

1
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. 489.109, F.S.; providing for administration
29 of certain fees by the Department of Community
30 Affairs for certain purposes instead of the
31 Department of Education; amending ss. 489.115,

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

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

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

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

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

1 submittal of plans; directing the Florida
2 Building Commission to adopt requirements for
3 plan review; amending s. 553.80, F.S.;
4 consolidating all exemptions from local
5 enforcement of the building code; providing for
6 uses of facility maintenance permits by school
7 boards, community college boards, and state
8 universities; amending ss. 553.83, 553.84,
9 553.85, F.S.; replacing references to local
10 codes and state minimum codes with references
11 to the Florida Building Code; amending s.
12 553.841, F.S.; authorizing the commission to
13 establish the Building Code Training Program by
14 rule; providing that the State Fire Marshal is
15 to be consulted on the Building Code Training
16 Program; amending coursework requirements;
17 establishing the Office of Building Code
18 Training Program Administration; providing
19 responsibilities; amending s. 553.842, F.S.;
20 requiring the commission to make
21 recommendations to the Legislature for a
22 statewide product approval system;
23 transferring, renumbering, and amending s.
24 553.19, F.S.; authorizing the Florida Building
25 Commission to recommend National Electrical
26 Installation Standards; amending s. 553.901,
27 F.S.; transferring the authority to adopt the
28 thermal efficiency code from the Department of
29 Community Affairs to the Florida Building
30 Commission; amending s. 553.902, F.S.; amending
31 the term "exempted building"; deleting an

1 exemption; authorizing the commission to
2 recommend additional exemptions; deleting the
3 term "energy performance index"; amending s.
4 553.903, F.S.; deleting an obsolete requirement
5 relating to thermal efficiency; amending s.
6 553.907, F.S.; deleting requirements for
7 certification of compliance to local
8 governments; amending s. 553.9085, F.S.;
9 deleting obsolete references; amending s.
10 553.909, F.S.; deleting specific requirements
11 for water heaters; directing that such
12 requirements be set in the energy code;
13 amending s. 627.0629, F.S.; requiring a rating
14 manual on residential property insurance to
15 include certain discounts and credits for
16 certain fixtures or construction techniques;
17 providing requirements; amending ss. 633.01,
18 633.0215, 633.025, F.S.; replacing references
19 to the Department of Insurance with references
20 to the State Fire Marshal; amending s.
21 633.0215, F.S., the Florida Fire Prevention
22 Code; providing for triennial adoption of the
23 code; providing requirements for local
24 amendments; providing requirements for adopting
25 local firesafety codes and standards; amending
26 s. 633.025, F.S.; amending provisions relating
27 to smoke detector requirements in residential
28 buildings; providing requirements for adopting
29 local firesafety codes and standards; amending
30 s. 633.72, F.S.; revising the membership of the
31 Florida Fire Code Advisory Council; revising

1 duties of the council with regard to the
2 Florida Building Commission; amending s. 62 of
3 ch. 98-287, Laws of Florida; deleting the
4 requirement that the Legislature approve or
5 reject the Florida Building Code, provide for
6 repeal of local codes on a date certain, and
7 provide for certain local ordinances to remain
8 effective; amending s. 68 of ch. 98-287, Laws
9 of Florida; revising the future repeal of
10 certain sections of the Florida Statutes to
11 provide a date certain; providing that the
12 Legislature has reviewed the Florida Building
13 Code and directing the Florida Building
14 Commission to continue the process to adopt the
15 code; requiring the commission to continue to
16 review modifications to certain base codes;
17 providing requirements; prescribing a
18 publication format for amendments to the
19 Florida Building Code; requiring the commission
20 to adopt certain wind protection requirements;
21 providing that certain changes in the code are
22 not subject to rule challenge; requiring the
23 Florida Building Commission to amend the
24 plumbing section of the Florida Building Code
25 as specified; directing the Florida Building
26 Commission to revise certain provisions of the
27 Florida Building Code; providing certain
28 responsibilities of certain building officials;
29 requiring the Department of Community Affairs
30 to undertake certain home construction
31 demonstration projects for certain purposes;

1 providing requirements; requiring the
2 Residential Mitigation Construction Advisory
3 Council to serve as an advisory group;
4 requiring the Department of Community Affairs
5 to report the results of the projects to the
6 Governor, President of the Senate, and Speaker
7 of the House of Representatives; continuing the
8 existence of a certain select committee
9 relating to application of fire codes to
10 educational facilities; providing an
11 appropriation to the State Fire Marshal for
12 certain purposes; requiring the Division of
13 State Fire Marshal to review an alternative
14 fire safety code for existing educational
15 facilities and authorizes the division to adopt
16 such code for certain purposes; requiring the
17 Florida Building Commission to consider
18 application of the Florida Building Code to
19 buildings manufactured and assembled offsite
20 but not intended for human habitation; amending
21 sections 1, 2, 3, 4, 5, 7, 9, 13, 14, 15, 16,
22 17, 18, 21, 24, 29, 31, 32, 34, 38, 40, 44, 46,
23 47, 49, 51, 56, 57, 58, and 59 of chapter
24 98-287, Laws of Florida; revising the effective
25 date of amendments to ss. 125.69, 161.54,
26 161.56, 162.21, 166.0415, 468.602, 468.621,
27 471.033, 481.215, 481.225, 481.2251, 481.313,
28 481.325, 489.115, 489.131, 489.533, 489.537,
29 500.459, 553.18, 553.72, 553.73, 553.76,
30 553.77, 553.781, 553.79, 627.351, 633.01,
31 633.0215, and 633.025, F.S.; amending section

1 61 of chapter 98-419, Laws of Florida; revising
2 the effective date of an amendment to s.
3 553.73, F.S.; amending section 30 of chapter
4 98-287, Laws of Florida; revising an effective
5 date; providing that nothing in the act is
6 intended to imply any repeal or sunset of any
7 existing general or special law not
8 specifically identified; specifying the
9 effective date of certain provisions
10 authorizing rulemaking; repealing s. 125.0106,
11 F.S., relating to authorizing ordinances
12 restricting construction of floating
13 residential structures; repealing s. 255.21(2),
14 F.S., relating to Department of Management
15 Services authority to establish a code panel
16 for purposes of modification of or waivers to
17 certain codes and standards; repealing s.
18 395.1055(1)(d) and (e), F.S., relating to
19 certain rulemaking authority of the Agency for
20 Health Care Administration relating to certain
21 codes and standards; repealing s. 553.79(11),
22 F.S., relating to certain obsolete asbestos
23 notification requirements; providing effective
24 dates.

25

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

27

28 Section 1. Subsection (16) is added to section 120.80,
29 Florida Statutes, to read:30 120.80 Exceptions and special requirements;
31 agencies.--

1 (16) FLORIDA BUILDING COMMISSION.--
2 (a) Notwithstanding the provisions of s. 120.542, the
3 Florida Building Commission may not accept petition for waiver
4 or variance and may not grant any waiver or variance from the
5 requirements of the Florida Building Code.

6 (b) The Florida Building Commission shall adopt within
7 the Florida Building Code criteria and procedures for
8 alternative means of compliance with the code or local
9 amendments thereto, for enforcement by local governments,
10 local enforcement districts, or other entities authorized by
11 law to enforce the Florida Building Code. Appeals from the
12 denial of the use of alternative means shall be heard by the
13 local board, if one exists, and may be appealed to the Florida
14 Building Commission.

15 Section 2. Effective July 1, 2001, paragraphs (d) and
16 (i) of subsection (1) of section 125.01, Florida Statutes, are
17 amended, and paragraph (cc) is added to that subsection, to
18 read:

19 125.01 Powers and duties.--

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

24 (d) Provide fire protection, including the enforcement
25 of the Florida Fire Prevention Code, as provided in ss.
26 633.022 and 633.025, and adopt and enforce local technical
27 amendments to the Florida Fire Prevention Code as provided in
28 those sections and pursuant to s. 633.0215.

29 (i) Adopt, by reference or in full, and enforce
30 ~~building, housing, and~~ related technical codes and
31 regulations.

1 (cc) Enforce the Florida Building Code, as provided in
2 s. 553.80, and adopt and enforce local technical amendments to
3 the Florida Building Code, pursuant to s. 553.73(4)(b) and
4 (c).

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

7 125.56 Enforcement and ~~Adoption or~~ amendment of the
8 Florida Building Code and the Florida Fire Prevention Code;
9 inspection fees; inspectors; etc.--

10 (1) The board of county commissioners of each of the
11 several counties of the state is authorized to enforce the
12 Florida Building Code and the Florida Fire Prevention Code, as
13 provided in s. 553.80, 633.022, and 633.025, and, at its
14 discretion, to adopt local technical amendments to the Florida
15 ~~or amend a~~ Building Code, pursuant to s. 553.73(4)(b) and (c)
16 and local technical amendments to the Florida Fire Prevention
17 Code, pursuant to s. 633.0215, to provide for the safe
18 construction, erection, alteration, repair, securing, and
19 demolition of any building within its territory outside the
20 corporate limits of any municipality. Upon a determination to
21 consider amending the Florida ~~or adopting a~~ Building Code or
22 the Florida Fire Prevention Code by a majority of the members
23 of the board of county commissioners of such county, the board
24 shall call a public hearing and comply with the public notice
25 requirements of s. 125.66(2). The board shall hear all
26 interested parties at the public hearing and may then ~~adopt or~~
27 amend the ~~a~~ building code or the fire code consistent with the
28 terms and purposes of this act., ~~which shall be known~~
29 ~~thereafter as the "county building code."~~ Upon adoption, an ~~or~~
30 amendment ~~to~~ the code shall be in full force and effect
31 throughout the unincorporated area of such county until

1 otherwise notified by the Florida Building Commission pursuant
2 to s. 553.73 or the State Fire Marshal pursuant to s.
3 633.0215. Nothing herein contained shall be construed to
4 prevent the board of county commissioners from ~~amending or~~
5 repealing such amendment to the building code or the fire code
6 at any regular meeting of such board.

7 (2) The board of county commissioners of each of the
8 several counties may provide a schedule of reasonable
9 inspection fees in order to defer the costs of inspection and
10 enforcement of the provisions of this act, and of the Florida
11 ~~any Building Code and the Florida Fire Prevention Code adopted~~
12 ~~pursuant to the terms of this act.~~

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

18 (4) After adoption of the Florida Building Code by the
19 Florida Building Commission or the Florida Fire Prevention
20 Code by the State Fire Marshal, or amendment of the building
21 code or the fire code as herein provided, it shall be unlawful
22 for any person, firm, or corporation to construct, erect,
23 alter, repair, secure, or demolish any building within the
24 territory embraced by the terms of this act, without first
25 obtaining a permit therefor from the appropriate board of
26 county commissioners, or from such persons as may by
27 resolution be directed to issue such permits, upon the payment
28 of such reasonable fees as shall be set forth in the schedule
29 of fees adopted by the board; the board is hereby empowered to
30 revoke any such permit upon a determination by the board that
31 the construction, erection, alteration, repair, securing, or

1 demolition of the building for which the permit was issued is
2 in violation of or not in conformity with the building code or
3 the fire code.

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

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

11 161.0415 Citation of rule.--In addition to any other
12 provisions within this chapter or any rules promulgated
13 hereunder, the permitting agency shall, when requesting
14 information for a permit application pursuant to this chapter
15 or such rules promulgated hereunder, cite a specific rule or
16 provision of the Florida Building Code. If a request for
17 information cannot be accompanied by a rule citation, failure
18 to provide such information cannot be grounds to deny a
19 permit.

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

24 161.052 Coastal construction and excavation;
25 regulation.--

26 (2) A waiver or variance of the setback requirements
27 may be authorized by the department in the following
28 circumstances:

29 (b) If in the immediate contiguous or adjacent area a
30 number of existing structures have established a reasonably
31 continuous and uniform construction line closer to the line of

1 mean high water than the foregoing, and if said existing
2 structures have not been unduly affected by erosion, a
3 proposed structure may be permitted along such line on written
4 authorization from the department if such proposed structure
5 complies with the Florida Building Code and the rules of ~~is~~
6 ~~also approved by~~ the department. However, the department shall
7 not contravene setback requirements established by a county or
8 municipality which are equal to, or more strict than, those
9 setback requirements provided herein.

10 (12) 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 6. Effective July 1, 2001, subsection (22) is
28 added to section 161.053, Florida Statutes, to read:

29 161.053 Coastal construction and excavation;
30 regulation on county basis.--

31

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

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

20 161.05301 Beach erosion control project staffing;
21 ~~coastal construction building codes review.--~~

22 (1) There are hereby appropriated to the Department of
23 Environmental Protection six positions and \$449,918 for fiscal
24 year 1998-1999 from the Ecosystem Management and Restoration
25 Trust Fund from revenues provided by this act pursuant to s.
26 201.15(11). These positions and funding are provided to
27 assist local project sponsors, and shall be used to facilitate
28 and promote enhanced beach erosion control project
29 administration. Such staffing resources shall be directed
30 toward more efficient contract development and oversight,
31 promoting cost-sharing strategies and regional coordination or

1 projects among local governments, providing assistance to
2 local governments to ensure timely permit review, and
3 improving billing review and disbursement processes.

4 (2) Upon the effective date of the Florida Building
5 Code, when the reviews authorized by s. 161.053 are conducted
6 by local government,~~Upon implementation of the Governor's~~
7 ~~Building Codes Study Commission recommendations pertaining to~~
8 ~~coastal construction, and the adoption of those~~
9 ~~recommendations by local governments, the department shall~~
10 ~~delegate the coastal construction building codes review~~
11 ~~pursuant to s. 161.053 to those local governments.~~current
12 department positions supporting the coastal construction
13 building codes review shall be directed to support
14 implementation of the subject beach management plan.

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

17 161.55 Requirements for activities or construction
18 within the coastal building zone.--The following requirements
19 shall apply beginning March 1, 1986, to construction within
20 the coastal building zone and shall be minimum standards for
21 construction in this area:

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

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

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

29 ~~(c) Major structures shall be designed, constructed,~~
30 ~~and located in compliance with National Flood Insurance~~
31 ~~Program regulations as found in 44 C.F.R. Parts 59 and 60 or~~

1 ~~the local flood damage prevention ordinance, whichever is more~~
2 ~~restrictive.~~

3 ~~(d) Major structures, except those conforming to the~~
4 ~~standards of paragraph (b), shall, at a minimum be designed~~
5 ~~and constructed in accordance with s. 1205 of the 1986~~
6 ~~revisions to the 1985 Standard Building Code using a fastest~~
7 ~~mile-wind velocity of 110 miles per hour except for the~~
8 ~~Florida Keys which shall use a fastest mile-wind velocity of~~
9 ~~115 miles per hour. This does not preclude use of a locally~~
10 ~~adopted building code which is more restrictive.~~

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

28 (1)(2) REGULATION OF COASTAL STRUCTURAL REQUIREMENTS;
29 ~~MINOR STRUCTURES.--Minor structures need not meet specific~~
30 ~~structural requirements provided in subsection (1), except for~~
31 ~~the requirements of paragraph (c) and except for applicable~~

1 ~~provisions of the state minimum building code in effect in the~~
2 ~~jurisdiction. Such structures~~ shall be designed to produce the
3 minimum adverse impact on the beach and the dune system and
4 adjacent properties and to reduce the potential for water or
5 wind blown material. Construction of a rigid coastal or shore
6 protection structure designed primarily to protect a minor
7 structure shall not be permitted.

8 (2)~~(3)~~ REGULATION OF COASTAL STRUCTURAL REQUIREMENTS;
9 NONHABITABLE MAJOR STRUCTURES.--Nonhabitable major structures
10 ~~need not meet specific structural requirements provided in~~
11 ~~subsection (1), except for the requirements of paragraph (c)~~
12 ~~and except for applicable provisions of the state minimum~~
13 ~~building code in effect in the jurisdiction. Such structures~~
14 shall be designed to produce the minimum adverse impact on the
15 beach and dune system and shall comply with any applicable
16 state and local standards not found in this section. All
17 sewage treatment plants and public water supply systems shall
18 be flood proofed to prevent infiltration of surface water from
19 a 100-year storm event. Underground utilities, excluding pad
20 transformers and vaults, shall be flood proofed to prevent
21 infiltration of surface water from a 100-year storm event or
22 shall otherwise be designed so as to function when submerged
23 by such storm event.

24 (3)~~(4)~~ LOCATION OF CONSTRUCTION.--Construction, except
25 for elevated walkways, lifeguard support stands, piers, beach
26 access ramps, gazebos, and coastal or shore protection
27 structures, shall be located a sufficient distance landward of
28 the beach to permit natural shoreline fluctuations and to
29 preserve dune stability.

30 (4)~~(5)~~ APPLICATION TO COASTAL BARRIER ISLANDS.--All
31 ~~building~~ requirements of this part which are applicable to the

1 coastal building zone shall also apply to coastal barrier
2 islands. The coastal building zone on coastal barrier islands
3 shall be the land area from the seasonal high-water line to a
4 line 5,000 feet landward from the coastal construction control
5 line established pursuant to s. 161.053, or the entire island,
6 whichever is less. For coastal barrier islands on which a
7 coastal construction control line has not been established
8 pursuant to s. 161.053, the coastal building zone shall be the
9 land area seaward of the most landward velocity zone (V-zone)
10 boundary line fronting upon the Gulf of Mexico, Atlantic
11 Ocean, Florida Bay, or Straits of Florida. All land area in
12 the Florida Keys located within Monroe County shall be
13 included in the coastal building zone. The coastal building
14 zone on any coastal barrier island between Sebastian Inlet and
15 Fort Pierce Inlet may be reduced in size upon approval of the
16 Land and Water Adjudicatory Commission, if it determines that
17 the local government with jurisdiction has provided adequate
18 protection for the barrier island. In no case, however, shall
19 the coastal building zone be reduced to an area less than a
20 line 2,500 feet landward of the coastal construction control
21 line. ~~In determining whether the local government with~~
22 ~~jurisdiction has provided adequate protection, the Land and~~
23 ~~Water Adjudicatory Commission shall determine that the local~~
24 ~~government has adopted the 1986 Standard Building Code for the~~
25 ~~entire barrier island.~~ The Land and Water Adjudicatory
26 Commission shall withdraw its approval for a reduced coastal
27 building zone if it determines that 6 months after a local
28 government comprehensive plan is due for submission to the
29 state land planning agency pursuant to s. 163.3167 the local
30 government with jurisdiction has not adopted a coastal
31 management element which is in compliance with s. 163.3178.

1 (5)(6) PUBLIC ACCESS.--Where the public has
2 established an accessway through private lands to lands
3 seaward of the mean high tide or water line by prescription,
4 prescriptive easement, or any other legal means, development
5 or construction shall not interfere with such right of public
6 access unless a comparable alternative accessway is provided.
7 The developer shall have the right to improve, consolidate, or
8 relocate such public accessways so long as the accessways
9 provided by the developer are:

10 (a) Of substantially similar quality and convenience
11 to the public;

12 (b) Approved by the local government;

13 (c) Approved by the department whenever improvements
14 are involved seaward of the coastal construction control line;
15 and

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

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

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

22 161.56 Establishment of local enforcement.--

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

31

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

4 161.56 Establishment of local enforcement.--

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

10 ~~(2) Each local government shall provide evidence to~~
11 ~~the state land planning agency that it has adopted a building~~
12 ~~code pursuant to this section. Within 90 days after January~~
13 ~~1, 1987, the state land planning agency shall submit to the~~
14 ~~Administration Commission a list of those local governments~~
15 ~~which have not submitted such evidence of adoption. The sole~~
16 ~~issue before the Administration Commission shall be whether or~~
17 ~~not to impose sanctions pursuant to s. 163.3184(8).~~

18 (1)~~(3)~~ Nothing in ss. 161.52-161.58 shall be construed
19 to limit or abrogate the right and power of the department to
20 require permits or to adopt and enforce standards pursuant to
21 s. 161.041 or s. 161.053 for construction seaward of the
22 coastal construction control line that are as restrictive as,
23 or more restrictive than, the requirements provided in s.
24 161.55 or the rights or powers of local governments to enact
25 and enforce setback requirements or zoning or building codes
26 that are as restrictive as, or more restrictive than, the
27 requirements provided in s. 161.55.

28 (2)~~(4)~~ To assist local governments in the
29 implementation and enforcement of s. 161.55, the state land
30 planning agency shall develop and maintain a biennial coastal
31 building zone construction training program for the local

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

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

16 235.26 State Uniform Building Code for Public
17 Educational Facilities Construction.--

18 (1) UNIFORM BUILDING CODE.--By July 1, 2001, the
19 ~~Commissioner of Education shall adopt~~ a uniform statewide
20 building code for the planning and construction of public
21 educational and ancillary plants by district school boards and
22 community college district boards of trustees shall be adopted
23 by the Florida Building Commission within the Florida Building
24 Code, pursuant to s. 553.73. ~~The code must be entitled the~~
25 ~~State Uniform Building Code for Public Educational Facilities~~
26 ~~Construction.~~Included in this code must be flood plain
27 management criteria in compliance with the rules and
28 regulations in 44 C.F.R. parts 59 and 60, and subsequent
29 revisions thereto which are adopted by the Federal Emergency
30 Management Agency. It is also the responsibility of the
31

1 department to develop, as a part of the uniform building code,
2 standards relating to:

3 (a) Prefabricated facilities or factory-built
4 facilities that are designed to be portable, relocatable,
5 demountable, or reconstructible; are used primarily as
6 classrooms; and do not fall under the provisions of ss.
7 320.822-320.862. Such standards must permit boards to contract
8 with the Department of Community Affairs for factory
9 inspections by certified building code inspectors to certify
10 conformance with applicable law and rules. The standards must
11 comply with the requirements of s. 235.061 for relocatable
12 facilities intended for long-term use as classroom space, and
13 the relocatable facilities shall be designed subject to
14 missile impact criteria of section 423(24)(d)(1) of the
15 Florida Building Code when located in the windborne debris
16 region.

17 (b) The sanitation of educational and ancillary plants
18 and the health of occupants of educational and ancillary
19 plants.

20 (c) The safety of occupants of educational and
21 ancillary plants as provided in s. 235.06, except that the
22 firesafety criteria shall be established by the State Fire
23 Marshal in cooperation with the Florida Building Commission
24 and the department and such firesafety requirements must be
25 incorporated into the Florida Fire Prevention Code.

26 (d) Accessibility for children, notwithstanding the
27 provisions of s. 553.512.

28 (e) The performance of life-cycle cost analyses on
29 alternative architectural and engineering designs to evaluate
30 their energy efficiencies.

31

- 1 1. The life-cycle cost analysis must consist of the
2 sum of:
- 3 a. The reasonably expected fuel costs over the life of
4 the building which are required to maintain illumination,
5 water heating, temperature, humidity, ventilation, and all
6 other energy-consuming equipment in a facility; and
- 7 b. The reasonable costs of probable maintenance,
8 including labor and materials, and operation of the building.
- 9 2. For computation of the life-cycle costs, the
10 department shall develop standards that must include, but need
11 not be limited to:
- 12 a. The orientation and integration of the facility
13 with respect to its physical site.
- 14 b. The amount and type of glass employed in the
15 facility and the directions of exposure.
- 16 c. The effect of insulation incorporated into the
17 facility design and the effect on solar utilization of the
18 properties of external surfaces.
- 19 d. The variable occupancy and operating conditions of
20 the facility and subportions of the facility.
- 21 e. An energy-consumption analysis of the major
22 equipment of the facility's heating, ventilating, and cooling
23 system; lighting system; and hot water system and all other
24 major energy-consuming equipment and systems as appropriate.
- 25 3. Life-cycle cost criteria published by the
26 Department of Education for use in evaluating projects.
- 27 4. Standards for construction materials and systems
28 based on life-cycle costs that consider initial costs,
29 maintenance costs, custodial costs, operating costs, and life
30 expectancy. The standards may include multiple acceptable
31 materials. It is the intent of the Legislature to require

1 district school boards to comply with these standards when
2 expending funds from the Public Education Capital Outlay and
3 Debt Service Trust Fund or the School District and Community
4 College District Capital Outlay and Debt Service Trust Fund
5 and to prohibit district school boards from expending local
6 capital outlay revenues for any project that includes
7 materials or systems that do not comply with these standards,
8 unless the district school board submits evidence that
9 alternative materials or systems meet or exceed standards
10 developed by the department.~~Wherever the words "Uniform~~
11 ~~Building Code" appear, they mean the "State Uniform Building~~
12 ~~Code for Public Educational Facilities Construction."~~

13

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

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

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

26 (a) Except as otherwise provided in paragraph (b), all
27 public educational and ancillary plants constructed by a
28 district school board or a community college district board of
29 trustees must conform to the Florida ~~State Uniform~~ Building
30 Code and the Florida Fire Prevention Code ~~for Public~~
31 ~~Educational Facilities Construction~~, and such plants are

1 exempt from all other state building codes; ~~county, district,~~
2 municipal, or other local amendments to the Florida Building
3 Code and local amendments to the Florida Fire Prevention Code;
4 ~~building codes, interpretations,~~ building permits, and
5 assessments of fees for building permits, except as provided
6 in s. 553.80; ~~ordinances;~~ road closures; and impact fees or
7 service availability fees. Any inspection by local or state
8 government must be based on the Florida Uniform Building Code
9 and the Florida Fire Prevention Code ~~as prescribed by rule~~.
10 Each board shall provide for periodic inspection of the
11 proposed educational plant during each phase of construction
12 to determine compliance with the state requirements for
13 educational facilities ~~Uniform Building Code~~.
14 (b) A district school board or community college
15 district board of trustees may conform with the Florida
16 Building Code and the Florida Fire Prevention Code ~~local~~
17 ~~building codes~~ and the administration of such codes when
18 constructing ancillary plants that are not attached to
19 educational facilities, if those plants conform to the space
20 size requirements established in the codes ~~Uniform Building~~
21 ~~code~~.
22 ~~(c)(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS~~
23 ~~REQUIRED FOR APPROVAL.~~ A district school board or community
24 college district board of trustees may not approve any plans
25 for the construction, renovation, remodeling, or demolition of
26 any educational or ancillary plants unless these plans conform
27 to the requirements of the Florida Uniform Building Code and
28 the Florida Fire Prevention Code. Each district school board
29 and community college district board of trustees may adopt
30 policies for delegating to the superintendent or community
31 college president authority for submitting documents to the

1 department and for awarding contracts subsequent to and
2 consistent with board approval of the scope, timeframes,
3 funding source, and budget of a survey-recommended project. It
4 ~~is also the responsibility of the department to develop, as a~~
5 ~~part of the Uniform Building Code, standards relating to:~~
6 (a) ~~Prefabricated facilities, factory-built~~
7 ~~facilities, or site-built facilities that are designed to be~~
8 ~~portable, relocatable, demountable, or reconstructible; are~~
9 ~~used primarily as classrooms; and do not fall under the~~
10 ~~provisions of ss. 320.822-320.862. Such standards must permit~~
11 ~~boards to contract with the Department of Community Affairs~~
12 ~~for factory inspections by certified Uniform Building Code~~
13 ~~inspectors to certify conformance with law and with rules of~~
14 ~~the Commissioner of Education. The standards must comply with~~
15 ~~the requirements of s. 235.061 for relocatable facilities~~
16 ~~intended for long-term use as classroom space.~~
17 (b) ~~The sanitation of educational and ancillary plants~~
18 ~~and the health of occupants of educational and ancillary~~
19 ~~plants.~~
20 (c) ~~The safety of occupants of educational and~~
21 ~~ancillary plants as provided in s. 235.06.~~
22 (d) ~~The physically handicapped.~~
23 (e) ~~Accessibility for children, notwithstanding the~~
24 ~~provisions of s. 553.512.~~
25 (f) ~~The performance of life-cycle cost analyses on~~
26 ~~alternative architectural and engineering designs to evaluate~~
27 ~~their energy efficiencies.~~
28 1. ~~The life-cycle cost analysis must consist of the~~
29 ~~sum of:~~
30 a. ~~The reasonably expected fuel costs over the life of~~
31 ~~the building that are required to maintain illumination, water~~

1 ~~heating, temperature, humidity, ventilation, and all other~~
2 ~~energy-consuming equipment in a facility; and~~
3 ~~b. The reasonable costs of probable maintenance,~~
4 ~~including labor and materials, and operation of the building.~~
5 ~~2. For computation of the life-cycle costs, the~~
6 ~~department shall develop standards that must include, but need~~
7 ~~not be limited to:~~
8 ~~a. The orientation and integration of the facility~~
9 ~~with respect to its physical site.~~
10 ~~b. The amount and type of glass employed in the~~
11 ~~facility and the directions of exposure.~~
12 ~~c. The effect of insulation incorporated into the~~
13 ~~facility design and the effect on solar utilization of the~~
14 ~~properties of external surfaces.~~
15 ~~d. The variable occupancy and operating conditions of~~
16 ~~the facility and subportions of the facility.~~
17 ~~e. An energy consumption analysis of the major~~
18 ~~equipment of the facility's heating, ventilating, and cooling~~
19 ~~system; lighting system; and hot water system and all other~~
20 ~~major energy-consuming equipment and systems as appropriate.~~
21 ~~3. Such standards must be based on the best currently~~
22 ~~available methods of analysis, including such methods as those~~
23 ~~of the National Institute of Standards and Technology, the~~
24 ~~Department of Housing and Urban Development, and other federal~~
25 ~~agencies and professional societies and materials developed by~~
26 ~~the Department of Management Services and the department.~~
27 ~~Provisions must be made for an annual updating of standards as~~
28 ~~required.~~
29 ~~4. By July 1, 1998, the department shall establish~~
30 ~~life-cycle cost criteria in the State Requirements for~~
31 ~~Educational Facilities for use in evaluating projects.~~

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

17 (3) ENFORCEMENT BY BOARD.--It is the responsibility of
18 each district school board and community college district
19 board of trustees to ensure that all plans and educational and
20 ancillary plants meet the standards of the Florida Uniform
21 Building Code and the Florida Fire Prevention Code and to
22 provide for the enforcement of these codes ~~this code~~ in the
23 areas of its jurisdiction. Each board shall provide for the
24 proper supervision and inspection of the work. Each board may
25 employ a chief building official or inspector and such other
26 inspectors, who have been certified ~~by the department or~~
27 ~~certified~~ pursuant to chapter 468, and such personnel as are
28 necessary to administer and enforce the provisions of this
29 code. Boards may also utilize local building department
30 inspectors who are certified by the department to enforce this
31 code. Plans or facilities that fail to meet the standards of

1 the Florida Uniform Building Code or the Florida Fire
2 Prevention Code may not be approved. When planning for and
3 constructing an educational, auxiliary, or ancillary facility,
4 a district school board must use construction materials and
5 systems that meet standards adopted pursuant to subparagraph
6 (2)(f)5. If the planned or actual construction of a facility
7 deviates from the adopted standards, the district school board
8 must, at a public hearing, quantify and compare the costs of
9 constructing the facility with the proposed deviations and in
10 compliance with the adopted standards and the Florida Uniform
11 Building Code. The board must explain the reason for the
12 proposed deviations and compare how the total construction
13 costs and projected life-cycle costs of the facility or
14 component system of the facility would be affected by
15 implementing the proposed deviations rather than using
16 materials and systems that meet the adopted standards. The
17 provisions of this subsection do apply to educational,
18 auxiliary, and ancillary facility projects commenced on or
19 after July 1, 1999.

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

30 (5) APPROVAL.--

31

1 (a) Before a contract has been let for the
2 construction, the department, the board, or the board's
3 authorized review agent must approve the phase III
4 construction documents. A board may reuse prototype plans on
5 another site, provided the facilities list and phase III
6 construction documents have been updated for the new site and
7 for compliance with the Florida ~~Uniform~~ Building Code and the
8 Florida Fire Prevention Code and any laws relating to
9 firesafety, health and sanitation, casualty safety, and
10 requirements for the physically handicapped which are in
11 effect at the time a construction contract is to be awarded.

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

- 15 1. The need for the new facility.
- 16 2. The educational and ancillary plant planning.
- 17 3. The architectural and engineering planning.
- 18 4. The location on the site.
- 19 5. Plans for future expansion.
- 20 6. The type of construction.
- 21 7. Sanitary provisions.
- 22 8. Conformity to Florida ~~Uniform~~ Building Code
23 standards.
- 24 9. The structural design and strength of materials
25 proposed to be used.
- 26 10. The mechanical design of any heating,
27 air-conditioning, plumbing, or ventilating system. Typical
28 heating, ventilating, and air-conditioning systems preapproved
29 by the department for specific applications may be used in the
30 design of educational facilities.
- 31 11. The electrical design of educational plants.

- 1 12. The energy efficiency and conservation of the
2 design.
- 3 13. Life-cycle cost considerations.
- 4 14. The design to accommodate physically handicapped
5 persons.
- 6 15. The ratio of net to gross square footage.
- 7 16. The proposed construction cost per gross square
8 foot.
- 9 17. Conformity with the Florida Fire Prevention Code.
- 10 (c) The board may not occupy a facility until the
11 project has been inspected to verify compliance with statutes,
12 rules, and codes affecting the health and safety of the
13 occupants. Verification of compliance with rules, statutes,
14 and codes for nonoccupancy projects such as roofing, paving,
15 site improvements, or replacement of equipment may be
16 certified by the architect or engineer of record and
17 verification of compliance for other projects may be made by
18 an inspector certified by the department or certified pursuant
19 to chapter 468 who is not the architect or engineer of record.
20 The board shall maintain a record of the project's completion
21 and permanent archive of phase III construction documents,
22 including any addenda and change orders to the project. The
23 boards shall provide project data to the department, as
24 requested, for purposes and reports needed by the Legislature.
- 25 (6) REVIEW PROCEDURE.--The Commissioner of Education
26 shall cooperate with the Florida Building Commission in
27 addressing ~~have final review of~~ all questions, disputes, or
28 interpretations involving the provisions of the Florida
29 ~~Uniform~~ Building Code which govern the construction of public
30 educational and ancillary facilities, and any objections to
31

1 decisions made by the inspectors or the department must be
2 submitted in writing.

3 (7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
4 department shall biennially review and recommend to the
5 Florida Building Commission updates and revisions to the
6 provisions of the Florida, update, and revise the Uniform
7 Building Code which govern the construction of public
8 educational and ancillary facilities. The department shall
9 publish and make available to each district school board and
10 community college district board of trustees at no cost copies
11 of the state requirements for educational facilities code and
12 each amendment and revision thereto. The department shall make
13 additional copies available to all interested persons at a
14 price sufficient to recover costs.

15 ~~(8) LEGAL EFFECT OF CODE.--The State Uniform Building~~
16 ~~Code for Public Educational Facilities Construction has the~~
17 ~~force and effect of law and supersedes any other code adopted~~
18 ~~by a district school board or community college district board~~
19 ~~of trustees or any other building code or ordinance for the~~
20 ~~construction of educational and ancillary plants whether at~~
21 ~~the local, county, or state level and whether adopted by rule~~
22 ~~or legislative enactment. All special acts or general laws of~~
23 ~~local application are hereby repealed to the extent that they~~
24 ~~conflict with this section.~~

25 (8)(9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.--

26 (a) The Department of Education shall, in consultation
27 with boards and county and state emergency management offices,
28 include within the standards to be developed under subsection
29 ~~(1) amend the State Uniform Building Code for Public~~
30 ~~Educational Facilities Construction to incorporate public~~
31 shelter design criteria that shall be incorporated into the

1 Florida ~~Uniform~~ Building Code. The new criteria must be
2 designed to ensure that appropriate core facility areas in new
3 educational facilities can serve as public shelters for
4 emergency management purposes. ~~The Commissioner of Education~~
5 ~~shall publish proposed amendments to the State Uniform~~
6 ~~Building Code for Public Educational Facilities Construction~~
7 ~~setting forth the public shelter criteria by July 1, 1995.~~A
8 facility, or an appropriate core facility area within a
9 facility, for which a design contract is entered into
10 subsequent to the effective date of the inclusion of the
11 public shelter criteria in the code must be built in
12 compliance with the amended code unless the facility or a part
13 thereof is exempted from using the new shelter criteria due to
14 its location, size, or other characteristics by the applicable
15 board with the concurrence of the applicable local emergency
16 management agency or the Department of Community Affairs. Any
17 educational facility located or proposed to be located in an
18 identified category 1, 2, or 3 evacuation zone is not subject
19 to the requirements of this subsection. If more than one
20 educational facility is being constructed within any 3-mile
21 radius, no more than one facility, which must be selected on
22 the basis of cost-effectiveness and greatest provision of
23 shelter space, is required to incorporate the public shelter
24 criteria into its construction.

25 (b) By January 31, 1996, and by January 31 every
26 even-numbered year thereafter, the Department of Community
27 Affairs shall prepare and submit a statewide emergency shelter
28 plan to the Governor and the Cabinet for approval. The plan
29 must identify the general location and square footage of
30 existing shelters, by county, and the general location and
31 square footage of needed shelters, by county, in the next 5

1 years. Such plan must identify the types of public facilities
2 which should be constructed to comply with emergency shelter
3 criteria and must recommend an appropriate, adequate, and
4 dedicated source of funding for the additional cost of
5 constructing emergency shelters within these public
6 facilities. After the approval of the plan, a board may not be
7 required to build more emergency shelter space than identified
8 as needed in the plan, and decisions pertaining to exemptions
9 pursuant to paragraph (a) must be guided by the plan and by
10 this subsection.

11 (9)~~(10)~~ LOCAL LEGISLATION PROHIBITED.--After June 30,
12 1985, pursuant to s. 11(a)(21), Art. III of the State
13 Constitution, there shall not be enacted any special act or
14 general law of local application which proposes to amend,
15 alter, or contravene any provisions of the State Building Code
16 adopted under the authority of this section.

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

19 240.2945 Building construction standards;
20 exemptions.--The state universities are exempt from local
21 amendments to the Florida Building Code and the Fire
22 Prevention Code.

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

25 253.033 Inter-American Center property; transfer to
26 board; continued use for government purposes.--

27 (2) It is hereby recognized that certain governmental
28 entities have expended substantial public funds in acquiring,
29 planning for, or constructing public facilities for the
30 purpose of carrying out or undertaking governmental functions
31 on property formerly under the jurisdiction of the authority.

1 All property owned or controlled by any governmental entity
2 shall be exempt from the Florida Building Code and any local
3 amendments thereto and from local ~~building and~~ zoning
4 regulations which might otherwise be applicable in the absence
5 of this section in carrying out or undertaking any such
6 governmental function and purpose.

7 Section 14. Effective July 1, 2001, paragraph (a) of
8 subsection (1) of section 255.25, Florida Statutes, is amended
9 to read:

10 255.25 Approval required prior to construction or
11 lease of buildings.--

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

17 Section 15. Effective July 1, 2001, subsections (1)
18 and (2) of section 255.31, Florida Statutes, are amended to
19 read:

20 255.31 Authority to the Department of Management
21 Services to manage construction projects for state and local
22 governments.--

23 (1) The design, construction, erection, alteration,
24 modification, repair, and demolition of all public and private
25 buildings is governed by the Florida Building Code and the
26 Florida Fire Prevention Code, which are to be enforced by
27 local jurisdictions or local enforcement districts unless
28 specifically exempted as provided in s. 553.80. However, the
29 Department of Management Services shall provide the project
30 management and administration services for the construction,
31 renovation, repair, modification, or demolition of buildings,

1 utilities, parks, parking lots, or other facilities or
2 improvements for projects for which the funds are appropriated
3 to the department, provided that, with the exception of
4 facilities constructed under the authority of chapters 944,
5 945, and 985, the department may not conduct plans reviews or
6 inspection services for consistency with the Florida Building
7 Code. The department's fees for such services shall be paid
8 from such appropriations.

9 (2) The Department of Management Services may, upon
10 request, enter into contracts with other state agencies under
11 which the department may provide the project management,
12 administration services, or assistance for the construction,
13 renovation, repair, modification, or demolition of buildings,
14 utilities, parks, parking lots, or other facilities or
15 improvements for projects for which the funds are appropriated
16 to other state agencies, provided that the department does not
17 conduct plans reviews or inspection services for consistency
18 with the Florida Building Code. The contracts shall provide
19 for payment of fees to the department.

20 Section 16. Section 316.1955, Florida Statutes, is
21 amended to read:

22 316.1955 Enforcement of parking requirements ~~spaces~~
23 for persons who have disabilities.--

24 ~~(1) This section is not intended to expand or diminish~~
25 ~~the defenses available to a place of public accommodation~~
26 ~~under the Americans with Disabilities Act and the federal~~
27 ~~Americans with Disabilities Act Accessibility Guidelines,~~
28 ~~including, but not limited to, the readily achievable~~
29 ~~standard, and the standards applicable to alterations to~~
30 ~~places of public accommodation. Subject to the exceptions~~
31 ~~described in subsections (2), (4), (5), and (6), when the~~

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

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

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

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

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

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

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

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

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

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

28 ~~(c)1. Each parking space must be no less than 12 feet~~
29 ~~wide. Parking access aisles must be no less than 5 feet wide~~
30 ~~and must be part of an accessible route to the building or~~
31 ~~facility entrance. In accordance with ADAAG s. 4.6.3, access~~

1 ~~aisles must be placed adjacent to accessible parking spaces;~~
2 ~~however, two accessible parking spaces may share a common~~
3 ~~access aisle. The access aisle must be striped diagonally to~~
4 ~~designate it as a no-parking zone.~~

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

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

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

31

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

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

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

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

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

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

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

24 ~~(1)(7)~~ (1) It is unlawful for any person to stop, stand,
25 or park a vehicle within, or to obstruct, any such specially
26 designated and marked parking space provided in accordance
27 with s. 553.5041 ~~this section~~, unless the vehicle displays a
28 disabled parking permit issued under s. 316.1958 or s.
29 320.0848 or a license plate issued under s. 320.084, s.
30 320.0842, s. 320.0843, or s. 320.0845, and the vehicle is
31 transporting the person to whom the displayed permit is

1 issued. The violation may not be dismissed for failure of the
2 marking on the parking space to comply with s. 553.5041 ~~this~~
3 ~~section~~ if the space is in general compliance and is clearly
4 distinguishable as a designated accessible parking space for
5 people who have disabilities. Only a warning may be issued for
6 unlawfully parking in a space designated for persons with
7 disabilities if there is no above-grade sign as provided in s.
8 553.5041 ~~subsection (6)~~.

9 (a) Whenever a law enforcement officer, a parking
10 enforcement specialist, or the owner or lessee of the space
11 finds a vehicle in violation of this subsection, that officer,
12 owner, or lessor shall have the vehicle in violation removed
13 to any lawful parking space or facility or require the
14 operator or other person in charge of the vehicle immediately
15 to remove the unauthorized vehicle from the parking space.
16 Whenever any vehicle is removed under this section to a
17 storage lot, garage, or other safe parking space, the cost of
18 the removal and parking constitutes a lien against the
19 vehicle.

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

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

27 (d) A law enforcement officer or a parking enforcement
28 specialist has the right to demand to be shown the person's
29 disabled parking permit and driver's license or state
30 identification card when investigating the possibility of a
31 violation of this section. If such a request is refused, the

1 person in charge of the vehicle may be charged with resisting
2 an officer without violence, as provided in s. 843.02.

3 (2)~~(8)~~ It is unlawful for any person to obstruct the
4 path of travel to an accessible parking space, curb cut, or
5 access aisle by standing or parking a vehicle within any such
6 designated area. The violator is subject to the same penalties
7 as are imposed for illegally parking in a space that is
8 designated as an accessible parking space for persons who have
9 disabilities.

10 (3)~~(9)~~ Any person who is chauffeuring a person who has
11 a disability is allowed, without need for a disabled parking
12 permit or a special license plate, to stand temporarily in any
13 such parking space, for the purpose of loading or unloading
14 the person who has a disability. A penalty may not be imposed
15 upon the driver for such temporary standing.

16 (4)~~(10)~~(a) A vehicle that is transporting a person who
17 has a disability and that has been granted a permit under s.
18 320.0848(1)(a) may be parked for a maximum of 30 minutes in
19 any parking space reserved for persons who have disabilities.

20 (b) Notwithstanding paragraph (a), a theme park or an
21 entertainment complex as defined in s. 509.013(9) which
22 provides parking in designated areas for persons who have
23 disabilities may allow any vehicle that is transporting a
24 person who has a disability to remain parked in a space
25 reserved for persons who have disabilities throughout the
26 period the theme park is open to the public for that day.

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

29 381.006 Environmental health.--The department shall
30 conduct an environmental health program as part of fulfilling
31 the state's public health mission. The purpose of this program

1 is to detect and prevent disease caused by natural and manmade
2 factors in the environment. The environmental health program
3 shall include, but not be limited to:

4 (15) A sanitary facilities function, which shall
5 include minimum standards for the maintenance and sanitation
6 of sanitary facilities; public access to sanitary facilities;
7 ~~the number, operation, design, and maintenance of plumbing~~
8 ~~fixtures in places serving the public and places of~~
9 ~~employment~~; and fixture ratios for special or temporary events
10 and for homeless shelters.

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

13 383.301 Licensure and regulation of birth centers;
14 legislative intent.--It is the intent of the Legislature to
15 provide for the protection of public health and safety in the
16 establishment, ~~construction~~, maintenance, and operation of
17 birth centers by providing for licensure of birth centers and
18 for the development, establishment, and enforcement of minimum
19 standards with respect to birth centers.

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

23 383.309 Minimum standards for birth centers; rules and
24 enforcement.--

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

29 (a) Sufficient numbers and qualified types of
30 personnel and occupational disciplines are available at all
31

1 times to provide necessary and adequate patient care and
2 safety.

3 (b) Infection control, housekeeping, sanitary
4 conditions, disaster plan, and medical record procedures that
5 will adequately protect patient care and provide safety are
6 established and implemented.

7 ~~(c) Construction, maintenance, repair, and renovation~~
8 ~~of licensed facilities are governed by rules of the agency~~
9 ~~which use the most recently adopted, nationally recognized~~
10 ~~codes wherever feasible. Facilities licensed under s. 383.305~~
11 ~~are exempt from local construction standards to the extent~~
12 ~~that those standards are in conflict with the standards~~
13 ~~adopted by rule of the agency.~~

14 (c)~~(d)~~ Licensed facilities are established, organized,
15 and operated consistent with established programmatic
16 standards.

17 (3) The agency may not establish any rule governing
18 the design, construction, erection, alteration, modification,
19 repair, or demolition of birth centers. It is the intent of
20 the Legislature to preempt that function to the Florida
21 Building Commission and the State Fire Marshal through
22 adoption and maintenance of the Florida Building Code and the
23 Florida Fire Prevention Code. However, the agency shall
24 provide technical assistance to the commission and the State
25 Fire Marshal in updating the construction standards of the
26 Florida Building Code and the Florida Fire Prevention Code
27 which govern birth centers. In addition, the agency may
28 enforce the special-occupancy provisions of the Florida
29 Building Code and the Florida Fire Prevention Code which apply
30 to birth centers in conducting any inspection authorized under
31 this chapter.

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

4 394.879 Rules; enforcement.--

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

9 ~~(f) Facility construction and design requirements are~~
10 ~~consistent with the patients' conditions and that~~ The
11 operation and purposes of these facilities assure individuals'
12 health, safety, and welfare.

13 (5) The agency or the department may not adopt any
14 rule governing the design, construction, erection, alteration,
15 modification, repair, or demolition of crisis stabilization
16 units. It is the intent of the Legislature to preempt that
17 function to the Florida Building Commission and the State Fire
18 Marshal through adoption and maintenance of the Florida
19 Building Code and the Florida Fire Prevention Code. However,
20 the agency shall provide technical assistance to the
21 commission and the State Fire Marshal in updating the
22 construction standards of the Florida Building Code and the
23 Florida Fire Prevention Code which govern crisis stabilization
24 units. In addition, the agency may enforce the
25 special-occupancy provisions of the Florida Building Code and
26 the Florida Fire Prevention Code which apply to crisis
27 stabilization units in conducting any inspection authorized
28 under this part.

29 Section 21. Effective July 1, 2001, paragraph (a) of
30 subsection (1) of section 395.0163, Florida Statutes, is
31 amended to read:

1 395.0163 Construction inspections; plan submission and
2 approval; fees.--

3 (1)(a) The design, construction, erection, alteration,
4 modification, repair, and demolition of all public and private
5 health care facilities are governed by the Florida Building
6 Code and the Florida Fire Prevention Code under ss. 553.73 and
7 663.022. In addition to the requirements of ss. 553.79 and
8 553.80, the agency shall review facility plans and survey the
9 construction of any facility licensed under this chapter.The
10 agency shall make, or cause to be made, such construction
11 inspections and investigations as it deems necessary. The
12 agency may prescribe by rule that any licensee or applicant
13 desiring to make specified types of alterations or additions
14 to its facilities or to construct new facilities shall, before
15 commencing such alteration, addition, or new construction,
16 submit plans and specifications therefor to the agency for
17 preliminary inspection and approval or recommendation with
18 respect to compliance with applicable provisions of the
19 Florida Building Code or agency rules and standards. The
20 agency shall approve or disapprove the plans and
21 specifications within 60 days after receipt of the fee for
22 review of plans as required in subsection (2). The agency may
23 be granted one 15-day extension for the review period if the
24 director of the agency approves the extension. If the agency
25 fails to act within the specified time, it shall be deemed to
26 have approved the plans and specifications. When the agency
27 disapproves plans and specifications, it shall set forth in
28 writing the reasons for its disapproval. Conferences and
29 consultations may be provided as necessary.

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

1 395.1055 Rules and enforcement.--
2 (8) The agency may not adopt any rule governing the
3 design, construction, erection, alteration, modification,
4 repair, or demolition of any public or private hospital,
5 intermediate residential treatment facility, or ambulatory
6 surgical center. It is the intent of the Legislature to
7 preempt that function to the Florida Building Commission and
8 the State Fire Marshal through adoption and maintenance of the
9 Florida Building Code and the Florida Fire Prevention Code.
10 However, the agency shall provide technical assistance to the
11 commission and the State Fire Marshal in updating the
12 construction standards of the Florida Building Code and the
13 Florida Fire Prevention Code which govern hospitals,
14 intermediate residential treatment facilities, and ambulatory
15 surgical centers.

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

18 395.10973 Powers and duties of the agency.--It is the
19 function of the agency to:

20 (8) Enforce the special-occupancy provisions of the
21 Florida Building Code which apply to hospitals, intermediate
22 residential treatment facilities, and ambulatory surgical
23 centers in conducting any inspection authorized by this
24 chapter.

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

27 399.02 General requirements.--

28 (1) The division shall develop and submit to the
29 Florida Building Commission for consideration ~~adopt by rule~~ an
30 elevator safety code, which, when adopted within the Florida
31 Building Code, applies to the installation, relocation, or

1 alteration of an elevator for which a permit has been issued
2 after October 1, 1990, and which must be the same as or
3 similar to the latest revision of "The Safety Code for
4 Elevators and Escalators ASME A17.1."

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

7 (b) The equipment not covered by this chapter
8 includes, but is not limited to, the following: elevators,
9 inclined stairway chairlifts, and inclined or vertical
10 wheelchair lifts located in private residences; elevators in
11 television and radio towers; hand-operated dumbwaiters; sewage
12 pump station lifts; automobile parking lifts; and equipment
13 covered in s. 1.2 of the Elevator Safety Code.

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

16 (3)~~(4)~~ Each elevator shall have a serial number
17 assigned by the division painted on or attached to the
18 elevator car in plain view and also to the driving mechanism.
19 This serial number shall be shown on all required certificates
20 and permits.

21 (4)~~(5)~~(a) The construction permitholder is responsible
22 for the correction of violations and deficiencies until the
23 elevator has been inspected and a certificate of operation has
24 been issued by the division. The construction permitholder is
25 responsible for all tests of new and altered equipment until
26 the elevator has been inspected and a certificate of operation
27 has been issued by the division.

28 (b) The elevator owner is responsible for the safe
29 operation and proper maintenance of the elevator after it has
30 been inspected and a certificate of operation has been issued
31

1 by the division. The responsibilities of the elevator owner
2 may be assigned by lease.

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

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

24 (5)~~(6)~~ The division is hereby empowered to carry out
25 all of the provisions of this chapter relating to the
26 inspection and regulation of elevators and to enforce the
27 provisions of the Florida Building Code which govern elevators
28 and conveying systems in conducting the inspections authorized
29 under this part to provide for the protection of the public
30 health, welfare, and safety.

31

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

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

9 399.03 Design, installation, and alteration of
10 elevators.--

11 (1) Each elevator shall comply with the edition of the
12 Florida Building Elevator Safety Code that was in effect at
13 the time of receipt of application for the construction permit
14 for the elevator.

15 (2) Each alteration to, or relocation of, an elevator
16 shall comply with the edition of the Florida Building Elevator
17 Safety Code that was in effect at the time of receipt of the
18 application for the construction permit for the alteration or
19 relocation.

20 (3) When any change is made in the classification of
21 an elevator, the elevator shall comply with all of the
22 requirements of the version of the Florida Building Elevator
23 Safety Code that were in effect at the time of receipt of the
24 application for the construction permit for the change in
25 classification.

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

28 399.061 Inspections; correction of deficiencies.--

29 (1)(a) All ~~For those~~ elevators subject to this chapter
30 must be inspected pursuant to s. 399.13 by a third-party
31 inspection service certified as a qualified elevator inspector

1 or maintained pursuant to a service maintenance contract
2 continuously in force. A statement verifying the existence,
3 performance, and cancellation of each service maintenance
4 contract must be filed annually with the division as
5 prescribed by rule. All elevators for which a service
6 ~~maintenance contract is not continuously in force, the~~
7 ~~division shall inspect such elevators at least once between~~
8 ~~July 1 of any year and June 30 of the next year, the state's~~
9 ~~fiscal year.~~

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

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

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

26 399.13 Delegation of authority to municipalities or
27 counties.--

28 (1) The division may enter into contracts with
29 municipalities or counties under which such municipalities or
30 counties will issue construction permits, temporary operation
31 permits, and certificates of operation; will provide

1 inspection of elevators; and will enforce the applicable
2 provisions of the Florida Building Elevator Safety Code, as
3 required by this chapter. Each such agreement shall include a
4 provision that the municipality or county shall maintain for
5 inspection by the division copies of all applications for
6 permits issued, a copy of each inspection report issued, and
7 proper records showing the number of certificates of operation
8 issued; shall include a provision that each required
9 inspection be conducted by the holder of a certificate of
10 competency issued by the division; and may include such other
11 provisions as the division deems necessary.

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

14 400.011 Purpose.--The purpose of this part is to
15 provide for the development, establishment, and enforcement of
16 basic standards for:

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

19 (2) The ~~construction, maintenance, and~~ operation of
20 such institutions that ~~which~~ will ensure safe, adequate, and
21 appropriate care, treatment, and health of persons in such
22 facilities.

23 Section 29. Effective July 1, 2001, paragraph (a) of
24 subsection (2) of section 400.23, Florida Statutes, is amended
25 to read:

26 400.23 Rules; evaluation and deficiencies; licensure
27 status.--

28 (2) Pursuant to the intention of the Legislature, the
29 agency, in consultation with the Department of Health and the
30 Department of Elderly Affairs, shall adopt and enforce rules

31

1 to implement this part, which shall include reasonable and
2 fair criteria in relation to:

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

1 updating the construction standards of the code relative to
2 nursing homes.~~The agency shall adopt fair and reasonable~~
3 ~~rules setting forth conditions under which existing facilities~~
4 ~~undergoing additions, alterations, conversions, renovations,~~
5 ~~or repairs shall be required to comply with the most recent~~
6 ~~updated or revised standards.~~

7 Section 30. Effective July 1, 2001, section 400.232,
8 Florida Statutes, is amended to read:

9 400.232 Review and approval of plans; fees and
10 costs.--The design, construction, erection, alteration,
11 modification, repair, and demolition of all public and private
12 health care facilities are governed by the Florida Building
13 Code and the Florida Fire Prevention Code under ss. 553.73 and
14 633.022. In addition to the requirements of ss. 553.79 and
15 553.80, the agency shall review the facility plans and survey
16 the construction of facilities licensed under this chapter.

17 (1) The agency shall approve or disapprove the plans
18 and specifications within 60 days after receipt of the final
19 plans and specifications. The agency may be granted one
20 15-day extension for the review period, if the director of the
21 agency so approves. If the agency fails to act within the
22 specified time, it shall be deemed to have approved the plans
23 and specifications. When the agency disapproves plans and
24 specifications, it shall set forth in writing the reasons for
25 disapproval. Conferences and consultations may be provided as
26 necessary.

27 (2) The agency is authorized to charge an initial fee
28 of \$2,000 for review of plans and construction on all
29 projects, no part of which is refundable. The agency may also
30 collect a fee, not to exceed 1 percent of the estimated
31 construction cost or the actual cost of review, whichever is

1 less, for the portion of the review which encompasses initial
2 review through the initial revised construction document
3 review. The agency is further authorized to collect its
4 actual costs on all subsequent portions of the review and
5 construction inspections. Initial fee payment shall accompany
6 the initial submission of plans and specifications. Any
7 subsequent payment that is due is payable upon receipt of the
8 invoice from the agency. Notwithstanding any other provisions
9 of law to the contrary, all money received by the agency
10 pursuant to the provisions of this section shall be deemed to
11 be trust funds, to be held and applied solely for the
12 operations required under this section.

13 Section 31. Section 455.2286, Florida Statutes, is
14 amended to read:

15 455.2286 Automated information system.--By November 1,
16 2001 ~~1999~~, the department shall implement an automated
17 information system for all certificateholders and registrants
18 under part XII of chapter 468, chapter 471, chapter 481, or
19 chapter 489. The system shall provide instant notification to
20 local building departments and other interested parties
21 regarding the status of the certification or registration.
22 The provision of such information shall consist, at a minimum,
23 of an indication of whether the certification or registration
24 is active, of any current failure to meet the terms of any
25 final action by a licensing authority, of any ongoing
26 disciplinary cases that are subject to public disclosure,
27 whether there are any outstanding fines, and of the reporting
28 of any material violations pursuant to s. 553.781. The system
29 shall also retain information developed by the department and
30 local governments on individuals found to be practicing or
31 contracting without holding the applicable license,

1 certification, or registration required by law. The system may
2 be Internet-based.

3 Section 32. Effective July 1, 2001, section 468.604,
4 Florida Statutes, is amended to read:

5 468.604 Responsibilities of building code
6 administrators, plans examiners, and inspectors.--

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

22 (a) The review of construction plans to ensure
23 compliance with all applicable sections of the code ~~codes~~. The
24 construction plans must be reviewed before the issuance of any
25 building, system installation, or other construction permit.
26 The review of construction plans must be done by the building
27 code administrator or building official or by a person having
28 the appropriate plans examiner license issued under this
29 chapter.

30 (b) The inspection of each phase of construction where
31 a building or other construction permit has been issued. The

1 building code administrator or building official, or a person
2 having the appropriate building code inspector license issued
3 under this chapter, shall inspect the construction or
4 installation to ensure that the work is performed in
5 accordance with applicable sections of the code ~~codes~~.

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

20 (3) It is the responsibility of the plans examiner to
21 conduct review of construction plans submitted in the permit
22 application to assure compliance with the Florida Building
23 Code and any applicable local technical amendment to the
24 Florida Building Code ~~all applicable codes required by~~
25 ~~municipal code, county ordinance, or state law~~. The review of
26 construction plans must be done by the building code
27 administrator or building official or by a person licensed in
28 the appropriate plans examiner category as defined in s.
29 468.603. The plans examiner's responsibilities must be
30 performed under the supervision and authority of the building
31

1 code administrator or building official without interference
2 from any unlicensed person.

3 Section 33. Section 468.607, Florida Statutes, is
4 amended to read:

5 468.607 Certification of building code administration
6 and inspection personnel.--The board shall issue a certificate
7 to any individual whom the board determines to be qualified,
8 within such class and level as provided in this part and with
9 such limitations as the board may place upon it. No person
10 may be employed by a state agency or local governmental
11 authority to perform the duties of a building code
12 administrator, plans examiner, or inspector after October 1,
13 1993, without possessing the proper valid certificate issued
14 in accordance with the provisions of this part. Any person who
15 acts as an inspector and plan examiner under s. 235.26 while
16 conducting activities authorized by certification under that
17 section is certified to continue to conduct inspections for a
18 local enforcement agency until the person's UBCI certification
19 expires, after which time such person must possess the proper
20 valid certificate issued in accordance with this part.

21 Section 34. Subsections (2) and (3) of section
22 468.609, Florida Statutes, are amended, and paragraph (e) is
23 added to subsection (6) of said section, to read:

24 468.609 Administration of this part; standards for
25 certification; additional categories of certification.--

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

29 (a) Is at least 18 years of age, ~~+~~

30 (b) Is of good moral character, ~~+~~ ~~and~~

31

1 (c) Meets eligibility requirements according to one of
2 the following criteria:

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

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

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

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

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

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

4 (a) Is at least 18 years of age,~~+~~

5 (b) Is of good moral character,~~+~~ ~~and~~

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

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

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

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

29 (6)

30 (e) By January 1, 2001, individuals who were employed
31 by an educational board as building code administrators, plans

1 examiners, or inspectors, who are not eligible for a standard
2 certificate but who wish to continue in such employment, shall
3 submit to the board the appropriate application and
4 certification fees and shall receive a limited certificate
5 qualifying such individuals to engage in building code
6 administration, plans examination, or inspection in the class,
7 at the performance level, and within the governmental
8 jurisdiction in which such person is employed.

9 Section 35. Section 468.617, Florida Statutes, is
10 amended to read:

11 468.617 Joint inspection department; other
12 arrangements.--

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

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

30 (3) Nothing in this part shall prohibit any county or
31 municipal government, school board, community college board,

1 state university, or state agency from entering into any
2 contract with any person or entity for the provision of
3 services regulated under this part, and notwithstanding any
4 other statutory provision, such county or municipal
5 governments may enter into contracts.

6 Section 36. Effective July 1, 2001, paragraph (d) of
7 subsection (1) of section 469.002, Florida Statutes, is
8 amended to read:

9 469.002 Exemptions.--

10 (1) This chapter does not apply to:

11 (d) Moving, removal, or disposal of

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

21

22 ~~Disclosure Statement~~

23

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

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

12 Section 37. Subsection (7) is added to section
13 471.015, Florida Statutes, to read:

14 471.015 Licensure.--

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

27 Section 38. Subsection (7) is added to section
28 481.213, Florida Statutes, to read:

29 481.213 Licensure.--

30 (7) For persons whose licensure requires satisfaction
31 of the requirements of ss. 481.209 and 481.211, the board

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

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

15 489.103 Exemptions.--This part does not apply to:

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

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

26 489.109 Fees.--

27 (3) In addition to the fees provided in subsection (1)
28 for application and renewal for certification and
29 registration, all certificateholders and registrants must pay
30 a fee of \$4 to the department at the time of application or
31 renewal. The funds must be transferred at the end of each

1 licensing period to the Department of Community Affairs
2 ~~Education~~ to fund projects relating to the building
3 construction industry or continuing education programs offered
4 to persons engaged in the building construction industry in
5 Florida, to be selected by the Florida Building Commission.
6 The board shall, at the time the funds are transferred, advise
7 the Department of Community Affairs ~~Education~~ on the most
8 needed areas of research or continuing education based on
9 significant changes in the industry's practices or on changes
10 in the state building code or on the most common types of
11 consumer complaints or on problems costing the state or local
12 governmental entities substantial waste. The board's advice is
13 not binding on the Department of Community Affairs ~~Education~~.
14 ~~The Department of Education must allocate 50 percent of the~~
15 ~~funds to a graduate program in building construction in a~~
16 ~~Florida university and 50 percent of the funds to all~~
17 ~~accredited private and state universities and community~~
18 ~~colleges within the state offering approved courses in~~
19 ~~building construction, with each university or college~~
20 ~~receiving a pro rata share of such funds based upon the number~~
21 ~~of full-time building construction students enrolled at the~~
22 ~~institution.~~The Department of Community Affairs ~~Education~~
23 shall ensure the distribution of research reports and the
24 availability of continuing education programs to all segments
25 of the building construction industry to which they relate.
26 The Department of Community Affairs ~~Education~~ shall report to
27 the board in October of each year, summarizing the allocation
28 of the funds by institution and summarizing the new projects
29 funded and the status of previously funded projects.

30 Section 41. Paragraph (b) of subsection (4) of section
31 489.115, Florida Statutes, is amended to read:

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

3 (4)

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

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

1 and specifications for one and two family dwellings to be in
2 compliance with the code or alternate methodologies, as
3 appropriate, except for dwellings located in floodways or
4 coastal hazard areas as defined in ss. 60.3D and E of the
5 National Flood Insurance Program.

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

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

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

23 489.115 Certification and registration; endorsement;
24 reciprocity; renewals; continuing education.--

25 (4)

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

1 board shall establish by rule that a portion of the required
2 14 hours must deal with the subject of workers' compensation
3 and workplace safety. The board shall by rule establish
4 criteria for the approval of continuing education courses and
5 providers, including requirements relating to the content of
6 courses and standards for approval of providers, and may by
7 rule establish criteria for accepting alternative nonclassroom
8 continuing education on an hour-for-hour basis.

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

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

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

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

10 Section 43. Section 497.255, Florida Statutes, is
11 amended to read:

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

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

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

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

1 specifications for construction; or other mechanisms. Such
2 rules shall encompass, at a minimum, the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

26 500.09 Rulemaking; analytical work.--

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

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

11 Section 45. Effective July 1, 2001, subsections (7)
12 and (8) are added to section 500.12, Florida Statutes, to
13 read:

14 500.12 Food permits; building permits.--

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

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

23 Section 46. Effective July 1, 2001, subsection (1) of
24 section 500.147, Florida Statutes, is amended to read:

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

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

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

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

10 509.032 Duties.--

11 (2) INSPECTION OF PREMISES.--

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

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

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

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

26 509.221 Sanitary regulations.--

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

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

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

10 514.021 Department authorization.--

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

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

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

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

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

25 (1) Any person or public body desiring to construct,
26 develop, or modify any public swimming pool or bathing place
27 shall file an application for a construction plans approval
28 with the department on application forms provided by the
29 department and shall accompany such application with:
30
31

1 (a) Engineering drawings, specifications,
2 descriptions, and detailed maps of the structure, its
3 appurtenances, and its intended operation.

4 (b) A description of the source or sources of water
5 supply and amount and quality of water available and intended
6 to be used.

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

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

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

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

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

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

7 553.06 State Plumbing Code.--

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

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

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

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

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

21 ~~(3) This section does not apply to establishments~~
22 ~~licensed under chapter 509 if the establishment does not~~
23 ~~provide meeting or banquet rooms which accommodate more than~~
24 ~~150 persons and the establishment has at least the same number~~
25 ~~of water closets for women as the combined total of water~~
26 ~~closets and urinals for men.~~

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

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

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

6 553.355 Minimum construction requirements
7 established.--The Florida Building Code and the Florida Fire
8 Prevention and Lifesafety Codes shall be the minimum
9 construction requirements governing the manufacture, design,
10 construction, erection, alteration, modification, repair, and
11 demolition of manufactured buildings.

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

17 553.36 Definitions.--The definitions contained in this
18 section govern the construction of this part unless the
19 context otherwise requires.

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

31

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

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

24 Section 56. Effective July 1, 2001, subsections (1)
25 and (2) of section 553.36, Florida Statutes, are amended to
26 read:

27 553.36 Definitions.--The definitions contained in this
28 section govern the construction of this part unless the
29 context otherwise requires.

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

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

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

16 553.37 Rules; inspections; and insignia.--

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

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

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

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

1 (d) Investigation of consumer complaints of
2 noncompliance of manufactured buildings with the requirements
3 for construction or modification of such buildings.

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

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

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

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

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

30 (8) The department may delegate its enforcement
31 authority to a state department having building construction

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

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

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

17 Section 58. Effective July 1, 2001, subsections (1),
18 (2), (3), (4), (6), (7), (9), and (10) of section 553.37,
19 Florida Statutes, as amended by this act, are amended to read:

20 553.37 Rules; inspections; and insignia.--

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

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

31

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

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

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

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

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

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

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

30 (3) All manufactured buildings issued and bearing
31 insignia of approval pursuant to subsection (2) shall be

1 deemed to comply with the Florida Building Code and are exempt
2 from local amendments requirements of all ordinances or rules
3 enacted by any local government ~~which governs construction.~~

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

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

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

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

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

1 Section 59. Effective July 1, 2001, section 553.375,
2 Florida Statutes, is created to read:

3 553.375 Recertification of manufactured
4 buildings.--Prior to the relocation, modification, or change
5 of occupancy of a manufactured building within the state, the
6 manufacturer, dealer, or owner thereof may apply to the
7 department for recertification of that manufactured building.
8 The department shall, by rule, provide what information the
9 applicant must submit for recertification and for plan review
10 and inspection of such manufactured buildings and shall
11 establish fees for recertification. Upon a determination by
12 the department that the manufactured building complies with
13 the applicable building codes, the department shall issue a
14 recertification insignia. A manufactured building that bears
15 recertification insignia does not require any additional
16 approval by an enforcement jurisdiction in which the building
17 is sold or installed, and is considered to comply with all
18 applicable codes. As an alternative to recertification by the
19 department, the manufacturer, dealer, or owner of a
20 manufactured building may seek appropriate permitting and a
21 certificate of occupancy from the local jurisdiction in
22 accordance with procedures generally applicable under the
23 Florida Building Code.

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

26 553.38 Application and scope.--

27 ~~(1) The department shall promulgate rules which~~
28 ~~protect the health, safety, and property of the people of this~~
29 ~~state by assuring that each manufactured building is~~
30 ~~structurally sound and properly installed on site and that~~
31 ~~plumbing, heating, electrical, and other systems thereof are~~

1 ~~reasonably safe, and which interpret and make specific the~~
2 ~~provisions of this part.~~

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

21 Section 61. Section 553.381, Florida Statutes, is
22 amended to read:

23 553.381 Manufacturer certification; ~~product liability~~
24 ~~insurance as prerequisite.--~~

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

31

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

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

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

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

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

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

24 553.381 Manufacturer certification.--

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

31

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

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

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

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

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

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

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

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

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

7 553.41 Factory-built school buildings.--

8 (1) It is the purpose of this section to provide an
9 alternative procedure for the construction and installation of
10 factory-built school buildings designed or intended for use as
11 school buildings. As used in this section, the term
12 "factory-built school building" means any building designed or
13 intended for use as a school building, which is in whole or in
14 part, manufactured at an off site facility in compliance with
15 the State Uniform Code for Public Educational Facilities and
16 Department of Education rule, effective on January 5, 2000.
17 After July 1, 2001, the Uniform Code for Public Educational
18 Facilities shall be incorporated into the Florida Building
19 Code, including specific requirements for Public Educational
20 Facilities and the Department of Education rule, effective on
21 January 5, 2000. For the purpose of this section,
22 factory-built school buildings include prefabricated
23 educational facilities, factory-built educational facilities,
24 and modular built educational facilities, that are designed to
25 be portable, relocatable, demountable, or reconstructible; are
26 used primarily as classrooms or the components of an entire
27 school; and do not fall under the provisions of ss.
28 320.822-320.862.

29 (2) A manufacturer of factory-built school buildings
30 shall be subject to the certification and enforcement
31

1 requirements in part IV of chapter 553 except as provided in
2 this section.

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

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

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

30 (6) The department may delegate its plans review
31 authority to a state agency or public or private entity;

1 however, the department shall ensure that any person
2 conducting plans reviews is a certified plans examiner,
3 pursuant to part XII of chapter 468.

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

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

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

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

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

1 materials used and installed, in every particular, in
2 accordance with the approved plans and specifications, setting
3 forth such detailed statements of facts as required by the
4 department.

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

15 (a) The name of the manufacturer.

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

18 (c) The date of manufacture or alteration.

19 (d) The serial or other identification number.

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

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

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

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

28 (12) Such identification label shall be permanently
29 affixed by the manufacturer in the case of newly constructed
30 factory-built school buildings, or by the department or its
31

1 designee in the case of an existing factory-built building
2 altered to comply with provisions of s. 235.061.

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

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

10 Section 65. Section 553.503, Florida Statutes, is
11 amended to read:

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

23 Section 66. Section 553.5041, Florida Statutes, is
24 created to read:

25 553.5041 Parking spaces for persons who have
26 disabilities.--

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

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

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

16 (3) If parking spaces are provided for self-parking by
17 employees or visitors, or both, accessible spaces shall be
18 provided in each such parking area. Such spaces shall be
19 designed and marked for the exclusive use of those individuals
20 who have a severe physical disability and have permanent or
21 temporary mobility problems that substantially impair their
22 ability to ambulate and who have been issued either a disabled
23 parking permit under s. 316.1958 or s. 320.0848 or a license
24 plate under s. 320.084, s. 320.0842, s. 320.0843, or s.
25 320.0845.

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

29 (a) There must be one accessible parking space in the
30 immediate vicinity of a publicly owned or leased building that
31 houses a governmental entity or a political subdivision,

1 including, but not limited to, state office buildings and
2 courthouses, if no parking for the public is provided on the
3 premises of the building.

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

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

10 (5) Accessible perpendicular and diagonal accessible
11 parking spaces and loading zones must be designed and located
12 in conformance with the guidelines set forth in ADAAG ss.
13 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking
14 Design."

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

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

31

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

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

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

28 (d) On-street parallel parking spaces must be located
29 either at the beginning or end of a block or adjacent to alley
30 entrances. Such spaces must be designed in conformance with
31 the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5,

1 exception: access aisles are not required. Curbs adjacent to
2 such spaces must be of a height that will not interfere with
3 the opening and closing of motor vehicle doors. This
4 subsection does not relieve the owner of the responsibility to
5 comply with the parking requirements of ADAAG ss. 4.1 and 4.6.

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

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

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

26 2. A facility that is making alterations under s.
27 553.507(2)(b) must comply with this section to the maximum
28 extent feasible. If compliance with parking location
29 requirements is not feasible, the facility may provide parking
30 spaces at alternative locations for persons who have
31 disabilities and provide appropriate signage directing persons

1 who have a disability to alternative parking. The facility may
2 not reduce the required number or dimensions of those spaces,
3 nor may it unnecessarily increase the length of the accessible
4 route from a parking space to the facility. The alteration
5 must not create a significant risk to the health or safety of
6 a person who has a disability or to that of others.

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

27 Section 67. Section 553.506, Florida Statutes, is
28 amended to read:

29 553.506 Powers of the commission board.--In addition
30 to any other authority vested in the Florida Building
31 Commission board by law, the commission Board of Building

1 ~~Codes and Standards~~, in implementing ss. 553.501-553.513, may,
2 by rule, adopt revised and updated versions of the Americans
3 with Disabilities Act Accessibility Guidelines in accordance
4 with chapter 120.

5 Section 68. Section 553.512, Florida Statutes, is
6 amended to read:

7 553.512 Modifications and waivers; advisory council.--

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

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

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

18 ~~(3)(2)~~ Members of the council shall serve without
19 compensation, but shall be entitled to reimbursement for per
20 diem and travel expenses as provided by s. 112.061.

21 ~~(4)(3)~~ Meetings of the advisory council shall be held
22 in conjunction with the regular meetings of the commission.

23 Section 69. Subsection (7) of section 553.71, Florida
24 Statutes, is amended, and subsection (9) is added to said
25 section, to read:

26 553.71 Definitions.--As used in this part, the term:

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

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

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

8 553.71 Definitions.--As used in this part, the term:

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

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

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

29 (11) "Prototype building" means a building constructed
30 in accordance with architectural or engineering plans intended
31 for replication on various sites and which will be updated to

1 comply with the Florida Building Code and applicable laws
2 relating to fire safety, health and sanitation, casualty
3 safety, and requirements for persons with disabilities which
4 are in effect at the time a construction contract is to be
5 awarded.

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

8 Section 38. Effective ~~July~~ January 1, 2001, section
9 553.72, Florida Statutes, is amended to read:

10 553.72 Intent.--

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

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

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

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

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

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

29 553.72 Intent.--

30 (1) The purpose and intent of this act is to provide a
31 mechanism for the uniform adoption, updating, amendment,

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

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

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

29 Section 40. Effective July ~~January~~ 1, 2001, section
30 553.73, Florida Statutes, as amended by this act, is amended
31 to read:

1 553.73 Florida State Minimum Building Code Codes.--
2 (1)(a) The commission shall adopt, by rule pursuant to
3 ss. 120.536(1) and 120.54, the Florida Building Code which
4 shall contain or incorporate by reference all laws and rules
5 which pertain to and govern the design, construction,
6 erection, alteration, modification, repair, and demolition of
7 public and private buildings, structures, and facilities and
8 enforcement of such laws and rules, except as otherwise
9 provided in this section.~~By October 1, 1984, local~~
10 ~~governments and state agencies with building construction~~
11 ~~regulation responsibilities shall adopt a building code which~~
12 ~~shall cover all types of construction. Such code shall~~
13 ~~include the provisions of parts I-V, VII, and VIII, relating~~
14 ~~to plumbing, electrical requirements, glass, manufactured~~
15 ~~buildings, accessibility by handicapped persons, and thermal~~
16 ~~efficiency, and shall be in addition to the requirements set~~
17 ~~forth in chapter 527, which pertains to liquefied petroleum~~
18 ~~gas.~~
19 (b) The technical portions of the Florida
20 Accessibility Code for Building Construction shall be
21 contained in its entirety in the Florida Building Code. The
22 civil rights portions and the technical portions of the
23 accessibility laws of this state shall remain as currently
24 provided by law. Any revision or amendments to the Florida
25 Accessibility Code for Building Construction pursuant to part
26 V shall be considered adopted by the commission as part of the
27 Florida Building Code. Neither the commission nor any local
28 government shall revise or amend any standard of the Florida
29 Accessibility Code for Building Construction except as
30 provided for in part V.
31

1 (c) The Florida Fire Prevention Code and the Life
2 Safety Code shall be referenced in the Florida Building Code,
3 but shall be adopted, modified, revised, or amended,
4 interpreted, and maintained by the Department of Insurance by
5 rule adopted pursuant to ss. 120.536(1) and 120.54. Nothing in
6 the Florida Building Code shall affect the statutory powers,
7 duties, and responsibilities of any fire official or the
8 Department of Insurance.

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

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

1 (2) The Florida Building Code shall contain provisions
2 or requirements for public and private buildings, structures,
3 and facilities relative to structural, mechanical, electrical,
4 plumbing, energy, and gas systems, existing buildings,
5 historical buildings, manufactured buildings, elevators,
6 coastal construction, lodging facilities, food sales and food
7 service facilities, health care facilities, public or private
8 educational facilities, swimming pools, and correctional
9 facilities and enforcement of and compliance with such
10 provisions or requirements.~~There is created the State Minimum~~
11 ~~Building Codes which shall consist of the following nationally~~
12 ~~recognized model codes:~~
13 ~~(a) Standard Building Codes, 1988 edition, pertaining~~
14 ~~to building, plumbing, mechanical, and gas, and excluding fire~~
15 ~~prevention;~~
16 ~~(b) EPCOT Code, 1982 edition;~~
17 ~~(c) One and Two Family Dwelling Code, 1986 edition;~~
18 ~~and~~
19 ~~(d) The South Florida Building Code, 1988 edition.~~
20
21 ~~Each local government and state agency with building~~
22 ~~construction regulation responsibilities shall adopt one of~~
23 ~~the State Minimum Building Codes as its building code, which~~
24 ~~shall govern the construction, erection, alteration, repair,~~
25 ~~or demolition of any building for which the local government~~
26 ~~or state agency has building construction regulation~~
27 ~~responsibility. If the One and Two Family Dwelling Code is~~
28 ~~adopted for residential construction, then one of the other~~
29 ~~recognized model codes must be adopted for the regulation of~~
30 ~~other residential and nonresidential structures. Provisions to~~
31 ~~be contained within the Florida any State Minimum Building~~

1 Code are restricted to requirements related to the types of
2 materials used and construction methods and standards employed
3 in order to meet criteria specified in the Florida Building
4 Code ~~minimum building codes~~. Provisions relating to the
5 personnel, supervision or training of personnel, or any other
6 professional qualification requirements relating to
7 contractors or their workforce may not be included within the
8 Florida a State Minimum Building Code, and subsection (4) is
9 not to be construed to allow the inclusion of such provisions
10 within the Florida any State Minimum Building Code by
11 amendment. This restriction applies to both initial
12 development and amendment of the Florida Building Code.

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

1 ~~or a part of an updated or revised version of a model code~~
2 ~~listed in subsection (2) as a State Minimum Building Code.~~

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

16 (b) ~~Local governments and state agencies with building~~
17 ~~construction regulation responsibilities~~ may, subject to the
18 limitations of this section, adopt amendments to the technical
19 provisions of the Florida Building Code which apply solely
20 within the jurisdiction of such government and which provide
21 for more stringent requirements than those specified in the
22 Florida State Minimum Building Code, not more than once every
23 6 months, Codes provided:

24 1.(a) The local governing body determines, following a
25 public hearing which has been advertised in a newspaper of
26 general circulation at least 10 days before the hearing, that
27 there is a need to strengthen the requirements of the Florida
28 State Minimum Building Code ~~Codes~~ adopted by such governing
29 body. 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 Florida State Minimum
2 Building Code Codes for the protection of life and property.

3 2.(b) Such additional requirements are not
4 discriminatory against materials, products, or construction
5 techniques of demonstrated capabilities.

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

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

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

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

28 7. Each county and municipality desiring to make local
29 technical amendments to the Florida Building Code shall by
30 interlocal agreement establish a countywide compliance review
31 board to review any amendment to the Florida Building Code,

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

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

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

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

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

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

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

29 ~~(6)(5)~~ It shall be the responsibility of each
30 municipality and county in the state and of each state agency
31 with statutory authority to regulate building construction to

1 enforce the provisions of the Florida ~~specific model code of~~
2 ~~the State Minimum Building Code Codes~~ adopted by that
3 municipality, county, or agency, in accordance with the
4 provisions of s. 553.80. If such responsibility has been
5 delegated to another unit of government pursuant to s.
6 553.79(9), the ~~specific model code~~ adopted by the delegate
7 shall apply and be enforced.

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

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

16 2. Strengthens or improves the Florida Building Code,
17 or in the case of innovation or new technology, will provide
18 equivalent or better products or methods or systems of
19 construction.

20 3. Does not discriminate against materials, products,
21 methods, or systems of construction of demonstrated
22 capabilities.

23 4. Does not degrade the effectiveness of the Florida
24 Building Code.

25
26 Amendments approved under this paragraph shall be adopted by
27 rule pursuant to ss. 120.536(1) and 120.54.

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

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

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

28 (a) Buildings and structures specifically regulated
29 and preempted by the Federal Government.

30 (b) Railroads and ancillary facilities associated with
31 the railroad.

1 (c) Nonresidential farm buildings on farms.
2 (d) Temporary buildings or sheds used exclusively for
3 construction purposes.
4 (e) Mobile homes used as temporary offices, except
5 that the provisions of part V relating to accessibility by
6 persons with disabilities shall apply to such mobile homes.
7 (9)(7)(a) In the event of a conflict between the
8 Florida ~~applicable minimum~~ Building Code and the Florida Fire
9 Prevention Code and the Life Safety ~~applicable minimum~~
10 firesafety Code, the conflict it shall be resolved by
11 agreement between the local building code enforcement official
12 and the local fire code enforcement official in favor of the
13 requirement of the code which offers the greatest degree of
14 lifesafety or alternatives which would provide an equivalent
15 degree of lifesafety and an equivalent method of construction.
16 (b) Any decision made by the local fire official and
17 the local building official may be appealed to a local
18 administrative board designated by the municipality, county,
19 or special district having firesafety responsibilities. If the
20 decision of the local fire official and the local building
21 official is to apply the provisions of either the Florida
22 ~~applicable minimum~~ Building Code or the Florida Fire
23 Prevention Code and the Life Safety ~~applicable minimum~~
24 firesafety Code, the board may not alter the decision unless
25 the board determines that the application of such code is not
26 reasonable. If the decision of the local fire official and
27 the local building official is to adopt an alternative to the
28 codes, the local administrative board shall give due regard to
29 the decision rendered by the local officials and may modify
30 that decision if the administrative board adopts a better
31 alternative, taking into consideration all relevant

1 circumstances. In any case in which the local administrative
2 board adopts alternatives to the decision rendered by the
3 local fire official and the local building official, such
4 alternatives shall provide an equivalent degree of lifesafety
5 and an equivalent method of construction as the decision
6 rendered by the local officials.

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

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

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

27 (10)~~(8)~~ Except within coastal building zones as
28 defined in s. 161.54, specification standards developed by
29 nationally recognized code promulgation organizations to
30 determine compliance with ~~s. 1606~~ and the engineering design
31 criteria of ~~s. 1606~~ of the Florida Standard Building Code for

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

7 (11) The Florida Building Code does not apply to, and
8 no code enforcement action shall be brought with respect to,
9 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 74. Section 61 of chapter 98-419, Laws of
30 Florida, is amended to read:

31

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

5 553.73 Florida Building Code.--

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

10 (f) Those structures or facilities of electric
11 utilities, as defined in s. 366.02, which are directly
12 involved in the generation, transmission, or distribution of
13 electricity.

14 Section 75. Effective July 1, 2001, paragraph (c) of
15 subsection (1) and subsections (2), (4), (5), (6), (7), (8),
16 (9), (10), (11), and (12) of section 553.73, Florida Statutes,
17 as amended by section 40 of chapter 98-287, Laws of Florida,
18 as amended by section 61 of chapter 98-419, Laws of Florida,
19 are amended to read:

20 553.73 Florida Building Code.--

21 (1)

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

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

26 (4)(a) All entities authorized to enforce the Florida
27 Building Code pursuant to s. 553.80 ~~Local governments~~ shall
28 comply with applicable standards for issuance of mandatory
29 certificates of occupancy, minimum types of inspections, and
30 procedures for plans review and inspections as established by
31 the commission board ~~board~~ by rule. Local governments may adopt ~~Any~~

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

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

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

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

31

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

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

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

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

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

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

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

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

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

1 performance parameters substantiating such amendments when
2 designing, specifying, and constructing such exempt buildings.
3 (5) The commission, by rule adopted pursuant to ss.
4 120.536(1) and 120.54, shall update the Florida Building Code
5 every 3 years. The initial adoption of, and any subsequent
6 update or amendment to, the Florida Building Code by the
7 commission is ~~Once initially adopted and subsequently updated~~
8 ~~by the board, the Florida Building Code shall be~~ deemed
9 adopted for use statewide without adoptions by local
10 government. When updating the Florida Building Code, the
11 commission shall consider changes made by the adopting entity
12 of any selected model code for any model code incorporated
13 into the Florida Building Code ~~by the commission, and may~~
14 subsequently adopt the new edition or successor of the model
15 code or any part of such code, which may then be modified for
16 this state as provided in this section, and shall further
17 consider the commission's own interpretations, declaratory
18 statements, appellate decisions, and approved statewide and
19 local technical amendments. A change made by an institute or
20 standards organization to any standard or criterion that is
21 adopted by reference in the Florida Building Code does not
22 become effective statewide until it has been adopted by the
23 commission. The edition of the Florida Building Code which is
24 in effect on the date of application of any permit authorized
25 by the code governs the permitted work for the life of the
26 permit and any extension granted to the permit. Any amendment
27 to the Florida Building Code which is adopted upon a finding
28 by the commission that the amendment is necessary to protect
29 the public from immediate threat of harm takes effect
30 immediately.
31

1 ~~(6) It shall be the responsibility of each~~
2 ~~municipality and county in the state and of each state agency~~
3 ~~with statutory authority to regulate building construction to~~
4 ~~enforce the provisions of the Florida Building Code.~~

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

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

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

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

21 4. Does not degrade the effectiveness of the Florida
22 Building Code.

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

30 (b) A proposed amendment shall include a fiscal impact
31 statement which documents the costs and benefits of the

1 proposed amendment. Criteria for the fiscal impact statement
2 shall be established by rule by the commission and shall
3 include the impact to local government relative to
4 enforcement, the impact to property and building owners, as
5 well as to industry, relative to the cost of compliance.

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

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

14 (a) Buildings and structures specifically regulated
15 and preempted by the Federal Government.

16 (b) Railroads and ancillary facilities associated with
17 the railroad.

18 (c) Nonresidential farm buildings on farms.

19 (d) Temporary buildings or sheds used exclusively for
20 construction purposes.

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

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

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

1
2 With the exception of paragraphs (a), (b), (c), and (f), in
3 order to preserve the health, safety, and welfare of the
4 public, the Florida Building Commission may, by rule adopted
5 pursuant to chapter 120, provide for exceptions to the broad
6 categories of buildings exempted in this section, including
7 exceptions for application of specific sections of the code or
8 standards adopted therein. The Department of Agriculture and
9 Consumer Services shall have exclusive authority to adopt by
10 rule, pursuant to chapter 120, exceptions to nonresidential
11 farm buildings exempted in paragraph (c) when reasonably
12 necessary to preserve public health, safety, and welfare. The
13 exceptions must be based upon specific criteria, such as
14 under-roof floor area, aggregate electrical service capacity,
15 HVAC system capacity, or other building requirements. Further,
16 the commission may recommend to the Legislature additional
17 categories of buildings, structures, or facilities which
18 should be exempted from the Florida Building Code, to be
19 provided by law.

20 (8)(9)(a) In the event of a conflict between the
21 Florida Building Code and the Florida Fire Prevention Code and
22 the Life Safety Code as applied to a specific project, the
23 conflict shall be resolved by agreement between the local
24 building code enforcement official and the local fire code
25 enforcement official in favor of the requirement of the code
26 which offers the greatest degree of lifesafety or alternatives
27 which would provide an equivalent degree of lifesafety and an
28 equivalent method of construction.

29 (b) Any decision made by the local fire official and
30 the local building official may be appealed to a local
31 administrative board designated by the municipality, county,

1 or special district having firesafety responsibilities. If the
2 decision of the local fire official and the local building
3 official is to apply the provisions of either the Florida
4 Building Code or the Florida Fire Prevention Code and the Life
5 Safety Code, the board may not alter the decision unless the
6 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 the local building official and the local fire
20 official are unable to agree on a resolution of the conflict
21 between the Florida Building Code and the Florida Fire
22 Prevention Code and the Life Safety Code, the local
23 administrative board shall resolve the conflict in favor of
24 the code which offers the greatest degree of lifesafety or
25 alternatives which would provide an equivalent degree of
26 lifesafety and an equivalent method of construction.

27 (d) All decisions of the local administrative board,
28 or if none exists, the decisions of the local building
29 official and the local fire official, are subject to review by
30 a joint committee composed of members of the Florida Building
31 Commission and the Fire Code Advisory Council. If the joint

1 committee is unable to resolve conflicts between the codes as
2 applied to a specific project, the matter shall be resolved
3 pursuant to the provisions of paragraph (1)(d).

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

7 (f)~~(e)~~ All decisions of the local building official
8 and local fire official and all decisions of the
9 administrative board shall be in writing and shall be binding
10 upon all persons but shall not limit the authority of the
11 State Fire Marshal or the Florida Building Commission pursuant
12 to paragraph(1)(d) and ss. 663.01 and 633.161. Decisions of
13 general application shall be indexed by building and fire code
14 sections and shall be available for inspection during normal
15 business hours.

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

25 (10)~~(11)~~ The Florida Building Code does not apply to,
26 and no code enforcement action shall be brought with respect
27 to, zoning requirements, land use requirements, and owner
28 specifications or programmatic requirements which do not
29 pertain to and govern the design, construction, erection,
30 alteration, modification, repair, or demolition of public or
31 private buildings, structures, or facilities or to

1 programmatic requirements that do not pertain to enforcement
2 of the Florida Building Code. Additionally, a local code
3 enforcement agency may not administer or enforce the Florida
4 Building Code to prevent the siting of any publicly owned
5 facility, including, but not limited to, correctional
6 facilities, juvenile justice facilities, or state
7 universities, community colleges, or public education
8 facilities, as provided by law.

9 ~~(12) In addition to the requirements of ss. 553.79 and~~
10 ~~553.80, facilities subject to the provisions of chapter 395~~
11 ~~and part II of chapter 400 shall have facility plans reviewed~~
12 ~~and construction surveyed by the state agency authorized to do~~
13 ~~so under the requirements of chapter 395 and part II of~~
14 ~~chapter 400 and the certification requirements of the Federal~~
15 ~~Government.~~

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

18 553.74 Florida Building Commission.--

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

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

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

3 553.77 Specific powers of the commission.--

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

6 (a) Provide for the testing of materials, devices, and
7 method of construction.

8 (b) Appoint experts, consultants, technical advisers,
9 and advisory committees for assistance and recommendations
10 relating to the State Minimum Building Codes.

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

17 (d) Provide technical assistance and issue advisory
18 opinions concerning the technical and administrative
19 provisions of the State Minimum Building Codes.

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

22 Section 46. Effective July ~~January~~ 1, 2001, section
23 553.77, Florida Statutes, as amended by this act, is amended
24 to read:

25 553.77 Specific powers of the commission.--

26 (1) The commission shall:

27 (a) Adopt and update the Florida Building Code rules
28 ~~and regulations~~ or amendments thereto, pursuant to ss.
29 120.536(1) and 120.54.

30 (b) Make a continual study of the operation of the
31 Florida State Minimum Building Code Codes and other laws

1 relating to the design, construction, erection, alteration,
2 modification, repair, or demolition of public or private of
3 buildings, structures, and facilities, including manufactured
4 buildings, and code enforcement, to ascertain their effect
5 upon the cost of building construction and determine the
6 effectiveness of their provisions. Upon updating the Florida
7 Building Code every 3 years, the commission shall review
8 existing provisions of law and make recommendations to the
9 Legislature for the next regular session of the Legislature
10 regarding provisions of law that should be revised or repealed
11 to ensure consistency with the Florida Building Code at the
12 point the update goes into effect. State agencies and local
13 jurisdictions shall provide such information as requested by
14 the commission for evaluation of the effectiveness of the
15 system of building code laws for reporting to the Legislature.
16 Any proposed legislation providing for the revision or repeal
17 of existing laws and rules relating to technical requirements
18 applicable to building structures or facilities should
19 expressly state that such legislation is not intended to imply
20 any repeal or sunset of existing general or special laws that
21 are not specifically identified in the legislation.

22 (c) Upon written application by any substantially
23 affected person ~~a private party~~ or a local enforcement agency,
24 issue declaratory statements pursuant to s. 120.565 relating
25 to new technologies, techniques, and materials which have been
26 tested where necessary and found to meet the objectives of the
27 ~~Florida State Minimum Building Code Codes and the Florida~~
28 ~~Manufactured Building Act of 1979.~~

29 (d) Upon written application by any substantially
30 affected person ~~a private party~~ or a local enforcement agency,
31 issue declaratory statements pursuant to s. 120.565 relating

1 to the interpretation, enforcement, administration, or
2 modification by local governments of the Florida State Minimum
3 Building Code Codes and the Florida Manufactured Building Act
4 of 1979.

5 (e) When requested in writing by any substantially
6 affected person or a local enforcing agency, shall issue
7 declaratory statements pursuant to s. 120.565 relating to part
8 VII of chapter 553, which shall apply prospectively only.
9 Actions of the commission are subject to judicial review
10 pursuant to s. 120.68.

11 (f)(e) Make recommendations to, and provide assistance
12 upon the request of, the Florida Commission on Human Relations
13 regarding rules relating to ~~handicapped~~ accessibility for
14 persons with disabilities.

15 (g)(f) Participate ~~Coordinate and cooperate~~ with the
16 Florida Fire Code Advisory Council created under s. 633.72, to
17 provide ~~for~~ assistance and recommendations relating to
18 firesafety code interpretations. The administrative staff of
19 the commission shall attend meetings of the Florida Fire Code
20 Advisory Council and coordinate efforts to provide consistency
21 between the Florida Building Code and the Florida Fire
22 Prevention Code and the Life Safety Code.

23 (h) Hear appeals of the decisions of local boards of
24 appeal regarding interpretation decisions of local building
25 officials, or if no local board exists, hear appeals of
26 decisions of the building officials regarding interpretations
27 of the code. For such appeals:

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

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

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

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

7 (i)(a) Determine the types of products requiring
8 approval for local or statewide use and shall provide for the
9 evaluation and approval testing of such products, materials,
10 devices, and method of construction for statewide use.
11 Evaluation and approval shall be by action of the commission
12 or delegated pursuant to s. 553.84. This paragraph does not
13 apply to products approved by the State Fire Marshal.

14 (j)(b) Appoint experts, consultants, technical
15 advisers, and advisory committees for assistance and
16 recommendations relating to the major areas addressed in the
17 Florida State Minimum Building Code Codes.

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

25 1. Minimum post-disaster structural, electrical, and
26 plumbing inspections and procedures.

27 2. Emergency permitting and inspection procedures.

28 3. Establishing contact with emergency management
29 personnel and other state and federal agencies.

30 (l) Maintain a list of interested parties for noticing
31 rulemaking workshops and hearings, disseminating information

1 on code adoption, revisions, amendments, and all other such
2 actions which are the responsibility of the commission.

3 (m) Coordinate with the state and local governments,
4 industry, and other affected stakeholders in the examination
5 of legislative provisions and make recommendations to fulfill
6 the responsibility to develop a consistent, single code.

7 (n) Provide technical assistance to local building
8 departments in order to implement policies, procedures, and
9 practices which would produce the most cost effective property
10 insurance ratings.

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

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

23 (2)(3) With respect to the qualification program for
24 special inspectors of threshold buildings as required by s.
25 553.79(5)(c), the commission may prescribe initial and annual
26 renewal fees for certification, by rule, in accordance with
27 chapter 120.

28 (3)(4)(a) Upon written application by any
29 substantially affected person ~~a private party~~, the commission
30 shall issue a declaratory statement pursuant to s. 120.565
31 relating to a state agency's interpretation and enforcement of

1 the specific provisions of the Florida Building model Code
2 required under this section adopted by the agency to regulate
3 building construction or relating to the conformity of new
4 technologies, techniques, and materials to the objectives of
5 the Florida Building that model Code. The provisions of this
6 paragraph shall not be construed to provide any powers, other
7 than advisory, to the commission with respect to any decision
8 of the ~~State Board of Education made pursuant to the~~
9 ~~provisions of s. 235.26, to the State Fire Marshal made~~
10 ~~pursuant to the provisions of chapter 633, to the Department~~
11 ~~of Management Services made pursuant to the provisions of s.~~
12 ~~255.25, or to any local government decision with respect to~~
13 ~~construction not subject to a state agency model code.~~

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

19 (4)(5) The commission may designate a commission
20 member with demonstrated expertise in interpreting building
21 plans to attend each meeting of the advisory council created
22 in s. 553.512. The commission member may vary from meeting to
23 meeting, shall serve on the council in a nonvoting capacity,
24 and shall receive per diem and expenses as provided in s.
25 553.74(3).

26 (5) For educational and public information purposes,
27 the commission shall develop and publish an informational and
28 explanatory document which contains descriptions of the roles
29 and responsibilities of the licensed design professional,
30 residential designer, contractor, and local building and fire
31 code officials. The State Fire Marshal shall be responsible

1 for developing and specifying roles and responsibilities for
2 fire code officials. Such document may also contain
3 descriptions of roles and responsibilities of other
4 participants involved in the building codes system.

5 (6) The commission may provide for plans review and
6 approval of prototype buildings owned by public entities to be
7 replicated throughout the state. Such approved plans or
8 prototype buildings shall be exempt from further review
9 required by s. 553.79(2), except changes to the prototype
10 design, site plans, and other site related items, or any local
11 amendment to any part of the Florida Building Code.

12 Construction or erection of such prototype buildings are
13 subject to local permitting and inspections pursuant to this
14 part.

15 Section 79. Effective July 1, 2001, subsections (1),
16 (3), and (6) of section 553.77, Florida Statutes, as amended
17 by section 46 of chapter 98-287, Laws of Florida, are amended
18 to read:

19 553.77 Specific powers of the commission.--

20 (1) The commission shall:

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

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

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

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

26 (d) Upon written application by any substantially
27 affected person, state agency, or a local enforcement agency,
28 issue declaratory statements pursuant to s. 120.565 relating
29 to the ~~interpretation, enforcement or, administration, or~~
30 ~~modification~~ by local governments of the Florida Building
31

1 Code. Paragraph (h) provides the exclusive remedy for
2 addressing local interpretations of the code.

3 (e) When requested in writing by any substantially
4 affected person, state agency, or a local enforcing agency,
5 shall issue declaratory statements pursuant to s. 120.565
6 relating to this part, ~~which shall apply prospectively only.~~
7 Actions of the commission are subject to judicial review
8 pursuant to s. 120.68.

9 (f) Make recommendations to, and provide assistance
10 upon the request of, the Florida Commission on Human Relations
11 regarding rules relating to accessibility for persons with
12 disabilities.

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

21 (h) Hear appeals of the decisions of local boards of
22 appeal regarding interpretation decisions of local building
23 officials, or if no local board exists, hear appeals of
24 decisions of the building officials regarding interpretations
25 of the code. For such appeals:

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

30 2. All appeals shall be heard in the county of the
31 jurisdiction defending the appeal.

1 3. Actions of the commission are subject to judicial
2 review pursuant to s. 120.68.

3 (i) Determine the types of products requiring approval
4 for local or statewide use and shall provide for the
5 evaluation and approval of such products, materials, devices,
6 and method of construction for statewide use. The commission
7 may prescribe by rule a schedule of reasonable fees to provide
8 for evaluation and approval of products, materials, devices,
9 and methods of construction. Evaluation and approval shall be

10 by action of the commission or delegated pursuant to s.
11 553.842 ~~s. 553.84~~. This paragraph does not apply to products
12 approved by the State Fire Marshal.

13 (j) Appoint experts, consultants, technical advisers,
14 and advisory committees for assistance and recommendations
15 relating to the major areas addressed in the Florida Building
16 Code.

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

24 1. Minimum postdisaster structural, electrical, and
25 plumbing inspections and procedures.

26 2. Emergency permitting and inspection procedures.

27 3. Establishing contact with emergency management
28 personnel and other state and federal agencies.

29 (l) Maintain a list of interested parties for noticing
30 rulemaking workshops and hearings, disseminating information
31

1 on code adoption, revisions, amendments, and all other such
2 actions which are the responsibility of the commission.

3 (m) Coordinate with the state and local governments,
4 industry, and other affected stakeholders in the examination
5 of legislative provisions and make recommendations to fulfill
6 the responsibility to develop a consistent, single code.

7 (n) Provide technical assistance to local building
8 departments in order to implement policies, procedures, and
9 practices which would produce the most cost-effective property
10 insurance ratings.

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

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

29 (6) The commission may provide by rule for plans
30 review and approval of prototype buildings owned by public and
31 private entities to be replicated throughout the state. Such

1 approved plans or prototype buildings shall be exempt from
2 further review required by s. 553.79(2), except changes to the
3 prototype design, site plans, and other site-related items, or
4 any local amendment to any part of the Florida Building Code.
5 Construction or erection of such prototype buildings is
6 subject to local permitting and inspections pursuant to this
7 part.

8 Section 80. Section 47 of chapter 98-287, Laws of
9 Florida, is amended to read:

10 Section 47. Effective ~~July~~ January 1, 2001, section
11 553.781, Florida Statutes, is created to read:

12 553.781 Licensee accountability.--

13 (1) The Legislature finds that accountability for work
14 performed by design professionals and contractors is the key
15 to strong and consistent compliance with the Florida Building
16 Code and, therefore, protection of the public health, safety,
17 and welfare. The purpose of this section is to provide such
18 accountability.

19 (2)(a) Upon a determination by a local jurisdiction
20 that a licensee, certificateholder, or registrant licensed
21 under chapters 455, 471, 481, or 489 has committed a material
22 violation of the Florida Building Code and failed to correct
23 the violation within a reasonable time, such local
24 jurisdiction shall impose a fine of no less than \$500 and no
25 more than \$5,000 per material violation.

26 (b) If the licensee, certificateholder, or registrant
27 disputes the violation within 30 days following notification
28 by the local jurisdiction, the fine is abated and the local
29 jurisdiction shall report the dispute to the appropriate
30 professional licensing board for disciplinary investigation
31 and final disposition. If an administrative complaint is filed

1 by the professional licensing board against the
2 certificateholder or registrant, the commission may intervene
3 in such proceeding. Any fine imposed by the professional
4 licensing board, pursuant to matters reported by the local
5 jurisdiction to the professional licensing board, shall be
6 divided equally between the board and the local jurisdiction
7 which reported the violation.

8 (3) The Department of Business and Professional
9 Regulation, as an integral part of the automated information
10 system provided under s. 455.2286, shall establish, and local
11 jurisdictions and state licensing boards shall participate in,
12 a system of reporting violations and disciplinary actions
13 taken against all licensees, certificateholders, and
14 registrants under this section that have been disciplined for
15 a violation of the Florida Building Code. Such information
16 shall be available electronically. Any fines collected by a
17 local jurisdiction pursuant to subsection (2) shall be used
18 initially to help set up the parts of the reporting system for
19 which such local jurisdiction is responsible. Any remaining
20 moneys shall be used solely for enforcing the Florida Building
21 Code, licensing activities relating to the Florida Building
22 Code, or education and training on the Florida Building Code.

23 (4) Local jurisdictions shall maintain records,
24 readily accessible by the public, regarding material
25 violations and shall report such violations to the Department
26 of Business and Professional Regulation by means of the
27 reporting system provided in s. 455.2286.

28
29 For purposes of this section, a material code violation is a
30 violation that exists within a completed building, structure,
31 or facility which may reasonably result, or has resulted, in

1 physical harm to a person or significant damage to the
2 performance of a building or its systems. Except when the
3 fine is abated as provided in subsection (2), failure to pay
4 the fine within 30 days shall result in a suspension of the
5 licensee's, certificateholder's, or registrant's ability to
6 obtain permits within this state until such time as the fine
7 is paid. Such suspension shall be reflected on the automated
8 information system under s. 455.2286.

9 Section 81. Effective July 1, 2001, paragraph (b) of
10 subsection (2) of section 553.781, Florida Statutes, is
11 amended to read:

12 553.781 Licensee accountability.--

13 (2)

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 Department of
18 Business and Professional Regulation or the appropriate
19 professional licensing board for disciplinary investigation
20 and final disposition. If an administrative complaint is filed
21 by the department or the professional licensing board against
22 the certificateholder or registrant, the commission may
23 intervene in such proceeding. Any fine imposed by the
24 department or the professional licensing board, pursuant to
25 matters reported by the local jurisdiction to the department
26 or the professional licensing board, shall be divided equally
27 between the board and the local jurisdiction which reported
28 the violation.

29 Section 82. Subsections (3) and (5), paragraph (a) of
30 subsection (7), and subsections (10), (12), (14) and (16) of
31 section 553.79, Florida Statutes, are amended to read:

1 553.79 Permits; applications; issuance; inspections.--

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

16 (5)(a) The enforcing agency shall require a special
17 inspector to perform structural inspections on a threshold
18 building pursuant to a structural inspection plan prepared by
19 the engineer or architect of record. The structural inspection
20 plan must be submitted to and approved by the enforcing agency
21 prior to the issuance of a building permit for the
22 construction of a threshold building. The purpose of the
23 structural inspection plan is to provide specific inspection
24 procedures and schedules so that the building can be
25 adequately inspected for compliance with the permitted
26 documents. The special inspector may not serve as a surrogate
27 in carrying out the responsibilities of the building official,
28 the architect, or the engineer of record. The contractor's
29 contractual or statutory obligations are not relieved by any
30 action of the special inspector. The special inspector shall
31 determine that a professional engineer who specializes in

1 shoring design has inspected ~~inspect~~ the shoring and reshoring
2 for conformance with the shoring and reshoring plans submitted
3 to the enforcing agency. A fee simple title owner of a
4 building, which does not meet the minimum size, height,
5 occupancy, occupancy classification, or number-of-stories
6 criteria which would result in classification as a threshold
7 building under s. 553.71(7), may designate such building as a
8 threshold building, subject to more than the minimum number of
9 inspections required by the Florida Building Code.

10 (b) The fee owner of a threshold building shall select
11 and pay all costs of employing a special inspector, but the
12 special inspector shall be responsible to the enforcement
13 agency. The inspector shall be a person certified, licensed,
14 or registered under chapter 471 as an engineer or under
15 chapter 481 as an architect.

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

31

1 (d) The licensed architect or registered engineer
2 serving as the special inspector shall be permitted to send
3 her or his duly authorized representative to the job site to
4 perform the necessary inspections provided all required
5 written reports are prepared by and bear the seal of the
6 special inspector and are submitted to the enforcement agency.

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

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

20 (10) An enforcing authority may not issue a building
21 permit for any building construction, erection, alteration,
22 repair, or addition unless the permit either includes on its
23 face or there is attached to the permit the following
24 statement: "NOTICE: In addition to the requirements of this
25 permit, there may be additional restrictions applicable to
26 this property that may be found in the public records of this
27 county, and there may be additional permits required from
28 other governmental entities such as water management
29 districts, state agencies, or federal agencies."
30
31

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

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

10 (16)(a) The Florida Building Commission shall
11 establish, within the Florida Building Code adopted by rule,
12 standards for permitting residential buildings or structures
13 moved into or within a county or municipality when such
14 structures do not or cannot comply with the code. However,
15 such buildings or structures shall not be required to be
16 brought into compliance with the ~~state minimum~~ building code
17 in force at the time the building or structure is moved,
18 provided:

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

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

23 3. The building is not substantially remodeled;

24 4. Current fire code requirements for ingress and
25 egress are met;

26 5. Electrical, gas, and plumbing systems meet the
27 codes in force at the time of construction and are operational
28 and safe for reconnection; and

29 6. Foundation plans are sealed by a professional
30 engineer or architect licensed to practice in this state, if
31

1 required by the building code for all residential buildings or
2 structures of the same occupancy class;

3 (b) The building official shall apply the same
4 standard to a moved residential building or structure as that
5 applied to the remodeling of any comparable residential
6 building or structure to determine whether the moved structure
7 is substantially remodeled. The cost of moving the building
8 and the cost of the foundation on which the moved building or
9 structure is placed shall not be included in the cost of
10 remodeling for purposes of determining whether a moved
11 building or structure has been substantially remodeled.

12 Section 83. Section 49 of chapter 98-287, Laws of
13 Florida, is amended to read:

14 Section 49. Effective July ~~January~~ 1, 2001,
15 subsections (1), (2), (3), (4), (6), (9), (10), and (14) of
16 section 553.79, Florida Statutes, are amended, and subsection
17 (17) is added to said section, to read:

18 553.79 Permits; applications; issuance; inspections.--

19 (1) After the effective date of the Florida State
20 ~~Minimum Building Code Codes~~ adopted as herein provided, it
21 shall be unlawful for any person, firm, ~~or~~ corporation, or
22 governmental entity to construct, erect, alter, modify,
23 repair, or demolish any building within this state without
24 first obtaining a permit therefor from the appropriate
25 enforcing agency or from such persons as may, by appropriate
26 resolution or regulation of the authorized state or local
27 enforcing agency, be delegated authority to issue such
28 permits, upon the payment of such reasonable fees adopted by
29 the enforcing agency. The enforcing agency is empowered to
30 revoke any such permit upon a determination by the agency that
31 the construction, erection, alteration, modification, repair,

1 or demolition of the building for which the permit was issued
2 is in violation of, or not in conformity with, the provisions
3 of the Florida State Minimum Building Code Codes.

4 Installation, replacement, removal, or metering of any load
5 management control device is exempt from and shall not be
6 subject to the permit process and fees otherwise required by
7 this section.

8 (2) ~~After January 1, 1988,~~No enforcing agency may
9 issue any permit for construction, erection, alteration,
10 modification, repair, or demolition until the local building
11 code administrator or inspector, in conjunction with the
12 appropriate firesafety inspector, has reviewed the plans and
13 specifications for such proposal and both officials have found
14 the plans to be in compliance with the Florida applicable
15 ~~State Minimum Building Code Codes~~ and the Florida Fire
16 Prevention Code and the Life Safety Code applicable firesafety
17 ~~standards~~ as determined by the local authority in accordance
18 with this chapter and chapter 633. Building plans approved
19 pursuant to s. 553.77(6) and state-approved manufactured
20 buildings are exempt from local codes enforcing agency plan
21 reviews except for provisions of the code relating to
22 erection, assembly, or construction at the site. Erection,
23 assembly, and construction at the site are subject to local
24 permitting and inspections.Any building or structure which is
25 not subject to a firesafety code and any building or structure
26 which is exempt from the local building permit process shall
27 not be required to have its plans reviewed by the local
28 officials. Industrial construction on sites where design,
29 construction, and firesafety are supervised by appropriate
30 design and inspection professionals and which contain adequate
31 in-house fire departments and rescue squads is exempt, subject

1 to local government option, from review of plans and
2 inspections, providing owners certify that applicable codes
3 and standards have been met and supply appropriate approved
4 drawings to local building and firesafety inspectors. The
5 enforcing agency shall issue a permit to construct, erect,
6 alter, modify, repair, or demolish any building when the plans
7 and specifications for such proposal comply with the
8 provisions of the Florida State Minimum Building Code Codes
9 and the Florida Fire Prevention Code and the Life Safety Code
10 ~~applicable firesafety standards~~ as determined by the local
11 authority in accordance with this chapter and chapter 633.

12 (3) Except as provided in this chapter, the Florida
13 ~~State Minimum Building Code Codes~~, after the effective date of
14 ~~their~~ adoption pursuant to the provisions of this part, shall
15 supersede all other building construction codes or ordinances
16 in the state, whether at the local or state level and whether
17 adopted by administrative regulation or by legislative
18 enactment, ~~unless such building construction codes or~~
19 ~~ordinances are more stringent than the State Minimum Building~~
20 ~~Codes and the conditions of s. 553.73(4) are met.~~ However,
21 this subsection does not apply to the manufacture of mobile
22 homes as defined by federal law ~~chapter 320~~. Nothing
23 contained in this subsection shall be construed as nullifying
24 or divesting appropriate state or local agencies of authority
25 to make inspections or to enforce the codes within their
26 respective areas of jurisdiction.

27 (4) The Florida State Minimum Building Code Codes,
28 after the effective date of ~~their~~ adoption pursuant to the
29 provisions of this part, may be modified by local governments
30 to require more stringent standards than those specified in
31

1 the Florida State Minimum Building Code Codes, provided the
2 conditions of s. 553.73(4) are met.

3 (6) No permit may be issued for any building
4 construction, erection, alteration, modification, repair, or
5 addition unless the applicant for such permit provides to the
6 enforcing agency which issues the permit any of the following
7 documents which apply to the construction for which the permit
8 is to be issued and which shall be prepared by or under the
9 direction of an engineer registered under chapter 471:

10 (a) Electrical documents for any new building or
11 addition which requires an aggregate service capacity of 600
12 amperes (240 volts) or more on a residential electrical system
13 or 800 amperes (240 volts) or more on a commercial or
14 industrial electrical system and which costs more than
15 \$50,000.

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

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

28 (d) Heating, ventilation, and air-conditioning
29 documents for any new building or addition which requires more
30 than a 15-ton-per-system capacity which is designed to
31 accommodate 100 or more persons or for which the system costs

1 more than \$50,000. This paragraph does not include any
2 document for the replacement or repair of an existing system
3 in which the work does not require altering a structural part
4 of the building or for work on a residential one-family,
5 two-family, three-family, or four-family structure.

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

11

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

16 (9) Any state agency with building construction
17 responsibility ~~may enter into an agreement with any other unit~~
18 ~~of government to delegate its responsibility to enforce the~~
19 ~~delegate's building code governing the construction, erection,~~
20 ~~alteration, repair, or demolition of any state building and is~~
21 authorized to expend public funds for permit and inspection
22 fees, which fees may be no greater than the fees charged
23 others.

24 (10) An enforcing authority may not issue a building
25 permit for any building construction, erection, alteration,
26 modification, repair, or addition unless the permit either
27 includes on its face or there is attached to the permit the
28 following statement: "NOTICE: In addition to the requirements
29 of this permit, there may be additional restrictions
30 applicable to this property that may be found in the public
31 records of this county, and there may be additional permits

1 required from other governmental entities such as water
2 management districts, state agencies, or federal agencies."

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

9 (17) Notwithstanding any other provision of law, state
10 agencies responsible for the construction, erection,
11 alteration, modification, repair, or demolition of public
12 buildings, or the regulation of public and private buildings,
13 structures, and facilities, shall be subject to enforcement of
14 the Florida Building Code by local jurisdictions. This
15 subsection applies in addition to the jurisdiction and
16 authority of the Department of Insurance to inspect
17 state-owned buildings. This subsection does not apply to the
18 jurisdiction and authority of the Department of Agriculture
19 and Consumer Services to inspect amusement rides or the
20 Department of Insurance to inspect state owned buildings and
21 boilers.

22 Section 84. Effective July 1, 2001, subsections (2),
23 (3), (6), and (9) of section 553.79, Florida Statutes, as
24 amended by section 49 of chapter 98-287, Laws of Florida, are
25 amended to read:

26 553.79 Permits; applications; issuance; inspections.--

27 (2) No enforcing agency may issue any permit for
28 construction, erection, alteration, modification, repair, or
29 demolition of any building or structure until the local
30 building code administrator or inspector, ~~in conjunction with~~
31 ~~the appropriate firesafety inspector,~~ has reviewed the plans

1 and specifications for such proposal and ~~both officials have~~
2 found the plans to be in compliance with the Florida Building
3 Code. In addition, an enforcing agency may not issue any
4 permit for construction, erection, alteration, modification,
5 repair, or demolition of any building until the appropriate
6 firesafety inspector certified pursuant to s. 633.081 has
7 reviewed the plans and specifications for such proposal and
8 found that the plans comply with ~~and~~ the Florida Fire
9 Prevention Code and the Life Safety Code ~~as determined by the~~
10 ~~local authority in accordance with this chapter and chapter~~
11 ~~633. Building plans approved pursuant to s. 553.77(6) and~~
12 ~~state-approved manufactured buildings are exempt from local~~
13 ~~codes enforcing agency plan reviews except for provisions of~~
14 ~~the code relating to erection, assembly, or construction at~~
15 ~~the site. Erection, assembly, and construction at the site~~
16 ~~are subject to local permitting and inspections. Any building~~
17 ~~or structure which is not subject to a firesafety code and any~~
18 ~~building or structure which is exempt from the local building~~
19 ~~permit process shall not be required to have its plans~~
20 reviewed by the firesafety inspector ~~local officials. Any~~
21 building or structure that is exempt from the local building
22 permit process may not be required to have its plans reviewed
23 by the local building code administrator. Industrial
24 construction on sites where design, construction, and
25 firesafety are supervised by appropriate design and inspection
26 professionals and which contain adequate in-house fire
27 departments and rescue squads is exempt, subject to local
28 government option, from review of plans and inspections,
29 providing owners certify that applicable codes and standards
30 have been met and supply appropriate approved drawings to
31 local building and firesafety inspectors. The enforcing

1 agency shall issue a permit to construct, erect, alter,
2 modify, repair, or demolish any building or structure when the
3 plans and specifications for such proposal comply with the
4 provisions of the Florida Building Code and the Florida Fire
5 Prevention Code and the Life Safety Code as determined by the
6 local authority in accordance with this chapter and chapter
7 633.

8 (3) Except as provided in this chapter, the Florida
9 Building Code, after the effective date of adoption pursuant
10 to the provisions of this part, shall supersede all other
11 building construction codes or ordinances in the state,
12 whether at the local or state level and whether adopted by
13 administrative regulation or by legislative enactment.
14 However, this subsection does not apply to the construction of
15 manufactured ~~manufacture of mobile~~ homes as defined by federal
16 law. Nothing contained in this subsection shall be construed
17 as nullifying or divesting appropriate state or local agencies
18 of authority to make inspections or to enforce the codes
19 within their respective areas of jurisdiction.

20 (6) A ~~No~~ permit may not be issued for any building
21 construction, erection, alteration, modification, repair, or
22 addition unless the applicant for such permit complies with
23 the requirements for plan review established by the Florida
24 Building Commission within the Florida Building Code.~~provides~~
25 ~~to the enforcing agency which issues the permit any of the~~
26 ~~following documents which apply to the construction for which~~
27 ~~the permit is to be issued and which shall be prepared by or~~
28 ~~under the direction of an engineer registered under chapter~~
29 ~~471+~~

30 (a) ~~Electrical documents for any new building or~~
31 ~~addition which requires an aggregate service capacity of 600~~

1 ~~amperes (240 volts) or more on a residential electrical system~~
2 ~~or 800 amperes (240 volts) or more on a commercial or~~
3 ~~industrial electrical system and which costs more than~~
4 ~~\$50,000.~~

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

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

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

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

31

1 ~~Documents requiring an engineer seal by this part shall not be~~
2 ~~valid unless a professional engineer who possesses a valid~~
3 ~~certificate of registration has signed, dated, and stamped~~
4 ~~such document as provided in s. 471.025.~~

5 (9) Any state agency whose enabling legislation
6 authorizes it to enforce provisions of the Florida Building
7 Code may enter into an agreement with any other unit of
8 government to delegate its responsibility to enforce those
9 provisions and may ~~with building construction responsibility~~
10 ~~is authorized to~~ expend public funds for permit and inspection
11 fees, which fees may be no greater than the fees charged
12 others.

13 Section 85. Section 51 of chapter 98-287, Laws of
14 Florida, is amended to read:

15 Section 51. Effective July ~~January~~ 1, 2001, section
16 553.80, Florida Statutes, as amended by this act, is amended
17 to read:

18 553.80 Enforcement.--

19 (1) It shall be the responsibility of each local
20 government and ~~each~~ legally constituted enforcement district,
21 ~~and each state agency~~ with statutory authority to regulate
22 building construction to enforce the Florida Building Code
23 required by this part on all public or private buildings,
24 structures, and facilities ~~adopted by such body in accordance~~
25 ~~with s. 553.73~~, unless such responsibility has been delegated
26 to another unit of government pursuant to s. 553.79(9). The
27 governing bodies of local governments may provide a schedule
28 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
29 section, for the enforcement of the provisions of this part.
30 Such fees shall be used solely for carrying out the
31 responsibilities of enforcing the Florida Building Code. The

1 authority of state enforcing agencies to set fees for
2 enforcement shall be derived from authority existing on the
3 effective date of this act. However, nothing contained in this
4 subsection shall operate to limit such agencies from adjusting
5 their fee schedule in conformance with existing authority.

6 (2)(a) Any two or more counties or municipalities, or
7 any combination thereof, may, in accordance with the
8 provisions of chapter 163, governing interlocal agreements,
9 form an enforcement district for the purpose of ~~adopting,~~
10 ~~enforcing,~~and administering the provisions of the Florida
11 ~~State Minimum Building Code Codes~~. Each district so formed
12 shall be registered with the department on forms to be
13 provided for that purpose. Nothing in this subsection shall be
14 construed to supersede provisions of county charters which
15 preempt municipal authorities respective to building codes.

16 (b) With respect to evaluation of design
17 professionals' documents, if a local government finds it
18 necessary, in order to enforce compliance with the Florida
19 Building Code and issue a permit, to reject design documents
20 required by the code three or more times for failure to
21 correct a code violation specifically and continuously noted
22 in each rejection, including, but not limited to, egress, fire
23 protection, structural stability, energy, accessibility,
24 lighting, ventilation, electrical, mechanical, plumbing, and
25 gas systems, or other requirements identified by rule of the
26 Florida Building Commission adopted pursuant to chapter 120,
27 the local government shall impose, each time after the third
28 such review the plans are rejected for that code violation, a
29 fee of four times the amount of the proportion of the permit
30 fee attributed to plans review.

31

1 (c) With respect to inspections, if a local government
2 finds it necessary, in order to enforce compliance with the
3 Florida Building Code, to conduct any inspection after an
4 initial inspection and one subsequent reinspection of any
5 project or activity for the same code violation specifically
6 and continuously noted in each rejection, including, but not
7 limited to, egress, fire protection, structural stability,
8 energy, accessibility, lighting, ventilation, electrical,
9 mechanical, plumbing, and gas systems, or other requirements
10 identified by rule of the Florida Building Commission adopted
11 pursuant to chapter 120, the local government shall impose a
12 fee of four times the amount of the fee imposed for the
13 initial inspection or first reinspection, whichever is
14 greater, for each such subsequent reinspection.

15 (3) Each enforcement district shall be governed by a
16 board, the composition of which shall be determined by the
17 affected localities. At its own option each enforcement
18 district or local enforcement agency may promulgate rules
19 granting to the owner of a single-family residence one or more
20 exemptions from the Florida State Minimum Building Code Codes
21 relating to:

22 (a) Addition, alteration, or repairs performed by the
23 property owner upon his or her own property, provided any
24 addition or alteration shall not exceed 1,000 square feet or
25 the square footage of the primary structure, whichever is
26 less.

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

30 (c) Building and inspection fees.

31

1 Each code exemption, as defined in paragraphs (a), (b), and
2 (c), shall be certified to the local board 10 days prior to
3 implementation and shall only be effective in the territorial
4 jurisdiction of the enforcement district or local enforcement
5 agency implementing it.

6 (4) When an enforcement district has been formed as
7 provided herein, upon its registration with the department, it
8 shall have the same authority and responsibility with respect
9 to building codes as provided by this part for local governing
10 bodies.

11 (5) State and regional agencies with special expertise
12 in building code standards and licensing of contractors and
13 design professionals shall provide support to local
14 governments upon request.

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

19 (a) State universities, state community colleges, or
20 public school districts shall conduct plan review and
21 construction inspections to enforce building code compliance
22 for their building projects that are subject to the Florida
23 Building Code. Such entities shall have personnel
24 appropriately certified under part XII of chapter 468 perform
25 the plan reviews and inspections required by the code. Under
26 such arrangements, such entities shall not be subject to local
27 government permitting requirements, plans review, and
28 inspection fees. State universities, state community colleges,
29 and public school districts shall be liable and responsible
30 for all of their buildings, structures, and facilities.
31 Nothing in this paragraph shall be construed to limit the

1 authority of the county, municipality, or code enforcement
2 district to ensure that buildings, structures, and facilities
3 owned by such entities comply with the Florida Building Code
4 or to limit the authority and responsibility of the fire
5 official to conduct firesafety inspections pursuant to chapter
6 633.

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

10 1. Fees charged by counties and municipalities for
11 enforcement of the Florida Building Code on buildings,
12 structures, and facilities of state universities, state
13 colleges, and public school districts shall not be more than
14 the actual labor and administrative costs incurred for plans
15 review and inspections to ensure compliance with the code.

16 2. Counties and municipalities shall expedite building
17 construction permitting, building plans review, and
18 inspections of projects of state universities, state community
19 colleges, and public school districts which are subject to the
20 Florida Building Code according to guidelines established by
21 the Florida Building Commission.

22 (c) The Florida Building Commission and code
23 enforcement jurisdictions shall consider balancing code
24 criteria and enforcement to unique functions, where they
25 occur, of research institutions by application of performance
26 criteria in lieu of prescriptive criteria.

27
28 Nothing in this part shall be construed to authorize counties,
29 municipalities, or code enforcement districts to conduct any
30 permitting, plans review, or inspections not covered by the
31 Florida Building Code. Any actions by counties or

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

11 Section 86. Effective July 1, 2001, subsection (1) and
12 paragraph (a) of subsection (6) of section 553.80, Florida
13 Statutes, as amended by section 51 of chapter 98-287, Laws of
14 Florida, are amended, and paragraph (d) is added to subsection
15 (6) of said section, to read:

16 553.80 Enforcement.--

17 (1) Except as provided in paragraphs (a)-(e), it shall
18 ~~be the responsibility of~~ each local government and each
19 legally constituted enforcement district with statutory
20 authority shall to regulate building construction and, where
21 authorized in the state agency's enabling legislation, each
22 state agency shall to enforce the Florida Building Code
23 required by this part on all public or private buildings,
24 structures, and facilities, unless such responsibility has
25 been delegated to another unit of government pursuant to s.
26 553.79(9).

27 (a) Construction regulations relating to correctional
28 facilities under the jurisdiction of the Department of
29 Corrections and the Department of Juvenile Justice are to be
30 enforced exclusively by those departments.

31

1 (b) Construction regulations relating to elevator
2 equipment under the jurisdiction of the Bureau of Elevators of
3 the Department of Business and Professional Regulation shall
4 be enforced exclusively by that department.

5 (c) In addition to the requirements of s. 553.79 and
6 this section, facilities subject to the provisions of chapter
7 395 and part II of chapter 400 shall have facility plans
8 reviewed and construction surveyed by the state agency
9 authorized to do so under the requirements of chapter 395 and
10 part II of chapter 400 and the certification requirements of
11 the Federal Government.

12 (d) Building plans approved pursuant to s. 553.77(6)
13 and state-approved manufactured buildings, including buildings
14 manufactured and assembled offsite and not intended for
15 habitation, such as lawn storage buildings and storage sheds,
16 are exempt from local code enforcing agency plan reviews
17 except for provisions of the code relating to erection,
18 assembly, or construction at the site. Erection, assembly, and
19 construction at the site are subject to local permitting and
20 inspections.

21 (e) Construction regulations governing public schools,
22 state universities, and community colleges shall be enforced
23 as provided in subsection (6).

24
25 The governing bodies of local governments may provide a
26 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
27 and this section, for the enforcement of the provisions of
28 this part. Such fees shall be used solely for carrying out
29 the local government's responsibilities in enforcing the
30 Florida Building Code. The authority of state enforcing
31 agencies to set fees for enforcement shall be derived from

1 authority existing on July 1, 1998 ~~the effective date of this~~
2 ~~act~~. However, nothing contained in this subsection shall
3 operate to limit such agencies from adjusting their fee
4 schedule in conformance with existing authority.

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

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

28 (d) School boards, community college boards, and state
29 universities may use annual facility maintenance permits to
30 facilitate routine maintenance, emergency repairs, building
31 refurbishment, and minor renovations of systems or equipment.

1 The amount expended for maintenance projects may not exceed
2 \$200,000 per project. A facility maintenance permit is valid
3 for 1 year. A detailed log of alterations and inspections must
4 be maintained and annually submitted to the building official.
5 The building official retains the right to make inspections at
6 the facility site as he or she considers necessary. Code
7 compliance must be provided upon notification by the building
8 official. If a pattern of code violations is found, the
9 building official may withhold the issuance of future annual
10 facility maintenance permits.

11

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

26 Section 87. Effective July 1, 2001, section 553.83,
27 Florida Statutes, is amended to read:

28 553.83 Injunctive relief.--Any local government,
29 legally constituted enforcement district, or state agency
30 authorized to enforce sections of the Florida Building Code
31 under s. 553.80 ~~code enforcing agency~~ may seek injunctive

1 relief from any court of competent jurisdiction to enjoin the
2 offering for sale, delivery, use, occupancy, erection,
3 alteration, or installation of any building covered by this
4 part, upon an affidavit of the local government, code
5 enforcement district, or state ~~code enforcing~~ agency
6 specifying the manner in which the building does not conform
7 to the requirements of the Florida ~~portion of the State~~
8 Minimum Building Code, or local amendments to the Florida
9 Building Code ~~Codes adopted in that jurisdiction.~~
10 Noncompliance with the a building code promulgated under this
11 part shall be considered prima facie evidence of irreparable
12 damage in any cause of action brought under authority of this
13 part.

14 Section 88. Effective July 1, 2001, section 553.84,
15 Florida Statutes, is amended to read:

16 553.84 Statutory civil action.--Notwithstanding any
17 other remedies available, any person or party, in an
18 individual capacity or on behalf of a class of persons or
19 parties, damaged as a result of a violation of this part or
20 the Florida State Minimum Building Code Codes, has a cause of
21 action in any court of competent jurisdiction against the
22 person or party who committed the violation.

23 Section 89. Subsections (2), (3), and (9) of section
24 553.841, Florida Statutes, are amended, and subsection (11) is
25 added to said section, to read:

26 553.841 Building code training program; participant
27 competency requirements.--

28 (2) The commission shall establish by rule the
29 Building Code Training Program to develop and provide a core
30 curriculum and advance module courses relating to the Florida
31

1 Building Code and a system of administering and enforcing the
2 Florida Building Code.

3 (3) The program shall be developed, implemented, and
4 administered by the commission in consultation with the
5 Department of Education, the Department of Community Affairs,
6 the Department of Business and Professional Regulation, the
7 State Fire Marshal, the State University System, and the
8 Division of Community Colleges.

9 (9) The commission, in consultation with the
10 Department of Business and Professional Regulation, shall
11 develop or cause to be developed, or approve as a part of the
12 program, a core curriculum and specialized or advanced module
13 coursework for the construction workforce, including, but not
14 limited to, superintendents and, ~~journeymen, and residential~~
15 ~~designers~~.

16 (11) The Legislature hereby establishes the Office of
17 Building Code Training Program Administration within the
18 Institute of Applied Technology in Construction Excellence at
19 the Florida Community College at Jacksonville. The office is
20 charged with the following responsibilities as recommended by
21 the Florida Building Commission and as resources are provided
22 by the Legislature:

23 (a) Provide research-to-practice capability for
24 entry-level construction training development, delivery and
25 quality assurance, as well as training and competency registry
26 systems and recruitment initiatives.

27 (b) Coordinate with the Department of Community
28 Affairs and the Florida Building Commission to serve as school
29 liaison to disseminate construction awareness and promotion
30 programs and materials to schools.

31

1 (c) Develop model programs and approaches to
2 construction career exploration to promote construction
3 careers.

4 Section 90. Subsection (1) of section 553.842, Florida
5 Statutes, is amended to read:

6 553.842 Product evaluation and approval.--

7 (1) The commission shall make recommendations to the
8 President of the Senate and the Speaker of the House of
9 Representatives prior to the 2001 Regular Session ~~may adopt~~
10 ~~rules pursuant to ss. 120.536(1) and 120.54~~ to develop and
11 implement a product evaluation and approval system to operate
12 in coordination with the Florida Building Code. The product
13 evaluation and approval system shall provide:

14 (a) Appropriate promotion of innovation and new
15 technologies.

16 (b) Processing submittals of products from
17 manufacturers in a timely manner.

18 (c) Independent, third-party qualified and accredited
19 testing and laboratory facilities.

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

22 (e) Development of stringent but reasonable testing
23 criteria based upon existing consensus standards, when
24 available, for products.

25 (f) Long-term approvals, where feasible.

26 (g) Recall or revocation of a product approval.

27 (h) Cost-effectiveness.

28
29 For purposes of this section, an approved product evaluation
30 entity is an entity that has been accredited by a nationally
31

1 recognized independent evaluation authority or entity
2 otherwise approved by the commission.

3 Section 91. Effective July 1, 2001, section 553.85,
4 Florida Statutes, is amended to read:

5 553.85 Liquefied petroleum gases.--The provisions of
6 the Florida State Minimum Building Code Codes and the rules
7 and regulations adopted thereunder for the design,
8 construction, location, installation, services, and operation
9 of equipment for storing, handling, transporting, and
10 utilization of liquefied petroleum gases shall not be in
11 conflict with chapter 527.

12 Section 92. Effective July 1, 2001, section 553.19,
13 Florida Statutes, is transferred and renumbered as section
14 553.88, Florida Statutes, and is amended to read:

15 553.88 ~~553.19~~ Adoption of electrical and alarm
16 standards.--For the purpose of establishing minimum electrical
17 and alarm standards in this state, the current edition of the
18 following standards are adopted:

- 19 (1) "National Electrical Code," NFPA No. 70.
20 (2) Underwriters' Laboratories, Inc., "Standards for
21 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
22 57 and UL 153.
23 (3) Underwriters' Laboratories, Inc., "Standard for
24 Electric Signs," UL 48.
25 (4) The provisions of the following which prescribe
26 minimum electrical and alarm standards:
27 (a) NFPA No. 56A, "Inhalation Anesthetics."
28 (b) NFPA No. 56B, "Respiratory Therapy."
29 (c) NFPA No. 56C, "Laboratories in Health-related
30 Institutions."
31 (d) NFPA No. 56D, "Hyperbaric Facilities."

1 (e) NFPA No. 56F, "Nonflammable Medical Gas Systems."

2 (f) NFPA No. 72, "National Fire Alarm Code."

3 (g) NFPA No. 76A, "Essential Electrical Systems for
4 Health Care Facilities."

5 (5) The rules and regulations of the Department of
6 Health, entitled "Nursing Homes and Related Facilities
7 Licensure."

8 (6) The minimum standards for grounding of portable
9 electric equipment, chapter 8C-27 as recommended by the
10 Industrial Standards Section, Division of Workers'
11 Compensation, Department of Labor and Employment Security.

12

13 The Florida Building Commission shall update and maintain such
14 electrical standards consistent with the procedures
15 established in s. 553.73 and may recommend the National
16 Electrical Installation Standards.

17 Section 93. Effective July 1, 2001, section 553.901,
18 Florida Statutes, is amended to read:

19 553.901 Purpose of thermal efficiency code.--The
20 Department of Community Affairs shall prepare a ~~The purpose of~~
21 ~~this~~ thermal efficiency code ~~is~~ to provide for a statewide
22 uniform standard for energy efficiency in the thermal design
23 and operation of all buildings statewide, consistent with
24 energy conservation goals, and to best provide for public
25 safety, health, and general welfare. The Florida Building
26 Commission shall adopt the Florida Energy Efficiency Code for
27 Building Construction within the Florida Building Code, and
28 ~~Department of Community Affairs shall adopt,~~ modify, revise,
29 update, and maintain the ~~Florida Energy Efficiency code for~~
30 ~~Building Construction~~ to implement the provisions of this
31 thermal efficiency code and amendments thereto, in accordance

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

10 Section 94. Effective July 1, 2001, subsections (1),
11 (4), (6), and (7) of section 553.902, Florida Statutes, are
12 amended to read:

13 553.902 Definitions.--For the purposes of this part:

14 (1) "Exempted building" means:

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

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

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

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

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

28
29 The Florida Building Commission may recommend to the
30 Legislature additional types of buildings which should be
31

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

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

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

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

21 Section 95. Section 553.903, Florida Statutes, is
22 amended to read:

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

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

4 Section 96. Effective July 1, 2001, section 553.907,
5 Florida Statutes, is amended to read:

6 553.907 Compliance.--~~Owners of all buildings required~~
7 ~~to comply with this part, or their agents, must certify~~
8 ~~compliance to the designated local enforcement agency prior to~~
9 ~~receiving the permit to begin construction or renovation. If,~~
10 ~~during the building construction or renovation, alterations~~
11 ~~are made in the design, materials, or equipment which would~~
12 ~~diminish the energy performance of the building, an amended~~
13 ~~copy of the compliance certification must be submitted to the~~
14 ~~local enforcement agency on or before the date of final~~
15 ~~inspection by the building owner or his or her agent and must~~
16 ~~be placed on the building permit.~~Each local enforcement
17 agency shall report to the department any information
18 concerning compliance certifications and amendments at such
19 intervals as the department designates by rule adopted in
20 accordance with chapter 120.

21 Section 97. Section 553.9085, Florida Statutes, is
22 amended to read:

23 553.9085 Energy performance disclosure for residential
24 buildings.--The energy performance level resulting from
25 compliance with the provisions of this part, for each new
26 residential building, shall be disclosed at the request of the
27 prospective purchaser. In conjunction with the normal
28 responsibilities and duties of this part, the local building
29 official shall require that a complete and accurate energy
30 performance level display card be completed and certified by
31 the builder as accurate and correct before final approval of

1 the building for occupancy. The energy performance level
2 display card shall be included as an addendum to each sales
3 contract ~~executed after January 1, 1994~~. The display card
4 shall be uniform statewide and developed by the Department of
5 Community Affairs. At a minimum, the display card shall list
6 information indicating the energy performance level of the
7 dwelling unit, ~~including an EPI when appropriate,~~ resulting
8 from compliance with the code, shall be signed by the builder,
9 and shall list general information about the energy
10 performance level and the code.

11 Section 98. Subsection (1) of section 553.909, Florida
12 Statutes, is amended to read:

13 553.909 Setting requirements for appliances;
14 exceptions.--

15 (1) The Florida Energy Efficiency Code for Building
16 Construction shall set the minimum requirements for heat traps
17 and thermostat settings for water heaters sold after October
18 1, 1980, for residential use shall be installed with a heat
19 trap and shall have the thermostat set at 110 °F or whatever
20 minimum the unit is capable of if it exceeds 110 °F. The code
21 shall further establish the minimum acceptable standby loss
22 for electric water heaters and the minimum recovery efficiency
23 and standby loss for may not have a standby loss which exceeds
24 ~~4 watts per square foot of tank surface per hour.~~ water
25 heaters fueled by natural gas or liquefied petroleum gas in
26 any form which are sold or installed after March 1, 1981,
27 shall have a recovery efficiency of 75 percent or more and
28 shall have a standby loss in percent per hour not exceeding
29 the number determined by dividing 67 by the volume of the tank
30 in gallons and adding the result to 2.8.

31

1 Section 99. Effective July 1, 2001, subsection (1) of
2 section 627.0629, Florida Statutes, is amended to read:

3 627.0629 Residential property insurance; rate
4 filings.--

5 (1) ~~Effective July 1, 1994,~~A rate filing for
6 residential property insurance must include actuarially
7 reasonable ~~appropriate~~ discounts, credits, or other rate
8 differentials, or appropriate reductions in deductibles, for
9 properties on which fixtures or construction techniques
10 ~~actuarially~~ demonstrated to reduce the amount of loss in a
11 windstorm have been installed or implemented. The fixtures or
12 construction techniques shall include, but not be limited to,
13 fixtures or construction techniques which enhance roof
14 strength, roof covering performance, roof-to-wall strength,
15 wall-to-floor-to-foundation strength, opening protection, and
16 window, door, and skylight strength. Credits, discounts, or
17 other rate differentials for fixtures and construction
18 techniques which meet the minimum requirements of the Florida
19 Building Code must be included in the rate filing. All
20 insurance companies must make a rate filing which includes the
21 credits, discounts, or other rate differentials by June 1,
22 2002.

23 Section 100. Section 57 of chapter 98-287, Laws of
24 Florida, is amended to read:

25 Section 57. Effective July ~~January~~ 1, 2001, subsection
26 (1) of section 633.01, Florida Statutes, is amended, and
27 subsections (7) and (8) are added to said section, to read:

28 633.01 State Fire Marshal; powers and duties; rules.--

29 (1) The head of the Department of Insurance shall be
30 designated as "State Fire Marshal." The State Fire Marshal
31 shall make and promulgate all rules necessary to implement the

1 provisions of this chapter which grant powers and impose
2 duties on the State Fire Marshal and to effectuate the
3 enforcement of such powers and duties. ~~However, The~~
4 department shall ~~not~~ adopt the Florida Fire Prevention Code
5 and the Life Safety Code ~~minimum firesafety standards, except~~
6 ~~to the extent required by s. 394.879.~~

7 (7) It is the intent of the Legislature that there are
8 to be no conflicting requirements between the Florida Fire
9 Prevention Code and the Life Safety Code authorized by this
10 chapter and the provisions of the Florida Building Code or
11 conflicts in their enforcement and interpretation. Potential
12 conflicts shall be resolved through coordination and
13 cooperation of the State Fire Marshal and the Florida Building
14 Commission as provided by this chapter and part VII of chapter
15 553.

16 (8) The Department of Insurance shall issue, when
17 requested in writing by any substantially affected person or a
18 local enforcing agency, declaratory statements pursuant to s.
19 120.565 relating to the Florida Fire Prevention Code and the
20 Life Safety Code. Such declaratory statements shall apply
21 prospectively, except whenever the State Fire Marshal
22 determines that a serious threat to life exists that warrants
23 retroactive application.

24 Section 101. Effective July 1, 2001, subsection (6) of
25 section 633.01, Florida Statutes, as amended by section 57 of
26 chapter 98-287, Laws of Florida, is amended to read:

27 633.01 State Fire Marshal; powers and duties; rules.--

28 (6) Only the State Fire Marshal may issue, and, when
29 requested in writing by any substantially affected person or a
30 local enforcing agency, the State Fire Marshal shall issue ~~The~~
31 ~~Department of Insurance shall issue, when requested in writing~~

1 ~~by any substantially affected person or a local enforcing~~
2 ~~agency,~~ declaratory statements pursuant to s. 120.565 relating
3 to the Florida Fire Prevention Code and the Life Safety Code.
4 ~~Such declaratory statements shall apply prospectively, except~~
5 ~~whenever the State Fire Marshal determines that a serious~~
6 ~~threat to life exists that warrants retroactive application.~~

7 Section 102. Section 58 of chapter 98-287, Laws of
8 Florida, is amended to read:

9 Section 58. Effective July ~~January~~ 1, 2001, section
10 633.0215, Florida Statutes, is created to read:

11 633.0215 Florida Fire Prevention Code.--

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

20 (2) The department shall adopt the National Fire
21 Protection Association's Standard 1, Fire Prevention Code.
22 The department shall adopt the Life Safety Code, Pamphlet 101,
23 current editions, by reference. The department may modify the
24 selected codes and standards as needed to accommodate the
25 specific needs of the state. Standards or criteria in the
26 selected codes shall be similarly incorporated by reference.
27 The department shall incorporate within sections of the
28 Florida Fire Prevention Code provisions that address uniform
29 fire safety standards as established in s. 633.022. The
30 department shall incorporate within sections of the Florida
31

1 Fire Prevention Code provisions addressing regional and local
2 concerns and variations.

3 (3) Any local amendment to the Florida Fire Prevention
4 Code adopted by a local government shall be effective only
5 until the adoption by the department of the new edition of the
6 Florida Fire Prevention Code, which shall be every third year.
7 At such time, the department shall adopt such amendment as
8 part of the Florida Fire Prevention Code or rescind the
9 amendment. The department shall immediately notify the
10 respective local government of the rescission of the
11 amendment. After receiving such notice, the respective local
12 government may readopt the rescinded amendment. Incorporation
13 of local amendments as regional and local concerns and
14 variations shall be considered as adoption of an amendment
15 pursuant to this part. Notwithstanding other state or local
16 building and construction code laws to the contrary, locally
17 adopted fire code requirements that were in existence on the
18 effective date of this section shall be deemed local
19 variations of the Florida Fire Prevention Code until the
20 department takes action to adopt or rescind such requirements
21 as provided herein and such action shall take place no later
22 than January 1, 2001.

23 (4) The department shall update, by rule adopted
24 pursuant to ss. 120.536(1) and 120.54, the Florida Fire
25 Prevention Code every 3 years. Once initially adopted and
26 subsequently updated by the department, the Florida Fire
27 Prevention Code and the Life Safety Code shall be adopted for
28 use statewide without adoptions by local governments. When
29 updating the Florida Fire Prevention Code and the most recent
30 edition of the Life Safety Code, the department shall consider
31 changes made by the national model fire codes incorporated

1 into the Florida Fire Prevention Code, the department's own
2 interpretations, declaratory statements, appellate decisions,
3 and approved statewide and local technical amendments.

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

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

20 Section 103. Effective July 1, 2001, subsections (1),
21 (2), (3), (4), and (5) of section 633.0215, Florida Statutes,
22 as created by section 58 of chapter 98-287, Laws of Florida,
23 are amended, and subsections (7), (8), and (9) are added to
24 said section, to read:

25 633.0215 Florida Fire Prevention Code.--

26 (1) The State Fire Marshal ~~department~~ shall adopt, by
27 rule pursuant to ss. 120.536(1) and 120.54, the Florida Fire
28 Prevention Code which shall contain or incorporate by
29 reference all firesafety laws and rules that pertain to and
30 govern the design, construction, erection, alteration,
31 modification, repair, and demolition of public and private

1 buildings, structures, and facilities and the enforcement of
2 such firesafety laws and rules. The State Fire Marshal shall
3 adopt a new edition of the Florida Fire Prevention Code every
4 third year.

5 (2) The State Fire Marshal ~~department~~ shall adopt the
6 National Fire Protection Association's Standard 1, Fire
7 Prevention Code but shall not adopt a building, mechanical, or
8 plumbing code. The State Fire Marshal ~~department~~ shall adopt
9 the Life Safety Code, Pamphlet 101, current editions, by
10 reference. The State Fire Marshal ~~department~~ may modify the
11 selected codes and standards as needed to accommodate the
12 specific needs of the state. Standards or criteria in the
13 selected codes shall be similarly incorporated by reference.
14 The State Fire Marshal ~~department~~ shall incorporate within
15 sections of the Florida Fire Prevention Code provisions that
16 address uniform firesafety standards as established in s.
17 633.022. The State Fire Marshal ~~department~~ shall incorporate
18 within sections of the Florida Fire Prevention Code provisions
19 addressing regional and local concerns and variations.

20 (3) No later than 180 days before the triennial
21 adoption of the Florida Fire Prevention Code, the State Fire
22 Marshal shall notify each municipal, county, and special
23 district fire department of the triennial code adoption and
24 steps necessary for local amendments to be included within the
25 code. No later than 120 days before the triennial adoption of
26 the Florida Fire Prevention Code, each local jurisdiction
27 shall provide the State Fire Marshal with copies of its local
28 fire code amendments. The State Fire Marshal has the option to
29 process local fire code amendments that are received less than
30 120 days before the adoption date of the Florida Fire
31 Prevention Code.

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

3 1. If the local amendment should be adopted as a
4 statewide provision;

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

7 3. That the local amendment does not reference a
8 different edition of the national fire codes or other national
9 standard than the edition provided or referenced in the
10 uniform or minimum firesafety codes adopted by the State Fire
11 Marshal or prescribed by statute.

12 (b) Any local amendment to the Florida Fire Prevention
13 Code adopted by a local government shall be effective only
14 until the adoption by the department of the new edition of the
15 Florida Fire Prevention Code, which shall be every third year.
16 At such time, the State Fire Marshal department shall adopt
17 such amendment as part of the Florida Fire Prevention Code or
18 rescind the amendment. The State Fire Marshal department
19 shall immediately notify the respective local government of
20 the rescission of the amendment and the reason for the
21 rescission. After receiving such notice, the respective local
22 government may readopt the rescinded amendment. Incorporation
23 of local amendments as regional and local concerns and
24 variations shall be considered as adoption of an amendment
25 pursuant to this part.

26 (c) Notwithstanding other state or local building and
27 construction code laws to the contrary, locally adopted fire
28 code requirements that were in existence on the effective date
29 of this section shall be deemed local variations of the
30 Florida Fire Prevention Code until the State Fire Marshal
31 department takes action to adopt as a statewide firesafety

1 code requirement or rescind such requirements as provided
2 herein, and such action shall take place no later than July
3 January 1, 2001.

4 (4) The State Fire Marshal ~~department~~ shall update, by
5 rule adopted pursuant to ss. 120.536(1) and 120.54, the
6 Florida Fire Prevention Code every 3 years. Once initially
7 adopted and subsequently updated ~~by the department~~, the
8 Florida Fire Prevention Code and the Life Safety Code shall be
9 adopted for use statewide without adoptions by local
10 governments. When updating the Florida Fire Prevention Code
11 and the most recent edition of the Life Safety Code, the State
12 Fire Marshal ~~department~~ shall consider changes made by the
13 national model fire codes incorporated into the Florida Fire
14 Prevention Code, the State Fire Marshal's ~~department's~~ own
15 interpretations, declaratory statements, appellate decisions,
16 and approved statewide and local technical amendments.

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

22 (7) Any local amendment adopted by a local government
23 must strengthen the requirements of the minimum firesafety
24 code.

25 (8) Within 30 days after a local government adopts a
26 local amendment, the local government must transmit the
27 amendment to the Florida Building Commission and the State
28 Fire Marshal.

29 (9) The State Fire Marshal shall make rules that
30 implement this section and ss. 633.01 and 633.025 for the
31

1 purpose of accomplishing the objectives set forth in those
2 sections.

3 (10) Notwithstanding other provisions of this chapter,
4 if a county or a municipality within that county adopts an
5 ordinance providing for a local amendment to the Florida Fire
6 Prevention Code and that amendment provides a higher level of
7 protection to the public than the level specified in the
8 Florida Fire Prevention Code, the local amendment becomes
9 effective without approval of the State Fire Marshal and is
10 not rescinded pursuant to the provisions of this section,
11 provided that the ordinance meets one or more of the following
12 criteria:

13 (a) The local authority has adopted, by ordinance, a
14 fire service facilities and operation plan that outlines goals
15 and objectives for related equipment, personnel, and capital
16 improvement needs of the local authority related to the
17 specific amendment for the next 5 years;

18 (b) The local authority has adopted, by ordinance, a
19 provision requiring proportionate reduction in, or rebate or
20 waivers of, impact or other fees or assessments levied on
21 buildings that are built or modified in compliance with the
22 more stringent firesafety standards required by the local
23 amendment; or

24 (c) The local authority has adopted, by ordinance, a
25 growth management plan that requires buildings and structures
26 to be equipped with more stringent firesafety requirements
27 required by the local amendment when these firesafety
28 requirements are used as the basis for planning infrastructure
29 development, uses, or housing densities.

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1 Except as provided in s. 633.022, the local appeals process
2 shall be the venue if there is a dispute between parties
3 affected by the provisions of the more stringent local
4 firesafety amendment adopted as part of the Florida Fire
5 Prevention Code pursuant to the authority in this subsection.
6 Local amendments adopted pursuant to this subsection shall be
7 deemed local or regional variations and published as such in
8 the Florida Fire Prevention Code. The act of publishing
9 locally adopted firesafety amendments to the Florida Fire
10 Prevention Code shall not be construed to mean that the State
11 Fire Marshal approves or denies the authenticity or
12 appropriateness of the locally adopted firesafety provision,
13 and the burden of protecting the local fire safety amendment
14 remains solely with the adopting local governmental authority.

15 Section 104. Section 59 of chapter 98-287, Laws of
16 Florida, is amended to read:

17 Section 59. Effective ~~July~~ January 1, 2001, section
18 633.025, Florida Statutes, is amended to read:

19 633.025 Minimum firesafety standards.--

20 (1) The Florida Fire Prevention Code and the Life
21 Safety Code adopted by the Department of Insurance, Each
22 ~~municipality, county, and special district with firesafety~~
23 ~~responsibilities shall adopt minimum firesafety standards~~
24 which shall operate in conjunction with the Florida state
25 minimum Building Code, shall be deemed adopted by each
26 municipality, county, and special district with firesafety
27 responsibilities such local jurisdiction as required by s.
28 553.73. The minimum firesafety codes standards shall not
29 apply to buildings and structures subject to the uniform
30 firesafety standards under s. 633.022 and buildings and
31

1 structures subject to the minimum firesafety standards adopted
2 pursuant to s. 394.879.

3 (2) Pursuant to subsection (1), each municipality,
4 county, and special district with firesafety responsibilities
5 shall ~~adopt and~~ enforce the Florida Fire Prevention Code and
6 the Life Safety Code ~~codes specified in paragraph (a),~~
7 ~~paragraph (b), paragraph (c), or paragraph (d) as~~ the minimum
8 firesafety code required by this section+

9 (a) ~~The Standard Fire Prevention Code, 1985 edition or~~
10 ~~subsequent edition, as adopted by the Southern Building Code~~
11 ~~Congress International.~~

12 (b) ~~The EPCOT Fire Prevention Code.~~

13 (c) ~~The National Fire Protection Association (NFPA)~~
14 ~~Pamphlet 1, 1985 edition or subsequent edition.~~

15 (d) ~~The South Florida Fire Prevention Code, subject to~~
16 ~~the provisions of subsection (4).~~

17 (3) The most current edition of the ~~In addition, each~~
18 ~~municipality, county, and special district with firesafety~~
19 ~~responsibilities shall adopt~~ National Fire Protection
20 Association (NFPA) 101, Life Safety Code, adopted by the
21 Department of Insurance, shall be deemed to be adopted by each
22 municipality, county, and special district with firesafety
23 responsibilities, 1985 edition or subsequent edition, as part
24 of the minimum firesafety code.

25 (4) ~~It is the intent of the Legislature that a South~~
26 ~~Florida Fire Prevention Code be promulgated as a further~~
27 ~~option to counties, municipalities, and special districts with~~
28 ~~firesafety responsibilities as an alternative to the~~
29 ~~firesafety codes specified in paragraphs (2)(a), (b), and (c).~~
30 ~~In the event that an appropriate South Florida Fire Prevention~~
31 ~~Code is submitted by the Broward County Board of Rules and~~

1 ~~Appeals or the Dade County Board of Rules and Appeals to the~~
2 ~~Legislature by March 1, 1988, such code or codes shall be~~
3 ~~deemed to be an alternative to the firesafety codes specified~~
4 ~~in paragraphs (2)(a), (b), and (c) as of July 1, 1988, unless~~
5 ~~the Legislature expressly prohibits the use of such code.~~
6 ~~Until July 1, 1988, Dade and Broward Counties may use the~~
7 ~~firesafety standards within their current Fire Prevention Code~~
8 ~~as an alternative. In the event Dade or Broward County fails~~
9 ~~to adopt a South Florida Fire Prevention Code as of July 1,~~
10 ~~1988, then such county shall be subject to subsections (2),~~
11 ~~(3), and (6).~~

12 ~~(4)(5)~~ Such codes shall be minimum codes and a
13 municipality, county, or special district with firesafety
14 responsibilities may adopt more stringent firesafety
15 standards, subject to the requirements of this subsection.
16 Such county, municipality, or special district may establish
17 alternative requirements to those requirements which are
18 required under the minimum firesafety standards on a
19 case-by-case basis, in order to meet special situations
20 arising from historic, geographic, or unusual conditions, if
21 the alternative requirements result in a level of protection
22 to life, safety, or property equal to or greater than the
23 applicable minimum firesafety standards. For the purpose of
24 this subsection, the term "historic" means that the building
25 or structure is listed on the National Register of Historic
26 Places of the United States Department of the Interior.

27 (a) The local governing body shall determine,
28 following a public hearing which has been advertised in a
29 newspaper of general circulation at least 10 days before the
30 hearing, if there is a need to strengthen the requirements of
31 the minimum firesafety code adopted by such governing body.

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

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

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

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

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

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

1
2 A substantially affected person may appeal, to the Department
3 of Insurance, the local government's resolution of the
4 challenge and the department shall determine if the amendment
5 complies with this section. Actions of the department are
6 subject to judicial review pursuant to s. 120.68. The
7 department shall consider reports of the Florida Building
8 Commission, pursuant to part VII of chapter 533, when
9 evaluating building code enforcement.

10 ~~(6) The minimum firesafety standards that counties,~~
11 ~~municipalities, and special districts are required to adopt~~
12 ~~pursuant to this section shall be adopted by January 1, 1988.~~
13 ~~No municipality or county or special district shall be~~
14 ~~required to amend an ordinance which presently complies with~~
15 ~~this section. In the event that any such local governmental~~
16 ~~entity fails to adopt minimum firesafety standards by January~~
17 ~~1, 1988, the minimum firesafety standards shall consist of the~~
18 ~~Standard Fire Prevention Code, 1985 edition, and National Fire~~
19 ~~Protection Association (NFPA) 101, Life Safety Code, 1985~~
20 ~~edition.~~

21 (5)(7) The new building or structure provisions
22 enumerated within the firesafety code adopted pursuant to this
23 section shall apply only to buildings or structures for which
24 the building permit is issued on or after the effective date
25 of this act ~~January 1, 1988~~. Subject to the provisions of
26 subsection~~(6)(8)~~, the existing building or structure
27 provisions enumerated within the firesafety code adopted
28 pursuant to this section shall apply to buildings or
29 structures for which the building permit was issued or the
30 building or structure was constructed prior to the effective
31 date of this act ~~January 1, 1988~~.

1 (6)~~(8)~~ With regard to existing buildings, the
2 Legislature recognizes that it is not always practical to
3 apply any or all of the provisions of the minimum firesafety
4 code and that physical limitations may require
5 disproportionate effort or expense with little increase in
6 lifesafety. Prior to applying the minimum firesafety code to
7 an existing building, the local fire official shall determine
8 that a threat to lifesafety or property exists. If a threat to
9 lifesafety or property exists, the fire official shall apply
10 the applicable firesafety code for existing buildings to the
11 extent practical to assure a reasonable degree of lifesafety
12 and safety of property or the fire official shall fashion a
13 reasonable alternative which affords an equivalent degree of
14 lifesafety and safety of property. The decision of the local
15 fire official may be appealed to the local administrative
16 board described in s. 553.73.

17 (7)~~(9)~~ Nothing herein shall preclude a municipality,
18 county, or special district from requiring a structure to be
19 maintained in accordance with the applicable firesafety code.

20 ~~(10) With respect to standards established by the
21 National Fire Protection Association (NFPA) 101, Life Safety
22 Code, 1985 edition, s. 19-3.4.2.1, those standards shall not
23 apply to structures having direct access to the outside from
24 each living unit and having three stories or less.~~

25 (8)~~(11)~~ ~~With respect to standards established by the
26 National Fire Protection Association (NFPA) 101, Life Safety
27 Code, 1985 edition, s. 19-3.4.4.1, Battery operated smoke
28 detectors shall be considered as an approved detection device
29 for residential buildings having direct access to the outside
30 from each living unit and having three stories or less.~~

31

1 (9) The provisions of the Life Safety Code shall not
2 apply to newly constructed one-family and two-family
3 dwelling. However, fire sprinkler protection may be
4 permitted by local government in lieu of other fire protection
5 related development requirements in such structures.

6 Section 105. Effective July 1, 2001, subsections (1),
7 (3), (4), (8), and (9) of section 633.025, Florida Statutes,
8 as amended by section 59 of chapter 98-287, Laws of Florida,
9 are amended to read:

10 633.025 Minimum firesafety standards.--

11 (1) The Florida Fire Prevention Code and the Life
12 Safety Code adopted by the State Fire Marshal ~~Department of~~
13 ~~Insurance~~, which shall operate in conjunction with the Florida
14 Building Code, shall be deemed adopted by each municipality,
15 county, and special district with firesafety responsibilities.
16 The minimum firesafety codes shall not apply to buildings and
17 structures subject to the uniform firesafety standards under
18 s. 633.022 and buildings and structures subject to the minimum
19 firesafety standards adopted pursuant to s. 394.879.

20 (3) The most current edition of the National Fire
21 Protection Association (NFPA) 101, Life Safety Code, adopted
22 by the State Fire Marshal ~~Department of Insurance~~, shall be
23 deemed to be adopted by each municipality, county, and special
24 district with firesafety responsibilities as part of the
25 minimum firesafety code.

26 (4) Such codes shall be minimum codes and a
27 municipality, county, or special district with firesafety
28 responsibilities may adopt more stringent firesafety
29 standards, subject to the requirements of this subsection.
30 Such county, municipality, or special district may establish
31 alternative requirements to those requirements which are

1 required under the minimum firesafety standards on a
2 case-by-case basis, in order to meet special situations
3 arising from historic, geographic, or unusual conditions, if
4 the alternative requirements result in a level of protection
5 to life, safety, or property equal to or greater than the
6 applicable minimum firesafety standards. For the purpose of
7 this subsection, the term "historic" means that the building
8 or structure is listed on the National Register of Historic
9 Places of the United States Department of the Interior.

10 (a) The local governing body shall determine,
11 following a public hearing which has been advertised in a
12 newspaper of general circulation at least 10 days before the
13 hearing, if there is a need to strengthen the requirements of
14 the minimum firesafety code adopted by such governing body.
15 The determination must be based upon a review of local
16 conditions by the local governing body, which review
17 demonstrates that local conditions justify more stringent
18 requirements than those specified in the minimum firesafety
19 code for the protection of life and property or justify
20 requirements that meet special situations arising from
21 historic, geographic, or unusual conditions.

22 (b) Such additional requirements shall not be
23 discriminatory as to materials, products, or construction
24 techniques of demonstrated capabilities.

25 (c) Paragraphs (a) and (b) apply solely to the local
26 enforcing agency's adoption of requirements more stringent
27 than those specified in the Florida Fire Prevention Code and
28 the Life Safety Code that have the effect of amending building
29 construction standards. Upon request, the enforcing agency
30 shall provide a person making application for a building
31 permit, or any state agency or board with construction-related

1 regulation responsibilities, a listing of all such
2 requirements and codes.

3 (d) A local government which adopts amendments to the
4 minimum firesafety code must provide a procedure by which the
5 validity of such amendments may be challenged by any
6 substantially affected party to test the amendment's
7 compliance with the provisions of this section.

8 1. Unless the local government agrees to stay
9 enforcement of the amendment, or other good cause is shown,
10 the challenging party shall be entitled to a hearing on the
11 challenge within 45 days.

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

15

16 This subsection gives local government the authority to
17 establish firesafety codes that exceed the minimum firesafety
18 codes and standards adopted by the State Fire Marshal. The
19 Legislature intends that local government give proper public
20 notice and hold public hearings before adopting more stringent
21 firesafety codes and standards.A substantially affected
22 person may appeal, to the Department of Insurance, the local
23 government's resolution of the challenge, and the department
24 shall determine if the amendment complies with this section.
25 Actions of the department are subject to judicial review
26 pursuant to s. 120.68. The department shall consider reports
27 of the Florida Building Commission, pursuant to part VII of
28 chapter 533, when evaluating building code enforcement.

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

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

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

12 Section 106. Section 633.72, Florida Statutes, is
13 amended to read:

14 633.72 Florida Fire Code Advisory Council.--

15 (1) There is created within the department the Florida
16 Fire Code Advisory Council with 11 ~~seven~~ members appointed by
17 the State Fire Marshal. The council, ~~in cooperation with the~~
18 ~~Florida Building Commission,~~ shall advise and recommend to the
19 State Fire Marshal ~~and, where appropriate, for further~~
20 ~~recommendation to the Legislature~~ changes to ~~in~~ and
21 interpretation of the uniform firesafety standards adopted
22 under s. 633.022, the Florida Fire Prevention Code, and those
23 portions of the Florida Fire Prevention Code ~~codes~~ that have
24 the effect of conflicting with building construction standards
25 that are adopted pursuant to ss. ~~s.~~ 633.0215 and 633.022. The
26 members of the council shall represent the following groups
27 and professions:

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

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1 (b) One member shall be an administrative officer from
2 a fire department representing a municipality or a county
3 selected from a list of persons submitted by the Florida Fire
4 Chiefs Association;

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

8 (d) One member shall be an a-structure engineer with
9 fire protection design experience registered to practice in
10 the state selected from a list of persons submitted by the
11 Florida Engineering Society;

12 (e) One member shall be an administrative officer from
13 a building department of a county or municipality selected
14 from a list of persons submitted by the Building Officials
15 Association of Florida;

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

19 (g) One member shall be a Florida certified
20 firefighter selected from a list submitted by the Florida
21 Professional Firefighters' Association;

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

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

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

29 (k)~~(g)~~ One member shall be representative of the
30 general public.

31

1 (2)(h) The ~~administrative staff of the~~ State Fire
2 Marshal and ~~shall attend meetings of~~ the Florida Building
3 Commission shall ~~and~~ coordinate efforts to provide consistency
4 between the Florida Building Code and the Florida Fire
5 Prevention Code and the Life Safety Code.

6 (3) The council and Florida Building Commission shall
7 cooperate through joint representation and ~~staff~~ coordination
8 of codes and standards to resolve conflicts in their
9 development, updating, and interpretation.

10 (4)(2) Each appointee shall serve a 4-year term. No
11 member shall serve more than one term. No member of the
12 council shall be paid a salary as such member, but each shall
13 receive travel and expense reimbursement as provided in s.
14 112.061.

15 Section 107. Section 62 of chapter 98-287, Laws of
16 Florida, is amended to read:

17 Section 62. (1) Before the 2000 Regular Session of
18 the Legislature, the Florida Building Commission shall submit
19 to the Legislature, for review ~~and approval or rejection,~~ the
20 Florida Building Code adopted by the commission and shall
21 prepare list of recommendations of revisions to the Florida
22 Statutes necessitated by adoption of the Florida Building Code
23 if the Legislature approves the Florida Building Code.

24 (2) Effective July 1, 2001 ~~Upon approval of the~~
25 ~~Florida Building Code by the Legislature,~~ all existing local
26 technical amendments to any building code adopted by any local
27 government, except for local ordinances setting forth
28 administrative requirements which are not in conflict with the
29 Florida Building Code, are repealed. Each local government may
30 readopt such amendments pursuant to s. 553.73, Florida
31

1 Statutes, provided such amendments comply with applicable
2 provisions of the Florida Building Code.

3 Section 108. Section 68 of chapter 98-287, Laws of
4 Florida, is amended to read:

5 Section 68. Effective July 1, 2001 ~~upon the approval~~
6 ~~by the Legislature of the adoption of the Florida Building~~
7 ~~Code by the Florida Building Commission~~, parts I, II, and III
8 of chapter 553, Florida Statutes, consisting of sections
9 553.01, 553.02, 553.03, 553.04, 553.041, 553.05, 553.06,
10 553.07, 553.08, 553.10, 553.11, 553.14, 553.15, 553.16,
11 553.17, 553.18, ~~553.19~~, 553.20, 553.21, 553.22, 553.23,
12 553.24, 553.25, 553.26, 553.27, and 553.28, Florida Statutes,
13 are repealed, and section 553.141, Florida Statutes, is
14 transferred and renumbered as section 553.86, Florida
15 Statutes.

16 Section 109. The Legislature has reviewed the Florida
17 Building Code that was adopted by action of the Florida
18 Building Commission on February 15, 2000, and that was noticed
19 for rule adoption by reference in Rule 9B-3.047, F.A.C., on
20 February 18, 2000, in the Florida Administrative Weekly on
21 page 731. The Florida Building Commission is directed to
22 continue the process to adopt the code, pursuant to section
23 120.54(3), Florida Statutes, and to incorporate the following
24 provisions or standards for the State of Florida:

25 (1) The commission shall apply the criteria set forth
26 at section 553.73(7)(a) and (b), Florida Statutes, as amended
27 by section 40 of chapter 98-287, Laws of Florida, and section
28 553.73(6)(c), Florida Statutes, as created by this act, for
29 the adoption of any amendments to the base codes after the
30 effective date of this act. The commission shall review
31 modifications to the base codes adopted by the commission on

1 or before February 15, 2000, which are identified verbally or
2 in writing during the public hearings on proposed rule
3 9B-3.047 held pursuant to chapter 120, Florida Statutes,
4 except those integrating state agency construction
5 regulations, high velocity hurricane zone provisions, and
6 those necessary to harmonize the Florida Building Code with
7 the Florida Fire Prevention Code, and shall confirm that such
8 amendments meet the requirements of s. 553.73(7), Florida
9 Statutes, as amended by s. 40, chapter 98-287, Laws of
10 Florida. In addition, the commission shall apply the above
11 referenced criteria to s. 610.1.ABC.3.5.2. of chapter 13 of
12 the Florida Building Code. Any modification which, after such
13 criteria are applied is not approved for inclusion by an
14 affirmative vote of three-fourths of the commission members
15 present and voting, must be removed from the code pursuant to
16 chapter 120, Florida Statutes.

17 (2) All amendments to the Florida Building Code shall
18 be published in legislative format, with underlining
19 indicating where new language is added to the existing
20 provisions and strikeout indicating where existing language is
21 deleted.

22 (3) For areas of the state not within the high
23 velocity hurricane zone, the commission shall adopt, pursuant
24 to s. 553.73, Florida Statutes, the wind protection
25 requirements of the American Society of Civil Engineers,
26 Standard 7, 1998 edition as implemented by the International
27 Building Code, 2000 edition, and as modified by the commission
28 in its February 15, 2000, adoption of the Florida Building
29 Code for rule adoption by reference in Rule 9B-3.047, Florida
30 Administrative Code. However, from the eastern border of
31 Franklin County to the Florida-Alabama line, only land within

1 1 mile of the coast shall be subject to the windborne-debris
2 requirements adopted by the commission. The exact location of
3 wind speed lines shall be established by local ordinance,
4 using recognized physical landmarks such as major roads,
5 canals, rivers, and lake shores, wherever possible. Buildings
6 constructed in the windborne debris region must be either
7 designed for internal pressures that may result inside a
8 building when a window or door is broken or a hole is created
9 in its walls or roof by large debris, or be designed with
10 protected openings. Except in the high velocity hurricane
11 zone, local governments may not prohibit the option of
12 designing buildings to resist internal pressures.

13 (4) The Florida Building Commission is directed to
14 amend section 611 of the Plumbing Section of the Florida
15 Building Code to incorporate the following:

16 (a) When reduction of aesthetic contaminants, such as
17 chlorine, taste, odor, or sediment are claimed, the drinking
18 water treatment units must meet the requirements of NSF
19 Standard 42 Drinking Water Treatment Units-Aesthetic Effects,
20 or Water Quality Association Standard S-200 for Household and
21 Commercial Water Filters. When reduction of regulated health
22 contaminants is claimed, such as inorganic or organic
23 chemicals, or radiological substances, the drinking water
24 treatment unit must meet the requirements of NSF Standard 53
25 Drinking Water Treatment Units-Health Effects.

26 (b) Reverse osmosis drinking water treatment systems
27 shall meet the requirements of NSF Standard 58 Reverse Osmosis
28 Drinking Water Treatment Units or Water Quality Association
29 Standard S-300 Point-of-Use Low Pressure Reverse Osmosis
30 Drinking Water Systems for the Reduction of Total Dissolved
31 Solids Only.

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

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

10 (5) The Florida Building Commission is directed to
11 reinsert into the Florida Building Code Sections 104.3.2 and
12 104.6.2 of the Florida Building Code, Third Draft, related to
13 a building official's authority to elect to issue a permit
14 based upon plan review by a registered architect or engineer.
15 The building official is responsible for ensuring that any
16 person conducting a plan review is qualified as a plans
17 examiner under part XII of chapter 468, Florida Statutes, and
18 that any person conducting inspections is qualified as a
19 building inspector under part XII of chapter 468, Florida
20 Statutes.

21 (6) The Florida Building Commission is directed to
22 amend paragraph F of Section 105.13 of the Florida Building
23 Code to make clear that the building department may allow a
24 special inspector to conduct the minimum structural inspection
25 of threshold buildings required by the Florida Building Code
26 and section 553.73, Florida Statutes, without duplicative
27 inspection by the building department. The building official
28 is responsible for ensuring that any person conducting
29 inspections is qualified as a building inspector under part
30 XII of chapter 468, Florida Statutes, or certified as a
31

1 special inspector under chapter 471, Florida Statutes, or
2 chapter 481, Florida Statutes.

3 (7) The Florida Building Commission is directed to
4 amend Section 127.5.9.8.5 of the Florida Building Code to make
5 clear that the building official may allow a special inspector
6 to conduct all mandatory inspections in accordance with
7 section 127.3 of the Code, without duplicative inspection by
8 the building official. The building official is responsible
9 for ensuring that any person conducting inspections is
10 qualified as a building inspector under part XII of chapter
11 468, Florida Statutes, or certified as a special inspector
12 under chapter 471, Florida Statutes, or chapter 481, Florida
13 Statutes.

14
15 The Legislature declares that changes made to the proposed
16 Rule 9B-3.047, Florida Administrative Code, to implement the
17 requirements of this act prior to October 1, 2000, are not
18 subject to rule challenges under section 120.56, Florida
19 Statutes. However, the entire rule, adopted pursuant to s.
20 120.54(3), Florida Statutes, as amended after October 1, 2000,
21 is subject to rule challenges under s. 120.56, Florida
22 Statutes.

23 Section 110. (1)(a) The Department of Community
24 Affairs shall undertake a demonstration and education project
25 to demonstrate the true cost associated with the
26 implementation of the Florida Building Code. The project
27 shall consist of the construction of 12 residential
28 single-family homes in various regions of the state to the
29 standards of the Florida Building Code. These project homes
30 shall be used to determine the material and labor cost
31 differential between the Florida Building Code and the current

1 state minimum building code. The cost differential data shall
2 be determined by two categories: those costs associated with
3 compliance with ASCE-7-98 and those costs associated with
4 other incremental costs associated with other compliance
5 provisions of the Florida Building Code. The department shall
6 provide the resources to offset any increased cost of building
7 to the Florida Building Code, and shall provide an analysis
8 and accounting of such additional costs prepared by an
9 appropriate engineering firm and accounting firm. These homes
10 shall be used for educational purposes in the local community,
11 and shall be utilized as a demonstration project available for
12 inspection and education training as determined by the
13 Residential Mitigation Construction Advisory Council.

14 (b) The results of the accounting and analysis shall
15 be forwarded by the department to the Florida Building
16 Commission for use in reviewing the Florida Building Code and
17 to the Department of Insurance.

18 (c) The department shall implement this project
19 following the effective date of this act.

20 (d) The Residential Mitigation Construction Advisory
21 Council, with the department, shall serve as the advisory
22 group for this project. Decisions regarding the conduct of
23 the project and contracting with the appropriate engineering
24 group and accounting group shall be made by consensus of the
25 advisory group.

26 (2) The department shall issue a report of its
27 findings to the Governor, the President of the Senate, and the
28 Speaker of the House of Representatives upon completion of the
29 construction and data collection.

30 Section 111. (1) The select committee to investigate
31 the feasibility of establishing performance-based criteria for

1 the cost-effective application of fire codes and fire code
2 alternatives for existing educational facilities established
3 by chapter 98-287, Laws of Florida, is authorized to continue
4 its investigation. Committee appointment authority
5 established by chapter 98-287, Laws of Florida, shall continue
6 should any position on the select committee become vacant.
7 Members of the committee shall serve at their own expense
8 except that state employees shall be reimbursed for travel
9 costs incurred from existing budgets in accordance with s.
10 112.061, Florida Statutes.

11 (2) Funds in the amount of \$35,000 are appropriated to
12 the State Fire Marshal from the Insurance Commissioner's
13 Regulatory Trust Fund for the purposes of providing training
14 and education to those impacted by its use on the application
15 of the alternative fire safety standards for educational
16 facilities. The Division of State Fire Marshal shall review
17 the alternative code for existing educational facilities and
18 may adopt such alternative code by rule as part of the Florida
19 Fire Prevention Code as an acceptable alternative for code
20 compliance.

21 Section 112. The Florida Building Commission shall
22 examine the applicability of the full proposed Florida
23 Building Code to buildings manufactured and assembled offsite
24 but not intended for human habitation, including, but not
25 limited to, storage sheds and lawn storage buildings. The
26 commission shall consider whether such buildings should be
27 subject to the same standards applicable to buildings intended
28 for human habitation; the additional financial costs
29 associated with compliance with such standards; the risk
30 reduction effects associated with such compliance; and the
31 long term economic and practical consequences attendant to

1 such compliance. The commission shall report its findings and
2 recommendations for statutory changes, if any, to the
3 President of the Senate and the Speaker of the House of
4 Representatives prior to the beginning of the 2001 Regular
5 Session of the Legislature.

6 Section 113. Section 1 of chapter 98-287, Laws of
7 Florida, is amended to read:

8 Section 1. Effective July ~~January~~ 1, 2001, paragraph
9 (d) of subsection (2) of section 125.69, Florida Statutes, is
10 amended to read:

11 125.69 Penalties; enforcement by code inspectors.--

12 (2) The board of county commissioners of each county
13 may designate its agents or employees as code inspectors whose
14 duty it is to assure code compliance. Any person designated
15 as a code inspector may issue citations for violations of
16 county codes and ordinances, respectively, or subsequent
17 amendments thereto, when such code inspector has actual
18 knowledge that a violation has been committed.

19 (d) The provisions of this subsection shall not apply
20 to the enforcement pursuant to ss. 553.79 and 553.80 of the
21 Florida Building Code codes adopted pursuant to s. 553.73 as
22 applied ~~they apply~~ to construction, provided that a building
23 permit is either not required or has been issued by the
24 county. ~~For the purposes of this paragraph, "building codes"~~
25 ~~means only those codes adopted pursuant to s. 553.73.~~

26 Section 114. Section 2 of chapter 98-287, Laws of
27 Florida, is amended to read:

28 Section 2. Effective July ~~January~~ 1, 2001, subsection
29 (11) of section 161.54, Florida Statutes, is amended to read:

30 161.54 Definitions.--In construing ss. 161.52-161.58:
31

1 (11) "State minimum building codes" means the Florida
2 Building Code ~~recognized model building construction codes~~ as
3 identified in s. 553.73.

4 Section 115. Section 4 of chapter 98-287, Laws of
5 Florida, is amended to read:

6 Section 4. Effective July ~~January~~ 1, 2001, subsection
7 (7) of section 162.21, Florida Statutes, is amended to read:

8 162.21 Enforcement of county or municipal codes or
9 ordinances; penalties.--

10 (7) The provisions of this part shall not apply to the
11 enforcement pursuant to ss. 553.79 and 553.80 of the Florida
12 Building Code ~~codes~~ adopted pursuant to s. 553.73 as applied
13 ~~they apply~~ to construction, provided that a building permit is
14 either not required or has been issued by the county or the
15 municipality. ~~For the purposes of this subsection, "building~~
16 ~~codes" means only those codes adopted pursuant to s. 553.73.~~

17 Section 116. Section 5 of chapter 98-287, Laws of
18 Florida, is amended to read:

19 Section 5. Effective July ~~January~~ 1, 2001, subsection
20 (5) of section 166.0415, Florida Statutes, is amended to read:

21 166.0415 Enforcement by code inspectors; citations.--

22 (5) The provisions of this section shall not apply to
23 the enforcement pursuant to ss. 553.79 and 553.80 of the
24 Florida Building Code ~~codes~~ adopted pursuant to s. 553.73 as
25 applied ~~they apply~~ to construction, provided that a building
26 permit is either not required or has been issued by the
27 municipality. ~~For the purposes of this subsection, "building~~
28 ~~codes" means only those codes adopted pursuant to s. 553.73.~~

29 Section 117. Section 7 of chapter 98-287, Laws of
30 Florida, is amended to read:

31

1 Section 7. Effective ~~July~~ January 1, 2001, subsection
2 (3) of section 468.602, Florida Statutes, is amended to read:

3 468.602 Exemptions.--This part does not apply to:
4 (3) Persons acting as special inspectors for code
5 enforcement jurisdictions ~~and plans examiners pursuant to s.~~
6 ~~235.26~~ while conducting special inspections not required as
7 minimum inspections by the Florida Building Code activities
8 ~~authorized by certification under that section.~~

9 Section 118. Section 9 of chapter 98-287, Laws of
10 Florida, is amended to read:

11 Section 9. Effective ~~July~~ January 1, 2001, paragraph
12 (h) is added to subsection (1) of section 468.621, Florida
13 Statutes, to read:

14 468.621 Disciplinary proceedings.--

15 (1) The following acts constitute grounds for which
16 the disciplinary actions in subsection (2) may be taken:

17 (h) Failing to execute the duties and responsibilities
18 specified in part XII of chapter 468 and ss. 553.73, 553.781,
19 and 553.79.

20 Section 119. Section 13 of chapter 98-287, Laws of
21 Florida, is amended to read:

22 Section 13. Effective ~~July~~ January 1, 2001, paragraph
23 (c) of subsection (3) of section 471.033, Florida Statutes, is
24 amended to read:

25 471.033 Disciplinary proceedings.--

26 (3) When the board finds any person guilty of any of
27 the grounds set forth in subsection (1), it may enter an order
28 imposing one or more of the following penalties:

29 (c) Imposition of an administrative fine not to exceed
30 \$1,000 for each count or separate offense and a fine of up to
31

1 \$5,000 for matters pertaining to a material violation of the
2 Florida Building Code as reported by a local jurisdiction.

3 Section 120. Section 14 of chapter 98-287, Laws of
4 Florida, is amended to read:

5 Section 14. Effective July ~~January~~ 1, 2001,
6 subsections (5) and (6) are added to section 481.215, Florida
7 Statutes, to read:

8 481.215 Renewal of license.--

9 (5) Each licensee shall provide to the board proof of
10 completion of the core curriculum courses, or passing the
11 equivalency test of the Building Code Training Program
12 established by s. 553.841, within 2 years after commencement
13 of the program or after initial licensure, whichever is later.
14 Hours spent taking core curriculum courses shall count toward
15 the number required for license renewal. A licensee who
16 passes the equivalency test in lieu of taking the core
17 curriculum courses shall receive full credit for such core
18 curriculum course hours.

19 (6) The board shall require, by rule adopted pursuant
20 to ss. 120.536(1) and 120.54, a specified number of hours in
21 specialized or advanced courses, approved by the Florida
22 Building Commission, on any portion of the Florida Building
23 Code, adopted pursuant to part VII of chapter 553, relating to
24 the licensee's respective area of practice.

25 Section 121. Section 15 of chapter 98-287, Laws of
26 Florida, is amended to read:

27 Section 15. Effective July ~~January~~ 1, 2001, paragraph
28 (c) of subsection (3) of section 481.225, Florida Statutes, is
29 amended to read:

30 481.225 Disciplinary proceedings against registered
31 architects.--

1 (3) When the board finds any registered architect
2 guilty of any of the grounds set forth in subsection (1), it
3 may enter an order imposing one or more of the following
4 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 122. Section 16 of chapter 98-287, Laws of
10 Florida, is amended to read:

11 Section 16. Effective July ~~January~~ 1, 2001, paragraph
12 (d) of subsection (2) of section 481.2251, Florida Statutes,
13 is amended to read:

14 481.2251 Disciplinary proceedings against registered
15 interior designers.--

16 (2) When the board finds any person guilty of any of
17 the grounds set forth in subsection (1), it may enter an order
18 taking the following action or imposing one or more of the
19 following penalties:

20 (d) Imposition of an administrative fine not to exceed
21 \$1,000 for each violation or separate offense and a fine of up
22 to \$5,000 for matters pertaining to a material violation of
23 the Florida Building Code as reported by a local jurisdiction;
24 or

25 Section 123. Section 17 of chapter 98-287, Laws of
26 Florida, is amended to read:

27 Section 17. Effective July ~~January~~ 1, 2001,
28 subsections (3), (4), (5), and (6) are added to section
29 481.313, Florida Statutes, to read:

30 481.313 Renewal of license.--

31

1 (3) No license renewal shall be issued to a landscape
2 architect by the department until the licensee submits proof,
3 satisfactory to the department, that during the 2 year period
4 prior to application for renewal, the licensee participated in
5 such continuing education courses required by the board. The
6 board shall approve only continuing education courses that
7 relate to and increase the basic knowledge of landscape
8 architecture. The board may make an exception from the
9 requirements of continuing education in emergency or hardship
10 cases.

11 (4) The board, by rule adopted pursuant to ss.
12 120.536(1) and 120.54, shall establish criteria for the
13 approval of continuing education courses and providers, and
14 shall by rule establish criteria for accepting alternative
15 nonclassroom continuing education on an hour-for-hour basis.

16 (5) Each license holder shall provide to the board
17 proof of completion of the core curriculum courses, or passing
18 the equivalency test of the Building Code Training Program
19 established by s. 553.841, within 2 years after commencement
20 of the program or of initial licensure, whichever is later.
21 Hours spent taking core curriculum courses shall count toward
22 the number required for license renewal. A licensee who
23 passes the equivalency test in lieu of taking the core
24 curriculum courses shall receive full credit for core
25 curriculum course hours.

26 (6) The board shall require, by rule adopted pursuant
27 to ss. 120.536(1) and 120.54, a specified number of hours in
28 specialized or advanced courses, approved by the Florida
29 Building Commission, on any portion of the Florida Building
30 Code, adopted pursuant to part VII of chapter 553, relating to
31 the licensee's respective area of practice.

1 Section 124. Section 18 of chapter 98-287, Laws of
2 Florida, is amended to read:

3 Section 18. Effective July ~~January~~ 1, 2001, paragraph
4 (c) of subsection (3) of section 481.325, Florida Statutes, is
5 amended to read:

6 481.325 Disciplinary proceedings.--

7 (3) When the board finds any registered landscape
8 architect guilty of any of the grounds set forth in subsection
9 (1), it may enter an order imposing one or more of the
10 following penalties:

11 (c) Imposition of an administrative fine not to exceed
12 \$1,000 for each count or separate offense and a fine of up to
13 \$5,000 for matters pertaining to a material violation of the
14 Florida Building Code as reported by a local jurisdiction.

15 Section 125. Section 24 of chapter 98-287, Laws of
16 Florida, is amended to read:

17 Section 24. Effective July ~~January~~ 1, 2001, paragraph
18 (e) of subsection (3) of section 489.131, Florida Statutes, is
19 amended to read:

20 489.131 Applicability.--

21 (3) Nothing in this part limits the power of a
22 municipality or county:

23 (e) To require one bond for each contractor in an
24 amount not to exceed \$5,000, which bond shall be conditioned
25 only upon compliance with the Florida ~~applicable state minimum~~
26 ~~Building Code and applicable local building code requirements~~
27 adopted pursuant to s. 553.73. Any such bond must be equally
28 available to all contractors without regard to the period of
29 time a contractor has been certified or registered and without
30 regard to any financial responsibility requirements. Any such
31 bonds shall be payable to the Construction Industry Recovery

1 Fund and filed in each county or municipality in which a
2 building permit is requested. Bond reciprocity shall be
3 granted statewide. All such bonds shall be included in
4 meeting any financial responsibility requirements imposed by
5 any statute or rule. Any contractor who provides a third
6 party insured warranty policy in connection with a new
7 building or structure for the benefit of the purchaser or
8 owner shall be exempt from the bond requirements under this
9 subsection with respect to such building or structure.

10 Section 126. Section 29 of chapter 98-287, Laws of
11 Florida, is amended to read:

12 Section 29. Effective July ~~January~~ 1, 2001, paragraph
13 (i) of subsection (1) of section 489.533, Florida Statutes, is
14 amended to read:

15 489.533 Disciplinary proceedings.--

16 (1) The following acts shall constitute grounds for
17 disciplinary actions as provided in subsection (2):

18 (i) ~~Willfully or deliberately disregarding and~~
19 Violating the applicable building codes or laws of the state
20 or any municipality or county thereof.

21
22 For the purposes of this subsection, construction is
23 considered to be commenced when the contract is executed and
24 the contractor has accepted funds from the customer or lender.

25 Section 127. Section 31 of chapter 98-287, Laws of
26 Florida, is amended to read:

27 Section 31. Effective July ~~January~~ 1, 2001, paragraph
28 (d) of subsection (3) of section 489.537, Florida Statutes, is
29 amended to read:

30 489.537 Application of this part.--

31

1 (3) Nothing in this act limits the power of a
2 municipality or county:

3 (d) To require one bond for each electrical contractor
4 in an amount not to exceed \$5,000, which bond shall be
5 conditioned only upon compliance with the Florida applicable
6 ~~state minimum Building Code and applicable local building code~~
7 ~~requirements~~ adopted pursuant to s. 553.73. Any such bond
8 must be equally available to all electrical contractors
9 without regard to the period of time an electrical contractor
10 has been certified or registered and without regard to any
11 financial responsibility requirements. Any such bonds shall
12 be payable to the Governor and filed in each county or
13 municipality in which a building permit is requested. Bond
14 reciprocity shall be granted statewide. All such bonds shall
15 be included in meeting any financial responsibility
16 requirements imposed by any statute or rule.

17 (e)1. To refuse to issue permits or issue permits with
18 specific conditions to a contractor who has committed multiple
19 violations, when he or she has been disciplined for each of
20 them by the board and when each disciplinary action has
21 involved revocation or suspension of a license, imposition of
22 an administrative fine of at least \$1,000, or probation.

23 2. To issue permits with specific conditions to a
24 contractor who, within the previous 12 months, has had final
25 action taken against him or her, by the department or by a
26 local board or agency which licenses contractors and has
27 reported the action pursuant to paragraph (5)(c), for engaging
28 in the business or acting in the capacity of a contractor
29 without a license.

30 Section 128. Section 32 of chapter 98-287, Laws of
31 Florida, is amended to read:

1 Section 32. Effective July ~~January~~ 1, 2001, paragraph
2 (d) of subsection (5) of section 500.459, Florida Statutes, is
3 amended to read:

4 500.459 Water vending machines.--

5 (5) OPERATING STANDARDS.--

6 (d) Each water vending machine must have a backflow
7 prevention device that conforms with the applicable provision
8 of the Florida Building Code s. 553.06 and an adequate system
9 for collecting and handling dripping, spillage, and overflow
10 of water.

11 Section 129. Section 34 of chapter 98-287, Laws of
12 Florida, is amended to read:

13 Section 34. Effective July ~~January~~ 1, 2001, subsection
14 (2) of section 553.18, Florida Statutes, is amended to read:

15 553.18 Scope.--

16 (2) Local jurisdictions ~~County, municipal, improvement~~
17 ~~district, or state governing bodies~~ may adopt and enforce
18 ~~additional or~~ more stringent standards or administrative
19 procedures and requirements than those prescribed by this
20 code, including but not limited to fees if the standards or
21 administrative procedures and requirements are in conformity
22 with standards set forth in the Florida Building Code s.
23 ~~553.19~~.

24 Section 130. Section 36 of chapter 98-287, Laws of
25 Florida, is amended to read:

26 Section 36. Effective July ~~January~~ 1, 2001, part VII
27 of chapter 553, Florida Statutes, shall be entitled "Florida
28 Building Code."

29 Section 131. Section 44 of chapter 98-287, Laws of
30 Florida, is amended to read:

31

1 Section 44. Effective ~~July~~ January 1, 2001,
2 subsections (4) and (5) are added to section 553.76, Florida
3 Statutes, as amended by this act, to read:

4 553.76 General powers of the commission.--The
5 commission is authorized to:

6 (4) Adopt rules pursuant to ss. 120.536(1) and 120.54
7 to implement the provisions of the Florida Building Code and
8 the provisions of this chapter.

9 (5) Adopt and promote, in consultation with state and
10 local governments, other boards, advisory councils, and
11 commissions, such recommendations as are deemed appropriate to
12 determine and ensure consistent, effective and efficient
13 enforcement and compliance with the Florida Building Code,
14 including, but not limited to, voluntary professional
15 standards for the operation of building departments and for
16 personnel development. Recommendations shall include, but not
17 be limited to, provisions for coordination among and between
18 local offices with review responsibilities and their
19 coordination with state or regional offices with special
20 expertise.

21 Section 132. Section 56 of chapter 98-287, Laws of
22 Florida, is amended to read:

23 Section 56. Effective ~~July~~ January 1, 2001, paragraph
24 (c) of subsection (2) of section 627.351, Florida Statutes, is
25 amended to read:

26 627.351 Insurance risk apportionment plans.--

27 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

28 (c) The provisions of paragraph (b) are applicable
29 only with respect to:

30 1. Those areas that were eligible for coverage under
31 this subsection on April 9, 1993; or

1 2. Any county or area as to which the department,
2 after public hearing, finds that the following criteria exist:

3 a. Due to the lack of windstorm insurance coverage in
4 the county or area so affected, economic growth and
5 development is being deterred or otherwise stifled in such
6 county or area, mortgages are in default, and financial
7 institutions are unable to make loans;

8 b. The county or area so affected ~~has adopted and~~ is
9 enforcing the structural requirements of the Florida State
10 Minimum Building Code Codes, as defined in s. 553.73, for new
11 construction and has included adequate minimum floor elevation
12 requirements for structures in areas subject to inundation;
13 and

14 c. Extending windstorm insurance coverage to such
15 county or area is consistent with and will implement and
16 further the policies and objectives set forth in applicable
17 state laws, rules, and regulations governing coastal
18 management, coastal construction, comprehensive planning,
19 beach and shore preservation, barrier island preservation,
20 coastal zone protection, and the Coastal Zone Protection Act
21 of 1985.

22
23 The department shall consider reports of the Florida Building
24 Commission when evaluating building code enforcement. Any time
25 after the department has determined that the criteria referred
26 to in this subparagraph do not exist with respect to any
27 county or area of the state, it may, after a subsequent public
28 hearing, declare that such county or area is no longer
29 eligible for windstorm coverage through the plan.

30 Section 133. Notwithstanding the effective date of any
31 section of this act or chapter 98-287, Laws of Florida, any

1 authority to adopt rules provided by this act or chapter
2 98-287, Laws of Florida, shall take effect upon this act
3 becoming a law.

4 Section 134. Section 125.0106, Florida Statutes, is
5 repealed.

6 Section 135. Effective July 1, 2001, subsection (2) of
7 section 255.21, Florida Statutes, paragraphs (d) and (e) of
8 subsection (1) of section 395.1055, Florida Statutes, and
9 subsection (11) of section 553.79, Florida Statutes, are
10 repealed.

11 Section 136. This act does not imply any repeal or
12 sunset of existing general or special laws governing any
13 special district that are not specifically identified by this
14 act. However, this act is intended as a comprehensive
15 revision of the regulation by counties and municipalities of
16 the design, construction, erection, alteration, modification,
17 repair and demolition of public and private buildings.
18 Therefore, any sections or provisions of any special act
19 governing those activities by any general purpose local
20 government is hereby repealed.

21 Section 137. Except as otherwise specifically provided
22 in this act, this act shall take effect upon becoming a law.

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