, 1996, must indicate the penalty for
3 illegal use of the space. Any provision of this section to the
4 contrary notwithstanding, in a theme park or an entertainment
5 complex as defined in s. 509.013(9) in which accessible
6 parking is located in designated lots or areas, the signage
7 indicating the lot as reserved for accessible parking may be
8 located at the entrances to the lot in lieu of a sign at each
9 parking place. This subsection does not relieve the owner of
10 the responsibility of complying with the signage requirements
11 of ADAAG s. 4.30.

12 Section 65. Section 553.506, Florida Statutes, is
13 amended to read:

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

21 Section 66. Section 553.512, Florida Statutes, is
22 amended to read:

23 553.512 Modifications and waivers; advisory council.--

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

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1 consider waiving any of the requirements of s. 553.5041 unless
2 the applicant first demonstrates that she or he has applied
3 for and been denied waiver or variance from all local
4 government zoning, subdivision regulations, or other
5 ordinances that prevent compliance therewith. Further, the
6 commission may not waive the requirement of s. 553.5041(5)(a)
7 and (c)1. governing the minimum width of accessible routes and
8 minimum width of accessible parking spaces.

9 (2) The Accessibility Advisory Council shall consist
10 consisting of the following seven members, who shall be
11 knowledgeable in the area of ~~handicapped~~ accessibility for
12 persons with disabilities. The Secretary of Community Affairs
13 shall appoint the following: a representative from the
14 Advocacy Center for Persons with Disabilities, Inc.; a
15 representative from the Division of Blind Services; a
16 representative from the Division of Vocational Rehabilitation;
17 a representative from a statewide organization representing
18 the physically handicapped; a representative from the hearing
19 impaired; a representative from the President, Florida Council
20 of Handicapped Organizations; and a representative of the
21 Paralyzed Veterans of America. The terms for the first three
22 council members appointed subsequent to October 1, 1991, shall
23 be for 4 years, the terms for the next two council members
24 appointed shall be for 3 years, and the terms for the next two
25 members shall be for 2 years. Thereafter, all council member
26 appointments shall be for terms of 4 years. No council member
27 shall serve more than two 4-year terms subsequent to October
28 1, 1991. Any member of the council may be replaced by the
29 secretary upon three unexcused absences. Upon application
30 made in the form provided, an individual waiver or
31 modification may be granted by the commission ~~board~~ so long as

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1 such modification or waiver is not in conflict with more
2 stringent standards provided in another chapter.

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

6 ~~(4)(3)~~ Meetings of the advisory council shall be held
7 in conjunction with the regular meetings of the commission.

8 Section 67. Subsection (7) of section 553.71, Florida
9 Statutes, is amended, and subsections (9) and (10) are added
10 to that section, to read:

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

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

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

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

26 Section 68. Effective July 1, 2001, subsection (7) of
27 section 553.71, Florida Statutes, as amended by this act, is
28 amended, and subsection (11) is added to that section, to
29 read:

30 553.71 Definitions.--As used in this part, the term:

31 (7) "Threshold building" means any building which is

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1 greater than three stories or 50 feet in height, or which has
2 an assembly occupancy classification as defined in the Florida
3 Building Code ~~State Minimum Building Codes~~ which exceeds 5,000
4 square feet in area and an occupant content of greater than
5 500 persons.

6 (11) "Prototype building" means a building constructed
7 in accordance with architectural or engineering plans intended
8 for replication on various sites and which will be updated to
9 comply with the Florida Building Code and applicable laws
10 relating to fire safety, health and sanitation, casualty
11 safety, and requirements for persons with disabilities which
12 are in effect at the time a construction contract is to be
13 awarded.

14 Section 69. Effective July 1, 2001, subsection (1) of
15 section 553.72, Florida Statutes, as amended by section 38 of
16 chapter 98-287, Laws of Florida, is amended, and subsection
17 (6) is added to that section, to read:

18 553.72 Intent.--

19 (1) The purpose and intent of this act is to provide a
20 mechanism for the uniform adoption, updating, amendment,
21 interpretation, and enforcement of a single, unified state
22 building code, to be called the Florida Building Code, which
23 consists of a single set of documents that apply to the
24 design, construction, erection, alteration, modification,
25 repair, or demolition of public or private buildings,
26 structures, or facilities in this state and to the enforcement
27 of such requirements and which will allow effective and
28 reasonable protection for public safety, health, and general
29 welfare for all the people of Florida at the most reasonable
30 cost to the consumer. The Florida Building Code shall be
31 organized to provide consistency and simplicity of use. The

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1 Florida Building Code shall be applied, administered, and
2 enforced uniformly and consistently from jurisdiction to
3 jurisdiction. The Florida Building Code shall provide for
4 flexibility to be exercised in a manner that meets minimum
5 requirements, is affordable, does not inhibit competition, and
6 promotes innovation and new technology. The Florida Building
7 Code shall establish minimum standards primarily for public
8 health and lifesafety, and secondarily for protection of
9 property as appropriate.

10 (6) It is the intent of the Legislature that the
11 nationally recognized private-sector third-party testing and
12 evaluation system shall provide product evaluation for the
13 product-approval system and that effective government
14 oversight be established to ensure accountability to the
15 state.

16 Section 70. Effective July 1, 2001, paragraph (c) of
17 subsection (1) and subsections (2), (4), (5), (6), (7), (8),
18 (9), (10), (11), and (12) of section 553.73, Florida Statutes,
19 as amended by section 40 of chapter 98-287, Laws of Florida,
20 as amended by section 61 of chapter 98-419, Laws of Florida,
21 are amended to read:

22 553.73 Florida Building Code.--

23 (1)

24 (c) The Florida Fire Prevention Code and the Life
25 Safety Code shall be referenced in the Florida Building Code,
26 but shall be adopted, modified, revised, or amended,
27 interpreted, and maintained by the Department of Insurance by
28 rule adopted pursuant to ss. 120.536(1) and 120.54. The
29 Florida Building Commission may not adopt a fire prevention or
30 life safety code and nothing in the Florida Building Code
31 shall affect the statutory powers, duties, and

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1 responsibilities of any fire official or the Department of
2 Insurance.

3 (2) The Florida Building Code shall contain provisions
4 or requirements for public and private buildings, structures,
5 and facilities relative to structural, mechanical, electrical,
6 plumbing, energy, and gas systems, existing buildings,
7 historical buildings, manufactured buildings, elevators,
8 coastal construction, lodging facilities, food sales and food
9 service facilities, health care facilities, including assisted
10 living facilities, adult day care facilities, and facilities
11 for the control of radiation hazards, public or private
12 educational facilities, swimming pools, and correctional
13 facilities and enforcement of and compliance with such
14 provisions or requirements. Technical provisions to be
15 contained within the Florida Building Code are restricted to
16 requirements related to the types of materials used and
17 construction methods and standards employed in order to meet
18 criteria specified in the Florida Building Code. Provisions
19 relating to the personnel, supervision or training of
20 personnel, or any other professional qualification
21 requirements relating to contractors or their workforce may
22 not be included within the Florida Building Code, and
23 subsections (4), (5), and (6) are ~~subsection (4) is~~ not to be
24 construed to allow the inclusion of such provisions within the
25 Florida Building Code by amendment. This restriction applies
26 to both initial development and amendment of the Florida
27 Building Code.

28 (4)(a) All entities authorized to enforce the Florida
29 Building Code pursuant to s. 553.80 ~~Local governments~~ shall
30 comply with applicable standards for issuance of mandatory
31 certificates of occupancy, minimum types of inspections, and

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

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

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

30 2. Such additional requirements are not discriminatory
31 against materials, products, or construction techniques of

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1 demonstrated capabilities.

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

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 review such amendment for
17 consistency with the criteria in paragraph (6)(a) and adopt
18 such amendment as part of the Florida Building Code or rescind
19 the amendment. The commission shall immediately notify the
20 respective local government of the rescission of any
21 amendment. After receiving such notice, the respective local
22 government may readopt the rescinded amendment pursuant to the
23 provisions of this paragraph.

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

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1 determines such amendment is not in compliance with this
2 paragraph, the compliance review board shall notify such local
3 government of the noncompliance and that the amendment is
4 invalid and unenforceable until the local government corrects
5 the amendment to bring it into compliance. The local
6 government may appeal the decision of the compliance review
7 board to the commission. If the compliance review board
8 determines such amendment to be in compliance with this
9 paragraph, any substantially affected party may appeal such
10 determination to the commission. Actions of the commission are
11 subject to judicial review pursuant to s. 120.68. The
12 compliance review board shall determine whether its decisions
13 apply to a respective local jurisdiction or apply countywide.

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

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

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

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1 amendments when designing, specifying, and constructing such
2 exempt buildings.

3 (5) The commission, by rule adopted pursuant to ss.
4 120.536(1) and 120.54, shall update the Florida Building Code
5 every 3 years. The initial adoption of, and any subsequent
6 updates or amendments to, the Florida Building Code by the
7 commission is ~~Once initially adopted and subsequently updated~~
8 ~~by the board, the Florida Building Code shall be~~ deemed
9 adopted for use statewide without adoptions by local
10 government. When updating the Florida Building Code, the
11 commission shall consider changes made by the adopting entity
12 of any selected model code for any model code incorporated
13 into the Florida Building Code ~~by the commission, and may~~
14 subsequently adopt the new edition or successor of the model
15 code, which may be modified for this state, and shall further
16 consider the commission's own interpretations, declaratory
17 statements, appellate decisions, and approved statewide and
18 local technical amendments. A change made by an institute or
19 standards organization to any standard or criterion that is
20 adopted by reference in the Florida Building Code does not
21 become effective statewide until it has been adopted by the
22 commission. The edition of the Florida Building Code which is
23 in effect on the date of application of any permit authorized
24 by the code governs the permitted work for the life of the
25 permit and any extension granted to the permit. Any amendment
26 to the Florida Building Code which is adopted upon a finding
27 by the commission that the amendment is necessary to protect
28 the public from immediate threat of harm takes effect
29 immediately.

30 ~~(6) It shall be the responsibility of each~~
31 ~~municipality and county in the state and of each state agency~~

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1 ~~with statutory authority to regulate building construction to~~
2 ~~enforce the provisions of the Florida Building Code.~~

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

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

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

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

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

21
22 Furthermore, the Florida Building Commission may approve
23 technical amendments to the code once each year to incorporate
24 into the Florida Building Code its own interpretations of the
25 code which are embodied in its opinions and declaratory
26 statements. Amendments approved under this paragraph shall be
27 adopted by rule pursuant to ss. 120.536(1) and 120.54.

28 (b) A proposed amendment shall include a fiscal impact
29 statement which documents the costs and benefits of the
30 proposed amendment. Criteria for the fiscal impact statement
31 shall be established by rule by the commission and shall

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1 include the impact to local government relative to
2 enforcement, the impact to property and building owners, as
3 well as to industry, relative to the cost of compliance.

4 (c) The commission may not approve any proposed
5 amendment that does not accurately and completely address all
6 requirements for amendment which are set forth in this
7 section.

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

12 (a) Buildings and structures specifically regulated
13 and preempted by the Federal Government.

14 (b) Railroads and ancillary facilities associated with
15 the railroad.

16 (c) Nonresidential farm buildings on farms.

17 (d) Temporary buildings or sheds used exclusively for
18 construction purposes.

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

22 (f) Those structures or facilities of electric
23 utilities, as defined in s. 366.02, which are directly
24 involved in the generation, transmission, or distribution of
25 electricity.

26 (g) Temporary sets, assemblies, or structures used in
27 commercial motion picture or television production, or any
28 sound-recording equipment used in such production, on or off
29 the premises.

30

31 With the exception of paragraphs (a), (b), and (f), in order

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1 to preserve the health, safety, and welfare of the public, the
2 Florida Building Commission may, by rule adopted pursuant to
3 chapter 120, provide for exceptions to the broad categories of
4 buildings exempted in this section, including exceptions for
5 application of specific sections of the code or standards
6 adopted therein. The exceptions must be based upon specific
7 criteria, such as under-roof floor area, aggregate electrical
8 service capacity, HVAC system capacity, or other building
9 requirements. Further, the commission may recommend to the
10 Legislature additional categories of buildings, structures, or
11 facilities which should be exempted from the Florida Building
12 Code, to be provided by law.

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

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

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

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

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

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

31 (f)(e) All decisions of the local building official

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

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

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

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1 facilities, as provided by law.

2 ~~(12) In addition to the requirements of ss. 553.79 and~~
3 ~~553.80, facilities subject to the provisions of chapter 395~~
4 ~~and part II of chapter 400 shall have facility plans reviewed~~
5 ~~and construction surveyed by the state agency authorized to do~~
6 ~~so under the requirements of chapter 395 and part II of~~
7 ~~chapter 400 and the certification requirements of the Federal~~
8 ~~Government.~~

9 Section 71. Subsections (3) and (4) of section 553.74,
10 Florida Statutes, are amended to read:

11 553.74 Florida Building Commission.--

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

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

25 Section 72. Subsection (2) of section 553.77, Florida
26 Statutes, is amended to read:

27 553.77 Specific powers of the commission.--

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

30 (a) Provide for the testing of materials, devices, and
31 method of construction.

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1 (b) Appoint experts, consultants, technical advisers,
2 and advisory committees for assistance and recommendations
3 relating to the State Minimum Building Codes.

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

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

13 Section 73. Effective July 1, 2001, subsections (1),
14 (3), and (6) of section 553.77, Florida Statutes, as amended
15 by section 46 of chapter 98-287, Laws of Florida, are amended
16 to read:

17 553.77 Specific powers of the commission.--

18 (1) The commission shall:

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

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

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

15 (c) Upon written application by any substantially
16 affected person or a local enforcement agency, issue
17 declaratory statements pursuant to s. 120.565 relating to new
18 technologies, techniques, and materials which have been tested
19 where necessary and found to meet the objectives of the
20 Florida Building Code. This paragraph does not apply to the
21 types of products, materials, devices, or methods of
22 construction required to be approved under paragraph (i).

23 (d) Upon written application by any substantially
24 affected person, state agency, or a local enforcement agency,
25 issue declaratory statements pursuant to s. 120.565 relating
26 to the ~~interpretation, enforcement or, administration, or~~
27 ~~modification~~ by local governments of the Florida Building
28 Code. Paragraph (h) provides the exclusive remedy for
29 addressing local interpretations of the code.

30 (e) When requested in writing by any substantially
31 affected person, state agency, or a local enforcing agency,

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1 shall issue declaratory statements pursuant to s. 120.565
2 relating to this part, ~~which shall apply prospectively only.~~
3 Actions of the commission are subject to judicial review
4 pursuant to s. 120.68.

5 (f) Make recommendations to, and provide assistance
6 upon the request of, the Florida Commission on Human Relations
7 regarding rules relating to accessibility for persons with
8 disabilities.

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

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

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

26 2. All appeals shall be heard in the county of the
27 jurisdiction defending the appeal.

28 3. Actions of the commission are subject to judicial
29 review pursuant to s. 120.68.

30 (i) Determine the types of products requiring approval
31 for local or statewide use and shall provide for the

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1 evaluation and approval of such products, materials, devices,
2 and method of construction for statewide use. The commission
3 may prescribe by rule a schedule of reasonable fees to provide
4 for evaluation and approval of products, materials, devices,
5 and methods of construction. Evaluation and approval shall be
6 by action of the commission or delegated pursuant to s.
7 553.842 ~~s. 553.84~~. This paragraph does not apply to products
8 approved by the State Fire Marshal.

9 (j) Appoint experts, consultants, technical advisers,
10 and advisory committees for assistance and recommendations
11 relating to the major areas addressed in the Florida Building
12 Code.

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

20 1. Minimum postdisaster structural, electrical, and
21 plumbing inspections and procedures.

22 2. Emergency permitting and inspection procedures.

23 3. Establishing contact with emergency management
24 personnel and other state and federal agencies.

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

29 (m) Coordinate with the state and local governments,
30 industry, and other affected stakeholders in the examination
31 of legislative provisions and make recommendations to fulfill

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1 the responsibility to develop a consistent, single code.

2 (n) Provide technical assistance to local building
3 departments in order to implement policies, procedures, and
4 practices which would produce the most cost-effective property
5 insurance ratings.

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

12 (3) Upon written application by any substantially
13 affected person, the commission shall issue a declaratory
14 statement pursuant to s. 120.565 relating to a state agency's
15 interpretation and enforcement of the specific provisions of
16 the Florida Building Code the agency is authorized to enforce
17 ~~required under this section or relating to the conformity of~~
18 ~~new technologies, techniques, and materials to the objectives~~
19 ~~of the Florida Building Code.~~ The provisions of this
20 subsection shall not be construed to provide any powers, other
21 than advisory, to the commission with respect to any decision
22 of the State Fire Marshal made pursuant to the provisions of
23 chapter 633.

24 (6) The commission may provide by rule for plans
25 review and approval of prototype buildings owned by public and
26 private entities to be replicated throughout the state. Such
27 approved plans or prototype buildings shall be exempt from
28 further review required by s. 553.79(2), except changes to the
29 prototype design, site plans, and other site-related items, or
30 any local amendment to any part of the Florida Building Code.
31 Construction or erection of such prototype buildings is

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1 subject to local permitting and inspections pursuant to this
2 part.

3 Section 74. Paragraph (b) of subsection (2) of section
4 553.781, Florida Statutes, is amended to read:

5 553.781 Licensee accountability.--

6 (2)

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

22 Section 75. Subsections (3) and (5), paragraph (a) of
23 subsection (7), and subsections (10), (12), (14) and (16) of
24 section 553.79, Florida Statutes, are amended to read:

25 553.79 Permits; applications; issuance; inspections.--

26 (3) The State Minimum Building Codes, after the
27 effective date of their adoption pursuant to the provisions of
28 this part, shall supersede all other building construction
29 codes or ordinances in the state, whether at the local or
30 state level and whether adopted by administrative regulation
31 or by legislative enactment, unless such building construction

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1 codes or ordinances are more stringent than the State Minimum
2 Building Codes and the conditions of s. 553.73(4) are met.
3 However, this subsection does not apply to manufactured ~~mobile~~
4 homes as defined by chapter 320. Nothing contained in this
5 subsection shall be construed as nullifying or divesting
6 appropriate state or local agencies of authority to make
7 inspections or to enforce the codes within their respective
8 areas of jurisdiction.

9 (5)(a) The enforcing agency shall require a special
10 inspector to perform structural inspections on a threshold
11 building pursuant to a structural inspection plan prepared by
12 the engineer or architect of record. The structural inspection
13 plan must be submitted to and approved by the enforcing agency
14 prior to the issuance of a building permit for the
15 construction of a threshold building. The purpose of the
16 structural inspection plan is to provide specific inspection
17 procedures and schedules so that the building can be
18 adequately inspected for compliance with the permitted
19 documents. The special inspector may not serve as a surrogate
20 in carrying out the responsibilities of the building official,
21 the architect, or the engineer of record. The contractor's
22 contractual or statutory obligations are not relieved by any
23 action of the special inspector. The special inspector shall
24 determine that a professional engineer who specializes in
25 shoring design has inspected ~~inspect~~ the shoring and reshoring
26 for conformance with the shoring and reshoring plans submitted
27 to the enforcing agency. A fee simple title owner of a
28 building, which does not meet the minimum size, height,
29 occupancy, occupancy classification, or number-of-stories
30 criteria which would result in classification as a threshold
31 building under s. 553.71(7), may designate such building as a

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1 threshold building, subject to more than the minimum number of
2 inspections required by the Florida Building Code.

3 (b) The fee owner of a threshold building shall select
4 and pay all costs of employing a special inspector, but the
5 special inspector shall be responsible to the enforcement
6 agency. The inspector shall be a person certified, licensed,
7 or registered under chapter 471 as an engineer or under
8 chapter 481 as an architect.

9 (c) ~~The commission shall, by rule, establish a~~
10 ~~qualification program for special inspectors and shall compile~~
11 ~~a list of persons qualified to be special inspectors. Special~~
12 ~~inspectors shall not be required to meet standards for~~
13 ~~qualification other than those established by the commission,~~
14 ~~nor shall the fee owner of a threshold building be prohibited~~
15 ~~from selecting any person qualified by the commission to be a~~
16 ~~special inspector. The architect or engineer of record may act~~
17 ~~as the special inspector provided she or he is on the Board of~~
18 ~~Professional Engineers' or the Board of Architecture and~~
19 ~~Interior Design's list of persons qualified to be special~~
20 ~~inspectors. School boards may utilize employees as special~~
21 ~~inspectors provided such employees are on one of the~~
22 ~~professional licensing board's list of persons qualified to be~~
23 ~~special inspectors.~~

24 (d) The licensed architect or registered engineer
25 serving as the special inspector shall be permitted to send
26 her or his duly authorized representative to the job site to
27 perform the necessary inspections provided all required
28 written reports are prepared by and bear the seal of the
29 special inspector and are submitted to the enforcement agency.

30 (7) Each enforcement agency shall require that, on
31 every threshold building:

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1 (a) The special inspector, upon completion of the
2 building and prior to the issuance of a certificate of
3 occupancy, file a signed and sealed statement with the
4 enforcement agency in substantially the following form: To the
5 best of my knowledge and belief, the ~~above-described~~
6 construction of all structural load-bearing components
7 described in the threshold inspection plan complies with the
8 permitted documents, and the specialty shoring design
9 professional engineer has ascertained that the shoring and
10 reshoring conforms with the shoring and reshoring plans
11 submitted to the enforcement agency.

12 (10) An enforcing authority may not issue a building
13 permit for any building construction, erection, alteration,
14 repair, or addition unless the permit either includes on its
15 face or there is attached to the permit the following
16 statement: "NOTICE: In addition to the requirements of this
17 permit, there may be additional restrictions applicable to
18 this property that may be found in the public records of this
19 county, and there may be additional permits required from
20 other governmental entities such as water management
21 districts, state agencies, or federal agencies."

22 (12) Nothing in this section shall be construed to
23 alter or supplement the provisions of part IV of this chapter
24 relating to manufactured buildings ~~factory-built housing~~.

25 (14) A building permit for a single-family residential
26 dwelling must be issued within 30 working days of application
27 therefor unless unusual circumstances require a longer time
28 for processing the application or unless the permit
29 application fails to satisfy the enforcing agency's laws,
30 ordinances, or codes.

31 (16)(a) The Florida Building Commission shall

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1 establish, within the Florida Building Code adopted by rule,
2 standards for permitting residential buildings or structures
3 moved into or within a county or municipality when such
4 structures do not or cannot comply with the code. However,
5 such buildings or structures shall not be required to be
6 brought into compliance with the ~~state minimum~~ building code
7 in force at the time the building or structure is moved,
8 provided:

- 9 1. The building or structure is structurally sound and
10 in occupiable condition for its intended use;
- 11 2. The occupancy use classification for the building
12 or structure is not changed as a result of the move;
- 13 3. The building is not substantially remodeled;
- 14 4. Current fire code requirements for ingress and
15 egress are met;
- 16 5. Electrical, gas, and plumbing systems meet the
17 codes in force at the time of construction and are operational
18 and safe for reconnection; and
- 19 6. Foundation plans are sealed by a professional
20 engineer or architect licensed to practice in this state, if
21 required by the building code for all residential buildings or
22 structures of the same occupancy class;

23 (b) The building official shall apply the same
24 standard to a moved residential building or structure as that
25 applied to the remodeling of any comparable residential
26 building or structure to determine whether the moved structure
27 is substantially remodeled. The cost of moving the building
28 and the cost of the foundation on which the moved building or
29 structure is placed shall not be included in the cost of
30 remodeling for purposes of determining whether a moved
31 building or structure has been substantially remodeled.

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1 Section 76. Effective July 1, 2001, subsections (2),
2 (3), (6), and (9) of section 553.79, Florida Statutes, as
3 amended by section 49 of chapter 98-287, Laws of Florida, are
4 amended to read:

5 553.79 Permits; applications; issuance; inspections.--

6 (2) No enforcing agency may issue any permit for
7 construction, erection, alteration, modification, repair, or
8 demolition of any building or structure until the local
9 building code administrator or inspector, ~~in conjunction with~~
10 ~~the appropriate firesafety inspector,~~ has reviewed the plans
11 and specifications for such proposal and ~~both officials have~~
12 found the plans to be in compliance with the Florida Building
13 Code. In addition, an enforcing agency may not issue any
14 permit for construction, erection, alteration, modification,
15 repair, or demolition of any building until the appropriate
16 firesafety inspector certified pursuant to s. 633.081 has
17 reviewed the plans and specifications for such proposal and
18 found that the plans comply with ~~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. Building plans approved pursuant to s. 553.77(6) and~~
22 ~~state-approved manufactured buildings are exempt from local~~
23 ~~codes enforcing agency plan reviews except for provisions of~~
24 ~~the code relating to erection, assembly, or construction at~~
25 ~~the site. Erection, assembly, and construction at the site~~
26 ~~are subject to local permitting and inspections.~~ Any building
27 or structure which is not subject to a firesafety code ~~and any~~
28 ~~building or structure which is exempt from the local building~~
29 ~~permit process~~ shall not be required to have its plans
30 reviewed by the firesafety inspector ~~local officials.~~ Any
31 building or structure that is exempt from the local building

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1 permit process may not be required to have its plans reviewed
2 by the local building code administrator.Industrial
3 construction on sites where design, construction, and
4 firesafety are supervised by appropriate design and inspection
5 professionals and which contain adequate in-house fire
6 departments and rescue squads is exempt, subject to local
7 government option, from review of plans and inspections,
8 providing owners certify that applicable codes and standards
9 have been met and supply appropriate approved drawings to
10 local building and firesafety inspectors. The enforcing
11 agency shall issue a permit to construct, erect, alter,
12 modify, repair, or demolish any building or structure when the
13 plans and specifications for such proposal comply with the
14 provisions of the Florida Building Code and the Florida Fire
15 Prevention Code and the Life Safety Code as determined by the
16 local authority in accordance with this chapter and chapter
17 633.

18 (3) Except as provided in this chapter, the Florida
19 Building Code, after the effective date of adoption pursuant
20 to the provisions of this part, shall supersede all other
21 building construction codes or ordinances in the state,
22 whether at the local or state level and whether adopted by
23 administrative regulation or by legislative enactment.
24 However, this subsection does not apply to the construction of
25 manufactured ~~manufacture of mobile~~ homes as defined by federal
26 law. Nothing contained in this subsection shall be construed
27 as nullifying or divesting appropriate state or local agencies
28 of authority to make inspections or to enforce the codes
29 within their respective areas of jurisdiction.

30 (6) A ~~No~~ permit may not be issued for any building
31 construction, erection, alteration, modification, repair, or

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1 addition unless the applicant for such permit complies with
2 the requirements for plan review established by the Florida
3 Building Commission within the Florida Building Code.~~provides~~
4 ~~to the enforcing agency which issues the permit any of the~~
5 ~~following documents which apply to the construction for which~~
6 ~~the permit is to be issued and which shall be prepared by or~~
7 ~~under the direction of an engineer registered under chapter~~
8 ~~471+.~~

9 ~~(a) Electrical documents for any new building or~~
10 ~~addition which requires an aggregate service capacity of 600~~
11 ~~amperes (240 volts) or more on a residential electrical system~~
12 ~~or 800 amperes (240 volts) or more on a commercial or~~
13 ~~industrial electrical system and which costs more than~~
14 ~~\$50,000.~~

15 ~~(b) Plumbing documents for any new building or~~
16 ~~addition which requires a plumbing system with more than 250~~
17 ~~fixture units or which costs more than \$50,000.~~

18 ~~(c) Fire sprinkler documents for any new building or~~
19 ~~addition which includes a fire sprinkler system which contains~~
20 ~~50 or more sprinkler heads. A Contractor I, Contractor II, or~~
21 ~~Contractor IV, certified under s. 633.521, may design a fire~~
22 ~~sprinkler system of 49 or fewer heads and may design the~~
23 ~~alteration of an existing fire sprinkler system if the~~
24 ~~alteration consists of the relocation, addition, or deletion~~
25 ~~of not more than 49 heads, notwithstanding the size of the~~
26 ~~existing fire sprinkler system.~~

27 ~~(d) Heating, ventilation, and air-conditioning~~
28 ~~documents for any new building or addition which requires more~~
29 ~~than a 15-ton-per-system capacity which is designed to~~
30 ~~accommodate 100 or more persons or for which the system costs~~
31 ~~more than \$50,000. This paragraph does not include any~~

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1 ~~document for the replacement or repair of an existing system~~
2 ~~in which the work does not require altering a structural part~~
3 ~~of the building or for work on a residential one-family,~~
4 ~~two-family, three-family, or four-family structure.~~

5 ~~(e) Any specialized mechanical, electrical, or~~
6 ~~plumbing document for any new building or addition which~~
7 ~~includes a medical gas, oxygen, steam, vacuum, toxic air~~
8 ~~filtration, halon, or fire detection and alarm system which~~
9 ~~costs more than \$5,000.~~

10
11 ~~Documents requiring an engineer seal by this part shall not be~~
12 ~~valid unless a professional engineer who possesses a valid~~
13 ~~certificate of registration has signed, dated, and stamped~~
14 ~~such document as provided in s. 471.025.~~

15 (9) Any state agency whose enabling legislation
16 authorizes it to enforce provisions of the Florida Building
17 Code may enter into an agreement with any other unit of
18 government to delegate its responsibility to enforce those
19 provisions and may with building construction responsibility
20 ~~is authorized to~~ expend public funds for permit and inspection
21 fees, which fees may be no greater than the fees charged
22 others.

23 Section 77. Effective July 1, 2001, subsection (1) and
24 paragraph (a) of subsection (6) of section 553.80, Florida
25 Statutes, as amended by section 51 of chapter 98-287, Laws of
26 Florida, are amended, and paragraph (d) is added to subsection
27 (6) of that section, to read:

28 553.80 Enforcement.--

29 (1) Except as provided in paragraphs (a)-(e), it shall
30 ~~be the responsibility of~~ each local government and each
31 legally constituted enforcement district with statutory

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1 authority shall to regulate building construction and, where
2 authorized in the state agency's enabling legislation, each
3 state agency shall to enforce the Florida Building Code
4 required by this part on all public or private buildings,
5 structures, and facilities, unless such responsibility has
6 been delegated to another unit of government pursuant to s.
7 553.79(9).

8 (a) Construction regulations relating to correctional
9 facilities under the jurisdiction of the Department of
10 Corrections and the Department of Juvenile Justice are to be
11 enforced exclusively by those departments.

12 (b) Construction regulations relating to elevator
13 equipment under the jurisdiction of the Bureau of Elevators of
14 the Department of Business and Professional Regulation shall
15 be enforced exclusively by that department.

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

23 (d) Building plans approved pursuant to s. 553.77(6)
24 and state-approved manufactured buildings, including buildings
25 manufactured and assembled offsite and not intended for
26 habitation, such as lawn storage buildings and storage sheds,
27 are exempt from local code enforcing agency plan reviews
28 except for provisions of the code relating to erection,
29 assembly, or construction at the site. Erection, assembly, and
30 construction at the site are subject to local permitting and
31 inspections.

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1 (e) Construction regulations governing public schools,
2 state universities, and community colleges shall be enforced
3 as provided in subsection (6).

4
5 The governing bodies of local governments may provide a
6 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
7 and this section, for the enforcement of the provisions of
8 this part. Such fees shall be used solely for carrying out
9 the local government's responsibilities in enforcing the
10 Florida Building Code. The authority of state enforcing
11 agencies to set fees for enforcement shall be derived from
12 authority existing on July 1, 1998 ~~the effective date of this~~
13 ~~act~~. However, nothing contained in this subsection shall
14 operate to limit such agencies from adjusting their fee
15 schedule in conformance with existing authority.

16 (6) Notwithstanding any other provision of law, state
17 universities, community colleges, and public school districts
18 shall be subject to enforcement of the Florida Building Code
19 pursuant to this part.

20 (a) State universities, state community colleges, or
21 public school districts shall conduct plan review and
22 construction inspections to enforce building code compliance
23 for their building projects that are subject to the Florida
24 Building Code. Such entities shall use ~~have~~ personnel or
25 contract providers appropriately certified under part XII of
26 chapter 468 to perform the plan reviews and inspections
27 required by the code. Under such arrangements, such entities
28 shall not be subject to local government permitting
29 requirements, plans review, and inspection fees. State
30 universities, state community colleges, and public school
31 districts shall be liable and responsible for all of their

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1 buildings, structures, and facilities. Nothing in this
2 paragraph shall be construed to limit the authority of the
3 county, municipality, or code enforcement district to ensure
4 that buildings, structures, and facilities owned by such
5 entities comply with the Florida Building Code or to limit the
6 authority and responsibility of the fire official to conduct
7 firesafety inspections pursuant to chapter 633.

8 (d) School boards, community college boards, and state
9 universities may use annual facility maintenance permits to
10 facilitate routine maintenance, emergency repairs, building
11 refurbishment, and minor renovations of systems or equipment.
12 The amount expended for maintenance projects may not exceed
13 \$200,000 per project. A facility maintenance permit is valid
14 for 1 year. A detailed log of alterations must be maintained
15 and annually submitted to the building official. The building
16 official retains the right to make inspections at the facility
17 site as he or she considers necessary. Code compliance must be
18 provided upon notification by the building official. If a
19 pattern of code violations is found, the building official may
20 withhold the issuance of future annual facility maintenance
21 permits.

22
23 Nothing in this part shall be construed to authorize counties,
24 municipalities, or code enforcement districts to conduct any
25 permitting, plans review, or inspections not covered by the
26 Florida Building Code. Any actions by counties or
27 municipalities not in compliance with this part may be
28 appealed to the Florida Building Commission. The commission,
29 upon a determination that actions not in compliance with this
30 part have delayed permitting or construction, may suspend the
31 authority of a county, municipality, or code enforcement

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

6 Section 78. Effective July 1, 2001, section 553.83,
7 Florida Statutes, is amended to read:

8 553.83 Injunctive relief.--Any local government,
9 legally constituted enforcement district, or state agency
10 authorized to enforce sections of the Florida Building Code
11 under s. 553.80 ~~code enforcing agency~~ may seek injunctive
12 relief from any court of competent jurisdiction to enjoin the
13 offering for sale, delivery, use, occupancy, erection,
14 alteration, or installation of any building covered by this
15 part, upon an affidavit of the local government, code
16 enforcement district, or state ~~code enforcing~~ agency
17 specifying the manner in which the building does not conform
18 to the requirements of the Florida ~~portion of the State~~
19 ~~Minimum~~ Building Code, or local amendments to the Florida
20 Building Code ~~Codes adopted in that jurisdiction.~~

21 Noncompliance with the ~~a~~ building code promulgated under this
22 part shall be considered prima facie evidence of irreparable
23 damage in any cause of action brought under authority of this
24 part.

25 Section 79. Effective July 1, 2001, section 553.84,
26 Florida Statutes, is amended to read:

27 553.84 Statutory civil action.--Notwithstanding any
28 other remedies available, any person or party, in an
29 individual capacity or on behalf of a class of persons or
30 parties, damaged as a result of a violation of this part or
31 the Florida ~~State Minimum~~ Building Code ~~Codes~~, has a cause of

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1 action in any court of competent jurisdiction against the
2 person or party who committed the violation.

3 Section 80. Subsections (2), (3), and (9) of section
4 553.841, Florida Statutes, are amended, and subsection (11) is
5 added to said section, to read:

6 553.841 Building code training program; participant
7 competency requirements.--

8 (2) The commission shall establish by rule the
9 Building Code Training Program to develop and provide a core
10 curriculum and advance module courses relating to the Florida
11 Building Code and a system of administering and enforcing the
12 Florida Building Code.

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

19 (9) The commission, in consultation with the
20 Department of Business and Professional Regulation, shall
21 develop or cause to be developed, or approve as a part of the
22 program, a core curriculum and specialized or advanced module
23 coursework for the construction workforce, including, but not
24 limited to, superintendents and, ~~journeymen, and residential~~
25 ~~designers.~~

26 (11) The Legislature hereby establishes the Office of
27 Building Code Training Program Administration within the
28 Institute of Applied Technology in Construction Excellence at
29 the Florida Community College at Jacksonville. The office is
30 charged with the following responsibilities as recommended by
31 the Florida Building Commission and as resources are provided

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1 by the Legislature:

2 (a) Provide research-to-practice capability for
3 entry-level construction training development, delivery and
4 quality assurance, as well as training and competency registry
5 systems and recruitment initiatives.

6 (b) Coordinate with the Department of Community
7 Affairs and the Florida Building Commission to serve as school
8 liaison to disseminate construction awareness and promotion
9 programs and materials to schools.

10 (c) Develop model programs and approaches to
11 construction career exploration to promote construction
12 careers.

13 Section 81. Subsection (1) of section 553.842, Florida
14 Statutes, is amended to read:

15 553.842 Product evaluation and approval.--

16 (1) The commission shall ~~may~~ adopt rules pursuant to
17 ss. 120.536(1) and 120.54 to develop and implement a product
18 evaluation and approval system to operate in coordination with
19 the Florida Building Code. The product evaluation and
20 approval system shall provide:

21 (a) Appropriate promotion of innovation and new
22 technologies.

23 (b) Processing submittals of products from
24 manufacturers in a timely manner.

25 (c) Independent, third-party qualified and accredited
26 testing and laboratory facilities.

27 (d) An easily accessible product acceptance list to
28 entities subject to the Florida Building Code.

29 (e) Development of stringent but reasonable testing
30 criteria based upon existing consensus standards, when
31 available, for products.

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- 1 (f) Long-term approvals, where feasible.
- 2 (g) Recall or revocation of a product approval.
- 3 (h) Cost-effectiveness.
- 4

5 For purposes of this section, an approved product evaluation
6 entity is an entity that has been accredited by a nationally
7 recognized independent evaluation authority or entity
8 otherwise approved by the commission.

9 Section 82. Effective July 1, 2001, section 553.85,
10 Florida Statutes, is amended to read:

11 553.85 Liquefied petroleum gases.--The provisions of
12 the Florida State Minimum Building Code Codes and the rules
13 ~~and regulations adopted thereunder~~ for the design,
14 construction, location, installation, services, and operation
15 of equipment for storing, handling, transporting, and
16 utilization of liquefied petroleum gases shall not be in
17 conflict with chapter 527.

18 Section 83. Effective July 1, 2001, section 553.901,
19 Florida Statutes, is amended to read:

20 553.901 Purpose of thermal efficiency code.--The
21 Department of Community Affairs shall prepare a ~~The purpose of~~
22 ~~this~~ thermal efficiency code ~~is~~ to provide for a statewide
23 uniform standard for energy efficiency in the thermal design
24 and operation of all buildings statewide, consistent with
25 energy conservation goals, and to best provide for public
26 safety, health, and general welfare. The Florida Building
27 Commission shall adopt the Florida Energy Efficiency Code for
28 Building Construction within the Florida Building Code, and
29 ~~Department of Community Affairs shall adopt, modify, revise,~~
30 ~~update, and maintain the Florida Energy Efficiency code for~~
31 ~~Building Construction~~ to implement the provisions of this

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1 thermal efficiency code and amendments thereto, in accordance
2 with the procedures of chapter 120. The department shall, at
3 least triennially, determine the most cost-effective
4 energy-saving equipment and techniques available and report
5 its determinations to the commission, which shall update the
6 code to incorporate such equipment and techniques. The
7 proposed changes shall be made available for public review and
8 comment no later than 6 months prior to code implementation.
9 The term "cost-effective," for the purposes of this part,
10 shall be construed to mean cost-effective to the consumer.

11 Section 84. Effective July 1, 2001, subsections (1),
12 (4), (6), and (7) of section 553.902, Florida Statutes, are
13 amended to read:

14 553.902 Definitions.--For the purposes of this part:

15 (1) "Exempted building" means:

16 (a) Any building or portion thereof whose peak design
17 rate of energy usage for all purposes is less than 1 watt (3.4
18 Btu per hour) per square foot of floor area for all purposes.

19 (b) Any building which is neither heated nor cooled by
20 a mechanical system designed to control or modify the indoor
21 temperature and powered by electricity or fossil fuels.

22 (c) Any building for which federal mandatory standards
23 preempt state energy codes.

24 (d) Any historical building as described in s.
25 267.021(6).

26 ~~(e) Any state building that must conform to the more~~
27 ~~stringent "Florida Energy Conservation Act of 1974" and~~
28 ~~amendments thereto.~~

29
30 The Florida Building Commission may recommend to the
31 Legislature additional types of buildings which should be

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1 exempted from compliance with the Florida Energy Efficiency
2 Code for Building Construction.

3 (4) "Local enforcement agency" means the agency of
4 local government which has the authority to make inspections
5 of buildings and to enforce the Florida Building Code ~~a code~~
6 ~~or codes which establish standards for construction,~~
7 ~~renovation, or occupancy of buildings.~~ It includes any agency
8 within the definition of s. 553.71(5).

9 ~~(6) "Energy performance index" or "EPI" means a number~~
10 ~~describing the relative energy performance of a residential~~
11 ~~building as compared to a residential building designed to~~
12 ~~baseline energy performance levels for the envelope, HVAC, and~~
13 ~~water heating components. The number shall be calculated~~
14 ~~according to rules and procedures promulgated by the~~
15 ~~Department of Community Affairs.~~

16 ~~(6)(7)~~ "Energy performance level" means the indicator
17 of the energy-related performance of a building, including,
18 but not limited to, the levels of insulation, the amount and
19 type of glass, and the HVAC and water heating system
20 efficiencies.

21 Section 85. Section 553.903, Florida Statutes, is
22 amended to read:

23 553.903 Applicability.--This part shall apply to all
24 new and renovated buildings in the state, except exempted
25 buildings, for which building permits are obtained after March
26 15, 1979, and to the installation or replacement of building
27 systems and components with new products for which thermal
28 efficiency standards are set by the Florida Energy Efficiency
29 Code for Building Construction. The provisions of this part
30 shall constitute a statewide uniform code. ~~The criteria for~~
31 ~~compliance shall include the provision that the performance~~

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1 ~~level of a building built to such thermal performance~~
2 ~~standards shall not vary more than 5 percent as a result of~~
3 ~~choice of energy source.~~

4 Section 86. 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 87. 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

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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 88. 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 89. Effective July 1, 2001, subsection (1) of

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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 techniques which enhance roof strength, roof
13 covering performance, roof-to-wall strength,
14 wall-to-floor-to-foundation strength, opening protection, and
15 window, door, and skylight strength. Credits or discounts for
16 fixtures and construction techniques which meet the minimum
17 requirements of the Florida Building Code must be included in
18 the rate filing. All insurance companies must make a rate
19 filing which includes the credits or discounts by June 1,
20 2002.

21 Section 90. Effective July 1, 2001, subsection (6) of
22 section 633.01, Florida Statutes, as amended by section 57 of
23 chapter 98-287, Laws of Florida, is amended to read:

24 633.01 State Fire Marshal; powers and duties; rules.--

25 (6) Only the State Fire Marshal may issue, and, when
26 requested in writing by any substantially affected person or a
27 local enforcing agency, the State Fire Marshal shall issue ~~The~~
28 ~~Department of Insurance shall issue, when requested in writing~~
29 ~~by any substantially affected person or a local enforcing~~
30 ~~agency,~~ declaratory statements pursuant to s. 120.565 relating
31 to the Florida Fire Prevention Code and the Life Safety Code.

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1 ~~Such declaratory statements shall apply prospectively, except~~
2 ~~whenever the State Fire Marshal determines that a serious~~
3 ~~threat to life exists that warrants retroactive application.~~

4 Section 91. Effective July 1, 2001, subsections (1),
5 (2), (3), (4), and (5) of section 633.0215, Florida Statutes,
6 as created by section 58 of chapter 98-287, Laws of Florida,
7 are amended, and subsections (7), (8), and (9) are added to
8 that section, to read:

9 633.0215 Florida Fire Prevention Code.--

10 (1) The State Fire Marshal department shall adopt, by
11 rule pursuant to ss. 120.536(1) and 120.54, the Florida Fire
12 Prevention Code which shall contain or incorporate by
13 reference all firesafety laws and rules that pertain to and
14 govern the design, construction, erection, alteration,
15 modification, repair, and demolition of public and private
16 buildings, structures, and facilities and the enforcement of
17 such firesafety laws and rules. The department shall adopt a
18 new edition of the Florida Fire Prevention Code every third
19 year.

20 (2) The State Fire Marshal department shall adopt the
21 National Fire Protection Association's Standard 1, Fire
22 Prevention Code but shall not adopt a building, mechanical, or
23 plumbing code. The State Fire Marshal department shall adopt
24 the Life Safety Code, Pamphlet 101, current editions, by
25 reference. The State Fire Marshal department may modify the
26 selected codes and standards as needed to accommodate the
27 specific needs of the state. Standards or criteria in the
28 selected codes shall be similarly incorporated by reference.
29 The State Fire Marshal department shall incorporate within
30 sections of the Florida Fire Prevention Code provisions that
31 address uniform firesafety standards as established in s.

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1 633.022. The State Fire Marshal ~~department~~ shall incorporate
2 within sections of the Florida Fire Prevention Code provisions
3 addressing regional and local concerns and variations.

4 (3) No later than 180 days before the triennial
5 adoption of the Florida Fire Prevention Code, the State Fire
6 Marshal shall notify each municipal, county, and special
7 district fire department of the triennial code adoption and
8 steps necessary for local amendments to be included within the
9 code. No later than 120 days before the triennial adoption of
10 the Florida Fire Prevention Code, each local jurisdiction
11 shall provide the State Fire Marshal with copies of its local
12 fire code amendments. The State Fire Marshal has the option to
13 process local fire code amendments that are received less than
14 120 days before the adoption date of the Florida Fire
15 Prevention Code.

16 (a) The State Fire Marshal shall review or cause the
17 review of local amendments to determine:

18 1. If the local amendment should be adopted as a
19 statewide provision;

20 2. That the local amendment does not provide a lesser
21 degree of life safety than the code otherwise provides; and

22 3. That the local amendment does not reference a
23 different edition of the national fire codes or other national
24 standard than the edition provided or referenced in the
25 uniform or minimum firesafety codes adopted by the State Fire
26 Marshal or prescribed by statute.

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

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1 such amendment as part of the Florida Fire Prevention Code or
2 rescind the amendment. The State Fire Marshal department
3 shall immediately notify the respective local government of
4 the rescission of the amendment and the reason for the
5 rescission. After receiving such notice, the respective local
6 government may readopt the rescinded amendment. Incorporation
7 of local amendments as regional and local concerns and
8 variations shall be considered as adoption of an amendment
9 pursuant to this part.

10 (c) Notwithstanding other state or local building and
11 construction code laws to the contrary, locally adopted fire
12 code requirements that were in existence on the effective date
13 of this section shall be deemed local variations of the
14 Florida Fire Prevention Code until the State Fire Marshal
15 department takes action to adopt as a statewide firesafety
16 code requirement or rescind such requirements as provided
17 herein, and such action shall take place no later than January
18 1, 2001.

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

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

6 (7) Any local amendment adopted by a local government
7 must strengthen the requirements of the minimum firesafety
8 code.

9 (8) Within 30 days after a local government adopts a
10 local amendment, the local government must transmit the
11 amendment to the Florida Building Commission and the State
12 Fire Marshal.

13 (9) The State Fire Marshal shall make rules that
14 implement this section and ss. 633.01 and 633.025 for the
15 purpose of accomplishing the objectives set forth in those
16 sections.

17 (10) Notwithstanding other provisions of this chapter,
18 if a county or a municipality within that county adopts an
19 ordinance providing for a local amendment to the Florida Fire
20 Prevention Code and that amendment provides a higher level of
21 protection to the public than the level specified in the
22 Florida Fire Prevention Code, the local amendment becomes
23 effective without approval of the State Fire Marshal and is
24 not rescinded pursuant to the provisions of this section,
25 provided that the ordinance meets one or more of the following
26 criteria:

27 (a) The local authority has adopted, by ordinance, a
28 fire service facilities and operation plan that outlines goals
29 and objectives for related equipment, personnel, and capital
30 improvement needs of the local authority for the next 5 years;

31 (b) The local authority has adopted, by ordinance, a

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1 provision requiring proportionate reduction in, or rebate or
2 waivers of, impact or other fees or assessments levied on
3 buildings that are built or modified in compliance with the
4 more stringent firesafety standards; or

5 (c) The local authority has adopted, by ordinance, a
6 growth management plan that requires buildings and structures
7 to be equipped with more stringent firesafety requirements
8 when these firesafety requirements are used as the basis for
9 planning infrastructure development or housing densities or in
10 other community planning activity.

11
12 Except as provided in s. 633.022, the local appeals process
13 shall be the venue if there is a dispute between parties
14 affected by the provisions of the more stringent local
15 firesafety amendment adopted as part of the Florida Fire
16 Prevention Code pursuant to the authority in this subsection.
17 Local amendments adopted pursuant to this subsection shall be
18 deemed local or regional variations and published as such in
19 the Florida Fire Prevention Code. The act of publishing
20 locally adopted firesafety amendments to the Florida Fire
21 Prevention Code shall not be construed to mean that the State
22 Fire Marshal approves or denies the authenticity or
23 appropriateness of the locally adopted firesafety provision,
24 and the burden of protecting the local fire safety amendment
25 remains solely with the adopting local governmental authority.

26 Section 92. Effective July 1, 2001, subsections (1),
27 (3), (4), (8), and (9) of section 633.025, Florida Statutes,
28 as amended by section 59 of chapter 98-287, Laws of Florida,
29 are amended to read:

30 633.025 Minimum firesafety standards.--

31 (1) The Florida Fire Prevention Code and the Life

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

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

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

30 (a) The local governing body shall determine,
31 following a public hearing which has been advertised in a

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1 newspaper of general circulation at least 10 days before the
2 hearing, if there is a need to strengthen the requirements of
3 the minimum firesafety code adopted by such governing body.
4 The determination must be based upon a review of local
5 conditions by the local governing body, which review
6 demonstrates that local conditions justify more stringent
7 requirements than those specified in the minimum firesafety
8 code for the protection of life and property or justify
9 requirements that meet special situations arising from
10 historic, geographic, or unusual conditions.

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

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

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

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

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

4
5 This subsection gives local government the authority to
6 establish firesafety codes that exceed the minimum firesafety
7 codes and standards adopted by the State Fire Marshal. The
8 Legislature intends that local government give proper public
9 notice and hold public hearings before adopting more stringent
10 firesafety codes and standards.A substantially affected
11 person may appeal, to the Department of Insurance, the local
12 government's resolution of the challenge, and the department
13 shall determine if the amendment complies with this section.
14 Actions of the department are subject to judicial review
15 pursuant to s. 120.68. The department shall consider reports
16 of the Florida Building Commission, pursuant to part VII of
17 chapter 533, when evaluating building code enforcement.

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

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

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1 Section 93. Section 633.72, Florida Statutes, is
2 amended to read:

3 633.72 Florida Fire Code Advisory Council.--

4 (1) There is created within the department the Florida
5 Fire Code Advisory Council with 11 ~~seven~~ members appointed by
6 the State Fire Marshal. The council, ~~in cooperation with the~~
7 ~~Florida Building Commission,~~ shall advise and recommend to the
8 State Fire Marshal ~~and, where appropriate, for further~~
9 ~~recommendation to the Legislature~~ changes to in and
10 interpretation of the uniform firesafety standards adopted
11 under s. 633.022, the Florida Fire Prevention Code, and those
12 portions of the Florida Fire Prevention Code ~~codes~~ that have
13 the effect of conflicting with building construction standards
14 that are adopted pursuant to ~~ss. s-~~633.0215 and 633.022. The
15 members of the council shall represent the following groups
16 and professions:

17 (a) One member shall be the State Fire Marshal, or his
18 or her designated appointee who shall be an administrative
19 employee of the marshal;

20 (b) One member shall be an administrative officer from
21 a fire department representing a municipality or a county
22 selected from a list of persons submitted by the Florida Fire
23 Chiefs Association;

24 (c) One member shall be an architect licensed in the
25 state selected from a list of persons submitted by the Florida
26 Association/American Institute of Architects;

27 (d) One member shall be an ~~a structure~~ engineer with
28 fire protection design experience registered to practice in
29 the state selected from a list of persons submitted by the
30 Florida Engineering Society;

31 (e) One member shall be an administrative officer from

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1 a building department of a county or municipality selected
2 from a list of persons submitted by the Building Officials
3 Association of Florida;

4 (f) One member shall be a contractor licensed in the
5 state selected from a list submitted by the Florida Home
6 Builders Association; ~~and~~

7 (g) One member shall be a Florida certified
8 firefighter selected from a list submitted by the Florida
9 Professional Firefighters' Association;

10 (h) One member shall be a Florida certified municipal
11 fire inspector selected from a list submitted by the Florida
12 Fire Marshal's Association;

13 (i) One member shall be selected from a list submitted
14 by the Department of Education;

15 (j) One member shall be selected from a list submitted
16 by the Chancellor of the State University System; and

17 (k)~~(g)~~ One member shall be representative of the
18 general public.

19 (2)~~(h)~~ The ~~administrative staff of the~~ State Fire
20 Marshal and ~~shall attend meetings of~~ the Florida Building
21 Commission shall ~~and~~ coordinate efforts to provide consistency
22 between the Florida Building Code and the Florida Fire
23 Prevention Code and the Life Safety Code.

24 (3) The council and Florida Building Commission shall
25 cooperate through joint representation and staff coordination
26 of codes and standards to resolve conflicts in their
27 development, updating, and interpretation.

28 (4)~~(2)~~ Each appointee shall serve a 4-year term. No
29 member shall serve more than one term. No member of the
30 council shall be paid a salary as such member, but each shall
31 receive travel and expense reimbursement as provided in s.

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1 112.061.

2 Section 94. Section 62 of chapter 98-287, Laws of
3 Florida, is amended to read:

4 Section 62. (1) Before the 2000 Regular Session of
5 the Legislature, the Florida Building Commission shall submit
6 to the Legislature, for review ~~and approval or rejection,~~ the
7 Florida Building Code adopted by the commission and shall
8 prepare list of recommendations of revisions to the Florida
9 Statutes necessitated by adoption of the Florida Building Code
10 if the Legislature approves the Florida Building Code.

11 (2) Effective July 1, 2001 ~~Upon approval of the~~
12 ~~Florida Building Code by the Legislature,~~ all existing local
13 technical amendments to any building code adopted by any local
14 government, except for local ordinances setting forth
15 administrative requirements which are not in conflict with the
16 Florida Building Code, are repealed. Each local government may
17 readopt such amendments pursuant to s. 553.73, Florida
18 Statutes, provided such amendments comply with applicable
19 provisions of the Florida Building Code.

20 Section 95. Section 68 of chapter 98-287, Laws of
21 Florida, is amended to read:

22 Section 68. Effective July 1, 2001 ~~upon the approval~~
23 ~~by the Legislature of the adoption of the Florida Building~~
24 ~~Code by the Florida Building Commission,~~ parts I, II, and III
25 of chapter 553, Florida Statutes, consisting of sections
26 553.01, 553.02, 553.03, 553.04, 553.041, 553.05, 553.06,
27 553.07, 553.08, 553.10, 553.11, 553.14, 553.15, 553.16,
28 553.17, 553.18, ~~553.19,~~ 553.20, 553.21, 553.22, 553.23,
29 553.24, 553.25, 553.26, 553.27, and 553.28, Florida Statutes,
30 are repealed, ~~and~~ section 553.141, Florida Statutes, is
31 transferred and renumbered as section 553.86, Florida

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1 Statutes, and section 553.19, Florida Statutes, is transferred
2 and renumbered as section 553.87, Florida Statutes.

3 Section 96. The Legislature has reviewed the Florida
4 Building Code that was adopted by action of the Florida
5 Building Commission on February 15, 2000, and that was noticed
6 for rule adoption by reference in Rule 9B-3.047, F.A.C., on
7 February 18, 2000, in the Florida Administrative Weekly on
8 page 731. The Florida Building Commission is directed to
9 continue the process to adopt the code, pursuant to section
10 120.54(3), Florida Statutes, and to incorporate the following
11 provisions or standards for the State of Florida:

12 (1) The commission shall apply the criteria set forth
13 at section 553.73(7)(a) and (b), Florida Statutes, as amended
14 by section 40 of chapter 98-287, Laws of Florida, and section
15 553.73(6)(c), Florida Statutes, as created by this act, for
16 the adoption of any amendments to the base codes after the
17 effective date of this act. The commission shall review
18 modifications to the base codes adopted by the commission on
19 or before February 15, 2000, which are identified verbally or
20 in writing during the public hearings on proposed rule
21 9B-3.047 held pursuant to chapter 120, Florida Statutes,
22 except those integrating state agency construction
23 regulations, high velocity hurricane zone provisions, and
24 those necessary to harmonize the Florida Building Code with
25 the Florida Fire Prevention Code, and shall confirm that such
26 amendments meet the requirements of s. 553.73(7), Florida
27 Statutes, as amended by s. 40, chapter 98-287, Laws of
28 Florida. Any modification which, after such criteria are
29 applied is not approved for inclusion by an affirmative vote
30 of three-fourths of the commission members present and voting,
31 must be removed from the code pursuant to chapter 120, Florida

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1 Statutes.

2 (2) All amendments to the Florida Building Code shall
3 be published in legislative format, with underlining
4 indicating where new language is added to the existing
5 provisions and strikeout indicating where existing language is
6 deleted.

7 (3) For areas of the state not within the high
8 velocity hurricane zone, the commission shall adopt, pursuant
9 to s. 553.73, Florida Statutes, the wind protection
10 requirements of the American Society of Civil Engineers,
11 Standard 7, 1998 edition as implemented by the International
12 Building Code, 2000 edition, and as modified by the commission
13 in its February 15, 2000, adoption of the Florida Building
14 Code for rule adoption by reference in Rule 9B-3.047, Florida
15 Administrative Code. The exact location of wind speed lines
16 shall be established by local ordinance, using recognized
17 physical landmarks such as major roads, canals, rivers, and
18 lake shores, wherever possible. Buildings constructed in the
19 windborne debris region must be either designed for internal
20 pressures that may result inside a building when a window or
21 door is broken or a hole is created in its walls or roof by
22 large debris, or be designed with protected openings.

23 (4) The Florida Building Commission is directed to
24 amend section 611 of the Plumbing Section of the Florida
25 Building Code to incorporate the following:

26 (a) When reduction of aesthetic contaminants, such as
27 chlorine, taste, odor, or sediment are claimed, the drinking
28 water treatment units must meet the requirements of NSF
29 Standard 42 Drinking Water Treatment Units-Aesthetic Effects,
30 or Water Quality Association Standard S-200 for Household and
31 Commercial Water Filters. When reduction of regulated health

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1 contaminants is claimed, such as inorganic or organic
2 chemicals, or radiological substances, the drinking water
3 treatment unit must meet the requirements of NSF Standard 53
4 Drinking Water Treatment Units-Health Effects.

5 (b) Reverse osmosis drinking water treatment systems
6 shall meet the requirements of NSF Standard 58 Reverse Osmosis
7 Drinking Water Treatment Units or Water Quality Association
8 Standard S-300 Point-of-Use Low Pressure Reverse Osmosis
9 Drinking Water Systems for the Reduction of Total Dissolved
10 Solids Only.

11 (c) When reduction of regulated health contaminants is
12 claimed, such as inorganic or organic chemicals, or
13 radiological substances, the reverse osmosis drinking water
14 treatment unit must meet the requirements of NSF Standard 58
15 Reverse Osmosis Drinking Water Treatment Systems.

16 (d) Waste or discharge from reverse osmosis or other
17 types of water treatment units must enter the drainage system
18 through an air gap or be equipped with an equivalent
19 backflow-prevention device.

20
21 The Legislature declares that changes made to the proposed
22 Rule 9B-3.047, Florida Administrative Code, to implement the
23 requirements of this act prior to October 1, 2000, are not
24 subject to rule challenges under section 120.56, Florida
25 Statutes. However, the entire rule, adopted pursuant to s.
26 120.54(3), Florida Statutes, as amended after October 1, 2000,
27 is subject to rule challenges under s. 120.56, Florida
28 Statutes.

29 Section 97. (1) There is appropriated from the
30 Florida Hurricane Catastrophe Fund to the Department of
31 Community Affairs an amount sufficient to demonstrate the true

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1 cost and risk reduction of, and educate the stakeholders
2 regarding, the Florida Building Code. The department shall
3 undertake this demonstration and education project for the
4 following purposes and outcomes:

5 (a) The construction of residential single-family
6 homes in various regions of the state to the standards of the
7 Florida Building Code. These project homes shall be used to
8 determine the cost differential between the Florida Building
9 Code and the current state minimum building code. The
10 department shall provide the resources to offset any increased
11 cost of building to the Florida Building Code, and shall
12 provide an analysis and accounting of such additional costs
13 prepared by an appropriate engineering firm and accounting
14 firm. These homes shall be used for educational purposes in
15 the local community.

16 (b) The results of the accounting and analysis shall
17 be forwarded by the department to the Florida Building
18 Commission for use in reviewing the proposed Florida Building
19 Code.

20 (c) The accounting and analysis shall be forwarded to
21 the Department of Insurance, which shall use the accounting
22 and analysis in determining the basis for property and
23 casualty windstorm insurance rate reductions and rebates to
24 consumers.

25 (2) The department shall implement this project
26 contingent upon and subject to legislative appropriations as
27 soon as budget authority is available following the 2000
28 legislative session. Resources for this project shall be
29 expeditiously made available to project participants. The
30 Department of Community Affairs, the Florida Building
31 Commission, the Florida Insurance Council, the Department of

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1 Insurance, the Florida Windstorm Underwriting Association, the
2 Florida Home Builders Association, and the Building Officials
3 Association of Florida shall serve as an advisory group for
4 this project. Decisions regarding the conduct of the project
5 and contracting with the appropriate engineering group and
6 accounting group shall be made by consensus of the advisory
7 group.

8 (3) The Department of Community Affairs shall issue a
9 preliminary report of its findings to the Governor, the
10 President of the Senate, and the Speaker of the House of
11 Representatives prior to the beginning of the 2001 legislative
12 session and shall issue its final report by July 1, 2001.

13 Section 98. Prior to the beginning of the 2001
14 legislative session, the Commissioner of Insurance shall
15 submit a report to the Governor, the President of the Senate,
16 and the Speaker of the House of Representatives addressing the
17 following:

18 (1) The cost differential between the construction of
19 a residential single-family home in the various regions of the
20 state under Florida Building Code and the 1997 Standard
21 Building Code. In addition to other aspects of the Florida
22 Building Code, this portion of the report shall specifically
23 address any costs associated with the wind protection
24 requirements of the Florida Building Code.

25 (2) The reduction in risk of damage to life and
26 property resulting from the wind protection requirements of
27 the Florida Building Code.

28 (3) Proposed revisions to rate filings for residential
29 property insurance that will implement a 3-year
30 cost-of-recovery formula for residences constructed to the
31 standards of the Florida Building Code and for residences

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1 which have been retrofitted with construction techniques or
2 fixtures intended to reduce the amount of loss resulting from
3 windstorm damage. The report shall address the potential use
4 of discounts, credits, or other rate differentials necessary
5 to implement a 3-year cost-of-recovery formula. The 3-year
6 cost-of-recovery formula must include, but is not limited to,
7 construction techniques and fixtures that enhance roof
8 strength; roof covering performance; roof-to-wall connection
9 strength; foundation and floor-to-wall connection strength;
10 opening protection; window, door, and skylight performance and
11 strength; and any other construction techniques, materials,
12 and fixtures that meet the requirements of the Florida
13 Building Code.

14 Section 99. (1) The select committee to investigate
15 the feasibility of establishing performance-based criteria for
16 the cost-effective application of fire codes and fire code
17 alternatives for existing educational facilities established
18 by chapter 98-287, Laws of Florida, is authorized to continue
19 its investigation. Committee appointment authority
20 established by chapter 98-287, Laws of Florida, shall continue
21 should any position on the select committee become vacant.
22 Members of the committee shall serve at their own expense
23 except that state employees shall be reimbursed for travel
24 costs incurred from existing budgets in accordance with s.
25 112.061, Florida Statutes.

26 (2) Funds in the amount of \$35,000 are appropriated to
27 the State Fire Marshal from the Insurance Commissioner's
28 Regulatory Trust Fund for the purposes of providing training
29 and education to those impacted by its use on the application
30 of the alternative fire safety standards for educational
31 facilities. The Division of State Fire Marshal shall review

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1 the alternative code for existing educational facilities and
2 may adopt such alternative code by rule as part of the Florida
3 Fire Prevention Code as an acceptable alternative for code
4 compliance.

5 Section 100. The Florida Building Commission shall
6 examine the applicability of the full proposed Florida
7 Building Code to buildings manufactured and assembled offsite
8 but not intended for human habitation, including, but not
9 limited to, storage sheds and lawn storage buildings. The
10 commission shall consider whether such buildings should be
11 subject to the same standards applicable to buildings intended
12 for human habitation; the additional financial costs
13 associated with compliance with such standards; the risk
14 reduction effects associated with such compliance; and the
15 long term economic and practical consequences attendant to
16 such compliance. The commission shall report its findings and
17 recommendations for statutory changes, if any, to the
18 President of the Senate and the Speaker of the House of
19 Representatives prior to the beginning of the 2001 Regular
20 Session of the Legislature.

21 Section 101. Section 125.0106, Florida Statutes, is
22 repealed.

23 Section 102. Effective July 1, 2001, subsection (2) of
24 section 255.21, Florida Statutes, and subsection (11) of
25 section 553.79, Florida Statutes, are repealed.

26 Section 103. This act does not imply any repeal or
27 sunset of existing general or special laws that are not
28 specifically identified in this act.

29 Section 104. Notwithstanding the January 1, 2001,
30 effective date specified in sections 1, 2, 3, 4, 5, 7, 9, 13,
31 14, 15, 16, 17, 18, 21, 24, 29, 31, 32, 34, 36, 38, 40, 44,

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1 46, 47, 49, 51, 56, 57, 58, and 59 of chapter 98-287, Laws of
2 Florida, said sections shall take effect July 1, 2001.

3 Notwithstanding the January 1, 2001, effective date specified
4 in section 61 of chapter 98-419, Laws of Florida, said section
5 shall take effect July 1, 2001.

6 Section 105. Notwithstanding the effective date of any
7 section of this act or chapter 98-287, Laws of Florida, any
8 authority to adopt rules provided by this act or chapter
9 98-287, Laws of Florida, shall take effect upon this act
10 becoming a law.

11 Section 106. Except as otherwise specifically provided
12 in this act, this act shall take effect upon becoming a law.

13
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, lines 3 and 4,
18 remove from the title of the bill: all of said lines,
19
20 and insert in lieu thereof:

21 amending s. 120.80, F.S.; prohibiting the
22 Florida Building Commission from granting a
23 waiver or variance from code requirements;
24 providing for alternative means of compliance
25 and enforcement; amending s. 125.01, F.S.;
26 authorizing counties to enforce and amend the
27 Florida Building Code, rather than adopt a
28 building code; amending s. 125.56, F.S.;
29 substituting references to the Florida Building
30 Code for references to locally adopted building
31 codes; providing for enforcement and amendment

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1 of the Florida Fire Prevention Code; amending
2 s. 161.0415, F.S.; requiring the permitting
3 agency to cite to a specific provision of the
4 Florida Building Code when requesting
5 information on a coastal construction permit;
6 amending ss. 161.052, 161.053, F.S.; providing
7 that certain provisions must be incorporated
8 into the Florida Building Code; providing
9 rulemaking authority to the Florida Building
10 Commission; preserving certain rights and
11 authority of the Department of Environmental
12 Protection; amending s. 161.05301, F.S.;
13 deleting authority of the department to
14 delegate coastal construction building codes
15 review to local governments; amending the
16 deadline by which current department positions
17 must support implementation of a beach
18 management plan; amending s. 161.55, F.S.;
19 deleting structural requirements for specific
20 types of coastal structures; amending s.
21 161.56, F.S.; deleting authority of local
22 governments to enforce coastal construction
23 standards; deleting authority of local
24 governments to adopt specific building codes;
25 creating s. 235.0141, F.S.; providing
26 legislative intent; requiring the Commissioner
27 of Education to adopt rules for purposes of
28 design, construction, and use of modular school
29 buildings; providing duties of manufacturers of
30 certain modular school buildings; providing
31 duties of the Department of Education;

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1 providing procedures; providing duties of
2 school districts; requiring inspections;
3 providing requirements; providing requirements
4 for certain construction permits; requiring the
5 department to notify manufacturers of certain
6 changes to the State Uniform Building Code;
7 requiring revised plans; requiring new
8 applications and application fees; requiring
9 the department to develop identification labels
10 for factory-built buildings; authorizing the
11 department to charge a fee for such labels;
12 requiring certain information on such labels;
13 requiring certain factory-built buildings to
14 bear such labels; amending s. 235.26, F.S.;
15 eliminating authority of the Commissioner of
16 Education to adopt a uniform statewide building
17 code for public educational and ancillary
18 facilities; authorizing the commissioner to
19 develop such a code and submit it to the
20 Florida Building Commission for adoption;
21 providing specific requirements for the
22 development of the code; requiring specific
23 types of construction to conform to the Florida
24 Building Code and the Florida Fire Prevention
25 Code; providing for enforcement of the codes by
26 school districts, community colleges, and the
27 Department of Education; providing for review
28 of and updates to the code; amending s.
29 253.033, F.S.; replacing references to local
30 building codes with references to the Florida
31 Building Code; amending s. 255.25, F.S.;

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1 deleting the requirement that the Department of
2 Management Services approve design and
3 construction plans for state agency buildings;
4 amending s. 255.31, F.S.; eliminating authority
5 of the department to conduct plan reviews and
6 inspection services; providing exceptions;
7 amending s. 316.1955, F.S.; deleting parking
8 requirements for persons who have disabilities;
9 amending s. 381.006, F.S.; eliminating the
10 Department of Health's authority to adopt
11 regulations governing sanitary facilities in
12 public places and places of employment;
13 amending s. 383.301, F.S.; amending the
14 legislative intent regarding regulation of
15 birth centers; amending s. 383.309, F.S.;
16 eliminating the authority of the Agency for
17 Health Care Administration to adopt certain
18 rules governing birth centers; providing for
19 adoption of those standards within the Florida
20 Building Code and the Florida Fire Prevention
21 Code; authorizing the agency to enforce
22 specified provisions of the Florida Building
23 Code and the Florida Fire Prevention Code;
24 amending s. 394.879, F.S.; eliminating the
25 authority of the Department of Children and
26 Family Services or the Agency for Health Care
27 Administration to adopt certain rules governing
28 crisis stabilization units; providing for
29 adoption of those standards within the Florida
30 Building Code; authorizing the agency to
31 enforce specified provisions of the Florida

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1 Building Code; amending s. 395.0163, F.S.;

2 providing that construction of certain

3 facilities is governed by the Florida Building

4 Code and the Florida Fire Prevention Code;

5 providing for plan reviews and construction

6 surveys by the Agency for Health Care

7 Administration; clarifying that inspection and

8 approval includes compliance with the Florida

9 Building Code; amending s. 395.1055, F.S.;

10 eliminating the authority of the Agency for

11 Health Care Administration to adopt standards

12 for construction of licensed facilities;

13 providing for adoption of those standards

14 within the Florida Building Code; authorizing

15 the agency to enforce specified provisions of

16 the Florida Building Code and the Florida Fire

17 Prevention Code; amending s. 395.10973, F.S.;

18 authorizing the Agency for Health Care

19 Administration to enforce specified provisions

20 of the Florida Building Code; amending s.

21 399.02, F.S.; eliminating the Division of

22 Elevator Safety's authority to adopt certain

23 codes and provide exceptions thereto; requiring

24 the division to develop a code and submit it to

25 the Florida Building Commission for adoption;

26 authorizing the division to enforce specified

27 provisions of the Florida Building Code;

28 requiring the division to review and recommend

29 revisions to the Florida Building Code;

30 amending ss. 399.03, 399.13, F.S.; substituting

31 references to the Florida Building Code for

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1 references to the Elevator Safety Code;
2 amending s. 399.061, F.S.; revising
3 requirements for elevator inspections and
4 service maintenance contracts; amending s.
5 400.011, F.S.; revising the purpose of part I
6 of ch. 400, F.S., to eliminate the provision of
7 construction standards for nursing homes and
8 related health care facilities; amending s.
9 400.23, F.S.; eliminating the authority of the
10 Agency for Health Care Administration to adopt
11 construction regulations for nursing homes and
12 related health care facilities; authorizing the
13 agency to enforce specified provisions of the
14 Florida Building Code; directing the agency to
15 assist the Florida Building Commission;
16 amending s. 400.232, F.S.; providing that the
17 design and construction of nursing homes is
18 governed by the Florida Building Code and the
19 Florida Fire Prevention Code; authorizing the
20 agency to conduct plan reviews and construction
21 surveys of those facilities; amending s.
22 455.2286, F.S.; extending the implementation
23 date for an automated information system;
24 amending s. 468.604, F.S.; substituting
25 references to the Florida Building Code for
26 references to listed locally adopted codes;
27 amending s. 468.607, F.S.; providing for the
28 continuing validity of the certifications of
29 certain building inspectors and plans examiners
30 for a certain period of time; amending s.
31 468.609, F.S.; clarifying the prerequisites for

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1 taking certain certification examinations;
2 amending s. 468.617, F.S.; adding school
3 boards, community college boards, state
4 agencies, and state universities as entities
5 that may contract for joint inspection services
6 or contract with other certified persons to
7 perform plan reviews and inspection services;
8 amending s. 469.002, F.S.; eliminating a
9 required asbestos disclosure statement;
10 providing for inclusion of such a statement
11 within the Florida Building Code; amending s.
12 471.015, F.S.; authorizing the Board of
13 Professional Engineers to establish
14 qualifications for special inspectors of
15 threshold buildings and to establish
16 qualifications for the qualified representative
17 of such a special inspector; providing for
18 minimum qualifications for qualified
19 representatives; amending s. 481.213, F.S.;
20 authorizing the Board of Architecture and
21 Interior Design to establish qualifications for
22 certifying licensed architects as special
23 inspectors of threshold buildings and to
24 establish qualifications for the qualified
25 representative of such a special inspector;
26 amending s. 489.103, F.S.; substituting
27 references to the Florida Building Code for
28 references to locally adopted codes; amending
29 s. 489.107, F.S.; requiring that the office of
30 the Construction Industry Licensing Board be in
31 Leon County; amending ss. 489.115, 497.255,

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1 553.06, 553.141, 553.503, 553.506, 553.512,
2 553.73, 553.74, F.S.; replacing references to
3 the Board of Building Codes and Standards with
4 references to the Florida Building Commission;
5 amending s. 500.09, F.S.; clarifying that the
6 Department of Agriculture and Consumer Services
7 may not adopt construction regulations for food
8 establishments; requiring the adoption of such
9 regulations within the Florida Building Code;
10 authorizing the department to enforce specified
11 provisions of the Florida Building Code;
12 preserving the department's authority to adopt
13 and enforce sanitary regulations; amending s.
14 500.12, F.S.; authorizing the department to
15 enforce specific provisions of the Florida
16 Building Code; providing a requirement for
17 obtaining or renewing a local occupational
18 license; amending s. 500.147, F.S.; authorizing
19 the department to enforce specific provisions
20 of the Florida Building Code; amending s.
21 509.032, F.S.; clarifying that the Division of
22 Hotels and Restaurants may not adopt
23 construction standards for public food and
24 public lodging establishments; providing for
25 the adoption of such standards within the
26 Florida Building Code and the Florida Fire
27 Prevention Code; authorizing the division to
28 enforce specified provisions of the Florida
29 Building Code and the Florida Fire Prevention
30 Code; preserving the authority of local
31 governments to inspect public food and public

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1 lodging establishments for compliance with the
2 Florida Building Code and the Florida Fire
3 Prevention Code; amending s. 509.221, F.S.;
4 substituting references to the Florida Building
5 Code for references to other state and local
6 codes; amending s. 514.021, F.S.; providing
7 that the Department of Health may not adopt
8 construction regulations for public swimming
9 pools and bathing places; providing for the
10 adoption of such standards within the Florida
11 Building Code; authorizing the department to
12 conduct plan reviews, to issue approvals, and
13 to enforce specified provisions of the Florida
14 Building Code; preserving the department's
15 authority to adopt and enforce sanitary
16 regulations; amending s. 514.03, F.S.;
17 preserving local governments' authority to
18 conduct plan reviews and inspections for
19 compliance with the Florida Building Code;
20 amending s. 553.06, F.S.; amending portions of
21 the State Plumbing Code by replacing a
22 reference to the board with a reference to the
23 commission; amending s. 553.141, F.S.; deleting
24 specific requirements for the ratio of public
25 restroom facilities for men and women;
26 requiring the incorporation of such
27 requirements into the Florida Building Code;
28 requesting the Division of Statutory Revision
29 to change a title; creating s. 553.355, F.S.;
30 establishing minimum construction requirements
31 for manufactured buildings; amending s. 553.36,

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1 F.S.; providing for approval of building
2 components; redefining the term "manufactured
3 building" to include certain storage sheds and
4 to exclude manufactured housing; defining the
5 term "module"; updating references to the
6 Florida Building Code; amending s. 553.37,
7 F.S.; authorizing the Department of Community
8 Affairs to adopt certain rules; providing that,
9 if the 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. 553.5041, F.S.; providing
27 requirements for parking accommodations for
28 persons who have disabilities; amending s.
29 553.512, F.S.; providing that the commission
30 may not waive specified requirements for
31 parking for persons who have disabilities;

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1 providing that applicants for waiver must have
2 applied for variance from specified local
3 requirements; deleting the word "handicapped";
4 amending s. 553.71, F.S.; redefining the term
5 "threshold building"; defining the terms
6 "special inspector," "prototype building," and
7 "exposure category C"; amending s. 553.72,
8 F.S.; amending legislative intent relating to
9 the Florida Building Code; amending s. 553.73,
10 F.S.; prohibiting the Florida Building
11 Commission from adopting a fire prevention or
12 life safety code; expanding the list of
13 regulations to be included in the Florida
14 Building Code; clarifying the limitations
15 applicable to administrative amendments to the
16 code; clarifying the effect on local
17 governments of adopting and updating the
18 Florida Building Code; specifying that
19 amendments to certain standards or criteria are
20 effective statewide only upon adoption by the
21 commission; providing for the immediate effect
22 of certain amendments to the Florida Building
23 Code in certain circumstances; revising
24 criteria for commission approval of amendments
25 to the Florida Building Code; prescribing which
26 edition of the Florida Building Code applies to
27 a given project; providing an additional
28 exemption from the Florida Building Code;
29 authorizing the Florida Building Commission to
30 provide exceptions to the exemptions; providing
31 for review of decisions of certain local

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1 government officials; delegating certain
2 responsibilities to the State Fire Marshal,
3 rather than the Department of Insurance;
4 amending s. 553.77, F.S.; revising the powers
5 of the commission; providing for fees for
6 product approval; correcting a cross-reference;
7 amending s. 553.781, F.S.; clarifying that the
8 Department of Business and Professional
9 Regulation conducts disciplinary investigations
10 and takes disciplinary actions; amending s.
11 553.79, F.S.; replacing the term "mobile home"
12 with the term "manufactured home"; deleting the
13 authority of the Department of Community
14 Affairs to establish qualifications for and
15 certify special inspectors; revising the
16 responsibilities of special inspectors;
17 requiring the Florida Building Commission to
18 establish standards for specified structures;
19 deleting standards for specified structures;
20 clarifying that building code plan review is
21 required independent of firesafety plan review;
22 deleting specific requirements for the
23 submittal of plans; directing the Florida
24 Building Commission to adopt requirements for
25 plan review; amending s. 553.80, F.S.;
26 consolidating all exemptions from local
27 enforcement of the building code; providing for
28 uses of facility maintenance permits by school
29 boards, community college boards, and state
30 universities; amending ss. 553.83, 553.84,
31 553.85, F.S.; replacing references to local

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1 codes and state minimum codes with references
2 to the Florida Building Code; amending s.
3 553.841, F.S.; authorizing the commission to
4 establish the Building Code Training Program by
5 rule; providing that the State Fire Marshal is
6 to be consulted on the Building Code Training
7 Program; amending coursework requirements;
8 establishing the Office of Building Code
9 Training Program Administration; providing
10 responsibilities; amending s. 553.842, F.S.;
11 requiring the commission to make
12 recommendations to the Legislature for a
13 statewide product approval system; exempting
14 certain counties from the statewide product
15 approval system; amending s. 553.901, F.S.;
16 transferring the authority to adopt the thermal
17 efficiency code from the Department of
18 Community Affairs to the Florida Building
19 Commission; amending s. 553.902, F.S.; amending
20 the term "exempted building"; deleting an
21 exemption; authorizing the commission to
22 recommend additional exemptions; deleting the
23 term "energy performance index"; amending s.
24 553.903, F.S.; deleting an obsolete requirement
25 relating to thermal efficiency; amending s.
26 553.907, F.S.; deleting requirements for
27 certification of compliance to local
28 governments; amending s. 553.9085, F.S.;
29 deleting obsolete references; amending s.
30 553.909, F.S.; deleting specific requirements
31 for water heaters; directing that such

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1 requirements be set in the energy code;
2 amending s. 627.0629, F.S.; requiring a rating
3 manual on residential property insurance to
4 include certain discounts and credits for
5 certain fixtures or construction techniques;
6 providing requirements; amending ss. 633.01,
7 633.0215, 633.025, F.S.; replacing references
8 to the Department of Insurance with references
9 to the State Fire Marshal; amending s.
10 633.0215, F.S., the Florida Fire Prevention
11 Code; providing for triennial adoption of the
12 code; providing requirements for local
13 amendments; providing requirements for adopting
14 local firesafety codes and standards; amending
15 s. 633.025, F.S.; amending provisions relating
16 to smoke detector requirements in residential
17 buildings; providing requirements for adopting
18 local firesafety codes and standards; amending
19 s. 633.72, F.S.; revising the membership of the
20 Florida Fire Code Advisory Council; revising
21 duties of the council with regard to the
22 Florida Building Commission; amending s. 62 of
23 ch. 98-287, Laws of Florida; deleting the
24 requirement that the Legislature approve or
25 reject the Florida Building Code, provide for
26 repeal of local codes on a date certain, and
27 provide for certain local ordinances to remain
28 effective; amending s. 68 of ch. 98-287, Laws
29 of Florida; revising the future repeal of
30 certain sections of the Florida Statutes to
31 provide a date certain, and to transfer and

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1 renumber a certain section; providing that the
2 Legislature has reviewed the Florida Building
3 Code and directing the Florida Building
4 Commission to continue the process to adopt the
5 code; requiring the commission to continue to
6 review modifications to certain base codes;
7 providing requirements; prescribing a
8 publication format for amendments to the
9 Florida Building Code; requiring the commission
10 to adopt certain wind protection requirements;
11 providing that certain changes in the code are
12 not subject to rule challenge; providing for
13 determining the cost differential between
14 building under the old code and building under
15 the new code; providing procedures; providing
16 for applicability of the analysis to insurance
17 rates; requiring a report to the Governor and
18 the Legislature; requiring the Florida Building
19 Commission to amend the plumbing section of the
20 Florida Building Code as specified; requiring
21 the Commissioner of Insurance to submit a
22 report to the Governor and Legislature;
23 specifying contents; continuing the existence
24 of a certain select committee relating to
25 application of fire codes to educational
26 facilities; providing an appropriation to the
27 State Fire Marshal for certain purposes;
28 requiring the Division of State Fire Marshal to
29 review an alternative fire safety code for
30 existing educational facilities and authorizes
31 the division to adopt such code for certain

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1 purposes;requiring the Florida Building
2 Commission to consider application of the
3 Florida Building Code to buildings manufactured
4 and assembled offsite but not intended for
5 human habitation; repealing ss. 125.0106,
6 255.21(2), 553.79(11), F.S.; providing that
7 nothing in the act is intended to imply any
8 repeal or sunset of any existing general or
9 special law not specifically identified;
10 revising effective dates for certain sections
11 of chapters 98-287 and 98-419, Laws of Florida;
12 specifying the effective date of certain
13 provisions authorizing rulemaking; providing
14 effective dates.

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