

1 A bill to be entitled
2 An act relating to the Florida Building Code;
3 amending s. 120.80, F.S.; prohibiting the
4 Florida Building Commission from granting a
5 waiver or variance from code requirements;
6 providing for alternative means of compliance
7 and enforcement; amending s. 125.01, F.S.;
8 authorizing counties to enforce and amend the
9 Florida Building Code, rather than adopt a
10 building code; amending s. 125.56, F.S.;
11 substituting references to the Florida Building
12 Code for references to locally adopted building
13 codes; providing for enforcement and amendment
14 of the Florida Fire Prevention Code; amending
15 s. 161.0415, F.S.; requiring the permitting
16 agency to cite to a specific provision of the
17 Florida Building Code when requesting
18 information on a coastal construction permit;
19 amending ss. 161.052, 161.053, F.S.; providing
20 that certain provisions must be incorporated
21 into the Florida Building Code; providing
22 rulemaking authority to the Florida Building
23 Commission; preserving certain rights and
24 authority of the Department of Environmental
25 Protection; amending s. 161.05301, F.S.;
26 deleting authority of the department to
27 delegate coastal construction building codes
28 review to local governments; amending the
29 deadline by which current department positions
30 must support implementation of a beach
31 management plan; amending s. 161.55, F.S.;

1 deleting structural requirements for specific
2 types of coastal structures; amending s.
3 161.56, F.S.; deleting authority of local
4 governments to enforce coastal construction
5 standards; deleting authority of local
6 governments to adopt specific building codes;
7 amending s. 235.26, F.S.; eliminating authority
8 of the Commissioner of Education to adopt a
9 uniform statewide building code for public
10 educational and ancillary facilities;
11 authorizing the commissioner to develop such a
12 code and submit it to the Florida Building
13 Commission for adoption; providing specific
14 requirements for the development of the code;
15 requiring specific types of construction to
16 conform to the Florida Building Code and the
17 Florida Fire Prevention Code; providing for
18 enforcement of the codes by school districts,
19 community colleges, and the Department of
20 Education; providing for review of and updates
21 to the code; creating s. 240.2945, F. S.;
22 exempting state universities from local
23 amendments to the Florida Building Code and the
24 Fire Prevention Code; amending s. 253.033,
25 F.S.; replacing references to local building
26 codes with references to the Florida Building
27 Code; amending s. 255.25, F.S.; deleting the
28 requirement that the Department of Management
29 Services approve design and construction plans
30 for state agency buildings; amending s. 255.31,
31 F.S.; eliminating authority of the department

1 to conduct plan reviews and inspection
2 services; providing exceptions; amending s.
3 316.1955, F.S.; deleting parking requirements
4 for persons who have disabilities; amending s.
5 381.006, F.S.; eliminating the Department of
6 Health's authority to adopt regulations
7 governing sanitary facilities in public places
8 and places of employment; amending s. 383.301,
9 F.S.; amending the legislative intent regarding
10 regulation of birth centers; amending s.
11 383.309, F.S.; eliminating the authority of the
12 Agency for Health Care Administration to adopt
13 certain rules governing birth centers;
14 providing for adoption of those standards
15 within the Florida Building Code and the
16 Florida Fire Prevention Code; authorizing the
17 agency to enforce specified provisions of the
18 Florida Building Code and the Florida Fire
19 Prevention Code; amending s. 394.879, F.S.;
20 eliminating the authority of the Department of
21 Children and Family Services or the Agency for
22 Health Care Administration to adopt certain
23 rules governing crisis stabilization units;
24 providing for adoption of those standards
25 within the Florida Building Code; authorizing
26 the agency to enforce specified provisions of
27 the Florida Building Code; amending s.
28 395.0163, F.S.; providing that construction of
29 certain facilities is governed by the Florida
30 Building Code and the Florida Fire Prevention
31 Code; providing for plan reviews and

1 construction surveys by the Agency for Health
2 Care Administration; clarifying that inspection
3 and approval includes compliance with the
4 Florida Building Code; amending s. 395.1055,
5 F.S.; eliminating the authority of the Agency
6 for Health Care Administration to adopt
7 standards for construction of licensed
8 facilities; providing for adoption of those
9 standards within the Florida Building Code;
10 authorizing the agency to enforce specified
11 provisions of the Florida Building Code and the
12 Florida Fire Prevention Code; amending s.
13 395.10973, F.S.; authorizing the Agency for
14 Health Care Administration to enforce specified
15 provisions of the Florida Building Code;
16 amending s. 399.02, F.S.; eliminating the
17 Division of Elevator Safety's authority to
18 adopt certain codes and provide exceptions
19 thereto; requiring the division to develop a
20 code and submit it to the Florida Building
21 Commission for adoption; authorizing the
22 division to enforce specified provisions of the
23 Florida Building Code; requiring the division
24 to review and recommend revisions to the
25 Florida Building Code; amending ss. 399.03,
26 399.13, F.S.; substituting references to the
27 Florida Building Code for references to the
28 Elevator Safety Code; amending s. 399.061,
29 F.S.; revising requirements for elevator
30 inspections and service maintenance contracts;
31 amending s. 400.011, F.S.; revising the purpose

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

1 s. 468.617, F.S.; adding school boards,
2 community college boards, state agencies, and
3 state universities as entities that may
4 contract for joint inspection services or
5 contract with other certified persons to
6 perform plan reviews and inspection services;
7 amending s. 469.002, F.S.; eliminating a
8 required asbestos disclosure statement;
9 providing for inclusion of such a statement
10 within the Florida Building Code; amending s.
11 471.015, F.S.; authorizing the Board of
12 Professional Engineers to establish
13 qualifications for special inspectors of
14 threshold buildings and to establish
15 qualifications for the qualified representative
16 of such a special inspector; providing for
17 minimum qualifications for qualified
18 representatives; amending s. 481.213, F.S.;
19 authorizing the Board of Architecture and
20 Interior Design to establish qualifications for
21 certifying licensed architects as special
22 inspectors of threshold buildings and to
23 establish qualifications for the qualified
24 representative of such a special inspector;
25 amending s. 489.103, F.S.; substituting
26 references to the Florida Building Code for
27 references to locally adopted codes; amending
28 s. 489.107, F.S.; requiring that the office of
29 the Construction Industry Licensing Board be in
30 Leon County; amending s. 409.109, F.S.;
31 providing for administration of certain fees by

1 the Department of Community Affairs for certain
2 purposes instead of the Department of
3 Education; amending ss. 489.115, 497.255,
4 553.06, 553.141, 553.503, 553.506, 553.512,
5 553.73, 553.74, F.S.; replacing references to
6 the Board of Building Codes and Standards with
7 references to the Florida Building Commission;
8 amending s. 500.09, F.S.; clarifying that the
9 Department of Agriculture and Consumer Services
10 may not adopt construction regulations for food
11 establishments; requiring the adoption of such
12 regulations within the Florida Building Code;
13 authorizing the department to enforce specified
14 provisions of the Florida Building Code;
15 preserving the department's authority to adopt
16 and enforce sanitary regulations; amending s.
17 500.12, F.S.; authorizing the department to
18 enforce specific provisions of the Florida
19 Building Code; providing a requirement for
20 obtaining or renewing a local occupational
21 license; amending s. 500.147, F.S.; authorizing
22 the department to enforce specific provisions
23 of the Florida Building Code; amending s.
24 509.032, F.S.; clarifying that the Division of
25 Hotels and Restaurants may not adopt
26 construction standards for public food and
27 public lodging establishments; providing for
28 the adoption of such standards within the
29 Florida Building Code and the Florida Fire
30 Prevention Code; authorizing the division to
31 enforce specified provisions of the Florida

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

1 to change a title; bbb creating s. 553.355,
 2 F.S.; establishing minimum construction
 3 requirements for manufactured buildings;
 4 amending s. 553.36, F.S.; providing for
 5 approval of building components; redefining the
 6 term "manufactured building" to include certain
 7 storage sheds and to exclude manufactured
 8 housing; defining the term "module"; updating
 9 references to the Florida Building Code;
 10 amending s. 553.37, F.S.; authorizing the
 11 Department of Community Affairs to adopt
 12 certain rules; providing that, if the
 13 department delegates certain authority,
 14 manufacturers shall have plan reviews and
 15 inspections conducted by a single agency;
 16 transferring rulemaking authority to the
 17 Florida Building Commission; creating s.
 18 553.375, F.S.; providing for recertification of
 19 manufactured buildings; amending s. 553.38,
 20 F.S.; transferring to the Florida Building
 21 Commission authority to adopt rules governing
 22 manufactured buildings; amending s. 553.381,
 23 F.S.; providing for certification of
 24 manufacturers of manufactured buildings;
 25 providing certification requirements;
 26 transferring authority for construction
 27 standards to the Florida Building Commission;
 28 amending s. 553.39, F.S.; replacing the
 29 department's rules with the Florida Building
 30 Code; creating s. 553.41, F.S.; providing for
 31 construction and installation of factory-built

1 school buildings; providing purposes; providing
 2 requirements; requiring the department to adopt
 3 certain emergency rules; providing criteria,
 4 requirements, and procedures for such
 5 construction and installation; creating s.
 6 553.5041, F.S.; providing requirements for
 7 parking accommodations for persons who have
 8 disabilities; amending s. 553.512, F.S.;
 9 providing that the commission may not waive
 10 specified requirements for parking for persons
 11 who have disabilities; providing that
 12 applicants for waiver must have applied for
 13 variance from specified local requirements;
 14 deleting the word "handicapped"; amending s.
 15 553.71, F.S.; redefining the term "threshold
 16 building"; defining the terms "special
 17 inspector," "prototype building," and "exposure
 18 category C"; amending s. 553.72, F.S.; amending
 19 legislative intent relating to the Florida
 20 Building Code; amending s. 553.73, F.S.;
 21 prohibiting the Florida Building Commission
 22 from adopting a fire prevention or life safety
 23 code; expanding the list of regulations to be
 24 included in the Florida Building Code;
 25 clarifying the limitations applicable to
 26 administrative amendments to the code;
 27 clarifying the effect on local governments of
 28 adopting and updating the Florida Building
 29 Code; specifying that amendments to certain
 30 standards or criteria are effective statewide
 31 only upon adoption by the commission; providing

1 for the immediate effect of certain amendments
2 to the Florida Building Code in certain
3 circumstances; revising criteria for commission
4 approval of amendments to the Florida Building
5 Code; prescribing which edition of the Florida
6 Building Code applies to a given project;
7 providing an additional exemption from the
8 Florida Building Code; authorizing the Florida
9 Building Commission to provide exceptions to
10 the exemptions; providing for review of
11 decisions of certain local government
12 officials; delegating certain responsibilities
13 to the State Fire Marshal, rather than the
14 Department of Insurance; amending s. 553.77,
15 F.S.; revising the powers of the commission;
16 providing for fees for product approval;
17 correcting a cross-reference; amending s.
18 553.781, F.S.; clarifying that the Department
19 of Business and Professional Regulation
20 conducts disciplinary investigations and takes
21 disciplinary actions; amending s. 553.79, F.S.;
22 replacing the term "mobile home" with the term
23 "manufactured home"; deleting the authority of
24 the Department of Community Affairs to
25 establish qualifications for and certify
26 special inspectors; revising the
27 responsibilities of special inspectors;
28 requiring the Florida Building Commission to
29 establish standards for specified structures;
30 deleting standards for specified structures;
31 clarifying that building code plan review is

1 required independent of firesafety plan review;
 2 deleting specific requirements for the
 3 submittal of plans; directing the Florida
 4 Building Commission to adopt requirements for
 5 plan review; amending s. 553.80, F.S.;
 6 consolidating all exemptions from local
 7 enforcement of the building code; providing for
 8 uses of facility maintenance permits by school
 9 boards, community college boards, and state
 10 universities; amending ss. 553.83, 553.84,
 11 553.85, F.S.; replacing references to local
 12 codes and state minimum codes with references
 13 to the Florida Building Code; amending s.
 14 553.841, F.S.; authorizing the commission to
 15 establish the Building Code Training Program by
 16 rule; providing that the State Fire Marshal is
 17 to be consulted on the Building Code Training
 18 Program; amending coursework requirements;
 19 establishing the Office of Building Code
 20 Training Program Administration; providing
 21 responsibilities; amending s. 553.842, F.S.;
 22 requiring the commission to make
 23 recommendations to the Legislature for a
 24 statewide product approval system;
 25 transferring, renumbering, and amending s.
 26 553.19, F.S.; authorizing the Florida Building
 27 Commission to recommend National Electrical
 28 Installation Standards; amending s. 553.901,
 29 F.S.; transferring the authority to adopt the
 30 thermal efficiency code from the Department of
 31 Community Affairs to the Florida Building

1 Commission; amending s. 553.902, F.S.; amending
 2 the term "exempted building"; deleting an
 3 exemption; authorizing the commission to
 4 recommend additional exemptions; deleting the
 5 term "energy performance index"; amending s.
 6 553.903, F.S.; deleting an obsolete requirement
 7 relating to thermal efficiency; amending s.
 8 553.907, F.S.; deleting requirements for
 9 certification of compliance to local
 10 governments; amending s. 553.9085, F.S.;
 11 deleting obsolete references; amending s.
 12 553.909, F.S.; deleting specific requirements
 13 for water heaters; directing that such
 14 requirements be set in the energy code;
 15 amending s. 627.0629, F.S.; requiring a rating
 16 manual on residential property insurance to
 17 include certain discounts and credits for
 18 certain fixtures or construction techniques;
 19 providing requirements; amending ss. 633.01,
 20 633.0215, 633.025, F.S.; replacing references
 21 to the Department of Insurance with references
 22 to the State Fire Marshal; amending s.
 23 633.0215, F.S., the Florida Fire Prevention
 24 Code; providing for triennial adoption of the
 25 code; providing requirements for local
 26 amendments; providing requirements for adopting
 27 local firesafety codes and standards; amending
 28 s. 633.025, F.S.; amending provisions relating
 29 to smoke detector requirements in residential
 30 buildings; providing requirements for adopting
 31 local firesafety codes and standards; amending

1 s. 633.72, F.S.; revising the membership of the
 2 Florida Fire Code Advisory Council; revising
 3 duties of the council with regard to the
 4 Florida Building Commission; amending s. 62 of
 5 ch. 98-287, Laws of Florida; deleting the
 6 requirement that the Legislature approve or
 7 reject the Florida Building Code, provide for
 8 repeal of local codes on a date certain, and
 9 provide for certain local ordinances to remain
 10 effective; amending s. 68 of ch. 98-287, Laws
 11 of Florida; revising the future repeal of
 12 certain sections of the Florida Statutes to
 13 provide a date certain; providing that the
 14 Legislature has reviewed the Florida Building
 15 Code and directing the Florida Building
 16 Commission to continue the process to adopt the
 17 code; requiring the commission to continue to
 18 review modifications to certain base codes;
 19 providing requirements; prescribing a
 20 publication format for amendments to the
 21 Florida Building Code; requiring the commission
 22 to adopt certain wind protection requirements;
 23 providing that certain changes in the code are
 24 not subject to rule challenge; providing for
 25 determining the cost differential between
 26 building under the old code and building under
 27 the new code; providing procedures; providing
 28 for applicability of the analysis to insurance
 29 rates; requiring a report to the Governor and
 30 the Legislature; requiring the Florida Building
 31 Commission to amend the plumbing section of the

1 Florida Building Code as specified; directing
2 the Florida Building Commission to revise
3 certain provisions of the Florida Building
4 Code; providing certain responsibilities of
5 certain building officials; requiring the
6 Department of Community Affairs to undertake
7 certain home construction demonstration
8 projects for certain purposes; providing
9 requirements; requiring the Residential
10 Mitigation Construction Advisory Council to
11 serve as an advisory group; requiring the
12 Department of Community Affairs to report the
13 results of the projects to the Governor,
14 President of the Senate, and Speaker of the
15 House of Representatives; continuing the
16 existence of a certain select committee
17 relating to application of fire codes to
18 educational facilities; providing an
19 appropriation to the State Fire Marshal for
20 certain purposes; requiring the Division of
21 State Fire Marshal to review an alternative
22 fire safety code for existing educational
23 facilities and authorizes the division to adopt
24 such code for certain purposes; requiring the
25 Florida Building Commission to consider
26 application of the Florida Building Code to
27 buildings manufactured and assembled offsite
28 but not intended for human habitation; amending
29 sections 1, 2, 3, 4, 5, 7, 9, 13, 14, 15, 16,
30 17, 18, 21, 24, 29, 31, 32, 34, 38, 40, 44, 46,
31 47, 49, 51, 56, 57, 58, and 59 of chapter

1 98-287, Laws of Florida; revising the effective
2 date of amendments to ss. 125.69, 161.54,
3 161.56, 162.21, 166.0415, 468.602, 468.621,
4 471.033, 481.215, 481.225, 481.2251, 481.313,
5 481.325, 489.115, 489.131, 489.533, 489.537,
6 500.459, 553.18, 553.72, 553.73, 553.76,
7 553.77, 553.781, 553.79, 627.351, 633.01,
8 633.0215, and 633.025, F.S.; amending section
9 61 of chapter 98-419, Laws of Florida; revising
10 the effective date of an amendment to s.
11 553.73, F.S.; amending section 30 of chapter
12 98-287, Laws of Florida; revising an effective
13 date; providing that nothing in the act is
14 intended to imply any repeal or sunset of any
15 existing general or special law not
16 specifically identified; specifying the
17 effective date of certain provisions
18 authorizing rulemaking; repealing s. 125.0106,
19 F.S., relating to authorizing ordinances
20 restricting construction of floating
21 residential structures; repealing s. 255.21(2),
22 F.S., relating to Department of Management
23 Services authority to establish a code panel
24 for purposes of modification of or waivers to
25 certain codes and standards; repealing s.
26 395.1055(1)(d) and (e), F.S., relating to
27 certain rulemaking authority of the Agency for
28 Health Care Administration relating to certain
29 codes and standards; repealing s. 553.79(11),
30 F.S., relating to certain obsolete asbestos
31

1 notification requirements; providing effective
2 dates.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (16) is added to section 120.80,
7 Florida Statutes, to read:

8 120.80 Exceptions and special requirements;
9 agencies.--

10 (16) FLORIDA BUILDING COMMISSION.--

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

15 (b) The Florida Building Commission shall adopt within
16 the Florida Building Code criteria and procedures for
17 alternative means of compliance with the code or local
18 amendments thereto, for enforcement by local governments,
19 local enforcement districts, or other entities authorized by
20 law to enforce the Florida Building Code. Appeals from the
21 denial of the use of alternative means shall be heard by the
22 local board, if one exists, and may be appealed to the Florida
23 Building Commission.

24 Section 2. Effective July 1, 2001, paragraphs (d) and
25 (i) of subsection (1) of section 125.01, Florida Statutes, are
26 amended, and paragraph (cc) is added to that subsection, to
27 read:

28 125.01 Powers and duties.--

29 (1) The legislative and governing body of a county
30 shall have the power to carry on county government. To the
31

1 extent not inconsistent with general or special law, this
2 power includes, but is not restricted to, the power to:

3 (d) Provide fire protection, including the enforcement
4 of the Florida Fire Prevention Code, as provided in ss.
5 633.022 and 633.025, and adopt and enforce local technical
6 amendments to the Florida Fire Prevention Code as provided in
7 those sections and pursuant to s. 633.0215.

8 (i) Adopt, by reference or in full, and enforce
9 ~~building, housing, and~~ related technical codes and
10 regulations.

11 (cc) Enforce the Florida Building Code, as provided in
12 s. 553.80, and adopt and enforce local technical amendments to
13 the Florida Building Code, pursuant to s. 553.73(4)(b) and
14 (c).

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

17 125.56 Enforcement and Adoption or amendment of the
18 Florida Building Code and the Florida Fire Prevention Code;
19 inspection fees; inspectors; etc.--

20 (1) The board of county commissioners of each of the
21 several counties of the state is authorized to enforce the
22 Florida Building Code and the Florida Fire Prevention Code, as
23 provided in s. 553.80, 633.022, and 633.025, and, at in its
24 discretion, to adopt local technical amendments to the Florida
25 or amend a Building Code, pursuant to s. 553.73(4)(b) and (c)
26 and local technical amendments to the Florida Fire Prevention
27 Code, pursuant to s. 633.0215, to provide for the safe
28 construction, erection, alteration, repair, securing, and
29 demolition of any building within its territory outside the
30 corporate limits of any municipality. Upon a determination to
31 consider amending the Florida or adopting a Building Code or

1 the Florida Fire Prevention Code by a majority of the members
 2 of the board of county commissioners of such county, the board
 3 shall call a public hearing and comply with the public notice
 4 requirements of s. 125.66(2). The board shall hear all
 5 interested parties at the public hearing and may then ~~adopt or~~
 6 amend the ~~a~~ building code or the fire code consistent with the
 7 terms and purposes of this act, ~~which shall be known~~
 8 ~~thereafter as the "county building code."~~ Upon adoption, an ~~or~~
 9 amendment ~~to~~ the code shall be in full force and effect
 10 throughout the unincorporated area of such county until
 11 otherwise notified by the Florida Building Commission pursuant
 12 to s. 553.73 or the State Fire Marshal pursuant to s.
 13 633.0215. Nothing herein contained shall be construed to
 14 prevent the board of county commissioners from ~~amending or~~
 15 repealing such amendment to the building code or the fire code
 16 at any regular meeting of such board.

17 (2) The board of county commissioners of each of the
 18 several counties may provide a schedule of reasonable
 19 inspection fees in order to defer the costs of inspection and
 20 enforcement of the provisions of this act, and of the Florida
 21 ~~any~~ Building Code and the Florida Fire Prevention Code ~~adopted~~
 22 ~~pursuant to the terms of this act.~~

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

28 (4) After adoption of the Florida Building Code by the
 29 Florida Building Commission or the Florida Fire Prevention
 30 Code by the State Fire Marshal, or amendment of the building
 31 code or the fire code as herein provided, it shall be unlawful

1 for any person, firm, or corporation to construct, erect,
2 alter, repair, secure, or demolish any building within the
3 territory embraced by the terms of this act, without first
4 obtaining a permit therefor from the appropriate board of
5 county commissioners, or from such persons as may by
6 resolution be directed to issue such permits, upon the payment
7 of such reasonable fees as shall be set forth in the schedule
8 of fees adopted by the board; the board is hereby empowered to
9 revoke any such permit upon a determination by the board that
10 the construction, erection, alteration, repair, securing, or
11 demolition of the building for which the permit was issued is
12 in violation of or not in conformity with the building code or
13 the fire code.

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

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

21 161.0415 Citation of rule.--In addition to any other
22 provisions within this chapter or any rules promulgated
23 hereunder, the permitting agency shall, when requesting
24 information for a permit application pursuant to this chapter
25 or such rules promulgated hereunder, cite a specific rule or
26 provision of the Florida Building Code. If a request for
27 information cannot be accompanied by a rule citation, failure
28 to provide such information cannot be grounds to deny a
29 permit.

30 Section 5. Effective July 1, 2001, paragraph (b) of
31 subsection (2) of section 161.052, Florida Statutes, is

1 amended, and subsection (12) is added to said section, to
2 read:

3 161.052 Coastal construction and excavation;
4 regulation.--

5 (2) A waiver or variance of the setback requirements
6 may be authorized by the department in the following
7 circumstances:

8 (b) If in the immediate contiguous or adjacent area a
9 number of existing structures have established a reasonably
10 continuous and uniform construction line closer to the line of
11 mean high water than the foregoing, and if said existing
12 structures have not been unduly affected by erosion, a
13 proposed structure may be permitted along such line on written
14 authorization from the department if such proposed structure
15 complies with the Florida Building Code and the rules of ~~is~~
16 ~~also approved by~~ the department. However, the department shall
17 not contravene setback requirements established by a county or
18 municipality which are equal to, or more strict than, those
19 setback requirements provided herein.

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

1 standards for ensuring the protection of the beach-dune
2 system, proposed or existing structures, adjacent properties,
3 marine turtles, native salt-resistant vegetation, endangered
4 plant communities, and the preservation of public beach
5 access.

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

8 161.053 Coastal construction and excavation;
9 regulation on county basis.--

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

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

29 161.05301 Beach erosion control project staffing;
30 ~~coastal construction building codes review.--~~

31

1 (1) There are hereby appropriated to the Department of
2 Environmental Protection six positions and \$449,918 for fiscal
3 year 1998-1999 from the Ecosystem Management and Restoration
4 Trust Fund from revenues provided by this act pursuant to s.
5 201.15(11). These positions and funding are provided to
6 assist local project sponsors, and shall be used to facilitate
7 and promote enhanced beach erosion control project
8 administration. Such staffing resources shall be directed
9 toward more efficient contract development and oversight,
10 promoting cost-sharing strategies and regional coordination or
11 projects among local governments, providing assistance to
12 local governments to ensure timely permit review, and
13 improving billing review and disbursement processes.

14 (2) Upon the effective date of the Florida Building
15 Code, when the reviews authorized by s. 161.053 are conducted
16 by local government,~~Upon implementation of the Governor's~~
17 ~~Building Codes Study Commission recommendations pertaining to~~
18 ~~coastal construction, and the adoption of those~~
19 ~~recommendations by local governments, the department shall~~
20 ~~delegate the coastal construction building codes review~~
21 ~~pursuant to s. 161.053 to those local governments.~~current
22 department positions supporting the coastal construction
23 building codes review shall be directed to support
24 implementation of the subject beach management plan.

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

27 161.55 Requirements for activities or construction
28 within the coastal building zone.--The following requirements
29 shall apply beginning March 1, 1986, to construction within
30 the coastal building zone and shall be minimum standards for
31 construction in this area:

1 ~~(1) STRUCTURAL REQUIREMENTS; MAJOR STRUCTURES.--~~
2 ~~(a) Major structures shall conform to the state~~
3 ~~minimum building code in effect in the jurisdiction.~~
4 ~~(b) Mobile homes shall conform to the Federal Mobile~~
5 ~~Home Construction and Safety Standards or the Uniform~~
6 ~~Standards Code ANSI book A-119.1, pursuant to s. 320.823, and~~
7 ~~to the requirements of paragraph (c).~~
8 ~~(c) Major structures shall be designed, constructed,~~
9 ~~and located in compliance with National Flood Insurance~~
10 ~~Program regulations as found in 44 C.F.R. Parts 59 and 60 or~~
11 ~~the local flood damage prevention ordinance, whichever is more~~
12 ~~restrictive.~~
13 ~~(d) Major structures, except those conforming to the~~
14 ~~standards of paragraph (b), shall, at a minimum be designed~~
15 ~~and constructed in accordance with s. 1205 of the 1986~~
16 ~~revisions to the 1985 Standard Building Code using a fastest~~
17 ~~mile-wind velocity of 110 miles per hour except for the~~
18 ~~Florida Keys which shall use a fastest mile-wind velocity of~~
19 ~~115 miles per hour. This does not preclude use of a locally~~
20 ~~adopted building code which is more restrictive.~~
21 ~~(e) Foundation design and construction of a major~~
22 ~~structure shall consider all anticipated loads resulting from~~
23 ~~a 100-year storm event, including wave, hydrostatic, and~~
24 ~~hydrodynamic loads acting simultaneously with live and dead~~
25 ~~loads. Erosion computations for foundation design shall~~
26 ~~account for all vertical and lateral erosion and~~
27 ~~scour-producing forces, including localized scour due to the~~
28 ~~presence of structural components. Foundation design and~~
29 ~~construction shall provide for adequate bearing capacity~~
30 ~~taking into consideration the anticipated loss of soil above~~
31 ~~the design grade as a result of localized scour. The erosion~~

1 ~~computations required by this paragraph do not apply landward~~
 2 ~~of coastal construction control lines which have been~~
 3 ~~established or updated since June 30, 1980. Upon request, the~~
 4 ~~department may provide information and guidance as to those~~
 5 ~~areas within the coastal building zone where the erosion and~~
 6 ~~scour of a 100-year storm event is applicable.~~

7 (1)~~(2)~~ REGULATION OF COASTAL STRUCTURAL REQUIREMENTS;
 8 MINOR STRUCTURES.--Minor structures ~~need not meet specific~~
 9 ~~structural requirements provided in subsection (1), except for~~
 10 ~~the requirements of paragraph (c) and except for applicable~~
 11 ~~provisions of the state minimum building code in effect in the~~
 12 ~~jurisdiction. Such structures shall be designed to produce the~~
 13 ~~minimum adverse impact on the beach and the dune system and~~
 14 ~~adjacent properties and to reduce the potential for water or~~
 15 ~~wind blown material. Construction of a rigid coastal or shore~~
 16 ~~protection structure designed primarily to protect a minor~~
 17 ~~structure shall not be permitted.~~

18 (2)~~(3)~~ REGULATION OF COASTAL STRUCTURAL REQUIREMENTS;
 19 NONHABITABLE MAJOR STRUCTURES.--Nonhabitable major structures
 20 ~~need not meet specific structural requirements provided in~~
 21 ~~subsection (1), except for the requirements of paragraph (c)~~
 22 ~~and except for applicable provisions of the state minimum~~
 23 ~~building code in effect in the jurisdiction. Such structures~~
 24 ~~shall be designed to produce the minimum adverse impact on the~~
 25 ~~beach and dune system and shall comply with any applicable~~
 26 ~~state and local standards not found in this section. All~~
 27 ~~sewage treatment plants and public water supply systems shall~~
 28 ~~be flood proofed to prevent infiltration of surface water from~~
 29 ~~a 100-year storm event. Underground utilities, excluding pad~~
 30 ~~transformers and vaults, shall be flood proofed to prevent~~
 31 ~~infiltration of surface water from a 100-year storm event or~~

1 shall otherwise be designed so as to function when submerged
2 by such storm event.

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

9 (4)~~(5)~~ APPLICATION TO COASTAL BARRIER ISLANDS.--All
10 ~~building~~ requirements of this part which are applicable to the
11 coastal building zone shall also apply to coastal barrier
12 islands. The coastal building zone on coastal barrier islands
13 shall be the land area from the seasonal high-water line to a
14 line 5,000 feet landward from the coastal construction control
15 line established pursuant to s. 161.053, or the entire island,
16 whichever is less. For coastal barrier islands on which a
17 coastal construction control line has not been established
18 pursuant to s. 161.053, the coastal building zone shall be the
19 land area seaward of the most landward velocity zone (V-zone)
20 boundary line fronting upon the Gulf of Mexico, Atlantic
21 Ocean, Florida Bay, or Straits of Florida. All land area in
22 the Florida Keys located within Monroe County shall be
23 included in the coastal building zone. The coastal building
24 zone on any coastal barrier island between Sebastian Inlet and
25 Fort Pierce Inlet may be reduced in size upon approval of the
26 Land and Water Adjudicatory Commission, if it determines that
27 the local government with jurisdiction has provided adequate
28 protection for the barrier island. In no case, however, shall
29 the coastal building zone be reduced to an area less than a
30 line 2,500 feet landward of the coastal construction control
31 line. ~~In determining whether the local government with~~

1 ~~jurisdiction has provided adequate protection, the Land and~~
2 ~~Water Adjudicatory Commission shall determine that the local~~
3 ~~government has adopted the 1986 Standard Building Code for the~~
4 ~~entire barrier island.~~ The Land and Water Adjudicatory
5 Commission shall withdraw its approval for a reduced coastal
6 building zone if it determines that 6 months after a local
7 government comprehensive plan is due for submission to the
8 state land planning agency pursuant to s. 163.3167 the local
9 government with jurisdiction has not adopted a coastal
10 management element which is in compliance with s. 163.3178.

11 (5)~~(6)~~ PUBLIC ACCESS.--Where the public has
12 established an accessway through private lands to lands
13 seaward of the mean high tide or water line by prescription,
14 prescriptive easement, or any other legal means, development
15 or construction shall not interfere with such right of public
16 access unless a comparable alternative accessway is provided.
17 The developer shall have the right to improve, consolidate, or
18 relocate such public accessways so long as the accessways
19 provided by the developer are:

20 (a) Of substantially similar quality and convenience
21 to the public;

22 (b) Approved by the local government;

23 (c) Approved by the department whenever improvements
24 are involved seaward of the coastal construction control line;
25 and

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

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

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

1 161.56 Establishment of local enforcement.--

2 (1) Each local government which is required to enforce
3 the Florida ~~adopt a~~ Building Code by s. 553.73 and which has a
4 coastal building zone or some portion of a coastal zone within
5 its territorial boundaries shall enforce ~~adopt, not later than~~
6 ~~January 1, 1987, as part of its building code, the~~
7 requirements of the code established in s. 161.55, ~~and such~~
8 ~~requirements shall be enforced by the local enforcement agency~~
9 ~~as defined in s. 553.71.~~

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

13 161.56 Establishment of local enforcement.--

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

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

27 (1)(3) Nothing in ss. 161.52-161.58 shall be construed
28 to limit or abrogate the right and power of the department to
29 require permits or to adopt and enforce standards pursuant to
30 s. 161.041 or s. 161.053 for construction seaward of the
31 coastal construction control line that are as restrictive as,

1 or more restrictive than, the requirements provided in s.
 2 161.55 or the rights or powers of local governments to enact
 3 and enforce setback requirements or zoning or building codes
 4 that are as restrictive as, or more restrictive than, the
 5 requirements provided in s. 161.55.

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

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

25 235.26 State Uniform Building Code for Public
 26 Educational Facilities Construction.--

27 (1) UNIFORM BUILDING CODE.--By July 1, 2001,the
 28 ~~Commissioner of Education shall adopt~~ a uniform statewide
 29 building code for the planning and construction of public
 30 educational and ancillary plants by district school boards and
 31 community college district boards of trustees shall be adopted

1 by the Florida Building Commission within the Florida Building
2 Code, pursuant to s. 553.73. ~~The code must be entitled the~~
3 ~~State Uniform Building Code for Public Educational Facilities~~
4 ~~Construction.~~Included in this code must be flood plain
5 management criteria in compliance with the rules and
6 regulations in 44 C.F.R. parts 59 and 60, and subsequent
7 revisions thereto which are adopted by the Federal Emergency
8 Management Agency. It is also the responsibility of the
9 department to develop, as a part of the uniform building code,
10 standards relating to:

11 (a) Prefabricated facilities or factory-built
12 facilities that are designed to be portable, relocatable,
13 demountable, or reconstructible; are used primarily as
14 classrooms; and do not fall under the provisions of ss.
15 320.822-320.862. Such standards must permit boards to contract
16 with the Department of Community Affairs for factory
17 inspections by certified building code inspectors to certify
18 conformance with applicable law and rules. The standards must
19 comply with the requirements of s. 235.061 for relocatable
20 facilities intended for long-term use as classroom space, and
21 the relocatable facilities shall be designed subject to
22 missile impact criteria of section 423(24)(d)(1) of the
23 Florida Building Code when located in the windborne debris
24 region.

25 (b) The sanitation of educational and ancillary plants
26 and the health of occupants of educational and ancillary
27 plants.

28 (c) The safety of occupants of educational and
29 ancillary plants as provided in s. 235.06, except that the
30 firesafety criteria shall be established by the State Fire
31 Marshal in cooperation with the Florida Building Commission

1 and the department and such firesafety requirements must be
2 incorporated into the Florida Fire Prevention Code.

3 (d) Accessibility for children, notwithstanding the
4 provisions of s. 553.512.

5 (e) The performance of life-cycle cost analyses on
6 alternative architectural and engineering designs to evaluate
7 their energy efficiencies.

8 1. The life-cycle cost analysis must consist of the
9 sum of:

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

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

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

19 a. The orientation and integration of the facility
20 with respect to its physical site.

21 b. The amount and type of glass employed in the
22 facility and the directions of exposure.

23 c. The effect of insulation incorporated into the
24 facility design and the effect on solar utilization of the
25 properties of external surfaces.

26 d. The variable occupancy and operating conditions of
27 the facility and subportions of the facility.

28 e. An energy-consumption analysis of the major
29 equipment of the facility's heating, ventilating, and cooling
30 system; lighting system; and hot water system and all other
31 major energy-consuming equipment and systems as appropriate.

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

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

20
21 It is not a purpose of the Florida ~~Uniform~~ Building Code to
22 inhibit the use of new materials or innovative techniques; nor
23 may it specify or prohibit materials by brand names. The code
24 must be flexible enough to cover all phases of construction so
25 as to afford reasonable protection for the public safety,
26 health, and general welfare. The department may secure the
27 service of other state agencies or such other assistance as it
28 finds desirable in recommending to the Florida Building
29 Commission revisions to ~~revising~~ the code.

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

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

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

23 (b) A district school board or community college
24 district board of trustees may conform with the Florida
25 Building Code and the Florida Fire Prevention Code local
26 ~~building codes~~ and the administration of such codes when
27 constructing ancillary plants that are not attached to
28 educational facilities, if those plants conform to the space
29 size requirements established in the codes Uniform Building
30 code.

31

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

16 ~~(a) Prefabricated facilities, factory-built~~
17 ~~facilities, or site-built facilities that are designed to be~~
18 ~~portable, relocatable, demountable, or reconstructible; are~~
19 ~~used primarily as classrooms; and do not fall under the~~
20 ~~provisions of ss. 320.822-320.862. Such standards must permit~~
21 ~~boards to contract with the Department of Community Affairs~~
22 ~~for factory inspections by certified Uniform Building Code~~
23 ~~inspectors to certify conformance with law and with rules of~~
24 ~~the Commissioner of Education. The standards must comply with~~
25 ~~the requirements of s. 235.061 for relocatable facilities~~
26 ~~intended for long-term use as classroom space.~~

27 ~~(b) The sanitation of educational and ancillary plants~~
28 ~~and the health of occupants of educational and ancillary~~
29 ~~plants.~~

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

- 1 ~~(d) The physically handicapped.~~
- 2 ~~(e) Accessibility for children, notwithstanding the~~
3 ~~provisions of s. 553.512.~~
- 4 ~~(f) The performance of life-cycle cost analyses on~~
5 ~~alternative architectural and engineering designs to evaluate~~
6 ~~their energy efficiencies.~~
- 7 ~~1. The life-cycle cost analysis must consist of the~~
8 ~~sum of:~~
- 9 ~~a. The reasonably expected fuel costs over the life of~~
10 ~~the building that are required to maintain illumination, water~~
11 ~~heating, temperature, humidity, ventilation, and all other~~
12 ~~energy-consuming equipment in a facility; and~~
- 13 ~~b. The reasonable costs of probable maintenance,~~
14 ~~including labor and materials, and operation of the building.~~
- 15 ~~2. For computation of the life-cycle costs, the~~
16 ~~department shall develop standards that must include, but need~~
17 ~~not be limited to:~~
- 18 ~~a. The orientation and integration of the facility~~
19 ~~with respect to its physical site.~~
- 20 ~~b. The amount and type of glass employed in the~~
21 ~~facility and the directions of exposure.~~
- 22 ~~c. The effect of insulation incorporated into the~~
23 ~~facility design and the effect on solar utilization of the~~
24 ~~properties of external surfaces.~~
- 25 ~~d. The variable occupancy and operating conditions of~~
26 ~~the facility and subportions of the facility.~~
- 27 ~~e. An energy consumption analysis of the major~~
28 ~~equipment of the facility's heating, ventilating, and cooling~~
29 ~~system; lighting system; and hot water system and all other~~
30 ~~major energy-consuming equipment and systems as appropriate.~~
- 31

1 ~~3. Such standards must be based on the best currently~~
2 ~~available methods of analysis, including such methods as those~~
3 ~~of the National Institute of Standards and Technology, the~~
4 ~~Department of Housing and Urban Development, and other federal~~
5 ~~agencies and professional societies and materials developed by~~
6 ~~the Department of Management Services and the department.~~
7 ~~Provisions must be made for an annual updating of standards as~~
8 ~~required.~~

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

12 ~~5. By July 1, 1999, the department shall establish~~
13 ~~standards for construction materials and systems based on~~
14 ~~life-cycle costs that consider initial costs, maintenance~~
15 ~~costs, custodial costs, operating costs, and life expectancy.~~
16 ~~The standards may include multiple acceptable materials. It is~~
17 ~~the intent of the Legislature to require district school~~
18 ~~boards to conform with these standards when expending funds~~
19 ~~from the Public Education Capital Outlay and Debt Service~~
20 ~~Trust Fund or the School District and Community College~~
21 ~~District Capital Outlay and Debt Service Trust Fund and to~~
22 ~~prohibit district school boards from expending local capital~~
23 ~~outlay revenues for any project that includes materials or~~
24 ~~systems that do not comply with these standards unless the~~
25 ~~district school board submits evidence that alternative~~
26 ~~materials or systems meet or exceed standards developed by the~~
27 ~~department.~~

28 (3) ENFORCEMENT BY BOARD.--It is the responsibility of
29 each district school board and community college district
30 board of trustees to ensure that all plans and educational and
31 ancillary plants meet the standards of the Florida Uniform

1 Building Code and the Florida Fire Prevention Code and to
 2 provide for the enforcement of these codes ~~this code~~ in the
 3 areas of its jurisdiction. Each board shall provide for the
 4 proper supervision and inspection of the work. Each board may
 5 employ a chief building official or inspector and such other
 6 inspectors, who have been certified ~~by the department or~~
 7 ~~certified~~ pursuant to chapter 468, and such personnel as are
 8 necessary to administer and enforce the provisions of this
 9 code. Boards may also utilize local building department
 10 inspectors who are certified by the department to enforce this
 11 code. Plans or facilities that fail to meet the standards of
 12 the Florida Uniform Building Code or the Florida Fire
 13 Prevention Code may not be approved. When planning for and
 14 constructing an educational, auxiliary, or ancillary facility,
 15 a district school board must use construction materials and
 16 systems that meet standards adopted pursuant to subparagraph
 17 (2)(f)5. If the planned or actual construction of a facility
 18 deviates from the adopted standards, the district school board
 19 must, at a public hearing, quantify and compare the costs of
 20 constructing the facility with the proposed deviations and in
 21 compliance with the adopted standards and the Florida Uniform
 22 Building Code. The board must explain the reason for the
 23 proposed deviations and compare how the total construction
 24 costs and projected life-cycle costs of the facility or
 25 component system of the facility would be affected by
 26 implementing the proposed deviations rather than using
 27 materials and systems that meet the adopted standards. The
 28 provisions of this subsection do apply to educational,
 29 auxiliary, and ancillary facility projects commenced on or
 30 after July 1, 1999.

31

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

11 (5) APPROVAL.--

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

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

- 26 1. The need for the new facility.
- 27 2. The educational and ancillary plant planning.
- 28 3. The architectural and engineering planning.
- 29 4. The location on the site.
- 30 5. Plans for future expansion.
- 31 6. The type of construction.

- 1 7. Sanitary provisions.
- 2 8. Conformity to Florida ~~Uniform~~ Building Code
- 3 standards.
- 4 9. The structural design and strength of materials
- 5 proposed to be used.
- 6 10. The mechanical design of any heating,
- 7 air-conditioning, plumbing, or ventilating system. Typical
- 8 heating, ventilating, and air-conditioning systems preapproved
- 9 by the department for specific applications may be used in the
- 10 design of educational facilities.
- 11 11. The electrical design of educational plants.
- 12 12. The energy efficiency and conservation of the
- 13 design.
- 14 13. Life-cycle cost considerations.
- 15 14. The design to accommodate physically handicapped
- 16 persons.
- 17 15. The ratio of net to gross square footage.
- 18 16. The proposed construction cost per gross square
- 19 foot.
- 20 17. Conformity with the Florida Fire Prevention Code.
- 21 (c) The board may not occupy a facility until the
- 22 project has been inspected to verify compliance with statutes,
- 23 rules, and codes affecting the health and safety of the
- 24 occupants. Verification of compliance with rules, statutes,
- 25 and codes for nonoccupancy projects such as roofing, paving,
- 26 site improvements, or replacement of equipment may be
- 27 certified by the architect or engineer of record and
- 28 verification of compliance for other projects may be made by
- 29 an inspector certified by the department or certified pursuant
- 30 to chapter 468 who is not the architect or engineer of record.
- 31 The board shall maintain a record of the project's completion

1 and permanent archive of phase III construction documents,
2 including any addenda and change orders to the project. The
3 boards shall provide project data to the department, as
4 requested, for purposes and reports needed by the Legislature.

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

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

25 ~~(8) LEGAL EFFECT OF CODE.--The State Uniform Building~~
26 ~~Code for Public Educational Facilities Construction has the~~
27 ~~force and effect of law and supersedes any other code adopted~~
28 ~~by a district school board or community college district board~~
29 ~~of trustees or any other building code or ordinance for the~~
30 ~~construction of educational and ancillary plants whether at~~
31 ~~the local, county, or state level and whether adopted by rule~~

1 ~~or legislative enactment. All special acts or general laws of~~
2 ~~local application are hereby repealed to the extent that they~~
3 ~~conflict with this section.~~

4 ~~(8)(9)~~ EDUCATION FACILITIES AS EMERGENCY SHELTERS.--

5 (a) The Department of Education shall, in consultation
6 with boards and county and state emergency management offices,
7 include within the standards to be developed under subsection

8 ~~(1) amend the State Uniform Building Code for Public~~

9 ~~Educational Facilities Construction to incorporate public~~

10 shelter design criteria that shall be incorporated into the

11 Florida Uniform Building Code. The new criteria must be

12 designed to ensure that appropriate core facility areas in new
13 educational facilities can serve as public shelters for

14 emergency management purposes. ~~The Commissioner of Education~~

15 ~~shall publish proposed amendments to the State Uniform~~

16 ~~Building Code for Public Educational Facilities Construction~~

17 ~~setting forth the public-shelter criteria by July 1, 1995.~~A

18 facility, or an appropriate core facility area within a

19 facility, for which a design contract is entered into

20 subsequent to the effective date of the inclusion of the

21 public shelter criteria in the code must be built in

22 compliance with the amended code unless the facility or a part

23 thereof is exempted from using the new shelter criteria due to

24 its location, size, or other characteristics by the applicable

25 board with the concurrence of the applicable local emergency

26 management agency or the Department of Community Affairs. Any

27 educational facility located or proposed to be located in an

28 identified category 1, 2, or 3 evacuation zone is not subject

29 to the requirements of this subsection. If more than one

30 educational facility is being constructed within any 3-mile

31 radius, no more than one facility, which must be selected on

1 the basis of cost-effectiveness and greatest provision of
2 shelter space, is required to incorporate the public shelter
3 criteria into its construction.

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

21 ~~(9)(10)~~ LOCAL LEGISLATION PROHIBITED.--After June 30,
22 1985, pursuant to s. 11(a)(21), Art. III of the State
23 Constitution, there shall not be enacted any special act or
24 general law of local application which proposes to amend,
25 alter, or contravene any provisions of the State Building Code
26 adopted under the authority of this section.

27 Section 12. Effective July 1, 2001, Section 240.2945,
28 Florida Statutes, is created to read:

29 240.2945 Building construction standards;
30 exemptions.--The state universities are exempt from local

31

1 amendments to the Florida Building Code and the Fire
2 Prevention Code.

3 Section 13. Effective July 1, 2001, subsection (2) of
4 section 253.033, Florida Statutes, is amended to read:

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

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

18 Section 14. Effective July 1, 2001, paragraph (a) of
19 subsection (1) of section 255.25, Florida Statutes, is amended
20 to read:

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

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

28 Section 15. Effective July 1, 2001, subsections (1)
29 and (2) of section 255.31, Florida Statutes, are amended to
30 read:

31

1 255.31 Authority to the Department of Management
2 Services to manage construction projects for state and local
3 governments.--

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

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

1 Section 16. Section 316.1955, Florida Statutes, is
2 amended to read:

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

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

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

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

1 ~~parking permit under s. 316.1958 or s. 320.0848 or a license~~
2 ~~plate under s. 320.084, s. 320.0842, s. 320.0843, or s.~~
3 ~~320.0845.~~

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

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

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

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

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

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

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

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

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

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

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

1 ~~persons who have disabilities, may, in lieu of the required~~
2 ~~parking space design, provide parking spaces that comply with~~
3 ~~ss. 4.1 and 4.6 of the Americans with Disabilities Act~~
4 ~~Accessibility Guidelines.~~

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

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

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

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

1 ~~barrier must not create a significant risk to the health or~~
2 ~~safety of a person who has a disability or to that of others.~~

3 ~~2. A facility that is making alterations under s.~~
4 ~~553.507(2)(b) must comply with this section to the maximum~~
5 ~~extent feasible. If compliance with parking location~~
6 ~~requirements is not feasible, the facility may provide parking~~
7 ~~spaces at alternative locations for persons who have~~
8 ~~disabilities and provide appropriate signage directing persons~~
9 ~~who have a disability to alternative parking. The facility~~
10 ~~may not reduce the required number or dimensions of those~~
11 ~~spaces, nor may it unnecessarily increase the length of the~~
12 ~~accessible route from a parking space to the facility. The~~
13 ~~alteration must not create a significant risk to the health or~~
14 ~~safety of a person who has a disability or to that of others.~~

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

1 ~~parking place. This subsection does not relieve the owner of~~
2 ~~the responsibility of complying with the signage requirements~~
3 ~~of ADAAG s. 4.30.~~

4 (1)~~(7)~~ It is unlawful for any person to stop, stand,
5 or park a vehicle within, or to obstruct, any such specially
6 designated and marked parking space provided in accordance
7 with s. 553.5041 ~~this section~~, unless the vehicle displays a
8 disabled parking permit issued under s. 316.1958 or s.
9 320.0848 or a license plate issued under s. 320.084, s.
10 320.0842, s. 320.0843, or s. 320.0845, and the vehicle is
11 transporting the person to whom the displayed permit is
12 issued. The violation may not be dismissed for failure of the
13 marking on the parking space to comply with s. 553.5041 ~~this~~
14 ~~section~~ if the space is in general compliance and is clearly
15 distinguishable as a designated accessible parking space for
16 people who have disabilities. Only a warning may be issued for
17 unlawfully parking in a space designated for persons with
18 disabilities if there is no above-grade sign as provided in s.
19 553.5041 ~~subsection (6)~~.

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

31

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

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

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

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

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

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

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

8 Section 17. Effective July 1, 2001, subsection (15) of
9 section 381.006, Florida Statutes, is amended to read:

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

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

23 Section 18. Effective July 1, 2001, section 383.301,
24 Florida Statutes, is amended to read:

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

1 Section 19. Effective July 1, 2001, subsection (1) of
2 section 383.309, Florida Statutes, is amended, and subsection
3 (3) is added to said section, to read:

4 383.309 Minimum standards for birth centers; rules and
5 enforcement.--

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

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

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

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

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

28 (3) The agency may not establish any rule governing
29 the design, construction, erection, alteration, modification,
30 repair, or demolition of birth centers. It is the intent of
31 the Legislature to preempt that function to the Florida

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

12 Section 20. Effective July 1, 2001, paragraph (f) of
13 subsection (1) of section 394.879, Florida Statutes, is
14 amended, and subsection (5) is added to said section, to read:

15 394.879 Rules; enforcement.--

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

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

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

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

9 Section 21. Effective July 1, 2001, paragraph (a) of
10 subsection (1) of section 395.0163, Florida Statutes, is
11 amended to read:

12 395.0163 Construction inspections; plan submission and
13 approval; fees.--

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

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

10 Section 22. Effective July 1, 2001, subsection (8) is
11 added to section 395.1055, Florida Statutes, to read:

12 395.1055 Rules and enforcement.--

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

27 Section 23. Effective July 1, 2001, subsection (8) is
28 added to section 395.10973, Florida Statutes, to read:

29 395.10973 Powers and duties of the agency.--It is the
30 function of the agency to:

31

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

6 Section 24. Effective July 1, 2001, section 399.02,
7 Florida Statutes, is amended to read:

8 399.02 General requirements.--

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

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

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

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

28 (3)(4) Each elevator shall have a serial number
29 assigned by the division painted on or attached to the
30 elevator car in plain view and also to the driving mechanism.

31

1 This serial number shall be shown on all required certificates
2 and permits.

3 (4)~~(5)~~(a) The construction permitholder is responsible
4 for the correction of violations and deficiencies until the
5 elevator has been inspected and a certificate of operation has
6 been issued by the division. The construction permitholder is
7 responsible for all tests of new and altered equipment until
8 the elevator has been inspected and a certificate of operation
9 has been issued by the division.

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

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

30 (d) Each elevator company must register and have on
31 file with the division a certificate of comprehensive general

1 liability insurance evidencing coverage limits in the minimum
2 amounts of \$100,000 per person and \$300,000 per occurrence and
3 the name of at least one employee who holds a current
4 certificate of competency issued under s. 399.045.

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

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

18 Section 25. Effective July 1, 2001, section 399.03,
19 Florida Statutes, is amended to read:

20 399.03 Design, installation, and alteration of
21 elevators.--

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

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

31

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

7 Section 26. Subsection (1) of section 399.061, Florida
8 Statutes, is amended to read:

9 399.061 Inspections; correction of deficiencies.--

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

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

1 contract, no inspection shall be required so long as the
2 service contract remains in effect.

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

5 Section 27. Effective July 1, 2001, subsection (1) of
6 section 399.13, Florida Statutes, is amended to read:

7 399.13 Delegation of authority to municipalities or
8 counties.--

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

24 Section 28. Effective July 1, 2001, section 400.011,
25 Florida Statutes, is amended to read:

26 400.011 Purpose.--The purpose of this part is to
27 provide for the development, establishment, and enforcement of
28 basic standards for:

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

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 29. 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~~r~~
16 ~~including fire and life safety, plumbing, heating, cooling,~~
17 ~~fighting, 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

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 30. 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

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 31. 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

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 32. 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

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.

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 33. 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.

1 Section 34. Subsections (2) and (3) of section
2 468.609, Florida Statutes, are amended, and paragraph (e) is
3 added to subsection (6) of said section, to read:

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

6 (2) A person may ~~shall be entitled to~~ take the
7 examination for certification as an inspector or plans
8 examiner pursuant to this part if the person:

9 (a) Is at least 18 years of age.†

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

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

13 1. Demonstrates 5 years' combined experience in the
14 field of construction or a related field, building inspection,
15 or plans review corresponding to the certification category
16 sought;

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

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

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

1 rule criteria for the development and implementation of the
2 training programs.

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

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

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

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

17 (c) Meets eligibility requirements according to one of
18 the following criteria:

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

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

31

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 (6)

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

21 Section 35. Section 468.617, Florida Statutes, is
22 amended to read:

23 468.617 Joint inspection department; other
24 arrangements.--

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

1 local jurisdiction may designate an inspector from another
2 local jurisdiction to serve as an inspector for the purposes
3 of this part.

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

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

18 Section 36. Effective July 1, 2001, paragraph (d) of
19 subsection (1) of section 469.002, Florida Statutes, is
20 amended to read:

21 469.002 Exemptions.--

22 (1) This chapter does not apply to:

23 (d) Moving, removal, or disposal of
24 asbestos-containing materials on a residential building where
25 the owner occupies the building, the building is not for sale
26 or lease, and the work is performed according to the
27 owner-builder limitations provided in this paragraph. To
28 qualify for exemption under this paragraph, an owner must
29 personally appear and sign the building permit application.
30 The permitting agency shall provide the person with a
31

1 disclosure statement as provided in chapter 1 of the Florida
2 Building Code.~~in substantially the following form:~~

3
4 ~~Disclosure Statement~~

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

25 Section 37. Subsection (7) is added to section
26 471.015, Florida Statutes, to read:

27 471.015 Licensure.--

28 (7) The board shall, by rule, establish qualifications
29 for certification of licensees as special inspectors of
30 threshold buildings, as defined in ss. 553.71 and 553.79, and
31 shall compile a list of persons who are certified. A special

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

9 Section 38. Subsection (7) is added to section
10 481.213, Florida Statutes, to read:

11 481.213 Licensure.--

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

26 Section 39. Effective July 1, 2001, subsection (19) of
27 section 489.103, Florida Statutes, is amended to read:

28 489.103 Exemptions.--This part does not apply to:

29 (19) The sale, delivery, assembly, or tie-down of
30 prefabricated portable sheds that are not more than 250 square
31 feet in interior size and are not intended for use as a

1 residence or as living quarters. This exemption may not be
2 construed to interfere with the Florida Building Code or any
3 applicable local technical amendment to the Florida Building
4 Code ~~local building codes~~, local licensure requirements, or
5 other local ordinance provisions.

6 Section 40. Effective July 1, 2000, subsection (7) is
7 added to section 489.107, Florida Statutes, to read:

8 489.107 Construction Industry Licensing Board.--

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

11 Section 41. Effective July 1, 2001, subsection (3) of
12 section 489.109, Florida Statutes, is amended to read:

13 489.109 Fees.--

14 (3) In addition to the fees provided in subsection (1)
15 for application and renewal for certification and
16 registration, all certificateholders and registrants must pay
17 a fee of \$4 to the department at the time of application or
18 renewal. The funds must be transferred at the end of each
19 licensing period to the Department of Community Affairs
20 ~~Education~~ to fund projects relating to the building
21 construction industry or continuing education programs offered
22 to persons engaged in the building construction industry in
23 Florida, to be selected by the Florida Building Commission.
24 The board shall, at the time the funds are transferred, advise
25 the Department of Community Affairs ~~Education~~ on the most
26 needed areas of research or continuing education based on
27 significant changes in the industry's practices or on changes
28 in the state building code or on the most common types of
29 consumer complaints or on problems costing the state or local
30 governmental entities substantial waste. The board's advice is
31 not binding on the Department of Community Affairs ~~Education~~.

1 ~~The Department of Education must allocate 50 percent of the~~
2 ~~funds to a graduate program in building construction in a~~
3 ~~Florida university and 50 percent of the funds to all~~
4 ~~accredited private and state universities and community~~
5 ~~colleges within the state offering approved courses in~~
6 ~~building construction, with each university or college~~
7 ~~receiving a pro rata share of such funds based upon the number~~
8 ~~of full-time building construction students enrolled at the~~
9 ~~institution.~~The Department of Community Affairs ~~Education~~
10 shall ensure the distribution of research reports and the
11 availability of continuing education programs to all segments
12 of the building construction industry to which they relate.
13 The Department of Community Affairs ~~Education~~ shall report to
14 the board in October of each year, summarizing the allocation
15 of the funds by institution and summarizing the new projects
16 funded and the status of previously funded projects.

17 Section 42. Paragraph (b) of subsection (4) of section
18 489.115, Florida Statutes, is amended 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

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

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

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

5 Section 43. Section 21 of chapter 98-287, Laws of
6 Florida, is amended to read:

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

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

12 (4)

13 (b)1. Each certificateholder or registrant shall
14 provide proof, in a form established by rule of the board,
15 that the certificateholder or registrant has completed at
16 least 14 classroom hours of at least 50 minutes each of
17 continuing education courses during each biennium since the
18 issuance or renewal of the certificate or registration. The
19 board shall establish by rule that a portion of the required
20 14 hours must deal with the subject of workers' compensation
21 and workplace safety. The board shall by rule establish
22 criteria for the approval of continuing education courses and
23 providers, including requirements relating to the content of
24 courses and standards for approval of providers, and may by
25 rule establish criteria for accepting alternative nonclassroom
26 continuing education on an hour-for-hour basis.

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

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

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

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

28 Section 44. Section 497.255, Florida Statutes, is
29 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Section 45. Effective July 1, 2001, subsection (8) is
11 added to section 500.09, Florida Statutes, to read:

12 500.09 Rulemaking; analytical work.--

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

28 Section 46. Effective July 1, 2001, subsections (7)
29 and (8) are added to section 500.12, Florida Statutes, to
30 read:

31 500.12 Food permits; building permits.--

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

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

9 Section 47. Effective July 1, 2001, subsection (1) of
10 section 500.147, Florida Statutes, is amended to read:

11 500.147 Inspection of food establishments and
12 vehicles; food safety pilot program.--

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

24 Section 48. Effective July 1, 2001, paragraph (d) of
25 subsection (2) and subsection (7) of section 509.032, Florida
26 Statutes, are amended to read:

27 509.032 Duties.--

28 (2) INSPECTION OF PREMISES.--

29 (d) The division shall adopt and enforce sanitation
30 rules consistent with law to ensure the protection of the
31 public from food-borne illness in those establishments

1 licensed under this chapter. These rules shall provide the
 2 standards and requirements for obtaining, storing, preparing,
 3 processing, serving, or displaying food in public food service
 4 establishments, approving public food service establishment
 5 facility plans, conducting necessary public food service
 6 establishment inspections for compliance with sanitation
 7 regulations, cooperating and coordinating with the Department
 8 of Health in epidemiological investigations, and initiating
 9 enforcement actions, and for other such responsibilities
 10 deemed necessary by the division. The division may not
 11 establish by rule any regulation governing the design,
 12 construction, erection, alteration, modification, repair, or
 13 demolition of any public lodging or public food service
 14 establishment. It is the intent of the Legislature to preempt
 15 that function to the Florida Building Commission and the State
 16 Fire Marshal through adoption and maintenance of the Florida
 17 Building Code and the Florida Fire Prevention Code. The
 18 division shall provide technical assistance to the commission
 19 and the State Fire Marshal in updating the construction
 20 standards of the Florida Building Code and the Florida Fire
 21 Prevention Code which govern public lodging and public food
 22 service establishments. Further, the division shall enforce
 23 the provisions of the Florida Building Code and the Florida
 24 Fire Prevention Code which apply to public lodging and public
 25 food service establishments in conducting any inspections
 26 authorized by this part.

27 (7) PREEMPTION AUTHORITY.--The regulation ~~and~~
 28 ~~inspection~~ of public lodging establishments and public food
 29 service establishments, the inspection of public lodging
 30 establishments and public food service establishments for
 31 compliance with the sanitation standards adopted under this

1 section, and the regulation of food safety protection
2 standards for required training and testing of food service
3 establishment personnel are preempted to the state. This
4 subsection does not preempt the authority of a local
5 government or local enforcement district to conduct
6 inspections of public lodging and public food service
7 establishments for compliance with the Florida Building Code
8 and the Florida Fire Prevention Code, pursuant to ss. 553.80
9 and 633.022.

10 Section 49. Effective July 1, 2001, subsection (1) of
11 section 509.221, Florida Statutes, is amended to read:

12 509.221 Sanitary regulations.--

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

25 Section 50. Effective July 1, 2001, section 514.021,
26 Florida Statutes, is amended to read:

27 514.021 Department authorization.--

28 (1) The department is authorized to adopt and enforce
29 rules to protect the health, safety, or welfare of persons
30 using public swimming pools and bathing places. The
31 department shall review and revise such rules as necessary,

1 but not less than biannually. Sanitation and safety standards
 2 shall include, but not be limited to, matters relating to
 3 structure; appurtenances; operation; source of water supply;
 4 bacteriological, chemical, and physical quality of water in
 5 the pool or bathing area; method of water purification,
 6 treatment, and disinfection; lifesaving apparatus; measures to
 7 ensure safety of bathers; and measures to ensure the personal
 8 cleanliness of bathers.

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

30 Section 51. Effective July 1, 2001, section 514.03,
 31 Florida Statutes, is amended to read:

1 514.03 Construction plans approval necessary to
2 construct, develop, or modify public swimming pools or bathing
3 places.--It is unlawful for any person or public body to
4 construct, develop, or modify any public swimming pool or
5 bathing place without a valid construction plans approval from
6 the department. This section does not preempt the authority of
7 local governments or local enforcement districts to conduct
8 plan reviews and inspections of public swimming pools and
9 bathing places for compliance with the general construction
10 standards of the Florida Building Code, pursuant to s. 553.80.

11 (1) Any person or public body desiring to construct,
12 develop, or modify any public swimming pool or bathing place
13 shall file an application for a construction plans approval
14 with the department on application forms provided by the
15 department and shall accompany such application with:

16 (a) Engineering drawings, specifications,
17 descriptions, and detailed maps of the structure, its
18 appurtenances, and its intended operation.

19 (b) A description of the source or sources of water
20 supply and amount and quality of water available and intended
21 to be used.

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

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

26 (2) If the proposed construction of, development of,
27 or modification of a public swimming pool or bathing place
28 meets standards of public health and safety as defined in this
29 chapter and rules adopted hereunder, the department shall
30 grant the application for the construction plans approval
31 within 30 days after receipt of a complete submittal. If

1 engineering plans submitted are in substantial compliance with
2 the standards aforementioned, the department may approve the
3 plans with provisions for corrective action to be completed
4 prior to issuance of the operating permit.

5 (3) If the proposed construction, development, or
6 modification of a public swimming pool or bathing place fails
7 to meet standards of public health and safety as defined in
8 this chapter and rules adopted hereunder, the department shall
9 deny the application for construction plans approval pursuant
10 to the provisions of chapter 120. Such denial shall be issued
11 in writing within 30 days and shall list the circumstances for
12 denial. Upon correction of such circumstances, an applicant
13 previously denied permission to construct, develop, or modify
14 a public swimming pool or bathing place may reapply for
15 construction plans approval.

16 (4) An approval of construction plans issued by the
17 department under this section becomes void 1 year after the
18 date the approval was issued if the construction is not
19 commenced within 1 year after the date of issuance.

20 Section 52. Subsection (1) of section 553.06, Florida
21 Statutes, is amended to read:

22 553.06 State Plumbing Code.--

23 (1) The Florida Building Commission shall, in
24 accordance with the provisions of chapter 120 and ss.
25 553.70-553.895, adopt the Standard Plumbing Code, 1994
26 edition, as adopted at the October 1993 annual meeting of the
27 Southern Building Code Congress International, as the State
28 Plumbing Code which shall be the minimum requirements
29 statewide for all installations, repairs, and alterations to
30 plumbing. The commission ~~board~~ may, in accordance with the
31 requirements of chapter 120, adopt all or parts of updated or

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

14 Section 53. Effective July 1, 2001, section 553.141,
15 Florida Statutes, is amended to read:

16 553.141 Public restrooms; ratio of facilities for men
17 and women; application; incorporation into the Florida
18 Building Code rules.--The Florida Building Commission shall
19 incorporate into the Florida Building Code, to be adopted by
20 rule pursuant to s. 553.73(1), a ratio of public restroom
21 facilities for men and women which must be provided in all
22 buildings that are newly constructed after September 30, 1992,
23 and that have restrooms open to the public.

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

30 ~~(2) As used in this section, the term "newly~~
31 ~~constructed" means new construction, building, alteration,~~

1 ~~rehabilitation, or repair that equals or exceeds 50 percent of~~
2 ~~the replacement value existing on October 1, 1992, unless the~~
3 ~~same was under design or construction, or under construction~~
4 ~~contract before October 1, 1992.~~

5 ~~(3)~~ This section does not apply to establishments
6 licensed under chapter 509 if the establishment does not
7 provide meeting or banquet rooms which accommodate more than
8 150 persons and the establishment has at least the same number
9 of water closets for women as the combined total of water
10 closets and urinals for men.

11 ~~(4)~~ ~~The Board of Building Codes and Standards shall~~
12 ~~adopt rules to administer this section, pursuant to chapter~~
13 ~~120.~~

14 Section 54. The Division of Statutory Revision is
15 requested to change the title of part IV of chapter 553,
16 Florida Statutes, to "MANUFACTURED BUILDINGS."

17 Section 55. Effective July 1, 2001, section 553.355,
18 Florida Statutes, is created to read:

19 553.355 Minimum construction requirements
20 established.--The Florida Building Code and the Florida Fire
21 Prevention and Lifesafety Codes shall be the minimum
22 construction requirements governing the manufacture, design,
23 construction, erection, alteration, modification, repair, and
24 demolition of manufactured buildings.

25 Section 56. Subsections (5) and (11) of section
26 553.36, Florida Statutes, are amended, present subsections
27 (13) and (14) of said section are redesignated as subsections
28 (14) and (15), respectively, and a new subsection (13) is
29 added to said section, to read:

30
31

1 553.36 Definitions.--The definitions contained in this
2 section govern the construction of this part unless the
3 context otherwise requires.

4 (5) "Component" means any assembly, subassembly, or
5 combination of parts for use as a part of a building, which
6 may include structural, electrical, mechanical, and fire
7 protection systems and other systems affecting health and
8 safety. Components that incorporate elements of a building
9 subject to the product approval system adopted under s.
10 553.842 are subject to approval in accordance with the product
11 approval system upon implementation thereof and are not
12 subject to the rules adopted under this part. Components to
13 which the rules adopted under this part apply are limited to
14 three-dimensional systems for use as part of a building.

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

1 ~~installation, or assembly and installation, on the building~~
2 ~~site.~~

3 (13) "Module" means a separately transported
4 three-dimensional component of a manufactured building which
5 contains all or a portion of structural systems, electrical
6 systems, plumbing systems, mechanical systems, fire systems,
7 and thermal systems.

8 Section 57. Effective July 1, 2001, subsections (1)
9 and (2) of section 553.36, Florida Statutes, are amended to
10 read:

11 553.36 Definitions.--The definitions contained in this
12 section govern the construction of this part unless the
13 context otherwise requires.

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

16 (2) "Approved inspection agency" means an organization
17 determined by the department to be especially qualified by
18 reason of facilities, personnel, experience, and demonstrated
19 reliability to investigate, test, and evaluate manufactured
20 building units or systems or the component parts thereof,
21 together with the plans, specifications, and quality control
22 procedures to ensure that such units, systems, or component
23 parts are in full compliance with the Florida Building Code
24 ~~standards adopted by the department pursuant to this part~~ and
25 to label such units complying with those standards.

26 Section 58. Subsections (1), (2), (5), and (8) of
27 section 553.37, Florida Statutes, are amended, present
28 subsection (9) of said section is redesignated as subsection
29 (11), and new subsections (9) and (10) are added to said
30 section, to read:

31 553.37 Rules; inspections; and insignia.--

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

7 (a) Submittal to and approval by the department of
8 manufacturers' drawings and specifications, including any
9 amendments.

10 (b) Submittal to and approval by the department of
11 manufacturers' internal quality control procedures and
12 manuals, including any amendments.

13 (c) Procedures and qualifications for approval of
14 third-party plan review and inspection entities and of those
15 who perform inspections and plan reviews.

16 (d) Investigation of consumer complaints of
17 noncompliance of manufactured buildings with the requirements
18 for construction or modification of such buildings.

19 ~~(e)~~ (e) Issuance, cancellation, and revocation of any
20 insignia issued by the department and procedures for auditing
21 and accounting for disposition of them.

22 (f) Monitoring the manufacturers', inspection
23 entities', and plan review entities' compliance with this
24 part. Monitoring may include, but is not limited to,
25 performing audits of plans, inspections of manufacturing
26 facilities and observation of the manufacturing and inspection
27 process, and onsite inspections of buildings.

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

30 (2) After the effective date of the rules adopted
31 pursuant to this part, no manufactured building, except as

1 provided in subsection(11)(9), may be installed in this state
2 unless it is approved and bears the insignia of approval of
3 the department. Approvals issued by the department under the
4 provisions of the prior part shall be deemed to comply with
5 the requirements of this part.

6 (5) Manufactured buildings which have been issued and
7 bear the insignia of approval pursuant to this part upon
8 manufacture or first sale shall not require an additional
9 approval or insignia by a local government in which they are
10 subsequently sold or installed. Buildings or structures that
11 meet the definition of "open construction" are subject to
12 permitting by the local jurisdiction and are not required to
13 bear insignia.

14 (8) The department may delegate its enforcement
15 authority to a state department having building construction
16 responsibilities or a local government. The department may
17 ~~itself shall not inspect manufactured buildings but shall~~
18 delegate its plan review and inspection authority to a state
19 department having building construction responsibilities, a
20 local government, an approved inspection agency, an approved
21 plan review agency, or an agency of another state.

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

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

1 Section 59. Effective July 1, 2001, subsections (1),
2 (2), (3), (4), (6), (7), (9), and (10) of section 553.37,
3 Florida Statutes, as amended by this act, are amended to read:

4 553.37 Rules; inspections; and insignia.--

5 (1) The Florida Building Commission ~~department may~~
6 ~~enter into contracts and take actions necessary and incidental~~
7 ~~to the administration of its authority under this part. In~~
8 ~~addition, the department shall adopt within the Florida~~
9 ~~Building Code rules in accordance with chapter 120 setting~~
10 requirements for construction or modification of manufactured
11 buildings and building modules, to address:

12 (a) Submittal to and approval by the department of
13 manufacturers' drawings and specifications, including any
14 amendments.

15 (b) Submittal to and approval by the department of
16 manufacturers' internal quality control procedures and
17 manuals, including any amendments.

18 (c) Procedures and qualifications for approval of
19 third-party plan review and inspection entities and of those
20 who perform inspections and plan review.

21 (d) Investigation of consumer complaints of
22 noncompliance of manufactured buildings with the Florida
23 Building Code and the Florida Fire Prevention Code
24 ~~requirements for construction or modification of such~~
25 ~~buildings.~~

26 (e) Issuance, cancellation, and revocation of any
27 insignia issued by the department and procedures for auditing
28 and accounting for disposition of them.

29 (f) Monitoring the manufacturers', inspection
30 entities', and plan review entities' compliance with this part
31 and the Florida Building Code. Monitoring may include, but is

1 not limited to, performing audits of plans, inspections of
2 manufacturing facilities and observation of the manufacturing
3 and inspection process, and onsite inspections of buildings.

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

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

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

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

22 (6) If the Florida Building Commission ~~department~~
23 determines that the standards for construction and inspection
24 of manufactured buildings prescribed by statute or rule of
25 another state are at least equal to the Florida Building Code
26 ~~rules prescribed under this part~~ and that such standards are
27 actually enforced by such other state, it may provide by rule
28 that the manufactured building which has been inspected and
29 approved by such other state shall be deemed to have been
30 approved by the department and shall authorize the affixing of
31 the appropriate insignia of approval.

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

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

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

15 Section 60. Section 553.375, Florida Statutes, is
16 created to read:

17 553.375 Recertification of manufactured
18 buildings.--Prior to the relocation, modification, or change
19 of occupancy of a manufactured building within the state, the
20 manufacturer, dealer, or owner thereof may apply to the
21 department for recertification of that manufactured building.
22 The department shall, by rule, provide what information the
23 applicant must submit for recertification and for plan review
24 and inspection of such manufactured buildings and shall
25 establish fees for recertification. Upon a determination by
26 the department that the manufactured building complies with
27 the applicable building codes, the department shall issue a
28 recertification insignia. A manufactured building that bears
29 recertification insignia does not require any additional
30 approval by an enforcement jurisdiction in which the building
31 is sold or installed, and is considered to comply with all

1 applicable codes. As an alternative to recertification by the
2 department, the manufacturer, dealer, or owner of a
3 manufactured building may seek appropriate permitting and a
4 certificate of occupancy from the local jurisdiction in
5 accordance with procedures generally applicable under the
6 Florida Building Code.

7 Section 61. Effective July 1, 2001, section 553.38,
8 Florida Statutes, is amended to read:

9 553.38 Application and scope.--

10 ~~(1) The department shall promulgate rules which~~
11 ~~protect the health, safety, and property of the people of this~~
12 ~~state by assuring that each manufactured building is~~
13 ~~structurally sound and properly installed on site and that~~
14 ~~plumbing, heating, electrical, and other systems thereof are~~
15 ~~reasonably safe, and which interpret and make specific the~~
16 ~~provisions of this part.~~

17 (2) The department shall enforce every provision of
18 the Florida Building Code ~~this part and the rules~~ adopted
19 pursuant hereto, except that local land use and zoning
20 requirements, fire zones, building setback requirements, side
21 and rear yard requirements, site development requirements,
22 property line requirements, subdivision control, and onsite
23 installation requirements, as well as the review and
24 regulation of architectural and aesthetic requirements, are
25 specifically and entirely reserved to local authorities. Such
26 local requirements and rules which may be enacted by local
27 authorities must be reasonable and uniformly applied and
28 enforced without any distinction as to whether a building is a
29 conventionally constructed or manufactured building. A local
30 government shall require permit fees only for those
31 inspections actually performed by the local government for the

1 installation of a factory-built structure. Such fees shall be
2 equal to the amount charged for similar inspections on
3 conventionally built housing.

4 Section 62. Section 553.381, Florida Statutes, is
5 amended to read:

6 553.381 Manufacturer certification; ~~product liability~~
7 ~~insurance as prerequisite.~~--

8 (1) Before manufacturing buildings to be located
9 within this state or selling manufactured buildings within
10 this state, whichever occurs later, a manufacturer must be
11 certified by the department. The department shall certify a
12 manufacturer upon receipt from the manufacturer and approval
13 and verification by the department of the following:

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

16 ~~(b) As a prerequisite to obtaining approval to produce~~
17 ~~manufactured buildings for sale in the state, the manufacturer~~
18 ~~must submit~~ Evidence that the manufacturer ~~she or he~~ has
19 product liability insurance for the safety and welfare of the
20 public in amounts determined by rule of the department; ~~and.~~

21 (c) The fee established by the department under s.
22 553.37(7).

23 (2) The department may revoke any certification upon
24 the failure of the manufacturer to comply with the
25 construction standards adopted under this part or other
26 requirements of this part.

27 (3) Certification of manufacturers under this section
28 shall be for a period of 3 years, subject to renewal by the
29 manufacturer. Upon application for renewal, the manufacturer
30 must submit the information described in subsection (1) or a
31 sworn statement that there has been no change in the status or

1 content of that information since the manufacturer's last
2 submittal. Fees for renewal of manufacturers' certification
3 shall be established by the department by rule.

4 Section 63. Effective July 1, 2001, section 553.381,
5 Florida Statutes, as amended by this act, is amended to read:

6 553.381 Manufacturer certification.--

7 (1) Before manufacturing buildings to be located
8 within this state or selling manufactured buildings within
9 this state, whichever occurs later, a manufacturer must be
10 certified by the department. The department shall certify a
11 manufacturer upon receipt from the manufacturer and approval
12 and verification by the department of the following:

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

15 (b) Evidence that the manufacturer has product
16 liability insurance for the safety and welfare of the public
17 in amounts determined by rule of the commission ~~department~~;
18 and

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

21 (2) The department may revoke any certification upon
22 the failure of the manufacturer to comply with the Florida
23 Building Code ~~construction standards adopted under this part~~
24 or other requirements of this part.

25 (3) Certification of manufacturers under this section
26 shall be for a period of 3 years, subject to renewal by the
27 manufacturer. Upon application for renewal, the manufacturer
28 must submit the information described in subsection (2) or a
29 sworn statement that there has been no change in the status or
30 content of that information since the manufacturer's last
31

1 submittal. Fees for renewal of manufacturers' certification
2 shall be established by the commission ~~department~~ by rule.

3 Section 64. Effective July 1, 2001, section 553.39,
4 Florida Statutes, is amended to read:

5 553.39 Injunctive relief.--The department may seek
6 injunctive or other relief from the circuit court of
7 appropriate jurisdiction to compel compliance with the
8 requirements of this part or with the Florida Building Code
9 ~~rules issued pursuant thereto~~ or to enjoin the sale, delivery,
10 or installation of a manufactured building, upon an affidavit
11 specifying the manner in which the building does not conform
12 to the Florida Building Code or other requirements of this
13 part ~~or to rules issued pursuant thereto~~. Noncompliance with
14 the Florida Building Code or this part ~~or the rules~~
15 ~~promulgated under this part~~ shall be considered prima facie
16 evidence of irreparable damage in any cause of action brought
17 under the authority of this part.

18 Section 65. Section 553.41, Florida Statutes, is
19 created to read:

20 553.41 Factory-built school buildings.--

21 (1) It is the purpose of this section to provide an
22 alternative procedure for the construction and installation of
23 factory-built school buildings designed or intended for use as
24 school buildings. As used in this section, the term
25 "factory-built school building" means any building designed or
26 intended for use as a school building, which is in whole or in
27 part, manufactured at an off site facility in compliance with
28 the State Uniform Code for Public Educational Facilities and
29 Department of Education rule, effective on January 5, 2000.
30 After July 1, 2001, the Uniform Code for Public Educational
31 Facilities shall be incorporated into the Florida Building

1 Code, including specific requirements for Public Educational
2 Facilities and the Department of Education rule, effective on
3 January 5, 2000. For the purpose of this section,
4 factory-built school buildings include prefabricated
5 educational facilities, factory-built educational facilities,
6 and modular built educational facilities, that are designed to
7 be portable, relocatable, demountable, or reconstructible; are
8 used primarily as classrooms or the components of an entire
9 school; and do not fall under the provisions of ss.
10 320.822-320.862.

11 (2) A manufacturer of factory-built school buildings
12 shall be subject to the certification and enforcement
13 requirements in part IV of chapter 553 except as provided in
14 this section.

15 (3) Within 90 days after the effective date of this
16 section, the department shall adopt by emergency rule
17 regulations to carry out the provisions of this section. Such
18 rule shall ensure the safety of design, construction,
19 accessibility, alterations, and inspections and shall also
20 prescribe procedures for the plans, specifications, and
21 methods of construction to be submitted to the department for
22 approval.

23 (4) A manufacturer of factory-built school buildings
24 designed or intended for use as school buildings shall submit
25 to the department for approval the manufacturer's plans,
26 specifications, alterations, and methods of construction. The
27 department is authorized to charge manufacturers a fee which
28 reflects the actual expenses incurred for the review of such
29 plans and specifications.

30 (5) The department, in accordance with the standards
31 and procedures adopted pursuant to this section and as such

1 standards and procedures may thereafter be modified, shall
2 approve or reject such plans, specifications, and methods of
3 construction. Approval shall not be given unless such plans,
4 specifications, and methods of construction are in compliance
5 with the State Uniform Building Code for Public Educational
6 Facilities and department rule. After July 1, 2001, the
7 Uniform Code for Public Educational facilities shall be
8 incorporated into the Florida Building Code, including
9 specific requirements for public educational facilities and
10 department rule.

11 (6) The department may delegate its plans review
12 authority to a state agency or public or private entity;
13 however, the department shall ensure that any person
14 conducting plans reviews is a certified plans examiner,
15 pursuant to part XII of chapter 468.

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

21 (8) Any amendment to the State Uniform Code for Public
22 Educational Facilities, and after July 1, 2001 the Florida
23 Building Code, shall become effective 180 days after the
24 amendment is filed with the Secretary of State.
25 Notwithstanding the 180-day delayed effective date, the
26 manufacturer shall submit and obtain a revised approved plan
27 within the 180 days. A revised plan submitted pursuant to
28 this subsection shall be processed as a renewal or revision
29 with appropriate fees. A plan submitted after the period of
30 time provided shall be processed as a new application with
31 appropriate fees.

1 (9) The school district or community college district
2 for which any factory-built school building is constructed or
3 altered shall provide for periodic inspection of the proposed
4 factory-built school building during each phase of
5 construction or alteration. The inspector shall act under the
6 direction of the governing board for employment purposes.

7 (10) The department shall, by rule, develop forms and
8 reporting periods for the architect or structural engineer in
9 charge of the supervision of the work of construction in the
10 factory, the inspector on the work, and the manufacturer
11 verifying that based upon personal knowledge, the work during
12 the period covered by the report has been performed, and the
13 materials used and installed, in every particular, in
14 accordance with the approved plans and specifications, setting
15 forth such detailed statements of facts as required by the
16 department.

17 (11) The department shall develop a unique
18 identification label to be affixed to all newly constructed
19 factory-built school buildings and existing factory-built
20 school buildings which have been brought into compliance with
21 the standards for existing "satisfactory" buildings pursuant
22 to chapter 5 of the Uniform Code for Public Educational
23 Facilities, and after July 1, 2001 the Florida Building Code.
24 The department may charge a fee for issuing such labels. Such
25 labels, bearing the department's name and state seal, shall at
26 a minimum, contain:

27 (a) The name of the manufacturer.

28 (b) The standard plan approval number or alteration
29 number.

30 (c) The date of manufacture or alteration.

31 (d) The serial or other identification number.

1 (e) The following designed-for loads: lbs. per square
2 foot live load; lbs. per square foot floor live load; lbs. per
3 square foot horizontal wind load; and lbs. per square foot
4 wind uplift load.

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

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

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

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

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

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

21 Section 66. Section 553.503, Florida Statutes, is
22 amended to read:

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

1 must be adopted by the Florida Building Commission ~~Board of~~
2 ~~Building Codes and Standards~~ in accordance with chapter 120.

3 Section 67. Section 553.5041, Florida Statutes, is
4 created to read:

5 553.5041 Parking spaces for persons who have
6 disabilities.--

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

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

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

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

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

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

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

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

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

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

29 (b) Each space must be located on the shortest safely
30 accessible route from the parking space to an accessible
31 entrance. If there are multiple entrances or multiple retail

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

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

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

29 3. Any provision of this subsection to the contrary
 30 notwithstanding, a theme park or an entertainment complex as
 31 defined in s. 509.013(9) in which are provided continuous

1 attendant services for directing individuals to marked
2 accessible parking spaces or designated lots for parking by
3 persons who have disabilities, may, in lieu of the required
4 parking space design, provide parking spaces that comply with
5 ss. 4.1 and 4.6 of the Americans with Disabilities Act
6 Accessibility Guidelines.

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

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

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

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

1 the length of the accessible route from a parking space to the
2 facility. The removal of an architectural barrier must not
3 create a significant risk to the health or safety of a person
4 who has a disability or to that of others.

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

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

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

6 Section 68. Section 553.506, Florida Statutes, is
7 amended to read:

8 553.506 Powers of the commission board.--In addition
9 to any other authority vested in the Florida Building
10 Commission board by law, the commission Board of Building
11 Codes and Standards, in implementing ss. 553.501-553.513, may,
12 by rule, adopt revised and updated versions of the Americans
13 with Disabilities Act Accessibility Guidelines in accordance
14 with chapter 120.

15 Section 69. Section 553.512, Florida Statutes, is
16 amended to read:

17 553.512 Modifications and waivers; advisory council.--

18 (1) The Florida Building Commission Board of Building
19 Codes and Standards shall provide by regulation criteria for
20 granting individual modifications of, or exceptions from, the
21 literal requirements of this part upon a determination of
22 unnecessary, unreasonable, or extreme hardship, provided such
23 waivers shall not violate federal accessibility laws and
24 regulations and shall be reviewed by the ~~Handicapped~~
25 Accessibility Advisory Council. The commission may not
26 consider waiving any of the requirements of s. 553.5041 unless
27 the applicant first demonstrates that she or he has applied
28 for and been denied waiver or variance from all local
29 government zoning, subdivision regulations, or other
30 ordinances that prevent compliance therewith. Further, the
31 commission may not waive the requirement of s. 553.5041(5)(a)

1 and (c)1. governing the minimum width of accessible routes and
 2 minimum width of accessible parking spaces.

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

28 (3)~~(2)~~ Members of the council shall serve without
 29 compensation, but shall be entitled to reimbursement for per
 30 diem and travel expenses as provided by s. 112.061.

31

1 ~~(4)(3)~~ Meetings of the advisory council shall be held
2 in conjunction with the regular meetings of the commission.

3 Section 70. Subsection (7) of section 553.71, Florida
4 Statutes, is amended, and subsections (9) and (10) are added
5 to said section, to read:

6 553.71 Definitions.--As used in this part, the term:

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

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

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

21 Section 71. Effective July 1, 2001, subsections (5)
22 and (7) of section 553.71, Florida Statutes, as amended by
23 this act, are amended, and subsection (11) is added to said
24 section, to read:

25 553.71 Definitions.--As used in this part, the term:

26 (5) "Local enforcement agency" means an agency of
27 local government, a local school board, a community college
28 board, or a university in the State University System with
29 jurisdiction ~~authority~~ to make inspections of buildings and to
30 enforce the codes which establish standards for design,
31 construction, erection, alteration, repair, modification, or

1 demolition of public or private buildings, structures, or
2 facilities.

3 (7) "Threshold building" means any building which is
4 greater than three stories or 50 feet in height, or which has
5 an assembly occupancy classification as defined in the Florida
6 Building Code ~~State Minimum Building Codes~~ which exceeds 5,000
7 square feet in area and an occupant content of greater than
8 500 persons.

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

17 Section 72. Section 38 of chapter 98-287, Laws of
18 Florida, is amended to read:

19 Section 38. Effective July ~~January~~ 1, 2001, section
20 553.72, Florida Statutes, is amended to read:

21 553.72 Intent.--

22 (1) The purpose and intent of this act is to provide a
23 mechanism for the uniform promulgation, adoption, updating,
24 amendment, interpretation, and enforcement of a single,
25 unified state minimum building code, to be called the Florida
26 Building Code, codes which consists of a single set of
27 documents that apply to the design, construction, erection,
28 alteration, modification, repair, or demolition of public or
29 private buildings, structures, or facilities in this state and
30 to the enforcement of such requirements ~~contain standards~~
31 ~~flexible enough to cover all phases of construction and which~~

1 will allow effective and reasonable protection for public
2 safety, health, and general welfare for all the people of
3 Florida at the most reasonable cost to the consumer. The
4 Florida Building Code shall be organized to provide
5 consistency and simplicity of use. The Florida Building Code
6 shall be applied, administered, and enforced uniformly and
7 consistently from jurisdiction to jurisdiction. The Florida
8 Building Code shall provide for flexibility to be exercised in
9 a manner that meets minimum requirements, is affordable, does
10 not inhibit competition, and promotes innovation and new
11 technology.

12 (2) It is the intent of the Legislature that local
13 governments shall have the power to inspect all buildings,
14 structures, and facilities within their jurisdictions in
15 protection of the public health, safety, and welfare pursuant
16 to chapters 125 and 166.

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

22 (4) It is the intent of the Legislature that the
23 Florida Fire Prevention Code and the Life Safety Code of this
24 state be adopted, modified, updated, interpreted, and
25 maintained by the Department of Insurance in accordance with
26 ss. 120.536(1) and 120.54 and included by reference as
27 sections in the Florida Building Code.

28 (5) It is the intent of the Legislature that there be
29 no conflicting requirements between the Florida Fire
30 Prevention Code and the Life Safety Code of the state and
31 other provisions of the Florida Building Code or conflicts in

1 their enforcement and interpretation. Potential conflicts
2 shall be resolved through coordination and cooperation of the
3 State Fire Marshal and the Florida Building Commission as
4 provided by this part and chapter 633.

5 Section 73. Effective July 1, 2001, subsection (1) of
6 section 553.72, Florida Statutes, as amended by section 38 of
7 chapter 98-287, Laws of Florida, is amended, and subsection
8 (6) is added to said section, to read:

9 553.72 Intent.--

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

1 (6) It is the intent of the Legislature that the
2 nationally recognized private-sector third-party testing and
3 evaluation system shall provide product evaluation for the
4 product-approval system and that effective government
5 oversight be established to ensure accountability to the
6 state.

7 Section 74. Section 40 of chapter 98-287, Laws of
8 Florida, is amended to read:

9 Section 40. Effective July ~~January~~ 1, 2001, section
10 553.73, Florida Statutes, as amended by this act, is amended
11 to read:

12 553.73 Florida State Minimum Building Code Codes.--

13 (1)(a) The commission shall adopt, by rule pursuant to
14 ss. 120.536(1) and 120.54, the Florida Building Code which
15 shall contain or incorporate by reference all laws and rules
16 which pertain to and govern the design, construction,
17 erection, alteration, modification, repair, and demolition of
18 public and private buildings, structures, and facilities and
19 enforcement of such laws and rules, except as otherwise
20 provided in this section.~~By October 1, 1984, local~~
21 ~~governments and state agencies with building construction~~
22 ~~regulation responsibilities shall adopt a building code which~~
23 ~~shall cover all types of construction. Such code shall~~
24 ~~include the provisions of parts I-V, VII, and VIII, relating~~
25 ~~to plumbing, electrical requirements, glass, manufactured~~
26 ~~buildings, accessibility by handicapped persons, and thermal~~
27 ~~efficiency, and shall be in addition to the requirements set~~
28 ~~forth in chapter 527, which pertains to liquefied petroleum~~
29 ~~gas.~~

30 (b) The technical portions of the Florida
31 Accessibility Code for Building Construction shall be

1 contained in its entirety in the Florida Building Code. The
 2 civil rights portions and the technical portions of the
 3 accessibility laws of this state shall remain as currently
 4 provided by law. Any revision or amendments to the Florida
 5 Accessibility Code for Building Construction pursuant to part
 6 V shall be considered adopted by the commission as part of the
 7 Florida Building Code. Neither the commission nor any local
 8 government shall revise or amend any standard of the Florida
 9 Accessibility Code for Building Construction except as
 10 provided for in part V.

11 (c) The Florida Fire Prevention Code and the Life
 12 Safety Code shall be referenced in the Florida Building Code,
 13 but shall be adopted, modified, revised, or amended,
 14 interpreted, and maintained by the Department of Insurance by
 15 rule adopted pursuant to ss. 120.536(1) and 120.54. Nothing in
 16 the Florida Building Code shall affect the statutory powers,
 17 duties, and responsibilities of any fire official or the
 18 Department of Insurance.

19 (d) Conflicting requirements between the Florida
 20 Building Code and the Florida Fire Prevention Code and Life
 21 Safety Code of the state established pursuant to s. 633.022
 22 and s. 633.025 shall be resolved by agreement between the
 23 commission and the State Fire Marshal in favor of the
 24 requirement that offers the greatest degree of life safety or
 25 alternatives that would provide an equivalent degree of life
 26 safety and an equivalent method of construction. If the
 27 commission and State Fire Marshal are unable to agree on a
 28 resolution, the question shall be referred to a mediator,
 29 mutually agreeable to both parties, to resolve the conflict in
 30 favor of the provision that offers the greatest life safety,
 31

1 or alternatives that would provide an equivalent degree of
2 life safety and an equivalent method of construction.

3 ~~(e)(b)~~ Subject to the provisions of this act,~~in the~~
4 ~~event that a special act of the Legislature, passed prior or~~
5 ~~subsequent to January 1, 1978, places responsibility for~~
6 enforcement, interpretation, and building construction
7 regulation of the Florida Building Code shall be vested in a
8 specified local board or agency, and the words "local
9 government" and "local governing body" as used in this part
10 shall be construed to refer exclusively to such local board or
11 agency.

12 (2) The Florida Building Code shall contain provisions
13 or requirements for public and private buildings, structures,
14 and facilities relative to structural, mechanical, electrical,
15 plumbing, energy, and gas systems, existing buildings,
16 historical buildings, manufactured buildings, elevators,
17 coastal construction, lodging facilities, food sales and food
18 service facilities, health care facilities, public or private
19 educational facilities, swimming pools, and correctional
20 facilities and enforcement of and compliance with such
21 provisions or requirements.~~There is created the State Minimum~~
22 ~~Building Codes which shall consist of the following nationally~~
23 ~~recognized model codes:~~

24 ~~(a) Standard Building Codes, 1988 edition, pertaining~~
25 ~~to building, plumbing, mechanical, and gas, and excluding fire~~
26 ~~prevention;~~

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

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

29 and

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

31

1 ~~Each local government and state agency with building~~
 2 ~~construction regulation responsibilities shall adopt one of~~
 3 ~~the State Minimum Building Codes as its building code, which~~
 4 ~~shall govern the construction, erection, alteration, repair,~~
 5 ~~or demolition of any building for which the local government~~
 6 ~~or state agency has building construction regulation~~
 7 ~~responsibility. If the One and Two Family Dwelling Code is~~
 8 ~~adopted for residential construction, then one of the other~~
 9 ~~recognized model codes must be adopted for the regulation of~~
 10 ~~other residential and nonresidential structures.~~ Provisions to
 11 be contained within the Florida ~~any State Minimum Building~~
 12 Code are restricted to requirements related to the types of
 13 materials used and construction methods and standards employed
 14 in order to meet criteria specified in the Florida Building
 15 Code ~~minimum building codes~~. Provisions relating to the
 16 personnel, supervision or training of personnel, or any other
 17 professional qualification requirements relating to
 18 contractors or their workforce may not be included within the
 19 Florida ~~a State Minimum Building Code~~, and subsection (4) is
 20 not to be construed to allow the inclusion of such provisions
 21 within the Florida ~~any State Minimum Building Code~~ by
 22 amendment. This restriction applies to both initial
 23 development and amendment of the Florida Building Code.

24 (3) The commission shall select from available
 25 national or international model building codes, or other
 26 available building codes and standards currently recognized by
 27 the laws of this state, to form the foundation for the Florida
 28 Building Code. The commission may modify the selected model
 29 codes and standards as needed to accommodate the specific
 30 needs of this state. Standards or criteria referenced by the
 31 selected model codes shall be similarly incorporated by

1 reference. If a referenced standard or criterion requires
 2 amplification or modification to be appropriate for use in
 3 this state, only the amplification or modification shall be
 4 specifically set forth in the Florida Building Code. The
 5 commission shall incorporate within sections of the Florida
 6 Building Code provisions which address regional and local
 7 concerns and variations. The commission shall make every
 8 effort to minimize conflicts between the Florida Building
 9 Code, the Florida Fire Prevention Code, and the Life Safety
 10 Code.~~The commission may, by rule adopted in accordance with~~
 11 ~~the requirements of ss. 120.536(1) and 120.54, designate all~~
 12 ~~or a part of an updated or revised version of a model code~~
 13 ~~listed in subsection (2) as a State Minimum Building Code.~~

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

27 (b) ~~Local governments and state agencies with building~~
 28 ~~construction regulation responsibilities may, subject to the~~
 29 ~~limitations of this section, adopt amendments to the technical~~
 30 provisions of the Florida Building Code which apply solely
 31 within the jurisdiction of such government and which provide

1 for more stringent requirements than those specified in the
2 Florida State Minimum Building Code, not more than once every
3 6 months, Codes provided:

4 1.(a) The local governing body determines, following a
5 public hearing which has been advertised in a newspaper of
6 general circulation at least 10 days before the hearing, that
7 there is a need to strengthen the requirements of the Florida
8 State Minimum Building Code ~~Codes~~ adopted by such governing
9 ~~body~~. The determination must be based upon a review of local
10 conditions by the local governing body, which review
11 demonstrates that local conditions justify more stringent
12 requirements than those specified in the Florida State Minimum
13 Building Code ~~Codes~~ for the protection of life and property.

14 2.(b) Such additional requirements are not
15 discriminatory against materials, products, or construction
16 techniques of demonstrated capabilities.

17 3.(c) Such additional requirements may not introduce a
18 new subject not addressed in the Florida State Minimum
19 Building Code ~~Codes~~.

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

23 5. Any amendment to the Florida Building Code shall be
24 transmitted within 30 days by the adopting local government to
25 the commission. The commission shall maintain copies of all
26 such amendments in a format that is usable and obtainable by
27 the public.

28 6. Any amendment to the Florida Building Code adopted
29 by a local government pursuant to this paragraph shall be
30 effective only until the adoption by the commission of the new
31 edition of the Florida Building Code every third year. At

1 such time, the commission shall adopt such amendment as part
 2 of the Florida Building Code or rescind the amendment. The
 3 commission shall immediately notify the respective local
 4 government of the rescission of any amendment. After receiving
 5 such notice, the respective local government may readopt the
 6 rescinded amendment pursuant to the provisions of this
 7 paragraph.

8 7. Each county and municipality desiring to make local
 9 technical amendments to the Florida Building Code shall by
 10 interlocal agreement establish a countywide compliance review
 11 board to review any amendment to the Florida Building Code,
 12 adopted by a local government within the county pursuant to
 13 this paragraph, that is challenged by any substantially
 14 affected party for purposes of determining the amendment's
 15 compliance with this paragraph. If the compliance review
 16 board determines such amendment is not in compliance with this
 17 paragraph, the compliance review board shall notify such local
 18 government of the noncompliance and that the amendment is
 19 invalid and unenforceable until the local government corrects
 20 the amendment to bring it into compliance. The local
 21 government may appeal the decision of the compliance review
 22 board to the commission. If the compliance review board
 23 determines such amendment to be in compliance with this
 24 paragraph, any substantially affected party may appeal such
 25 determination to the commission. Actions of the commission are
 26 subject to judicial review pursuant to s. 120.68. The
 27 compliance review board shall determine whether its decisions
 28 apply to a respective local jurisdiction or apply countywide.

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

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

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

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

18 ~~(d) Paragraphs (a), (b), and (c) apply to the~~
19 ~~enforcing agency's adoption of more stringent requirements~~
20 ~~than those specified in the State Minimum Building Codes and~~
21 ~~to the adoption of building construction-related codes that~~
22 ~~have the effect of amending building construction standards~~
23 ~~contained in the State Minimum Building Codes. Upon request,~~
24 ~~the enforcing agency shall provide a person making application~~
25 ~~for a building permit, or any state agency or board with~~
26 ~~construction-related regulation responsibilities, a listing of~~
27 ~~all such requirements and codes.~~

28 (5) The commission, by rule adopted pursuant to ss.
29 120.536(1) and 120.54, shall update the Florida Building Code
30 every 3 years. Once initially adopted and subsequently
31 updated by the board, the Florida Building Code shall be

1 deemed adopted for use statewide without adoptions by local
2 government. When updating the Florida Building Code, the
3 commission shall consider changes made by the adopting entity
4 of any selected model code for any model code incorporated
5 into the Florida Building Code by the commission, the
6 commission's own interpretations, declaratory statements,
7 appellate decisions, and approved statewide and local
8 technical amendments.

9 (6)(5) It shall be the responsibility of each
10 municipality and county in the state and of each state agency
11 with statutory authority to regulate building construction to
12 enforce the provisions of the Florida ~~specific model code of~~
13 the State Minimum Building Code Codes adopted by that
14 municipality, county, or agency, in accordance with the
15 provisions of s. 553.80. If such responsibility has been
16 delegated to another unit of government pursuant to s.
17 553.79(9), the specific model code adopted by the delegate
18 shall apply and be enforced.

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

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

27 2. Strengthens or improves the Florida Building Code,
28 or in the case of innovation or new technology, will provide
29 equivalent or better products or methods or systems of
30 construction.

31

1 3. Does not discriminate against materials, products,
2 methods, or systems of construction of demonstrated
3 capabilities.

4 4. Does not degrade the effectiveness of the Florida
5 Building Code.

6
7 Amendments approved under this paragraph shall be adopted by
8 rule pursuant to ss. 120.536(1) and 120.54.

9 (b) A proposed amendment shall include a fiscal impact
10 statement which documents the costs and benefits of the
11 proposed amendment. Criteria for the fiscal impact statement
12 shall be established by rule by the commission and shall
13 include the impact to local government relative to
14 enforcement, the impact to property and building owners, as
15 well as to industry, relative to the cost of compliance.~~The~~
16 ~~specific model code of the State Minimum Building Codes~~
17 ~~adopted by a municipality, county, or state agency shall~~
18 ~~regulate every type of building or structure, wherever it~~
19 ~~might be situated in the code enforcement jurisdiction;~~
20 ~~however, such regulations shall not apply to nonresidential~~
21 ~~farm buildings on farms; to temporary buildings or sheds used~~
22 ~~exclusively for construction purposes; to mobile homes used as~~
23 ~~temporary offices, except that the provisions of part V~~
24 ~~relating to accessibility by handicapped persons shall apply~~
25 ~~to such mobile homes used as temporary offices; or to any~~
26 ~~construction exempted under s. 553.80(3) by an enforcement~~
27 ~~district or local enforcement agency. The codes may be divided~~
28 ~~into a number of segments, as determined by the municipality,~~
29 ~~county, or state agency. These segments may be identified as~~
30 ~~building, mechanical, electrical, plumbing, or fire prevention~~
31 ~~codes or by other titles as are deemed proper. However, the~~

1 ~~State Minimum Building Codes shall not contain a housing code;~~
2 ~~nor shall the state interpose in the area of local housing~~
3 ~~codes, except upon request originating from an enforcement~~
4 ~~district or local enforcement agency.~~

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

9 (a) Buildings and structures specifically regulated
10 and preempted by the Federal Government.

11 (b) Railroads and ancillary facilities associated with
12 the railroad.

13 (c) Nonresidential farm buildings on farms.

14 (d) Temporary buildings or sheds used exclusively for
15 construction purposes.

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

19 (9)(7)(a) In the event of a conflict between the
20 Florida ~~applicable minimum~~ Building Code and the Florida Fire
21 Prevention Code and the Life Safety ~~applicable minimum~~
22 firesafety Code, the conflict it shall be resolved by
23 agreement between the local building code enforcement official
24 and the local fire code enforcement official in favor of the
25 requirement of the code which offers the greatest degree of
26 lifesafety or alternatives which would provide an equivalent
27 degree of lifesafety and an equivalent method of construction.

28 (b) Any decision made by the local fire official and
29 the local building official may be appealed to a local
30 administrative board designated by the municipality, county,
31 or special district having firesafety responsibilities. If the

1 decision of the local fire official and the local building
 2 official is to apply the provisions of either the Florida
 3 ~~applicable minimum~~ Building Code or the Florida Fire
 4 Prevention Code and the Life Safety ~~applicable minimum~~
 5 ~~firesafety~~ Code, the board may not alter the decision unless
 6 the board determines that the application of such code is not
 7 reasonable. If the decision of the local fire official and
 8 the local building official is to adopt an alternative to the
 9 codes, the local administrative board shall give due regard to
 10 the decision rendered by the local officials and may modify
 11 that decision if the administrative board adopts a better
 12 alternative, taking into consideration all relevant
 13 circumstances. In any case in which the local administrative
 14 board adopts alternatives to the decision rendered by the
 15 local fire official and the local building official, such
 16 alternatives shall provide an equivalent degree of lifesafety
 17 and an equivalent method of construction as the decision
 18 rendered by the local officials.

19 (c) ~~If in the event that~~ the local building official
 20 and the local fire official are unable to agree on a
 21 resolution of the conflict between the Florida Building Code
 22 and the Florida Fire Prevention Code and the Life Safety Code,
 23 the local administrative board shall resolve the conflict in
 24 favor of the code which offers the greatest degree of
 25 lifesafety or alternatives which would provide an equivalent
 26 degree of lifesafety and an equivalent method of construction.

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

30 (e) All decisions of the local building official and
 31 local fire official and all decisions of the administrative

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

8 (10)~~(8)~~ Except within coastal building zones as
 9 defined in s. 161.54, specification standards developed by
 10 nationally recognized code promulgation organizations to
 11 determine compliance with ~~s. 1606~~ and the engineering design
 12 criteria of ~~s. 1606~~ of the Florida Standard Building Code for
 13 wind load design shall not apply to one or two family
 14 dwellings which are two stories or less in height unless
 15 approved by the board of ~~Building Codes and Standards~~ for use
 16 or unless expressly made subject to said standards and
 17 criteria by local ordinance adopted in accordance with the
 18 provisions of subsection (4).

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

1 universities, community colleges, or public education
2 facilities, as provided by law.

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

10 Section 75. Section 61 of chapter 98-419, Laws of
11 Florida, is amended to read:

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

16 553.73 Florida Building Code.--

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

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

25 Section 76. Effective July 1, 2001, paragraph (c) of
26 subsection (1) and subsections (2), (4), (5), (6), (7), (8),
27 (9), (10), (11), and (12) of section 553.73, Florida Statutes,
28 as amended by section 40 of chapter 98-287, Laws of Florida,
29 as amended by section 61 of chapter 98-419, Laws of Florida,
30 are amended to read:

31 553.73 Florida Building Code.--

1 (1)

2 (c) The Florida Fire Prevention Code and the Life
3 Safety Code shall be referenced in the Florida Building Code,
4 but shall be adopted, modified, revised, or amended,
5 interpreted, and maintained by the Department of Insurance by
6 rule adopted pursuant to ss. 120.536(1) and 120.54. The
7 Florida Building Commission may not adopt a fire prevention or
8 life safety code and nothing in the Florida Building Code
9 shall affect the statutory powers, duties, and
10 responsibilities of any fire official or the Department of
11 Insurance.

12 (2) The Florida Building Code shall contain provisions
13 or requirements for public and private buildings, structures,
14 and facilities relative to structural, mechanical, electrical,
15 plumbing, energy, and gas systems, existing buildings,
16 historical buildings, manufactured buildings, elevators,
17 coastal construction, lodging facilities, food sales and food
18 service facilities, health care facilities, including assisted
19 living facilities, adult day care facilities, and facilities
20 for the control of radiation hazards, public or private
21 educational facilities, swimming pools, and correctional
22 facilities and enforcement of and compliance with such
23 provisions or requirements. Technical provisions to be
24 contained within the Florida Building Code are restricted to
25 requirements related to the types of materials used and
26 construction methods and standards employed in order to meet
27 criteria specified in the Florida Building Code. Provisions
28 relating to the personnel, supervision or training of
29 personnel, or any other professional qualification
30 requirements relating to contractors or their workforce may
31 not be included within the Florida Building Code, and

1 subsections (4), (5), and (6) are ~~subsection (4) is~~ not to be
2 construed to allow the inclusion of such provisions within the
3 Florida Building Code by amendment. This restriction applies
4 to both initial development and amendment of the Florida
5 Building Code.

6 (4)(a) All entities authorized to enforce the Florida
7 Building Code pursuant to s. 553.80 ~~Local governments~~ shall
8 comply with applicable standards for issuance of mandatory
9 certificates of occupancy, minimum types of inspections, and
10 procedures for plans review and inspections as established by
11 the commission board by rule. Local governments may adopt ~~Any~~
12 amendments to the administrative provisions of standards
13 ~~established by~~ the Florida Building Code, subject pursuant to
14 the limitations of this paragraph. Local amendments shall be
15 more stringent than the minimum ~~such~~ standards described
16 herein and shall be transmitted to the commission within 30
17 days after enactment. The local government shall make such
18 amendments available to the general public in a usable format.
19 The State Fire Marshal ~~The Department of Insurance~~ is
20 responsible for establishing the standards and procedures
21 required in this paragraph for governmental entities with
22 respect to applying the Florida Fire Prevention Code and the
23 Life Safety Code.

24 (b) Local governments may, subject to the limitations
25 of this section, adopt amendments to the technical provisions
26 of the Florida Building Code which apply solely within the
27 jurisdiction of such government and which provide for more
28 stringent requirements than those specified in the Florida
29 Building Code, not more than once every 6 months, provided:

30 1. The local governing body determines, following a
31 public hearing which has been advertised in a newspaper of

1 general circulation at least 10 days before the hearing, that
2 there is a need to strengthen the requirements of the Florida
3 Building Code. The determination must be based upon a review
4 of local conditions by the local governing body, which review
5 demonstrates that local conditions justify more stringent
6 requirements than those specified in the Florida Building Code
7 for the protection of life and property.

8 2. Such additional requirements are not discriminatory
9 against materials, products, or construction techniques of
10 demonstrated capabilities.

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

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

16 5. Any amendment to the Florida Building Code shall be
17 transmitted within 30 days by the adopting local government to
18 the commission. The commission shall maintain copies of all
19 such amendments in a format that is usable and obtainable by
20 the public.

21 6. Any amendment to the Florida Building Code adopted
22 by a local government pursuant to this paragraph shall be
23 effective only until the adoption by the commission of the new
24 edition of the Florida Building Code every third year. At
25 such time, the commission shall review such amendment for
26 consistency with the criteria in paragraph (6)(a) and adopt
27 such amendment as part of the Florida Building Code or rescind
28 the amendment. The commission shall immediately notify the
29 respective local government of the rescission of any
30 amendment. After receiving such notice, the respective local
31

1 government may readopt the rescinded amendment pursuant to the
 2 provisions of this paragraph.

3 7. Each county and municipality desiring to make local
 4 technical amendments to the Florida Building Code shall by
 5 interlocal agreement establish a countywide compliance review
 6 board to review any amendment to the Florida Building Code,
 7 adopted by a local government within the county pursuant to
 8 this paragraph, that is challenged by any substantially
 9 affected party for purposes of determining the amendment's
 10 compliance with this paragraph. If the compliance review board
 11 determines such amendment is not in compliance with this
 12 paragraph, the compliance review board shall notify such local
 13 government of the noncompliance and that the amendment is
 14 invalid and unenforceable until the local government corrects
 15 the amendment to bring it into compliance. The local
 16 government may appeal the decision of the compliance review
 17 board to the commission. If the compliance review board
 18 determines such amendment to be in compliance with this
 19 paragraph, any substantially affected party may appeal such
 20 determination to the commission. Actions of the commission are
 21 subject to judicial review pursuant to s. 120.68. The
 22 compliance review board shall determine whether its decisions
 23 apply to a respective local jurisdiction or apply countywide.

24 8. An amendment adopted under this paragraph shall
 25 include a fiscal impact statement which documents the costs
 26 and benefits of the proposed amendment. Criteria for the
 27 fiscal impact statement shall include the impact to local
 28 government relative to enforcement, the impact to property and
 29 building owners, as well as to industry, relative to the cost
 30 of compliance. The fiscal impact statement may not be used as
 31 a basis for challenging the amendment for compliance.

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

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

13 (5) The commission, by rule adopted pursuant to ss.
 14 120.536(1) and 120.54, shall update the Florida Building Code
 15 every 3 years. The initial adoption of, and any subsequent
 16 updates or amendments to, the Florida Building Code by the
 17 commission is ~~Once initially adopted and subsequently updated~~
 18 by the board, the Florida Building Code shall be deemed
 19 adopted for use statewide without adoptions by local
 20 government. When updating the Florida Building Code, the
 21 commission shall consider changes made by the adopting entity
 22 of any selected model code for any model code incorporated
 23 into the Florida Building Code ~~by the commission,~~ and may
 24 subsequently adopt the new edition or successor of the model
 25 code or any part of such code, which may then be modified for
 26 this state as provided in this section, and shall further
 27 consider the commission's own interpretations, declaratory
 28 statements, appellate decisions, and approved statewide and
 29 local technical amendments. A change made by an institute or
 30 standards organization to any standard or criterion that is
 31 adopted by reference in the Florida Building Code does not

1 become effective statewide until it has been adopted by the
2 commission. The edition of the Florida Building Code which is
3 in effect on the date of application of any permit authorized
4 by the code governs the permitted work for the life of the
5 permit and any extension granted to the permit. Any amendment
6 to the Florida Building Code which is adopted upon a finding
7 by the commission that the amendment is necessary to protect
8 the public from immediate threat of harm takes effect
9 immediately.

10 ~~(6) It shall be the responsibility of each~~
11 ~~municipality and county in the state and of each state agency~~
12 ~~with statutory authority to regulate building construction to~~
13 ~~enforce the provisions of the Florida Building Code.~~

14 (6)(7)(a) The commission may approve technical
15 amendments to the Florida Building Code once each year for
16 statewide or regional application upon a finding that ~~delaying~~
17 ~~the application of the amendment would be contrary to the~~
18 ~~health, safety, and welfare of the public or the amendment~~
19 ~~provides an economic advantage to the consumer and that the~~
20 amendment:

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

23 2. Strengthens or improves the Florida Building Code,
24 or in the case of innovation or new technology, will provide
25 equivalent or better products or methods or systems of
26 construction.

27 3. Does not discriminate against materials, products,
28 methods, or systems of construction of demonstrated
29 capabilities.

30 4. Does not degrade the effectiveness of the Florida
31 Building Code.

1
2 Furthermore, the Florida Building Commission may approve
3 technical amendments to the code once each year to incorporate
4 into the Florida Building Code its own interpretations of the
5 code which are embodied in its opinions and declaratory
6 statements. Amendments approved under this paragraph shall be
7 adopted by rule pursuant to ss. 120.536(1) and 120.54.

8 (b) A proposed amendment shall include a fiscal impact
9 statement which documents the costs and benefits of the
10 proposed amendment. Criteria for the fiscal impact statement
11 shall be established by rule by the commission and shall
12 include the impact to local government relative to
13 enforcement, the impact to property and building owners, as
14 well as to industry, relative to the cost of compliance.

15 (c) The commission may not approve any proposed
16 amendment that does not accurately and completely address all
17 requirements for amendment which are set forth in this
18 section.

19 (7)(8) The following buildings, structures, and
20 facilities are exempt ~~may be exempted~~ from the Florida
21 Building Code as provided by law, and any further exemptions
22 shall be as determined by the Legislature and provided by law:

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

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

27 (c) Nonresidential farm buildings on farms.

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

30
31

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

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

8 (g) Temporary sets, assemblies, or structures used in
9 commercial motion picture or television production, or any
10 sound-recording equipment used in such production, on or off
11 the premises.

12
13 With the exception of paragraphs (a), (b), (c), and (f), in
14 order to preserve the health, safety, and welfare of the
15 public, the Florida Building Commission may, by rule adopted
16 pursuant to chapter 120, provide for exceptions to the broad
17 categories of buildings exempted in this section, including
18 exceptions for application of specific sections of the code or
19 standards adopted therein. The Department of Agriculture and
20 Consumer Services shall have exclusive authority to adopt by
21 rule, pursuant to chapter 120, exceptions to nonresidential
22 farm buildings exempted in paragraph (c) when reasonably
23 necessary to preserve public health, safety, and welfare. The
24 exceptions must be based upon specific criteria, such as
25 under-roof floor area, aggregate electrical service capacity,
26 HVAC system capacity, or other building requirements. Further,
27 the commission may recommend to the Legislature additional
28 categories of buildings, structures, or facilities which
29 should be exempted from the Florida Building Code, to be
30 provided by law.

31

1 ~~(8)(9)~~(a) In the event of a conflict between the
 2 Florida Building Code and the Florida Fire Prevention Code and
 3 the Life Safety Code as applied to a specific project, the
 4 conflict shall be resolved by agreement between the local
 5 building code enforcement official and the local fire code
 6 enforcement official in favor of the requirement of the code
 7 which offers the greatest degree of lifesafety or alternatives
 8 which would provide an equivalent degree of lifesafety and an
 9 equivalent method of construction.

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

31

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

9 (d) All decisions of the local administrative board,
10 or if none exists, the decisions of the local building
11 official and the local fire official, are subject to review by
12 a joint committee composed of members of the Florida Building
13 Commission and the Fire Code Advisory Council. If the joint
14 committee is unable to resolve conflicts between the codes as
15 applied to a specific project, the matter shall be resolved
16 pursuant to the provisions of paragraph (1)(d).

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

20 ~~(f)(e)~~ All decisions of the local building official
21 and local fire official and all decisions of the
22 administrative board shall be in writing and shall be binding
23 upon all persons but shall not limit the authority of the
24 State Fire Marshal or the Florida Building Commission pursuant
25 to paragraph(1)(d) and ss. 663.01 and 633.161. Decisions of
26 general application shall be indexed by building and fire code
27 sections and shall be available for inspection during normal
28 business hours.

29 ~~(9)(10)~~ Except within coastal building zones as
30 defined in s. 161.54, specification standards developed by
31 nationally recognized code promulgation organizations to

1 determine compliance with engineering criteria of the Florida
2 Building Code for wind load design shall not apply to one or
3 two family dwellings which are two stories or less in height
4 unless approved by the commission for use or unless expressly
5 made subject to said standards and criteria by local ordinance
6 adopted in accordance with the provisions of subsection (4).

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

22 ~~(12) In addition to the requirements of ss. 553.79 and~~
23 ~~553.80, facilities subject to the provisions of chapter 395~~
24 ~~and part II of chapter 400 shall have facility plans reviewed~~
25 ~~and construction surveyed by the state agency authorized to do~~
26 ~~so under the requirements of chapter 395 and part II of~~
27 ~~chapter 400 and the certification requirements of the Federal~~
28 ~~Government.~~

29 Section 77. Subsections (3) and (4) of section 553.74,
30 Florida Statutes, are amended to read:

31 553.74 Florida Building Commission.--

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

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

14 Section 78. Subsection (2) of section 553.77, Florida
15 Statutes, is amended to read:

16 553.77 Specific powers of the commission.--

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

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

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

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

30
31

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

4 Section 79. Section 46 of chapter 98-287, Laws of
5 Florida, is amended to read:

6 Section 46. Effective ~~July~~ January 1, 2001, section
7 553.77, Florida Statutes, as amended by this act, is amended
8 to read:

9 553.77 Specific powers of the commission.--

10 (1) The commission shall:

11 (a) Adopt and update the Florida Building Code rules
12 ~~and regulations~~ or amendments thereto, pursuant to ss.
13 120.536(1) and 120.54.

14 (b) Make a continual study of the operation of the
15 Florida State Minimum Building Code Codes and other laws
16 relating to the design, construction, erection, alteration,
17 modification, repair, or demolition of public or private of
18 buildings, structures, and facilities, including manufactured
19 buildings, and code enforcement, to ascertain their effect
20 upon the cost of building construction and determine the
21 effectiveness of their provisions. Upon updating the Florida
22 Building Code every 3 years, the commission shall review
23 existing provisions of law and make recommendations to the
24 Legislature for the next regular session of the Legislature
25 regarding provisions of law that should be revised or repealed
26 to ensure consistency with the Florida Building Code at the
27 point the update goes into effect. State agencies and local
28 jurisdictions shall provide such information as requested by
29 the commission for evaluation of the effectiveness of the
30 system of building code laws for reporting to the Legislature.
31 Any proposed legislation providing for the revision or repeal

1 of existing laws and rules relating to technical requirements
2 applicable to building structures or facilities should
3 expressly state that such legislation is not intended to imply
4 any repeal or sunset of existing general or special laws that
5 are not specifically identified in the legislation.

6 (c) Upon written application by any substantially
7 affected person ~~a private party~~ or a local enforcement agency,
8 issue declaratory statements pursuant to s. 120.565 relating
9 to new technologies, techniques, and materials which have been
10 tested where necessary and found to meet the objectives of the
11 ~~Florida State Minimum Building Code Codes and the Florida~~
12 ~~Manufactured Building Act of 1979.~~

13 (d) Upon written application by any substantially
14 affected person ~~a private party~~ or a local enforcement agency,
15 issue declaratory statements pursuant to s. 120.565 relating
16 to the interpretation, enforcement, administration, or
17 modification by local governments of the ~~Florida State Minimum~~
18 ~~Building Code Codes and the Florida Manufactured Building Act~~
19 ~~of 1979.~~

20 (e) When requested in writing by any substantially
21 affected person or a local enforcing agency, shall issue
22 declaratory statements pursuant to s. 120.565 relating to part
23 VII of chapter 553, which shall apply prospectively only.
24 Actions of the commission are subject to judicial review
25 pursuant to s. 120.68.

26 (f) ~~(e)~~ Make recommendations to, and provide assistance
27 upon the request of, the Florida Commission on Human Relations
28 regarding rules relating to ~~handicapped~~ accessibility for
29 persons with disabilities.

30 (g) ~~(f)~~ Participate ~~Coordinate and cooperate~~ with the
31 Florida Fire Code Advisory Council created under s. 633.72, to

1 provide for assistance and recommendations relating to
2 firesafety code interpretations. The administrative staff of
3 the commission shall attend meetings of the Florida Fire Code
4 Advisory Council and coordinate efforts to provide consistency
5 between the Florida Building Code and the Florida Fire
6 Prevention Code and the Life Safety Code.

7 (h) Hear appeals of the decisions of local boards of
8 appeal regarding interpretation decisions of local building
9 officials, or if no local board exists, hear appeals of
10 decisions of the building officials regarding interpretations
11 of the code. For such appeals:

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

16 2. All appeals shall be heard in the county of the
17 jurisdiction defending the appeal.

18 3. Actions of the commission are subject to judicial
19 review pursuant to s. 120.68.

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

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

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

1 recommendations relating to the major areas addressed in the
2 Florida State Minimum Building Code Codes.

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

10 1. Minimum post-disaster structural, electrical, and
11 plumbing inspections and procedures.

12 2. Emergency permitting and inspection procedures.

13 3. Establishing contact with emergency management
14 personnel and other state and federal agencies.

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

19 (m) Coordinate with the state and local governments,
20 industry, and other affected stakeholders in the examination
21 of legislative provisions and make recommendations to fulfill
22 the responsibility to develop a consistent, single code.

23 (n) Provide technical assistance to local building
24 departments in order to implement policies, procedures, and
25 practices which would produce the most cost effective property
26 insurance ratings.

27 (o) Develop recommendations for local governments to
28 use when pursuing partial or full privatization of building
29 department functions. The recommendations shall include, but
30 not be limited to, provisions relating to equivalency of
31

1 service, conflict of interest, requirements for competency,
2 liability, insurance, and long-term accountability.

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

9 (2)(3) With respect to the qualification program for
10 special inspectors of threshold buildings as required by s.
11 553.79(5)(c), the commission may prescribe initial and annual
12 renewal fees for certification, by rule, in accordance with
13 chapter 120.

14 (3)(4)(a) Upon written application by any
15 substantially affected person ~~a private party~~, the commission
16 shall issue a declaratory statement pursuant to s. 120.565
17 relating to a state agency's interpretation and enforcement of
18 the specific provisions of the Florida Building model ~~Code~~
19 required under this section adopted by the agency to regulate
20 building construction or relating to the conformity of new
21 technologies, techniques, and materials to the objectives of
22 the Florida Building ~~that model~~ Code. The provisions of this
23 paragraph shall not be construed to provide any powers, other
24 than advisory, to the commission with respect to any decision
25 of the ~~State Board of Education made pursuant to the~~
26 ~~provisions of s. 235.26, to the State Fire Marshal made~~
27 ~~pursuant to the provisions of chapter 633, to the Department~~
28 ~~of Management Services made pursuant to the provisions of s.~~
29 ~~255.25, or to any local government decision with respect to~~
30 ~~construction not subject to a state agency model code.~~

31

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

6 (4)(5) The commission may designate a commission
7 member with demonstrated expertise in interpreting building
8 plans to attend each meeting of the advisory council created
9 in s. 553.512. The commission member may vary from meeting to
10 meeting, shall serve on the council in a nonvoting capacity,
11 and shall receive per diem and expenses as provided in s.
12 553.74(3).

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

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

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

3 Section 80. Effective July 1, 2001, subsections (1),
4 (3), and (6) of section 553.77, Florida Statutes, as amended
5 by section 46 of chapter 98-287, Laws of Florida, are amended
6 to read:

7 553.77 Specific powers of the commission.--

8 (1) The commission shall:

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

11 (b) Make a continual study of the operation of the
12 Florida Building Code and other laws relating to the design,
13 construction, erection, alteration, modification, repair, or
14 demolition of public or private buildings, structures, and
15 facilities, including manufactured buildings, and code
16 enforcement, to ascertain their effect upon the cost of
17 building construction and determine the effectiveness of their
18 provisions. Upon updating the Florida Building Code every 3
19 years, the commission shall review existing provisions of law
20 and make recommendations to the Legislature for the next
21 regular session of the Legislature regarding provisions of law
22 that should be revised or repealed to ensure consistency with
23 the Florida Building Code at the point the update goes into
24 effect. State agencies and local jurisdictions shall provide
25 such information as requested by the commission for evaluation
26 of and recommendations for improving the effectiveness of the
27 system of building code laws for reporting to the Legislature
28 annually. Failure to comply with this or other requirements of
29 this act must be reported to the Legislature for further
30 action. Any proposed legislation providing for the revision or
31 repeal of existing laws and rules relating to technical

1 requirements applicable to building structures or facilities
2 should expressly state that such legislation is not intended
3 to imply any repeal or sunset of existing general or special
4 laws governing any special district that are not specifically
5 identified in the legislation.

6 (c) Upon written application by any substantially
7 affected person or a local enforcement agency, issue
8 declaratory statements pursuant to s. 120.565 relating to new
9 technologies, techniques, and materials which have been tested
10 where necessary and found to meet the objectives of the
11 Florida Building Code. This paragraph does not apply to the
12 types of products, materials, devices, or methods of
13 construction required to be approved under paragraph (i).

14 (d) Upon written application by any substantially
15 affected person, state agency, or a local enforcement agency,
16 issue declaratory statements pursuant to s. 120.565 relating
17 to the ~~interpretation, enforcement or administration, or~~
18 ~~modification~~ by local governments of the Florida Building
19 Code. Paragraph (h) provides the exclusive remedy for
20 addressing local interpretations of the code.

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

27 (f) Make recommendations to, and provide assistance
28 upon the request of, the Florida Commission on Human Relations
29 regarding rules relating to accessibility for persons with
30 disabilities.

31

1 (g) Participate with the Florida Fire Code Advisory
2 Council created under s. 633.72, to provide assistance and
3 recommendations relating to firesafety code interpretations.
4 The administrative staff of the commission shall attend
5 meetings of the Florida Fire Code Advisory Council and
6 coordinate efforts to provide consistency between the Florida
7 Building Code and the Florida Fire Prevention Code and the
8 Life Safety Code.

9 (h) Hear appeals of the decisions of local boards of
10 appeal regarding interpretation decisions of local building
11 officials, or if no local board exists, hear appeals of
12 decisions of the building officials regarding interpretations
13 of the code. For such appeals:

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

18 2. All appeals shall be heard in the county of the
19 jurisdiction defending the appeal.

20 3. Actions of the commission are subject to judicial
21 review pursuant to s. 120.68.

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

1 (j) Appoint experts, consultants, technical advisers,
2 and advisory committees for assistance and recommendations
3 relating to the major areas addressed in the Florida Building
4 Code.

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

12 1. Minimum postdisaster structural, electrical, and
13 plumbing inspections and procedures.

14 2. Emergency permitting and inspection procedures.

15 3. Establishing contact with emergency management
16 personnel and other state and federal agencies.

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

21 (m) Coordinate with the state and local governments,
22 industry, and other affected stakeholders in the examination
23 of legislative provisions and make recommendations to fulfill
24 the responsibility to develop a consistent, single code.

25 (n) Provide technical assistance to local building
26 departments in order to implement policies, procedures, and
27 practices which would produce the most cost-effective property
28 insurance ratings.

29 (o) Develop recommendations for local governments to
30 use when pursuing partial or full privatization of building
31 department functions. The recommendations shall include, but

1 not be limited to, provisions relating to equivalency of
2 service, conflict of interest, requirements for competency,
3 liability, insurance, and long-term accountability.

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

16 (6) The commission may provide by rule for plans
17 review and approval of prototype buildings owned by public and
18 private entities to be replicated throughout the state. Such
19 approved plans or prototype buildings shall be exempt from
20 further review required by s. 553.79(2), except changes to the
21 prototype design, site plans, and other site-related items, or
22 any local amendment to any part of the Florida Building Code.
23 Construction or erection of such prototype buildings is
24 subject to local permitting and inspections pursuant to this
25 part.

26 Section 81. Section 47 of chapter 98-287, Laws of
27 Florida, is amended to read:

28 Section 47. Effective July ~~January~~ 1, 2001, section
29 553.781, Florida Statutes, is created to read:

30 553.781 Licensee accountability.--
31

1 (1) The Legislature finds that accountability for work
2 performed by design professionals and contractors is the key
3 to strong and consistent compliance with the Florida Building
4 Code and, therefore, protection of the public health, safety,
5 and welfare. The purpose of this section is to provide such
6 accountability.

7 (2)(a) Upon a determination by a local jurisdiction
8 that a licensee, certificateholder, or registrant licensed
9 under chapters 455, 471, 481, or 489 has committed a material
10 violation of the Florida Building Code and failed to correct
11 the violation within a reasonable time, such local
12 jurisdiction shall impose a fine of no less than \$500 and no
13 more than \$5,000 per material violation.

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

27 (3) The Department of Business and Professional
28 Regulation, as an integral part of the automated information
29 system provided under s. 455.2286, shall establish, and local
30 jurisdictions and state licensing boards shall participate in,
31 a system of reporting violations and disciplinary actions

1 taken against all licensees, certificateholders, and
2 registrants under this section that have been disciplined for
3 a violation of the Florida Building Code. Such information
4 shall be available electronically. Any fines collected by a
5 local jurisdiction pursuant to subsection (2) shall be used
6 initially to help set up the parts of the reporting system for
7 which such local jurisdiction is responsible. Any remaining
8 moneys shall be used solely for enforcing the Florida Building
9 Code, licensing activities relating to the Florida Building
10 Code, or education and training on the Florida Building Code.

11 (4) Local jurisdictions shall maintain records,
12 readily accessible by the public, regarding material
13 violations and shall report such violations to the Department
14 of Business and Professional Regulation by means of the
15 reporting system provided in s. 455.2286.

16
17 For purposes of this section, a material code violation is a
18 violation that exists within a completed building, structure,
19 or facility which may reasonably result, or has resulted, in
20 physical harm to a person or significant damage to the
21 performance of a building or its systems. Except when the
22 fine is abated as provided in subsection (2), failure to pay
23 the fine within 30 days shall result in a suspension of the
24 licensee's, certificateholder's, or registrant's ability to
25 obtain permits within this state until such time as the fine
26 is paid. Such suspension shall be reflected on the automated
27 information system under s. 455.2286.

28 Section 82. Effective July 1, 2001, paragraph (b) of
29 subsection (2) of section 553.781, Florida Statutes, is
30 amended to read:

31 553.781 Licensee accountability.--

1 (2)

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

17 Section 83. Subsections (3) and (5), paragraph (a) of
18 subsection (7), and subsections (10), (12), (14) and (16) of
19 section 553.79, Florida Statutes, are amended to read:

20 553.79 Permits; applications; issuance; inspections.--

21 (3) The State Minimum Building Codes, after the
22 effective date of their adoption pursuant to the provisions of
23 this part, shall supersede all other building construction
24 codes or ordinances in the state, whether at the local or
25 state level and whether adopted by administrative regulation
26 or by legislative enactment, unless such building construction
27 codes or ordinances are more stringent than the State Minimum
28 Building Codes and the conditions of s. 553.73(4) are met.
29 However, this subsection does not apply to manufactured ~~mobile~~
30 homes as defined by chapter 320. Nothing contained in this
31 subsection shall be construed as nullifying or divesting

1 appropriate state or local agencies of authority to make
 2 inspections or to enforce the codes within their respective
 3 areas of jurisdiction.

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

29 (b) The fee owner of a threshold building shall select
 30 and pay all costs of employing a special inspector, but the
 31 special inspector shall be responsible to the enforcement

1 agency. The inspector shall be a person certified, licensed,
2 or registered under chapter 471 as an engineer or under
3 chapter 481 as an architect.

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

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

25 (7) Each enforcement agency shall require that, on
26 every threshold building:

27 (a) The special inspector, upon completion of the
28 building and prior to the issuance of a certificate of
29 occupancy, file a signed and sealed statement with the
30 enforcement agency in substantially the following form: To the
31 best of my knowledge and belief, the ~~above-described~~

1 construction of all structural load-bearing components
2 described in the threshold inspection plan complies with the
3 permitted documents, and the specialty shoring design
4 professional engineer has ascertained that the shoring and
5 reshoring conforms with the shoring and reshoring plans
6 submitted to the enforcement agency.

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

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

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

26 (16)(a) The Florida Building Commission shall
27 establish, within the Florida Building Code adopted by rule,
28 standards for permitting residential buildings or structures
29 moved into or within a county or municipality when such
30 structures do not or cannot comply with the code. However,
31 such buildings or structures shall not be required to be

1 brought into compliance with the ~~state minimum~~ building code
2 in force at the time the building or structure is moved,
3 provided:

4 1. The building or structure is structurally sound and
5 in occupiable condition for its intended use;

6 2. The occupancy use classification for the building
7 or structure is not changed as a result of the move;

8 3. The building is not substantially remodeled;

9 4. Current fire code requirements for ingress and
10 egress are met;

11 5. Electrical, gas, and plumbing systems meet the
12 codes in force at the time of construction and are operational
13 and safe for reconnection; and

14 6. Foundation plans are sealed by a professional
15 engineer or architect licensed to practice in this state, if
16 required by the building code for all residential buildings or
17 structures of the same occupancy class;

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

27 Section 84. Section 49 of chapter 98-287, Laws of
28 Florida, is amended to read:

29 Section 49. Effective July ~~January~~ 1, 2001,
30 subsections (1), (2), (3), (4), (6), (9), (10), and (14) of
31

1 section 553.79, Florida Statutes, are amended, and subsection
2 (17) is added to said section, to read:

3 553.79 Permits; applications; issuance; inspections.--

4 (1) After the effective date of the Florida State
5 ~~Minimum Building Code Codes~~ adopted as herein provided, it
6 shall be unlawful for any person, firm, ~~or~~ corporation, or
7 governmental entity to construct, erect, alter, modify,
8 repair, or demolish any building within this state without
9 first obtaining a permit therefor from the appropriate
10 enforcing agency or from such persons as may, by appropriate
11 resolution or regulation of the authorized state or local
12 enforcing agency, be delegated authority to issue such
13 permits, upon the payment of such reasonable fees adopted by
14 the enforcing agency. The enforcing agency is empowered to
15 revoke any such permit upon a determination by the agency that
16 the construction, erection, alteration, modification, repair,
17 or demolition of the building for which the permit was issued
18 is in violation of, or not in conformity with, the provisions
19 of the Florida State ~~Minimum Building Code Codes~~.
20 Installation, replacement, removal, or metering of any load
21 management control device is exempt from and shall not be
22 subject to the permit process and fees otherwise required by
23 this section.

24 (2) ~~After January 1, 1988,~~ No enforcing agency may
25 issue any permit for construction, erection, alteration,
26 modification, repair, or demolition until the local building
27 code administrator or inspector, in conjunction with the
28 appropriate firesafety inspector, has reviewed the plans and
29 specifications for such proposal and both officials have found
30 the plans to be in compliance with the Florida applicable
31 ~~State Minimum Building Code Codes~~ and the Florida Fire

1 Prevention Code and the Life Safety Code ~~applicable firesafety~~
 2 ~~standards~~ as determined by the local authority in accordance
 3 with this chapter and chapter 633. Building plans approved
 4 pursuant to s. 553.77(6) and state-approved manufactured
 5 buildings are exempt from local codes enforcing agency plan
 6 reviews except for provisions of the code relating to
 7 erection, assembly, or construction at the site. Erection,
 8 assembly, and construction at the site are subject to local
 9 permitting and inspections. Any building or structure which is
 10 not subject to a firesafety code and any building or structure
 11 which is exempt from the local building permit process shall
 12 not be required to have its plans reviewed by the local
 13 officials. Industrial construction on sites where design,
 14 construction, and firesafety are supervised by appropriate
 15 design and inspection professionals and which contain adequate
 16 in-house fire departments and rescue squads is exempt, subject
 17 to local government option, from review of plans and
 18 inspections, providing owners certify that applicable codes
 19 and standards have been met and supply appropriate approved
 20 drawings to local building and firesafety inspectors. The
 21 enforcing agency shall issue a permit to construct, erect,
 22 alter, modify, repair, or demolish any building when the plans
 23 and specifications for such proposal comply with the
 24 provisions of the Florida State Minimum Building Code Codes
 25 and the Florida Fire Prevention Code and the Life Safety Code
 26 ~~applicable firesafety standards~~ as determined by the local
 27 authority in accordance with this chapter and chapter 633.

28 (3) Except as provided in this chapter, the Florida
 29 State Minimum Building Code Codes, after the effective date of
 30 ~~their~~ adoption pursuant to the provisions of this part, shall
 31 supersede all other building construction codes or ordinances

1 in the state, whether at the local or state level and whether
 2 adopted by administrative regulation or by legislative
 3 enactment, ~~unless such building construction codes or~~
 4 ~~ordinances are more stringent than the State Minimum Building~~
 5 ~~Codes and the conditions of s. 553.73(4) are met.~~ However,
 6 this subsection does not apply to the manufacture of mobile
 7 homes as defined by federal law ~~chapter 320~~. Nothing
 8 contained in this subsection shall be construed as nullifying
 9 or divesting appropriate state or local agencies of authority
 10 to make inspections or to enforce the codes within their
 11 respective areas of jurisdiction.

12 (4) The Florida State Minimum Building Code Codes,
 13 after the effective date of ~~their~~ adoption pursuant to the
 14 provisions of this part, may be modified by local governments
 15 to require more stringent standards than those specified in
 16 the Florida State Minimum Building Code Codes, provided the
 17 conditions of s. 553.73(4) are met.

18 (6) No permit may be issued for any building
 19 construction, erection, alteration, modification, repair, or
 20 addition unless the applicant for such permit provides to the
 21 enforcing agency which issues the permit any of the following
 22 documents which apply to the construction for which the permit
 23 is to be issued and which shall be prepared by or under the
 24 direction of an engineer registered under chapter 471:

25 (a) Electrical documents for any new building or
 26 addition which requires an aggregate service capacity of 600
 27 amperes (240 volts) or more on a residential electrical system
 28 or 800 amperes (240 volts) or more on a commercial or
 29 industrial electrical system and which costs more than
 30 \$50,000.

31

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

4 (c) Fire sprinkler documents for any new building or
5 addition which includes a fire sprinkler system which contains
6 50 or more sprinkler heads. A Contractor I, Contractor II, or
7 Contractor IV, certified under s. 633.521, may design a fire
8 sprinkler system of 49 or fewer heads and may design the
9 alteration of an existing fire sprinkler system if the
10 alteration consists of the relocation, addition, or deletion
11 of not more than 49 heads, notwithstanding the size of the
12 existing fire sprinkler system.

13 (d) Heating, ventilation, and air-conditioning
14 documents for any new building or addition which requires more
15 than a 15-ton-per-system capacity which is designed to
16 accommodate 100 or more persons or for which the system costs
17 more than \$50,000. This paragraph does not include any
18 document for the replacement or repair of an existing system
19 in which the work does not require altering a structural part
20 of the building or for work on a residential one-family,
21 two-family, three-family, or four-family structure.

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

27
28 Documents requiring an engineer seal by this part ~~No such~~
29 ~~document~~ shall not be valid unless a professional engineer who
30 possesses a valid certificate of registration has signed,
31 dated, and stamped such document as provided in s. 471.025.

1 (9) Any state agency with building construction
2 responsibility ~~may enter into an agreement with any other unit~~
3 ~~of government to delegate its responsibility to enforce the~~
4 ~~delegate's building code governing the construction, erection,~~
5 ~~alteration, repair, or demolition of any state building and is~~
6 authorized to expend public funds for permit and inspection
7 fees, which fees may be no greater than the fees charged
8 others.

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

19 (14) A building permit for a single-family residential
20 dwelling must be issued within 30 working days of application
21 therefor unless unusual circumstances require a longer time
22 for processing the application or unless the permit
23 application fails to satisfy the Florida Building Code or the
24 enforcing agency's laws ~~or ordinances, or codes~~.

25 (17) Notwithstanding any other provision of law, state
26 agencies responsible for the construction, erection,
27 alteration, modification, repair, or demolition of public
28 buildings, or the regulation of public and private buildings,
29 structures, and facilities, shall be subject to enforcement of
30 the Florida Building Code by local jurisdictions. This
31 subsection applies in addition to the jurisdiction and

1 authority of the Department of Insurance to inspect
2 state-owned buildings. This subsection does not apply to the
3 jurisdiction and authority of the Department of Agriculture
4 and Consumer Services to inspect amusement rides or the
5 Department of Insurance to inspect state owned buildings and
6 boilers.

7 Section 85. Effective July 1, 2001, subsections (2),
8 (3), (6), and (9) of section 553.79, Florida Statutes, as
9 amended by section 49 of chapter 98-287, Laws of Florida, are
10 amended to read:

11 553.79 Permits; applications; issuance; inspections.--

12 (2) No enforcing agency may issue any permit for
13 construction, erection, alteration, modification, repair, or
14 demolition of any building or structure until the local
15 building code administrator or inspector, ~~in conjunction with~~
16 ~~the appropriate firesafety inspector,~~ has reviewed the plans
17 and specifications for such proposal and ~~both officials have~~
18 found the plans to be in compliance with the Florida Building
19 Code. In addition, an enforcing agency may not issue any
20 permit for construction, erection, alteration, modification,
21 repair, or demolition of any building until the appropriate
22 firesafety inspector certified pursuant to s. 633.081 has
23 reviewed the plans and specifications for such proposal and
24 found that the plans comply with ~~and~~ the Florida Fire
25 Prevention Code and the Life Safety Code ~~as determined by the~~
26 ~~local authority in accordance with this chapter and chapter~~
27 ~~633. Building plans approved pursuant to s. 553.77(6) and~~
28 ~~state-approved manufactured buildings are exempt from local~~
29 ~~codes enforcing agency plan reviews except for provisions of~~
30 ~~the code relating to erection, assembly, or construction at~~
31 ~~the site. Erection, assembly, and construction at the site~~

1 ~~are subject to local permitting and inspections.~~Any building
 2 or structure which is not subject to a firesafety code ~~and any~~
 3 ~~building or structure which is exempt from the local building~~
 4 ~~permit process~~ shall not be required to have its plans
 5 reviewed by the firesafety inspector ~~local officials~~. Any
 6 building or structure that is exempt from the local building
 7 permit process may not be required to have its plans reviewed
 8 by the local building code administrator.Industrial
 9 construction on sites where design, construction, and
 10 firesafety are supervised by appropriate design and inspection
 11 professionals and which contain adequate in-house fire
 12 departments and rescue squads is exempt, subject to local
 13 government option, from review of plans and inspections,
 14 providing owners certify that applicable codes and standards
 15 have been met and supply appropriate approved drawings to
 16 local building and firesafety inspectors. The enforcing
 17 agency shall issue a permit to construct, erect, alter,
 18 modify, repair, or demolish any building or structure when the
 19 plans and specifications for such proposal comply with the
 20 provisions of the Florida Building Code and the Florida Fire
 21 Prevention Code and the Life Safety Code as determined by the
 22 local authority in accordance with this chapter and chapter
 23 633.

24 (3) Except as provided in this chapter, the Florida
 25 Building Code, after the effective date of adoption pursuant
 26 to the provisions of this part, shall supersede all other
 27 building construction codes or ordinances in the state,
 28 whether at the local or state level and whether adopted by
 29 administrative regulation or by legislative enactment.
 30 However, this subsection does not apply to the construction of
 31 manufactured ~~manufacture of mobile~~ homes as defined by federal

1 law. Nothing contained in this subsection shall be construed
2 as nullifying or divesting appropriate state or local agencies
3 of authority to make inspections or to enforce the codes
4 within their respective areas of jurisdiction.

5 (6) A ~~No~~ permit may not be issued for any building
6 construction, erection, alteration, modification, repair, or
7 addition unless the applicant for such permit complies with
8 the requirements for plan review established by the Florida
9 Building Commission within the Florida Building Code.~~provides~~
10 ~~to the enforcing agency which issues the permit any of the~~
11 ~~following documents which apply to the construction for which~~
12 ~~the permit is to be issued and which shall be prepared by or~~
13 ~~under the direction of an engineer registered under chapter~~
14 ~~471:~~

15 (a) ~~Electrical documents for any new building or~~
16 ~~addition which requires an aggregate service capacity of 600~~
17 ~~amperes (240 volts) or more on a residential electrical system~~
18 ~~or 800 amperes (240 volts) or more on a commercial or~~
19 ~~industrial electrical system and which costs more than~~
20 ~~\$50,000.~~

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

24 (c) ~~Fire sprinkler documents for any new building or~~
25 ~~addition which includes a fire sprinkler system which contains~~
26 ~~50 or more sprinkler heads. A Contractor I, Contractor II, or~~
27 ~~Contractor IV, certified under s. 633.521, may design a fire~~
28 ~~sprinkler system of 49 or fewer heads and may design the~~
29 ~~alteration of an existing fire sprinkler system if the~~
30 ~~alteration consists of the relocation, addition, or deletion~~

31

1 ~~of not more than 49 heads, notwithstanding the size of the~~
2 ~~existing fire sprinkler system.~~

3 ~~(d) Heating, ventilation, and air-conditioning~~
4 ~~documents for any new building or addition which requires more~~
5 ~~than a 15-ton-per-system capacity which is designed to~~
6 ~~accommodate 100 or more persons or for which the system costs~~
7 ~~more than \$50,000. This paragraph does not include any~~
8 ~~document for the replacement or repair of an existing system~~
9 ~~in which the work does not require altering a structural part~~
10 ~~of the building or for work on a residential one-family,~~
11 ~~two-family, three-family, or four-family structure.~~

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

17
18 ~~Documents requiring an engineer seal by this part shall not be~~
19 ~~valid unless a professional engineer who possesses a valid~~
20 ~~certificate of registration has signed, dated, and stamped~~
21 ~~such document as provided in s. 471.025.~~

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

30 Section 86. Section 51 of chapter 98-287, Laws of
31 Florida, is amended to read:

1 Section 51. Effective ~~July~~ January 1, 2001, section
2 553.80, Florida Statutes, as amended by this act, is amended
3 to read:

4 553.80 Enforcement.--

5 (1) It shall be the responsibility of each local
6 government ~~and~~ each legally constituted enforcement district,
7 ~~and each state agency~~ with statutory authority to regulate
8 building construction to enforce the Florida Building Code
9 required by this part on all public or private buildings,
10 structures, and facilities adopted by such body in accordance
11 ~~with s. 553.73~~, unless such responsibility has been delegated
12 to another unit of government pursuant to s. 553.79(9). The
13 governing bodies of local governments may provide a schedule
14 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
15 section, for the enforcement of the provisions of this part.
16 Such fees shall be used solely for carrying out the
17 responsibilities of enforcing the Florida Building Code. The
18 authority of state enforcing agencies to set fees for
19 enforcement shall be derived from authority existing on the
20 effective date of this act. However, nothing contained in this
21 subsection shall operate to limit such agencies from adjusting
22 their fee schedule in conformance with existing authority.

23 (2)(a) Any two or more counties or municipalities, or
24 any combination thereof, may, in accordance with the
25 provisions of chapter 163, governing interlocal agreements,
26 form an enforcement district for the purpose of ~~adopting,~~
27 enforcing, and administering the provisions of the Florida
28 ~~State Minimum Building Code Codes~~. Each district so formed
29 shall be registered with the department on forms to be
30 provided for that purpose. Nothing in this subsection shall be
31

1 construed to supersede provisions of county charters which
2 preempt municipal authorities respective to building codes.

3 (b) With respect to evaluation of design
4 professionals' documents, if a local government finds it
5 necessary, in order to enforce compliance with the Florida
6 Building Code and issue a permit, to reject design documents
7 required by the code three or more times for failure to
8 correct a code violation specifically and continuously noted
9 in each rejection, including, but not limited to, egress, fire
10 protection, structural stability, energy, accessibility,
11 lighting, ventilation, electrical, mechanical, plumbing, and
12 gas systems, or other requirements identified by rule of the
13 Florida Building Commission adopted pursuant to chapter 120,
14 the local government shall impose, each time after the third
15 such review the plans are rejected for that code violation, a
16 fee of four times the amount of the proportion of the permit
17 fee attributed to plans review.

18 (c) With respect to inspections, if a local government
19 finds it necessary, in order to enforce compliance with the
20 Florida Building Code, to conduct any inspection after an
21 initial inspection and one subsequent reinspection of any
22 project or activity for the same code violation specifically
23 and continuously noted in each rejection, including, but not
24 limited to, egress, fire protection, structural stability,
25 energy, accessibility, lighting, ventilation, electrical,
26 mechanical, plumbing, and gas systems, or other requirements
27 identified by rule of the Florida Building Commission adopted
28 pursuant to chapter 120, the local government shall impose a
29 fee of four times the amount of the fee imposed for the
30 initial inspection or first reinspection, whichever is
31 greater, for each such subsequent reinspection.

1 (3) Each enforcement district shall be governed by a
2 board, the composition of which shall be determined by the
3 affected localities. At its own option each enforcement
4 district or local enforcement agency may promulgate rules
5 granting to the owner of a single-family residence one or more
6 exemptions from the Florida State Minimum Building Code Codes
7 relating to:

8 (a) Addition, alteration, or repairs performed by the
9 property owner upon his or her own property, provided any
10 addition or alteration shall not exceed 1,000 square feet or
11 the square footage of the primary structure, whichever is
12 less.

13 (b) Addition, alteration, or repairs by a nonowner
14 within a specific cost limitation set by rule, provided the
15 total cost shall not exceed \$5,000 within any 12-month period.

16 (c) Building and inspection fees.

17
18 Each code exemption, as defined in paragraphs (a), (b), and
19 (c), shall be certified to the local board 10 days prior to
20 implementation and shall only be effective in the territorial
21 jurisdiction of the enforcement district or local enforcement
22 agency implementing it.

23 (4) When an enforcement district has been formed as
24 provided herein, upon its registration with the department, it
25 shall have the same authority and responsibility with respect
26 to building codes as provided by this part for local governing
27 bodies.

28 (5) State and regional agencies with special expertise
29 in building code standards and licensing of contractors and
30 design professionals shall provide support to local
31 governments upon request.

1 (6) Notwithstanding any other provision of law, state
2 universities, community colleges, and public school districts
3 shall be subject to enforcement of the Florida Building Code
4 pursuant to this part.

5 (a) State universities, state community colleges, or
6 public school districts shall conduct plan review and
7 construction inspections to enforce building code compliance
8 for their building projects that are subject to the Florida
9 Building Code. Such entities shall have personnel
10 appropriately certified under part XII of chapter 468 perform
11 the plan reviews and inspections required by the code. Under
12 such arrangements, such entities shall not be subject to local
13 government permitting requirements, plans review, and
14 inspection fees. State universities, state community colleges,
15 and public school districts shall be liable and responsible
16 for all of their buildings, structures, and facilities.
17 Nothing in this paragraph shall be construed to limit the
18 authority of the county, municipality, or code enforcement
19 district to ensure that buildings, structures, and facilities
20 owned by such entities comply with the Florida Building Code
21 or to limit the authority and responsibility of the fire
22 official to conduct firesafety inspections pursuant to chapter
23 633.

24 (b) If a state university, state community college, or
25 public school district elects to use a local government's code
26 enforcement offices:

27 1. Fees charged by counties and municipalities for
28 enforcement of the Florida Building Code on buildings,
29 structures, and facilities of state universities, state
30 colleges, and public school districts shall not be more than
31

1 the actual labor and administrative costs incurred for plans
2 review and inspections to ensure compliance with the code.

3 2. Counties and municipalities shall expedite building
4 construction permitting, building plans review, and
5 inspections of projects of state universities, state community
6 colleges, and public school districts which are subject to the
7 Florida Building Code according to guidelines established by
8 the Florida Building Commission.

9 (c) The Florida Building Commission and code
10 enforcement jurisdictions shall consider balancing code
11 criteria and enforcement to unique functions, where they
12 occur, of research institutions by application of performance
13 criteria in lieu of prescriptive criteria.

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

29 Section 87. Effective July 1, 2001, subsection (1) and
30 paragraph (a) of subsection (6) of section 553.80, Florida
31 Statutes, as amended by section 51 of chapter 98-287, Laws of

1 Florida, are amended, and paragraph (d) is added to subsection
2 (6) of said section, to read:

3 553.80 Enforcement.--

4 (1) Except as provided in paragraphs (a)-(e),~~it shall~~
5 ~~be the responsibility of~~ each local government and each
6 legally constituted enforcement district with statutory
7 authority shall ~~to~~ regulate building construction and, where
8 authorized in the state agency's enabling legislation, each
9 state agency shall ~~to~~ enforce the Florida Building Code
10 required by this part on all public or private buildings,
11 structures, and facilities, unless such responsibility has
12 been delegated to another unit of government pursuant to s.
13 553.79(9).

14 (a) Construction regulations relating to correctional
15 facilities under the jurisdiction of the Department of
16 Corrections and the Department of Juvenile Justice are to be
17 enforced exclusively by those departments.

18 (b) Construction regulations relating to elevator
19 equipment under the jurisdiction of the Bureau of Elevators of
20 the Department of Business and Professional Regulation shall
21 be enforced exclusively by that department.

22 (c) In addition to the requirements of s. 553.79 and
23 this section, facilities subject to the provisions of chapter
24 395 and part II of chapter 400 shall have facility plans
25 reviewed and construction surveyed by the state agency
26 authorized to do so under the requirements of chapter 395 and
27 part II of chapter 400 and the certification requirements of
28 the Federal Government.

29 (d) Building plans approved pursuant to s. 553.77(6)
30 and state-approved manufactured buildings, including buildings
31 manufactured and assembled offsite and not intended for

1 habitation, such as lawn storage buildings and storage sheds,
2 are exempt from local code enforcing agency plan reviews
3 except for provisions of the code relating to erection,
4 assembly, or construction at the site. Erection, assembly, and
5 construction at the site are subject to local permitting and
6 inspections.

7 (e) Construction regulations governing public schools,
8 state universities, and community colleges shall be enforced
9 as provided in subsection (6).

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

22 (6) Notwithstanding any other provision of law, state
23 universities, community colleges, and public school districts
24 shall be subject to enforcement of the Florida Building Code
25 pursuant to this part.

26 (a) State universities, state community colleges, or
27 public school districts shall conduct plan review and
28 construction inspections to enforce building code compliance
29 for their building projects that are subject to the Florida
30 Building Code. Such entities shall use ~~have~~ personnel or
31 contract providers appropriately certified under part XII of

1 chapter 468 to perform the plan reviews and inspections
 2 required by the code. Under such arrangements, such entities
 3 shall not be subject to local government permitting
 4 requirements, plans review, and inspection fees. State
 5 universities, state community colleges, and public school
 6 districts shall be liable and responsible for all of their
 7 buildings, structures, and facilities. Nothing in this
 8 paragraph shall be construed to limit the authority of the
 9 county, municipality, or code enforcement district to ensure
 10 that buildings, structures, and facilities owned by such
 11 entities comply with the Florida Building Code or to limit the
 12 authority and responsibility of the fire official to conduct
 13 firesafety inspections pursuant to chapter 633.

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

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

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

12 Section 88. Effective July 1, 2001, section 553.83,
 13 Florida Statutes, is amended to read:

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

27 Noncompliance with the ~~a~~ building code promulgated under this
 28 part shall be considered prima facie evidence of irreparable
 29 damage in any cause of action brought under authority of this
 30 part.

31

1 Section 89. Effective July 1, 2001, section 553.84,
2 Florida Statutes, is amended to read:

3 553.84 Statutory civil action.--Notwithstanding any
4 other remedies available, any person or party, in an
5 individual capacity or on behalf of a class of persons or
6 parties, damaged as a result of a violation of this part or
7 the Florida State Minimum Building Code Codes, has a cause of
8 action in any court of competent jurisdiction against the
9 person or party who committed the violation.

10 Section 90. Subsections (2), (3), and (9) of section
11 553.841, Florida Statutes, are amended, and subsection (11) is
12 added to said section, to read:

13 553.841 Building code training program; participant
14 competency requirements.--

15 (2) The commission shall establish by rule the
16 Building Code Training Program to develop and provide a core
17 curriculum and advance module courses relating to the Florida
18 Building Code and a system of administering and enforcing the
19 Florida Building Code.

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

26 (9) The commission, in consultation with the
27 Department of Business and Professional Regulation, shall
28 develop or cause to be developed, or approve as a part of the
29 program, a core curriculum and specialized or advanced module
30 coursework for the construction workforce, including, but not
31

1 limited to, superintendents and, journeymen, ~~and residential~~
2 ~~designers.~~

3 (11) The Legislature hereby establishes the Office of
4 Building Code Training Program Administration within the
5 Institute of Applied Technology in Construction Excellence at
6 the Florida Community College at Jacksonville. The office is
7 charged with the following responsibilities as recommended by
8 the Florida Building Commission and as resources are provided
9 by the Legislature:

10 (a) Provide research-to-practice capability for
11 entry-level construction training development, delivery and
12 quality assurance, as well as training and competency registry
13 systems and recruitment initiatives.

14 (b) Coordinate with the Department of Community
15 Affairs and the Florida Building Commission to serve as school
16 liaison to disseminate construction awareness and promotion
17 programs and materials to schools.

18 (c) Develop model programs and approaches to
19 construction career exploration to promote construction
20 careers.

21 Section 91. Subsection (1) of section 553.842, Florida
22 Statutes, is amended to read:

23 553.842 Product evaluation and approval.--

24 (1) The commission shall make recommendations to the
25 President of the Senate and the Speaker of the House of
26 Representatives prior to the 2001 Regular Session ~~may adopt~~
27 ~~rules pursuant to ss. 120.536(1) and 120.54~~ to develop and
28 implement a product evaluation and approval system to operate
29 in coordination with the Florida Building Code. The product
30 evaluation and approval system shall provide:

31

1 (a) Appropriate promotion of innovation and new
2 technologies.

3 (b) Processing submittals of products from
4 manufacturers in a timely manner.

5 (c) Independent, third-party qualified and accredited
6 testing and laboratory facilities.

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

9 (e) Development of stringent but reasonable testing
10 criteria based upon existing consensus standards, when
11 available, for products.

12 (f) Long-term approvals, where feasible.

13 (g) Recall or revocation of a product approval.

14 (h) Cost-effectiveness.

15

16 For purposes of this section, an approved product evaluation
17 entity is an entity that has been accredited by a nationally
18 recognized independent evaluation authority or entity
19 otherwise approved by the commission.

20 Section 92. Effective July 1, 2001, section 553.85,
21 Florida Statutes, is amended to read:

22 553.85 Liquefied petroleum gases.--The provisions of
23 the Florida State Minimum Building Code Codes and the rules
24 ~~and regulations adopted thereunder~~ for the design,
25 construction, location, installation, services, and operation
26 of equipment for storing, handling, transporting, and
27 utilization of liquefied petroleum gases shall not be in
28 conflict with chapter 527.

29 Section 93. Effective July 1, 2001, section 553.19,
30 Florida Statutes, is transferred and renumbered as section
31 553.88, Florida Statutes, and is amended to read:

1 553.88 ~~553.19~~ Adoption of electrical and alarm
2 standards.--For the purpose of establishing minimum electrical
3 and alarm standards in this state, the current edition of the
4 following standards are adopted:
5 (1) "National Electrical Code," NFPA No. 70.
6 (2) Underwriters' Laboratories, Inc., "Standards for
7 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
8 57 and UL 153.
9 (3) Underwriters' Laboratories, Inc., "Standard for
10 Electric Signs," UL 48.
11 (4) The provisions of the following which prescribe
12 minimum electrical and alarm standards:
13 (a) NFPA No. 56A, "Inhalation Anesthetics."
14 (b) NFPA No. 56B, "Respiratory Therapy."
15 (c) NFPA No. 56C, "Laboratories in Health-related
16 Institutions."
17 (d) NFPA No. 56D, "Hyperbaric Facilities."
18 (e) NFPA No. 56F, "Nonflammable Medical Gas Systems."
19 (f) NFPA No. 72, "National Fire Alarm Code."
20 (g) NFPA No. 76A, "Essential Electrical Systems for
21 Health Care Facilities."
22 (5) The rules and regulations of the Department of
23 Health, entitled "Nursing Homes and Related Facilities
24 Licensure."
25 (6) The minimum standards for grounding of portable
26 electric equipment, chapter 8C-27 as recommended by the
27 Industrial Standards Section, Division of Workers'
28 Compensation, Department of Labor and Employment Security.
29
30 The Florida Building Commission shall update and maintain such
31 electrical standards consistent with the procedures

1 established in s. 553.73 and may recommend the National
2 Electrical Installation Standards.

3 Section 94. Effective July 1, 2001, section 553.901,
4 Florida Statutes, is amended to read:

5 553.901 Purpose of thermal efficiency code.--The
6 Department of Community Affairs shall prepare a ~~The purpose of~~
7 ~~this~~ thermal efficiency code ~~is~~ to provide for a statewide
8 uniform standard for energy efficiency in the thermal design
9 and operation of all buildings statewide, consistent with
10 energy conservation goals, and to best provide for public
11 safety, health, and general welfare. The Florida Building
12 Commission shall adopt the Florida Energy Efficiency Code for
13 Building Construction within the Florida Building Code, and
14 ~~Department of Community Affairs shall adopt,~~ modify, revise,
15 update, and maintain the ~~Florida Energy Efficiency code for~~
16 ~~Building Construction~~ to implement the provisions of this
17 thermal efficiency code and amendments thereto, in accordance
18 with the procedures of chapter 120. The department shall, at
19 least triennially, determine the most cost-effective
20 energy-saving equipment and techniques available and report
21 its determinations to the commission, which shall update the
22 code to incorporate such equipment and techniques. The
23 proposed changes shall be made available for public review and
24 comment no later than 6 months prior to code implementation.
25 The term "cost-effective," for the purposes of this part,
26 shall be construed to mean cost-effective to the consumer.

27 Section 95. Effective July 1, 2001, subsections (1),
28 (4), (6), and (7) of section 553.902, Florida Statutes, are
29 amended to read:

30 553.902 Definitions.--For the purposes of this part:

31 (1) "Exempted building" means:

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

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

7 (c) Any building for which federal mandatory standards
8 preempt state energy codes.

9 (d) Any historical building as described in s.
10 267.021(6).

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

14
15 The Florida Building Commission may recommend to the
16 Legislature additional types of buildings which should be
17 exempted from compliance with the Florida Energy Efficiency
18 Code for Building Construction.

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

25 ~~(6) "Energy performance index" or "EPI" means a number~~
26 ~~describing the relative energy performance of a residential~~
27 ~~building as compared to a residential building designed to~~
28 ~~baseline energy performance levels for the envelope, HVAC, and~~
29 ~~water heating components. The number shall be calculated~~
30 ~~according to rules and procedures promulgated by the~~
31 ~~Department of Community Affairs.~~

1 (6)~~(7)~~ "Energy performance level" means the indicator
2 of the energy-related performance of a building, including,
3 but not limited to, the levels of insulation, the amount and
4 type of glass, and the HVAC and water heating system
5 efficiencies.

6 Section 96. Section 553.903, Florida Statutes, is
7 amended to read:

8 553.903 Applicability.--This part shall apply to all
9 new and renovated buildings in the state, except exempted
10 buildings, for which building permits are obtained after March
11 15, 1979, and to the installation or replacement of building
12 systems and components with new products for which thermal
13 efficiency standards are set by the Florida Energy Efficiency
14 Code for Building Construction. The provisions of this part
15 shall constitute a statewide uniform code. ~~The criteria for
16 compliance shall include the provision that the performance
17 level of a building built to such thermal performance
18 standards shall not vary more than 5 percent as a result of
19 choice of energy source.~~

20 Section 97. Effective July 1, 2001, section 553.907,
21 Florida Statutes, is amended to read:

22 553.907 Compliance.--~~Owners of all buildings required
23 to comply with this part, or their agents, must certify
24 compliance to the designated local enforcement agency prior to
25 receiving the permit to begin construction or renovation. If,
26 during the building construction or renovation, alterations
27 are made in the design, materials, or equipment which would
28 diminish the energy performance of the building, an amended
29 copy of the compliance certification must be submitted to the
30 local enforcement agency on or before the date of final
31 inspection by the building owner or his or her agent and must~~

1 ~~be placed on the building permit.~~ Each local enforcement
2 agency shall report to the department any information
3 concerning compliance certifications and amendments at such
4 intervals as the department designates by rule adopted in
5 accordance with chapter 120.

6 Section 98. Section 553.9085, Florida Statutes, is
7 amended to read:

8 553.9085 Energy performance disclosure for residential
9 buildings.--The energy performance level resulting from
10 compliance with the provisions of this part, for each new
11 residential building, shall be disclosed at the request of the
12 prospective purchaser. In conjunction with the normal
13 responsibilities and duties of this part, the local building
14 official shall require that a complete and accurate energy
15 performance level display card be completed and certified by
16 the builder as accurate and correct before final approval of
17 the building for occupancy. The energy performance level
18 display card shall be included as an addendum to each sales
19 contract ~~executed after January 1, 1994.~~ The display card
20 shall be uniform statewide and developed by the Department of
21 Community Affairs. At a minimum, the display card shall list
22 information indicating the energy performance level of the
23 dwelling unit, ~~including an EPI when appropriate,~~ resulting
24 from compliance with the code, shall be signed by the builder,
25 and shall list general information about the energy
26 performance level and the code.

27 Section 99. Subsection (1) of section 553.909, Florida
28 Statutes, is amended to read:

29 553.909 Setting requirements for appliances;
30 exceptions.--

31

1 (1) The Florida Energy Efficiency Code for Building
 2 Construction shall set the minimum requirements for heat traps
 3 and thermostat settings for water heaters sold after October
 4 ~~1, 1980,~~for residential use ~~shall be installed with a heat~~
 5 ~~trap and shall have the thermostat set at 110 °F or whatever~~
 6 ~~minimum the unit is capable of if it exceeds 110 °F. The code~~
 7 shall further establish the minimum acceptable standby loss
 8 for electric water heaters and the minimum recovery efficiency
 9 and standby loss for ~~may not have a standby loss which exceeds~~
 10 ~~4 watts per square foot of tank surface per hour.~~water
 11 heaters fueled by natural gas or liquefied petroleum gas in
 12 any form which are sold or installed after March 1, 1981,
 13 shall have a recovery efficiency of 75 percent or more and
 14 shall have a standby loss in percent per hour not exceeding
 15 the number determined by dividing 67 by the volume of the tank
 16 in gallons and adding the result to 2.8.

17 Section 100. Effective July 1, 2001, subsection (1) of
 18 section 627.0629, Florida Statutes, is amended to read:

19 627.0629 Residential property insurance; rate
 20 filings.--

21 (1) ~~Effective July 1, 1994,~~A rate filing for
 22 residential property insurance must include actuarially
 23 reasonable ~~appropriate~~ discounts, credits, or other rate
 24 differentials, or appropriate reductions in deductibles, for
 25 properties on which fixtures or construction techniques
 26 actuarially demonstrated to reduce the amount of loss in a
 27 windstorm have been installed or implemented. The fixtures or
 28 construction techniques shall include, but not be limited to,
 29 fixtures or construction techniques which enhance roof
 30 strength, roof covering performance, roof-to-wall strength,
 31 wall-to-floor-to-foundation strength, opening protection, and

1 window, door, and skylight strength. Credits, discounts, or
2 other rate differentials for fixtures and construction
3 techniques which meet the minimum requirements of the Florida
4 Building Code must be included in the rate filing. All
5 insurance companies must make a rate filing which includes the
6 credits, discounts, or other rate differentials by June 1,
7 2002.

8 Section 101. Section 57 of chapter 98-287, Laws of
9 Florida, is amended to read:

10 Section 57. Effective ~~July~~ January 1, 2001, subsection
11 (1) of section 633.01, Florida Statutes, is amended, and
12 subsections (7) and (8) are added to said section, to read:

13 633.01 State Fire Marshal; powers and duties; rules.--

14 (1) The head of the Department of Insurance shall be
15 designated as "State Fire Marshal." The State Fire Marshal
16 shall make and promulgate all rules necessary to implement the
17 provisions of this chapter which grant powers and impose
18 duties on the State Fire Marshal and to effectuate the
19 enforcement of such powers and duties. ~~However,~~The
20 department shall ~~not~~ adopt the Florida Fire Prevention Code
21 and the Life Safety Code ~~minimum firesafety standards, except~~
22 ~~to the extent required by s. 394.879.~~

23 (7) It is the intent of the Legislature that there are
24 to be no conflicting requirements between the Florida Fire
25 Prevention Code and the Life Safety Code authorized by this
26 chapter and the provisions of the Florida Building Code or
27 conflicts in their enforcement and interpretation. Potential
28 conflicts shall be resolved through coordination and
29 cooperation of the State Fire Marshal and the Florida Building
30 Commission as provided by this chapter and part VII of chapter
31 553.

1 (8) The Department of Insurance shall issue, when
2 requested in writing by any substantially affected person or a
3 local enforcing agency, declaratory statements pursuant to s.
4 120.565 relating to the Florida Fire Prevention Code and the
5 Life Safety Code. Such declaratory statements shall apply
6 prospectively, except whenever the State Fire Marshal
7 determines that a serious threat to life exists that warrants
8 retroactive application.

9 Section 102. Effective July 1, 2001, subsection (6) of
10 section 633.01, Florida Statutes, as amended by section 57 of
11 chapter 98-287, Laws of Florida, is amended to read:

12 633.01 State Fire Marshal; powers and duties; rules.--

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

23 Section 103. Section 58 of chapter 98-287, Laws of
24 Florida, is amended to read:

25 Section 58. Effective July ~~January~~ 1, 2001, section
26 633.0215, Florida Statutes, is created to read:

27 633.0215 Florida Fire Prevention Code.--

28 (1) The department shall adopt, by rule pursuant to
29 ss. 120.536(1) and 120.54, the Florida Fire Prevention Code
30 which shall contain or incorporate by reference all firesafety
31 laws and rules that pertain to and govern the design,

1 construction, erection, alteration, modification, repair, and
 2 demolition of public and private buildings, structures, and
 3 facilities and the enforcement of such firesafety laws and
 4 rules.

5 (2) The department shall adopt the National Fire
 6 Protection Association's Standard 1, Fire Prevention Code.
 7 The department shall adopt the Life Safety Code, Pamphlet 101,
 8 current editions, by reference. The department may modify the
 9 selected codes and standards as needed to accommodate the
 10 specific needs of the state. Standards or criteria in the
 11 selected codes shall be similarly incorporated by reference.
 12 The department shall incorporate within sections of the
 13 Florida Fire Prevention Code provisions that address uniform
 14 fire safety standards as established in s. 633.022. The
 15 department shall incorporate within sections of the Florida
 16 Fire Prevention Code provisions addressing regional and local
 17 concerns and variations.

18 (3) Any local amendment to the Florida Fire Prevention
 19 Code adopted by a local government shall be effective only
 20 until the adoption by the department of the new edition of the
 21 Florida Fire Prevention Code, which shall be every third year.
 22 At such time, the department shall adopt such amendment as
 23 part of the Florida Fire Prevention Code or rescind the
 24 amendment. The department shall immediately notify the
 25 respective local government of the rescission of the
 26 amendment. After receiving such notice, the respective local
 27 government may readopt the rescinded amendment. Incorporation
 28 of local amendments as regional and local concerns and
 29 variations shall be considered as adoption of an amendment
 30 pursuant to this part. Notwithstanding other state or local
 31 building and construction code laws to the contrary, locally

1 adopted fire code requirements that were in existence on the
2 effective date of this section shall be deemed local
3 variations of the Florida Fire Prevention Code until the
4 department takes action to adopt or rescind such requirements
5 as provided herein and such action shall take place no later
6 than January 1, 2001.

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

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

23 (6) The Florida Fire Prevention Code does not apply
24 to, and no code enforcement action shall be brought with
25 respect to, zoning requirements or land use requirements.
26 Additionally, a local code enforcement agency may not
27 administer or enforce the Florida Fire Prevention Code to
28 prevent the siting of any publicly owned facility, including,
29 but not limited to, correctional facilities, juvenile justice
30 facilities, or state universities, community colleges, or
31 public education facilities. This section shall not be

1 construed to prohibit local government from imposing built-in
2 fire protection systems or fire-related infrastructure
3 requirements needed to properly protect the intended facility.

4 Section 104. 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 said 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 State Fire Marshal shall
18 adopt a new edition of the Florida Fire Prevention Code every
19 third 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.

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

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 July
 18 ~~January~~ 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.

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 related to the
31 specific amendment for the next 5 years;

1 (b) The local authority has adopted, by ordinance, a
2 provision requiring proportionate reduction in, or rebate or
3 waivers of, impact or other fees or assessments levied on
4 buildings that are built or modified in compliance with the
5 more stringent firesafety standards required by the local
6 amendment; or

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

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

28 Section 105. Section 59 of chapter 98-287, Laws of
29 Florida, is amended to read:

30 Section 59. Effective July ~~January~~ 1, 2001, section
31 633.025, Florida Statutes, is amended to read:

1 633.025 Minimum firesafety standards.--
2 (1) The Florida Fire Prevention Code and the Life
3 Safety Code adopted by the Department of Insurance, Each
4 ~~municipality, county, and special district with firesafety~~
5 ~~responsibilities shall adopt minimum firesafety standards~~
6 which shall operate in conjunction with the Florida state
7 minimum Building Code, shall be deemed adopted by each
8 municipality, county, and special district with firesafety
9 responsibilities such local jurisdiction as required by s.
10 553.73. The minimum firesafety codes standards shall not
11 apply to buildings and structures subject to the uniform
12 firesafety standards under s. 633.022 and buildings and
13 structures subject to the minimum firesafety standards adopted
14 pursuant to s. 394.879.

15 (2) Pursuant to subsection (1), each municipality,
16 county, and special district with firesafety responsibilities
17 shall ~~adopt and enforce the Florida Fire Prevention Code and~~
18 ~~the Life Safety Code codes specified in paragraph (a),~~
19 ~~paragraph (b), paragraph (c), or paragraph (d) as the minimum~~
20 ~~firesafety code required by this section.~~

21 ~~(a) The Standard Fire Prevention Code, 1985 edition or~~
22 ~~subsequent edition, as adopted by the Southern Building Code~~
23 ~~Congress International.~~

24 ~~(b) The EPCOT Fire Prevention Code.~~

25 ~~(c) The National Fire Protection Association (NFPA)~~
26 ~~Pamphlet 1, 1985 edition or subsequent edition.~~

27 ~~(d) The South Florida Fire Prevention Code, subject to~~
28 ~~the provisions of subsection (4).~~

29 (3) The most current edition of the ~~In addition, each~~
30 ~~municipality, county, and special district with firesafety~~
31 ~~responsibilities shall adopt National Fire Protection~~

1 Association (NFPA) 101, Life Safety Code, adopted by the
 2 Department of Insurance, shall be deemed to be adopted by each
 3 municipality, county, and special district with firesafety
 4 responsibilities, 1985 edition or subsequent edition,as part
 5 of the minimum firesafety code.

6 ~~(4) It is the intent of the Legislature that a South~~
 7 ~~Florida Fire Prevention Code be promulgated as a further~~
 8 ~~option to counties, municipalities, and special districts with~~
 9 ~~firesafety responsibilities as an alternative to the~~
 10 ~~firesafety codes specified in paragraphs (2)(a), (b), and (c).~~
 11 ~~In the event that an appropriate South Florida Fire Prevention~~
 12 ~~Code is submitted by the Broward County Board of Rules and~~
 13 ~~Appeals or the Dade County Board of Rules and Appeals to the~~
 14 ~~Legislature by March 1, 1988, such code or codes shall be~~
 15 ~~deemed to be an alternative to the firesafety codes specified~~
 16 ~~in paragraphs (2)(a), (b), and (c) as of July 1, 1988, unless~~
 17 ~~the Legislature expressly prohibits the use of such code.~~
 18 ~~Until July 1, 1988, Dade and Broward Counties may use the~~
 19 ~~firesafety standards within their current Fire Prevention Code~~
 20 ~~as an alternative. In the event Dade or Broward County fails~~
 21 ~~to adopt a South Florida Fire Prevention Code as of July 1,~~
 22 ~~1988, then such county shall be subject to subsections (2),~~
 23 ~~(3), and (6).~~

24 (4)(5) Such codes shall be minimum codes and a
 25 municipality, county, or special district with firesafety
 26 responsibilities may adopt more stringent firesafety
 27 standards, subject to the requirements of this subsection.
 28 Such county, municipality, or special district may establish
 29 alternative requirements to those requirements which are
 30 required under the minimum firesafety standards on a
 31 case-by-case basis, in order to meet special situations

1 arising from historic, geographic, or unusual conditions, if
 2 the alternative requirements result in a level of protection
 3 to life, safety, or property equal to or greater than the
 4 applicable minimum firesafety standards. For the purpose of
 5 this subsection, the term "historic" means that the building
 6 or structure is listed on the National Register of Historic
 7 Places of the United States Department of the Interior.

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

20 (b) Such additional requirements shall not be
 21 discriminatory as to materials, products, or construction
 22 techniques of demonstrated capabilities.

23 (c) Paragraphs (a) and (b) apply solely to the local
 24 enforcing agency's adoption of requirements more stringent
 25 than those specified in the Florida Fire Prevention Code and
 26 the Life Safety Code that have the effect of amending building
 27 construction standards. Upon request, the enforcing agency
 28 shall provide a person making application for a building
 29 permit, or any state agency or board with construction-related
 30 regulation responsibilities, a listing of all such
 31 requirements and codes.

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

6 1. Unless the local government agrees to stay
7 enforcement of the amendment, or other good cause is shown,
8 the challenging party shall be entitled to a hearing on the
9 challenge within 45 days.

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

13
14 A substantially affected person may appeal, to the Department
15 of Insurance, the local government's resolution of the
16 challenge and the department shall determine if the amendment
17 complies with this section. Actions of the department are
18 subject to judicial review pursuant to s. 120.68. The
19 department shall consider reports of the Florida Building
20 Commission, pursuant to part VII of chapter 533, when
21 evaluating building code enforcement.

22 ~~(6) The minimum firesafety standards that counties,~~
23 ~~municipalities, and special districts are required to adopt~~
24 ~~pursuant to this section shall be adopted by January 1, 1988.~~
25 ~~No municipality or county or special district shall be~~
26 ~~required to amend an ordinance which presently complies with~~
27 ~~this section. In the event that any such local governmental~~
28 ~~entity fails to adopt minimum firesafety standards by January~~
29 ~~1, 1988, the minimum firesafety standards shall consist of the~~
30 ~~Standard Fire Prevention Code, 1985 edition, and National Fire~~

31

1 ~~Protection Association (NFPA) 101, Life Safety Code, 1985~~
2 ~~edition.~~

3 (5)~~(7)~~ The new building or structure provisions
4 enumerated within the firesafety code adopted pursuant to this
5 section shall apply only to buildings or structures for which
6 the building permit is issued on or after the effective date
7 of this act ~~January 1, 1988~~. Subject to the provisions of
8 subsection~~(6)~~~~(8)~~, the existing building or structure
9 provisions enumerated within the firesafety code adopted
10 pursuant to this section shall apply to buildings or
11 structures for which the building permit was issued or the
12 building or structure was constructed prior to the effective
13 date of this act ~~January 1, 1988~~.

14 (6)~~(8)~~ With regard to existing buildings, the
15 Legislature recognizes that it is not always practical to
16 apply any or all of the provisions of the minimum firesafety
17 code and that physical limitations may require
18 disproportionate effort or expense with little increase in
19 lifesafety. Prior to applying the minimum firesafety code to
20 an existing building, the local fire official shall determine
21 that a threat to lifesafety or property exists. If a threat to
22 lifesafety or property exists, the fire official shall apply
23 the applicable firesafety code for existing buildings to the
24 extent practical to assure a reasonable degree of lifesafety
25 and safety of property or the fire official shall fashion a
26 reasonable alternative which affords an equivalent degree of
27 lifesafety and safety of property. The decision of the local
28 fire official may be appealed to the local administrative
29 board described in s. 553.73.

30
31

1 ~~(7)(9)~~ Nothing herein shall preclude a municipality,
2 county, or special district from requiring a structure to be
3 maintained in accordance with the applicable firesafety code.

4 ~~(10)~~ With respect to standards established by the
5 National Fire Protection Association (NFPA) 101, Life Safety
6 Code, 1985 edition, s. 19-3.4.2.1, those standards shall not
7 apply to structures having direct access to the outside from
8 each living unit and having three stories or less.

9 ~~(8)(11)~~ With respect to standards established by the
10 National Fire Protection Association (NFPA) 101, Life Safety
11 Code, 1985 edition, s. 19-3.4.4.1, Battery operated smoke
12 detectors shall be considered as an approved detection device
13 for residential buildings having direct access to the outside
14 from each living unit and having three stories or less.

15 (9) The provisions of the Life Safety Code shall not
16 apply to newly constructed one-family and two-family
17 dwelling. However, fire sprinkler protection may be
18 permitted by local government in lieu of other fire protection
19 related development requirements in such structures.

20 Section 106. Effective July 1, 2001, subsections (1),
21 (3), (4), (8), and (9) of section 633.025, Florida Statutes,
22 as amended by section 59 of chapter 98-287, Laws of Florida,
23 are amended to read:

24 633.025 Minimum firesafety standards.--

25 (1) The Florida Fire Prevention Code and the Life
26 Safety Code adopted by the State Fire Marshal ~~Department of~~
27 ~~Insurance~~, which shall operate in conjunction with the Florida
28 Building Code, shall be deemed adopted by each municipality,
29 county, and special district with firesafety responsibilities.
30 The minimum firesafety codes shall not apply to buildings and
31 structures subject to the uniform firesafety standards under

1 s. 633.022 and buildings and structures subject to the minimum
2 firesafety standards adopted pursuant to s. 394.879.

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

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

24 (a) The local governing body shall determine,
25 following a public hearing which has been advertised in a
26 newspaper of general circulation at least 10 days before the
27 hearing, if there is a need to strengthen the requirements of
28 the minimum firesafety code adopted by such governing body.
29 The determination must be based upon a review of local
30 conditions by the local governing body, which review
31 demonstrates that local conditions justify more stringent

1 requirements than those specified in the minimum firesafety
2 code for the protection of life and property or justify
3 requirements that meet special situations arising from
4 historic, geographic, or unusual conditions.

5 (b) Such additional requirements shall not be
6 discriminatory as to materials, products, or construction
7 techniques of demonstrated capabilities.

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

17 (d) A local government which adopts amendments to the
18 minimum firesafety code must provide a procedure by which the
19 validity of such amendments may be challenged by any
20 substantially affected party to test the amendment's
21 compliance with the provisions of this section.

22 1. Unless the local government agrees to stay
23 enforcement of the amendment, or other good cause is shown,
24 the challenging party shall be entitled to a hearing on the
25 challenge within 45 days.

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

29
30 This subsection gives local government the authority to
31 establish firesafety codes that exceed the minimum firesafety

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

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

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

26 Section 107. Section 633.72, Florida Statutes, is
27 amended to read:

28 633.72 Florida Fire Code Advisory Council.--

29 (1) There is created within the department the Florida
30 Fire Code Advisory Council with 11 ~~seven~~ members appointed by
31 the State Fire Marshal. The council, ~~in cooperation with the~~

1 ~~Florida Building Commission~~, shall advise and recommend to the
2 State Fire Marshal ~~and, where appropriate, for further~~
3 ~~recommendation to the Legislature~~ changes to in and
4 interpretation of the uniform firesafety standards adopted
5 under s. 633.022, the Florida Fire Prevention Code, and those
6 portions of the Florida Fire Prevention Code ~~codes~~ that have
7 the effect of conflicting with building construction standards
8 that are adopted pursuant to ~~ss.~~s.633.0215 and 633.022. The
9 members of the council shall represent the following groups
10 and professions:

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

14 (b) One member shall be an administrative officer from
15 a fire department representing a municipality or a county
16 selected from a list of persons submitted by the Florida Fire
17 Chiefs Association;

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

21 (d) One member shall be an a-structure engineer with
22 fire protection design experience registered to practice in
23 the state selected from a list of persons submitted by the
24 Florida Engineering Society;

25 (e) One member shall be an administrative officer from
26 a building department of a county or municipality selected
27 from a list of persons submitted by the Building Officials
28 Association of Florida;

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

1 (g) One member shall be a Florida certified
2 firefighter selected from a list submitted by the Florida
3 Professional Firefighters' Association;

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

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

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

11 (k)(g) One member shall be representative of the
12 general public.

13 (2)(h) The ~~administrative staff of the~~ State Fire
14 Marshal and ~~shall attend meetings of~~ the Florida Building
15 Commission shall ~~and~~ coordinate efforts to provide consistency
16 between the Florida Building Code and the Florida Fire
17 Prevention Code and the Life Safety Code.

18 (3) The council and Florida Building Commission shall
19 cooperate through joint representation and ~~staff~~ coordination
20 of codes and standards to resolve conflicts in their
21 development, updating, and interpretation.

22 (4)(2) Each appointee shall serve a 4-year term. No
23 member shall serve more than one term. No member of the
24 council shall be paid a salary as such member, but each shall
25 receive travel and expense reimbursement as provided in s.
26 112.061.

27 Section 108. Section 62 of chapter 98-287, Laws of
28 Florida, is amended to read:

29 Section 62. (1) Before the 2000 Regular Session of
30 the Legislature, the Florida Building Commission shall submit
31 to the Legislature, ~~for review and approval or rejection,~~ the

1 Florida Building Code adopted by the commission and shall
2 prepare list of recommendations of revisions to the Florida
3 Statutes necessitated by adoption of the Florida Building Code
4 if the Legislature approves the Florida Building Code.

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

14 Section 109. Section 68 of chapter 98-287, Laws of
15 Florida, is amended to read:

16 Section 68. Effective July 1, 2001 ~~upon the approval~~
17 ~~by the Legislature of the adoption of the Florida Building~~
18 ~~Code by the Florida Building Commission,~~ parts I, II, and III
19 of chapter 553, Florida Statutes, consisting of sections
20 553.01, 553.02, 553.03, 553.04, 553.041, 553.05, 553.06,
21 553.07, 553.08, 553.10, 553.11, 553.14, 553.15, 553.16,
22 553.17, 553.18, ~~553.19,~~553.20, 553.21, 553.22, 553.23,
23 553.24, 553.25, 553.26, 553.27, and 553.28, Florida Statutes,
24 are repealed, and section 553.141, Florida Statutes, is
25 transferred and renumbered as section 553.86, Florida
26 Statutes.

27 Section 110. The Legislature has reviewed the Florida
28 Building Code that was adopted by action of the Florida
29 Building Commission on February 15, 2000, and that was noticed
30 for rule adoption by reference in Rule 9B-3.047, F.A.C., on
31 February 18, 2000, in the Florida Administrative Weekly on

1 page 731. The Florida Building Commission is directed to
2 continue the process to adopt the code, pursuant to section
3 120.54(3), Florida Statutes, and to incorporate the following
4 provisions or standards for the State of Florida:

5 (1) The commission shall apply the criteria set forth
6 at section 553.73(7)(a) and (b), Florida Statutes, as amended
7 by section 40 of chapter 98-287, Laws of Florida, and section
8 553.73(6)(c), Florida Statutes, as created by this act, for
9 the adoption of any amendments to the base codes after the
10 effective date of this act. The commission shall review
11 modifications to the base codes adopted by the commission on
12 or before February 15, 2000, which are identified verbally or
13 in writing during the public hearings on proposed rule
14 9B-3.047 held pursuant to chapter 120, Florida Statutes,
15 except those integrating state agency construction
16 regulations, high velocity hurricane zone provisions, and
17 those necessary to harmonize the Florida Building Code with
18 the Florida Fire Prevention Code, and shall confirm that such
19 amendments meet the requirements of s. 553.73(7), Florida
20 Statutes, as amended by s. 40, chapter 98-287, Laws of
21 Florida. In addition, the commission shall apply the above
22 referenced criteria to s. 610.1.ABC.3.5.2. of chapter 13 of
23 the Florida Building Code. Any modification which, after such
24 criteria are applied is not approved for inclusion by an
25 affirmative vote of three-fourths of the commission members
26 present and voting, must be removed from the code pursuant to
27 chapter 120, Florida Statutes.

28 (2) All amendments to the Florida Building Code shall
29 be published in legislative format, with underlining
30 indicating where new language is added to the existing
31

1 provisions and strikeout indicating where existing language is
2 deleted.

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

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

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

1 chemicals, or radiological substances, the drinking water
2 treatment unit must meet the requirements of NSF Standard 53
3 Drinking Water Treatment Units-Health Effects.

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

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

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

19 (5) The Florida Building Commission is directed to
20 reinsert into the Florida Building Code Sections 104.3.2 and
21 104.6.2 of the Florida Building Code, Third Draft, related to
22 a building official's authority to elect to issue a permit
23 based upon plan review by a registered architect or engineer.
24 The building official is responsible for ensuring that any
25 person conducting a plan review is qualified as a plans
26 examiner under part XII of chapter 468, Florida Statutes, and
27 that any person conducting inspections is qualified as a
28 building inspector under part XII of chapter 468, Florida
29 Statutes.

30 (6) The Florida Building Commission is directed to
31 amend paragraph F of Section 105.13 of the Florida Building

1 Code to make clear that the building department may allow a
 2 special inspector to conduct the minimum structural inspection
 3 of threshold buildings required by the Florida Building Code
 4 and section 553.73, Florida Statutes, without duplicative
 5 inspection by the building department. The building official
 6 is responsible for ensuring that any person conducting
 7 inspections is qualified as a building inspector under part
 8 XII of chapter 468, Florida Statutes, or certified as a
 9 special inspector under chapter 471, Florida Statutes, or
 10 chapter 481, Florida Statutes.

11 (7) The Florida Building Commission is directed to
 12 amend Section 127.5.9.8.5 of the Florida Building Code to make
 13 clear that the building official may allow a special inspector
 14 to conduct all mandatory inspections in accordance with
 15 section 127.3 of the Code, without duplicative inspection by
 16 the building official. The building official is responsible
 17 for ensuring that any person conducting inspections is
 18 qualified as a building inspector under part XII of chapter
 19 468, Florida Statutes, or certified as a special inspector
 20 under chapter 471, Florida Statutes, or chapter 481, Florida
 21 Statutes.

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

31

1 Section 111. (1)(a) The Department of Community
2 Affairs shall undertake a demonstration and education project
3 to demonstrate the true cost associated with the
4 implementation of the Florida Building Code. The project
5 shall consist of the construction of 12 residential
6 single-family homes in various regions of the state to the
7 standards of the Florida Building Code. These project homes
8 shall be used to determine the material and labor cost
9 differential between the Florida Building Code and the current
10 state minimum building code. The cost differential data shall
11 be determined by two categories: those costs associated with
12 compliance with ASCE-7-98 and those costs associated with
13 other incremental costs associated with other compliance
14 provisions of the Florida Building Code. The department shall
15 provide the resources to offset any increased cost of building
16 to the Florida Building Code, and shall provide an analysis
17 and accounting of such additional costs prepared by an
18 appropriate engineering firm and accounting firm. These homes
19 shall be used for educational purposes in the local community,
20 and shall be utilized as a demonstration project available for
21 inspection and education training as determined by the
22 Residential Mitigation Construction Advisory Council.

23 (b) The results of the accounting and analysis shall
24 be forwarded by the department to the Florida Building
25 Commission for use in reviewing the Florida Building Code and
26 to the Department of Insurance.

27 (c) The department shall implement this project
28 following the effective date of this act.

29 (d) The Residential Mitigation Construction Advisory
30 Council, with the department, shall serve as the advisory
31 group for this project. Decisions regarding the conduct of

1 the project and contracting with the appropriate engineering
2 group and accounting group shall be made by consensus of the
3 advisory group.

4 (2) The department shall issue a report of its
5 findings to the Governor, the President of the Senate, and the
6 Speaker of the House of Representatives upon completion of the
7 construction and data collection.

8 Section 112. (1) The select committee to investigate
9 the feasibility of establishing performance-based criteria for
10 the cost-effective application of fire codes and fire code
11 alternatives for existing educational facilities established
12 by chapter 98-287, Laws of Florida, is authorized to continue
13 its investigation. Committee appointment authority
14 established by chapter 98-287, Laws of Florida, shall continue
15 should any position on the select committee become vacant.
16 Members of the committee shall serve at their own expense
17 except that state employees shall be reimbursed for travel
18 costs incurred from existing budgets in accordance with s.
19 112.061, Florida Statutes.

20 (2) Funds in the amount of \$35,000 are appropriated to
21 the State Fire Marshal from the Insurance Commissioner's
22 Regulatory Trust Fund for the purposes of providing training
23 and education to those impacted by its use on the application
24 of the alternative fire safety standards for educational
25 facilities. The Division of State Fire Marshal shall review
26 the alternative code for existing educational facilities and
27 may adopt such alternative code by rule as part of the Florida
28 Fire Prevention Code as an acceptable alternative for code
29 compliance.

30 Section 113. The Florida Building Commission shall
31 examine the applicability of the full proposed Florida

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

15 Section 114. Section 1 of chapter 98-287, Laws of
16 Florida, is amended to read:

17 Section 1. Effective July ~~January~~ 1, 2001, paragraph
18 (d) of subsection (2) of section 125.69, Florida Statutes, is
19 amended to read:

20 125.69 Penalties; enforcement by code inspectors.--

21 (2) The board of county commissioners of each county
22 may designate its agents or employees as code inspectors whose
23 duty it is to assure code compliance. Any person designated
24 as a code inspector may issue citations for violations of
25 county codes and ordinances, respectively, or subsequent
26 amendments thereto, when such code inspector has actual
27 knowledge that a violation has been committed.

28 (d) The provisions of this subsection shall not apply
29 to the enforcement pursuant to ss. 553.79 and 553.80 of the
30 Florida Building Code ~~codes~~ adopted pursuant to s. 553.73 as
31 applied ~~they apply~~ to construction, provided that a building

1 permit is either not required or has been issued by the
2 county. ~~For the purposes of this paragraph, "building codes"~~
3 ~~means only those codes adopted pursuant to s. 553.73.~~

4 Section 115. Section 2 of chapter 98-287, Laws of
5 Florida, is amended to read:

6 Section 2. Effective July ~~January~~ 1, 2001, subsection
7 (11) of section 161.54, Florida Statutes, is amended to read:

8 161.54 Definitions.--In construing ss. 161.52-161.58:

9 (11) "State minimum building codes" means the Florida
10 Building Code ~~recognized model building construction codes~~ as
11 identified in s. 553.73.

12 Section 116. Section 4 of chapter 98-287, Laws of
13 Florida, is amended to read:

14 Section 4. Effective July ~~January~~ 1, 2001, subsection
15 (7) of section 162.21, Florida Statutes, is amended to read:

16 162.21 Enforcement of county or municipal codes or
17 ordinances; penalties.--

18 (7) The provisions of this part shall not apply to the
19 enforcement pursuant to ss. 553.79 and 553.80 of the Florida
20 Building Code ~~codes~~ adopted pursuant to s. 553.73 as applied
21 ~~they apply~~ to construction, provided that a building permit is
22 either not required or has been issued by the county or the
23 municipality. ~~For the purposes of this subsection, "building~~
24 ~~codes" means only those codes adopted pursuant to s. 553.73.~~

25 Section 117. Section 5 of chapter 98-287, Laws of
26 Florida, is amended to read:

27 Section 5. Effective July ~~January~~ 1, 2001, subsection
28 (5) of section 166.0415, Florida Statutes, is amended to read:

29 166.0415 Enforcement by code inspectors; citations.--

30 (5) The provisions of this section shall not apply to
31 the enforcement pursuant to ss. 553.79 and 553.80 of the

1 Florida Building Code codes adopted pursuant to s. 553.73 as
2 applied they apply to construction, provided that a building
3 permit is either not required or has been issued by the
4 municipality. ~~For the purposes of this subsection, "building~~
5 ~~codes" means only those codes adopted pursuant to s. 553.73.~~

6 Section 118. Section 7 of chapter 98-287, Laws of
7 Florida, is amended to read:

8 Section 7. Effective July ~~January~~ 1, 2001, subsection
9 (3) of section 468.602, Florida Statutes, is amended to read:

10 468.602 Exemptions.--This part does not apply to:

11 (3) Persons acting as special inspectors for code
12 enforcement jurisdictions and plans examiners pursuant to s.
13 235.26 while conducting special inspections not required as
14 minimum inspections by the Florida Building Code activities
15 authorized by certification under that section.

16 Section 119. Section 9 of chapter 98-287, Laws of
17 Florida, is amended to read:

18 Section 9. Effective July ~~January~~ 1, 2001, paragraph
19 (h) is added to subsection (1) of section 468.621, Florida
20 Statutes, to read:

21 468.621 Disciplinary proceedings.--

22 (1) The following acts constitute grounds for which
23 the disciplinary actions in subsection (2) may be taken:

24 (h) Failing to execute the duties and responsibilities
25 specified in part XII of chapter 468 and ss. 553.73, 553.781,
26 and 553.79.

27 Section 120. Section 13 of chapter 98-287, Laws of
28 Florida, is amended to read:

29 Section 13. Effective July ~~January~~ 1, 2001, paragraph
30 (c) of subsection (3) of section 471.033, Florida Statutes, is
31 amended to read:

1 471.033 Disciplinary proceedings.--

2 (3) When the board finds any person guilty of any of
3 the grounds set forth in subsection (1), it may enter an order
4 imposing one or more of the following penalties:

5 (c) Imposition of an administrative fine not to exceed
6 \$1,000 for each count or separate offense and a fine of up to
7 \$5,000 for matters pertaining to a material violation of the
8 Florida Building Code as reported by a local jurisdiction.

9 Section 121. Section 14 of chapter 98-287, Laws of
10 Florida, is amended to read:

11 Section 14. Effective ~~July~~ January 1, 2001,
12 subsections (5) and (6) are added to section 481.215, Florida
13 Statutes, to read:

14 481.215 Renewal of license.--

15 (5) Each licensee shall provide to the board proof of
16 completion of the core curriculum courses, or passing the
17 equivalency test of the Building Code Training Program
18 established by s. 553.841, within 2 years after commencement
19 of the program or after initial licensure, whichever is later.
20 Hours spent taking core curriculum courses shall count toward
21 the number required for license renewal. A licensee who
22 passes the equivalency test in lieu of taking the core
23 curriculum courses shall receive full credit for such core
24 curriculum course hours.

25 (6) The board shall require, by rule adopted pursuant
26 to ss. 120.536(1) and 120.54, a specified number of hours in
27 specialized or advanced courses, approved by the Florida
28 Building Commission, on any portion of the Florida Building
29 Code, adopted pursuant to part VII of chapter 553, relating to
30 the licensee's respective area of practice.

31

1 Section 122. Section 15 of chapter 98-287, Laws of
2 Florida, is amended to read:

3 Section 15. Effective ~~July~~ January 1, 2001, paragraph
4 (c) of subsection (3) of section 481.225, Florida Statutes, is
5 amended to read:

6 481.225 Disciplinary proceedings against registered
7 architects.--

8 (3) When the board finds any registered architect
9 guilty of any of the grounds set forth in subsection (1), it
10 may enter an order imposing one or more of the following
11 penalties:

12 (c) Imposition of an administrative fine not to exceed
13 \$1,000 for each count or separate offense and a fine of up to
14 \$5,000 for matters pertaining to a material violation of the
15 Florida Building Code as reported by a local jurisdiction.

16 Section 123. Section 16 of chapter 98-287, Laws of
17 Florida, is amended to read:

18 Section 16. Effective ~~July~~ January 1, 2001, paragraph
19 (d) of subsection (2) of section 481.2251, Florida Statutes,
20 is amended to read:

21 481.2251 Disciplinary proceedings against registered
22 interior designers.--

23 (2) When the board finds any person guilty of any of
24 the grounds set forth in subsection (1), it may enter an order
25 taking the following action or imposing one or more of the
26 following penalties:

27 (d) Imposition of an administrative fine not to exceed
28 \$1,000 for each violation or separate offense and a fine of up
29 to \$5,000 for matters pertaining to a material violation of
30 the Florida Building Code as reported by a local jurisdiction;
31 or

1 Section 124. Section 17 of chapter 98-287, Laws of
2 Florida, is amended to read:

3 Section 17. Effective July ~~January~~ 1, 2001,
4 subsections (3), (4), (5), and (6) are added to section
5 481.313, Florida Statutes, to read:

6 481.313 Renewal of license.--

7 (3) No license renewal shall be issued to a landscape
8 architect by the department until the licensee submits proof,
9 satisfactory to the department, that during the 2 year period
10 prior to application for renewal, the licensee participated in
11 such continuing education courses required by the board. The
12 board shall approve only continuing education courses that
13 relate to and increase the basic knowledge of landscape
14 architecture. The board may make an exception from the
15 requirements of continuing education in emergency or hardship
16 cases.

17 (4) The board, by rule adopted pursuant to ss.
18 120.536(1) and 120.54, shall establish criteria for the
19 approval of continuing education courses and providers, and
20 shall by rule establish criteria for accepting alternative
21 nonclassroom continuing education on an hour-for-hour basis.

22 (5) Each license holder shall provide to the board
23 proof of completion of the core curriculum courses, or passing
24 the equivalency test of the Building Code Training Program
25 established by s. 553.841, within 2 years after commencement
26 of the program or of initial licensure, whichever is later.
27 Hours spent taking core curriculum courses shall count toward
28 the number required for license renewal. A licensee who
29 passes the equivalency test in lieu of taking the core
30 curriculum courses shall receive full credit for core
31 curriculum course hours.

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

7 Section 125. Section 18 of chapter 98-287, Laws of
8 Florida, is amended to read:

9 Section 18. Effective July ~~January~~ 1, 2001, paragraph
10 (c) of subsection (3) of section 481.325, Florida Statutes, is
11 amended to read:

12 481.325 Disciplinary proceedings.--

13 (3) When the board finds any registered landscape
14 architect guilty of any of the grounds set forth in subsection
15 (1), it may enter an order imposing one or more of the
16 following penalties:

17 (c) Imposition of an administrative fine not to exceed
18 \$1,000 for each count or separate offense and a fine of up to
19 \$5,000 for matters pertaining to a material violation of the
20 Florida Building Code as reported by a local jurisdiction.

21 Section 126. Section 24 of chapter 98-287, Laws of
22 Florida, is amended to read:

23 Section 24. Effective July ~~January~~ 1, 2001, paragraph
24 (e) of subsection (3) of section 489.131, Florida Statutes, is
25 amended to read:

26 489.131 Applicability.--

27 (3) Nothing in this part limits the power of a
28 municipality or county:

29 (e) To require one bond for each contractor in an
30 amount not to exceed \$5,000, which bond shall be conditioned
31 only upon compliance with the Florida ~~applicable state minimum~~

1 Building Code ~~and applicable local building code requirements~~
2 adopted pursuant to s. 553.73. Any such bond must be equally
3 available to all contractors without regard to the period of
4 time a contractor has been certified or registered and without
5 regard to any financial responsibility requirements. Any such
6 bonds shall be payable to the Construction Industry Recovery
7 Fund and filed in each county or municipality in which a
8 building permit is requested. Bond reciprocity shall be
9 granted statewide. All such bonds shall be included in
10 meeting any financial responsibility requirements imposed by
11 any statute or rule. Any contractor who provides a third
12 party insured warranty policy in connection with a new
13 building or structure for the benefit of the purchaser or
14 owner shall be exempt from the bond requirements under this
15 subsection with respect to such building or structure.

16 Section 127. Section 29 of chapter 98-287, Laws of
17 Florida, is amended to read:

18 Section 29. Effective July ~~January~~ 1, 2001, paragraph
19 (i) of subsection (1) of section 489.533, Florida Statutes, is
20 amended to read:

21 489.533 Disciplinary proceedings.--

22 (1) The following acts shall constitute grounds for
23 disciplinary actions as provided in subsection (2):

24 (i) ~~Willfully or deliberately disregarding and~~
25 Violating the applicable building codes or laws of the state
26 or any municipality or county thereof.

27
28 For the purposes of this subsection, construction is
29 considered to be commenced when the contract is executed and
30 the contractor has accepted funds from the customer or lender.

31

1 Section 128. Section 31 of chapter 98-287, Laws of
2 Florida, is amended to read:

3 Section 31. Effective July ~~January~~ 1, 2001, paragraph
4 (d) of subsection (3) of section 489.537, Florida Statutes, is
5 amended to read:

6 489.537 Application of this part.--

7 (3) Nothing in this act limits the power of a
8 municipality or county:

9 (d) To require one bond for each electrical contractor
10 in an amount not to exceed \$5,000, which bond shall be
11 conditioned only upon compliance with the Florida ~~applicable~~
12 ~~state minimum~~ Building Code ~~and applicable local building code~~
13 ~~requirements~~ adopted pursuant to s. 553.73. Any such bond
14 must be equally available to all electrical contractors
15 without regard to the period of time an electrical contractor
16 has been certified or registered and without regard to any
17 financial responsibility requirements. Any such bonds shall
18 be payable to the Governor and filed in each county or
19 municipality in which a building permit is requested. Bond
20 reciprocity shall be granted statewide. All such bonds shall
21 be included in meeting any financial responsibility
22 requirements imposed by any statute or rule.

23 (e)1. To refuse to issue permits or issue permits with
24 specific conditions to a contractor who has committed multiple
25 violations, when he or she has been disciplined for each of
26 them by the board and when each disciplinary action has
27 involved revocation or suspension of a license, imposition of
28 an administrative fine of at least \$1,000, or probation.

29 2. To issue permits with specific conditions to a
30 contractor who, within the previous 12 months, has had final
31 action taken against him or her, by the department or by a

1 local board or agency which licenses contractors and has
2 reported the action pursuant to paragraph (5)(c), for engaging
3 in the business or acting in the capacity of a contractor
4 without a license.

5 Section 129. Section 32 of chapter 98-287, Laws of
6 Florida, is amended to read:

7 Section 32. Effective July ~~January~~ 1, 2001, paragraph
8 (d) of subsection (5) of section 500.459, Florida Statutes, is
9 amended to read:

10 500.459 Water vending machines.--

11 (5) OPERATING STANDARDS.--

12 (d) Each water vending machine must have a backflow
13 prevention device that conforms with the applicable provision
14 of the Florida Building Code ~~s. 553.06~~ and an adequate system
15 for collecting and handling dripping, spillage, and overflow
16 of water.

17 Section 130. Section 34 of chapter 98-287, Laws of
18 Florida, is amended to read:

19 Section 34. Effective July ~~January~~ 1, 2001, subsection
20 (2) of section 553.18, Florida Statutes, is amended to read:

21 553.18 Scope.--

22 (2) Local jurisdictions ~~County, municipal, improvement~~
23 ~~district, or state governing bodies~~ may adopt and enforce
24 ~~additional or~~ more stringent standards or administrative
25 procedures and requirements than those prescribed by this
26 code, including but not limited to fees if the standards or
27 administrative procedures and requirements are in conformity
28 with standards set forth in the Florida Building Code ~~s.~~
29 ~~553.19~~.

30 Section 131. Section 36 of chapter 98-287, Laws of
31 Florida, is amended to read:

1 Section 36. Effective ~~July~~ January 1, 2001, part VII
2 of chapter 553, Florida Statutes, shall be entitled "Florida
3 Building Code."

4 Section 132. Section 44 of chapter 98-287, Laws of
5 Florida, is amended to read:

6 Section 44. Effective ~~July~~ January 1, 2001,
7 subsections (4) and (5) are added to section 553.76, Florida
8 Statutes, as amended by this act, to read:

9 553.76 General powers of the commission.--The
10 commission is authorized to:

11 (4) Adopt rules pursuant to ss. 120.536(1) and 120.54
12 to implement the provisions of the Florida Building Code and
13 the provisions of this chapter.

14 (5) Adopt and promote, in consultation with state and
15 local governments, other boards, advisory councils, and
16 commissions, such recommendations as are deemed appropriate to
17 determine and ensure consistent, effective and efficient
18 enforcement and compliance with the Florida Building Code,
19 including, but not limited to, voluntary professional
20 standards for the operation of building departments and for
21 personnel development. Recommendations shall include, but not
22 be limited to, provisions for coordination among and between
23 local offices with review responsibilities and their
24 coordination with state or regional offices with special
25 expertise.

26 Section 133. Section 56 of chapter 98-287, Laws of
27 Florida, is amended to read:

28 Section 56. Effective ~~July~~ January 1, 2001, paragraph
29 (c) of subsection (2) of section 627.351, Florida Statutes, is
30 amended to read:

31 627.351 Insurance risk apportionment plans.--

1 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

2 (c) The provisions of paragraph (b) are applicable
3 only with respect to:

4 1. Those areas that were eligible for coverage under
5 this subsection on April 9, 1993; or

6 2. Any county or area as to which the department,
7 after public hearing, finds that the following criteria exist:

8 a. Due to the lack of windstorm insurance coverage in
9 the county or area so affected, economic growth and
10 development is being deterred or otherwise stifled in such
11 county or area, mortgages are in default, and financial
12 institutions are unable to make loans;

13 b. The county or area so affected ~~has adopted and is~~
14 enforcing the structural requirements of the Florida State
15 ~~Minimum Building Code Codes~~, as defined in s. 553.73, for new
16 construction and has included adequate minimum floor elevation
17 requirements for structures in areas subject to inundation;
18 and

19 c. Extending windstorm insurance coverage to such
20 county or area is consistent with and will implement and
21 further the policies and objectives set forth in applicable
22 state laws, rules, and regulations governing coastal
23 management, coastal construction, comprehensive planning,
24 beach and shore preservation, barrier island preservation,
25 coastal zone protection, and the Coastal Zone Protection Act
26 of 1985.

27
28 The department shall consider reports of the Florida Building
29 Commission when evaluating building code enforcement. Any time
30 after the department has determined that the criteria referred
31 to in this subparagraph do not exist with respect to any

1 county or area of the state, it may, after a subsequent public
2 hearing, declare that such county or area is no longer
3 eligible for windstorm coverage through the plan.

4 Section 134. Notwithstanding the effective date of any
5 section of this act or chapter 98-287, Laws of Florida, any
6 authority to adopt rules provided by this act or chapter
7 98-287, Laws of Florida, shall take effect upon this act
8 becoming a law.

9 Section 135. Section 125.0106, Florida Statutes, is
10 repealed.

11 Section 136. Effective July 1, 2001, subsection (2) of
12 section 255.21, Florida Statutes, paragraphs (d) and (e) of
13 subsection (1) of section 395.1055, Florida Statutes, and
14 subsection (11) of section 553.79, Florida Statutes, are
15 repealed.

16 Section 137. This act does not imply any repeal or
17 sunset of existing general or special laws governing any
18 special district that are not specifically identified by this
19 act. However, this act is intended as a comprehensive
20 revision of the regulation by counties and municipalities of
21 the design, construction, erection, alteration, modification,
22 repair and demolition of public and private buildings.
23 Therefore, any special act governing those activities by any
24 general purpose local government is hereby repealed.

25 Section 138. Except as otherwise specifically provided
26 in this act, this act shall take effect upon becoming a law.