

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Clary, Diaz-Balart, Campbell, Lee, McKay, Casas and Sullivan

316-1814D-00

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

1 deleting structural requirements for specific
2 types of coastal structures; amending s.
3 161.56, F.S.; deleting authority of local
4 governments to enforce coastal construction
5 standards; deleting authority of local
6 governments to adopt specific building codes;
7 amending s. 235.26, F.S.; eliminating authority
8 of the Commissioner of Education to adopt a
9 uniform statewide building code for public
10 educational and ancillary facilities;
11 authorizing the commissioner to develop such a
12 code and submit it to the Florida Building
13 Commission for adoption; providing specific
14 requirements for the development of the code;
15 requiring specific types of construction to
16 conform to the Florida Building Code and the
17 Florida Fire Prevention Code; providing for
18 enforcement of the codes by school districts,
19 community colleges, and the Department of
20 Education; providing for review of and updates
21 to the code; amending s. 253.033, F.S.;
22 replacing references to local building codes
23 with references to the Florida Building Code;
24 amending s. 255.25, F.S.; deleting the
25 requirement that the Department of Management
26 Services approve design and construction plans
27 for state agency buildings; amending s. 255.31,
28 F.S.; eliminating authority of the department
29 to conduct plan reviews and inspection
30 services; providing exceptions; amending s.
31 316.1955, F.S.; deleting parking requirements

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

1 Florida Building Code; amending s. 395.1055,
2 F.S.; eliminating the authority of the Agency
3 for Health Care Administration to adopt
4 standards for construction of licensed
5 facilities; providing for adoption of those
6 standards within the Florida Building Code;
7 authorizing the agency to enforce specified
8 provisions of the Florida Building Code and the
9 Florida Fire Prevention Code; amending s.
10 395.10973, F.S.; authorizing the Agency for
11 Health Care Administration to enforce specified
12 provisions of the Florida Building Code;
13 amending s. 399.02, F.S.; eliminating the
14 Division of Elevator Safety's authority to
15 adopt certain codes and provide exceptions
16 thereto; requiring the division to develop a
17 code and submit it to the Florida Building
18 Commission for adoption; authorizing the
19 division to enforce specified provisions of the
20 Florida Building Code; requiring the division
21 to review and recommend revisions to the
22 Florida Building Code; amending ss. 399.03,
23 399.13, F.S.; substituting references to the
24 Florida Building Code for references to the
25 Elevator Safety Code; amending s. 399.061,
26 F.S.; revising requirements for elevator
27 inspections and service maintenance contracts;
28 amending s. 400.011, F.S.; revising the purpose
29 of part I of ch. 400, F.S., to eliminate the
30 provision of construction standards for nursing
31 homes and related health care facilities;

1 amending s. 400.23, F.S.; eliminating the
2 authority of the Agency for Health Care
3 Administration to adopt construction
4 regulations for nursing homes and related
5 health care facilities; authorizing the agency
6 to enforce specified provisions of the Florida
7 Building Code; directing the agency to assist
8 the Florida Building Commission; amending s.
9 400.232, F.S.; providing that the design and
10 construction of nursing homes is governed by
11 the Florida Building Code and the Florida Fire
12 Prevention Code; authorizing the agency to
13 conduct plan reviews and construction surveys
14 of those facilities; amending s. 468.604, F.S.;
15 substituting references to the Florida Building
16 Code for references to listed locally adopted
17 codes; amending s. 468.607, F.S.; providing for
18 the continuing validity of the certifications
19 of certain building inspectors and plans
20 examiners for a certain period of time;
21 amending s. 468.609, F.S.; clarifying the
22 prerequisites for taking certain certification
23 examinations; amending s. 468.617, F.S.; adding
24 school boards, community college boards, state
25 agencies, and state universities as entities
26 that may contract for joint inspection services
27 or contract with other certified persons to
28 perform plan reviews and inspection services;
29 amending s. 469.002, F.S.; eliminating a
30 required asbestos disclosure statement;
31 providing for inclusion of such a statement

1 within the Florida Building Code; amending s.
2 471.015, F.S.; authorizing the Board of
3 Professional Engineers to establish
4 qualifications for special inspectors of
5 threshold buildings and to establish
6 qualifications for the qualified representative
7 of such a special inspector; providing for
8 minimum qualifications for qualified
9 representatives; amending s. 481.213, F.S.;
10 authorizing the Board of Architecture and
11 Interior Design to establish qualifications for
12 certifying licensed architects as special
13 inspectors of threshold buildings and to
14 establish qualifications for the qualified
15 representative of such a special inspector;
16 amending s. 489.103, F.S.; substituting
17 references to the Florida Building Code for
18 references to locally adopted codes; amending
19 s. 489.107, F.S.; requiring that the office of
20 the Construction Industry Licensing Board be in
21 Leon County; amending ss. 489.115, 497.255,
22 553.06, 553.141, 553.503, 553.506, 553.512,
23 553.73, 553.74, F.S.; replacing references to
24 the Board of Building Codes and Standards with
25 references to the Florida Building Commission;
26 amending s. 500.09, F.S.; clarifying that the
27 Department of Agriculture and Consumer Services
28 may not adopt construction regulations for food
29 establishments; requiring the adoption of such
30 regulations within the Florida Building Code;
31 authorizing the department to enforce specified

1 provisions of the Florida Building Code;
2 preserving the department's authority to adopt
3 and enforce sanitary regulations; amending s.
4 500.12, F.S.; authorizing the department to
5 enforce specific provisions of the Florida
6 Building Code; providing a requirement for
7 obtaining or renewing a local occupational
8 license; amending s. 500.147, F.S.; authorizing
9 the department to enforce specific provisions
10 of the Florida Building Code; amending s.
11 509.032, F.S.; clarifying that the Division of
12 Hotels and Restaurants may not adopt
13 construction standards for public food and
14 public lodging establishments; providing for
15 the adoption of such standards within the
16 Florida Building Code and the Florida Fire
17 Prevention Code; authorizing the division to
18 enforce specified provisions of the Florida
19 Building Code and the Florida Fire Prevention
20 Code; preserving the authority of local
21 governments to inspect public food and public
22 lodging establishments for compliance with the
23 Florida Building Code and the Florida Fire
24 Prevention Code; amending s. 509.221, F.S.;
25 substituting references to the Florida Building
26 Code for references to other state and local
27 codes; amending s. 514.021, F.S.; providing
28 that the Department of Health may not adopt
29 construction regulations for public swimming
30 pools and bathing places; providing for the
31 adoption of such standards within the Florida

1 Building Code; authorizing the department to
2 conduct plan reviews, to issue approvals, and
3 to enforce specified provisions of the Florida
4 Building Code; preserving the department's
5 authority to adopt and enforce sanitary
6 regulations; amending s. 514.03, F.S.;
7 preserving local governments' authority to
8 conduct plan reviews and inspections for
9 compliance with the Florida Building Code;
10 amending s. 553.06, F.S.; amending portions of
11 the State Plumbing Code by replacing a
12 reference to the board with a reference to the
13 commission; amending s. 553.141, F.S.; deleting
14 specific requirements for the ratio of public
15 restroom facilities for men and women;
16 requiring the incorporation of such
17 requirements into the Florida Building Code;
18 requesting the Division of Statutory Revision
19 to change a title; creating s. 553.355, F.S.;
20 establishing minimum construction requirements
21 for manufactured buildings; amending s. 553.36,
22 F.S.; providing for approval of building
23 components; redefining the term "manufactured
24 building" to include certain storage sheds and
25 to exclude manufactured housing; defining the
26 term "module"; updating references to the
27 Florida Building Code; amending s. 553.37,
28 F.S.; authorizing the Department of Community
29 Affairs to adopt certain rules; providing that,
30 if the department delegates certain authority,
31 manufacturers shall have plan reviews and

1 inspections conducted by a single agency;
2 transferring rulemaking authority to the
3 Florida Building Commission; creating s.
4 553.375, F.S.; providing for recertification of
5 manufactured buildings; amending s. 553.38,
6 F.S.; transferring to the Florida Building
7 Commission authority to adopt rules governing
8 manufactured buildings; amending s. 553.381,
9 F.S.; providing for certification of
10 manufacturers of manufactured buildings;
11 providing certification requirements;
12 transferring authority for construction
13 standards to the Florida Building Commission;
14 amending s. 553.39, F.S.; replacing the
15 department's rules with the Florida Building
16 Code; creating s. 553.5041, F.S.; providing
17 requirements for parking accommodations for
18 persons who have disabilities; amending s.
19 553.512, F.S.; providing that the commission
20 may not waive specified requirements for
21 parking for persons who have disabilities;
22 providing that applicants for waiver must have
23 applied for variance from specified local
24 requirements; deleting the word "handicapped";
25 amending s. 553.71, F.S.; redefining the term
26 "threshold building"; defining the terms
27 "special inspector" and "prototype building";
28 amending s. 553.72, F.S.; amending legislative
29 intent relating to the Florida Building Code;
30 amending s. 553.73, F.S.; expanding the list of
31 regulations to be included in the Florida

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

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

1 adopt the thermal efficiency code from the
2 Department of Community Affairs to the Florida
3 Building Commission; amending s. 553.902, F.S.;
4 amending the term "exempted building"; deleting
5 an exemption; authorizing the commission to
6 recommend additional exemptions; deleting the
7 term "energy performance index"; amending s.
8 553.903, F.S.; deleting an obsolete requirement
9 relating to thermal efficiency; amending s.
10 553.907, F.S.; deleting requirements for
11 certification of compliance to local
12 governments; amending s. 553.9085, F.S.;
13 deleting obsolete references; amending s.
14 553.909, F.S.; deleting specific requirements
15 for water heaters; directing that such
16 requirements be set in the energy code;
17 creating s. 627.0626, F.S.; requiring that
18 certain rate filings include discounts,
19 credits, or other rate differentials to lower
20 certain insurance rates; amending ss. 633.01,
21 633.0215, 633.025, F.S.; replacing references
22 to the Department of Insurance with references
23 to the State Fire Marshal; amending s.
24 633.0215, F.S., the Florida Fire Prevention
25 Code; providing for triennial adoption of the
26 code; providing requirements for local
27 amendments; amending s. 633.025, F.S.; amending
28 provisions relating to smoke detector
29 requirements in residential buildings;
30 providing requirements for adopting local
31 firesafety codes and standards; amending s.

1 633.72, F.S.; revising the membership of the
2 Florida Fire Code Advisory Council; revising
3 duties of the council with regard to the
4 Florida Building Commission; amending s.
5 655.962, F.S.; deleting specific construction
6 requirements for automated teller machines;
7 requiring such requirements to be adopted into
8 the Florida Building Code; amending s. 62 of
9 ch. 98-287, Laws of Florida; deleting the
10 requirement that the Legislature approve or
11 reject the Florida Building Code, provide for
12 repeal of local codes on a date certain, and
13 provide for certain local ordinances to remain
14 effective; amending s. 68 of ch. 98-287, Laws
15 of Florida; revising the future repeal of
16 certain sections of the Florida Statutes to
17 provide a date certain, and to transfer and
18 renumber a certain section; providing that the
19 Legislature has reviewed the Florida Building
20 Code and directing the Florida Building
21 Commission to continue the process to adopt the
22 code; providing that certain changes in the
23 code are not subject to rule challenge;
24 providing for determining the cost differential
25 between building under the old code and
26 building under the new code; providing
27 procedures; providing for applicability of the
28 analysis to insurance rates; requiring a report
29 to the Governor and the Legislature;
30 establishing the windborne debris region for
31 the state; deleting disclosure requirements;

1 exempting certain counties from local-amendment
2 procedures; exempting certain types of
3 amendments from the local-amendment procedures;
4 requiring the Florida Building Commission to
5 amend the plumbing section of the Florida
6 Building Code as specified; repealing ss.
7 125.0106, 255.21(2), 553.79(11), F.S. ;
8 providing that nothing in the act is intended
9 to imply any repeal or sunset of any existing
10 general or special law not specifically
11 identified; providing effective dates.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (16) is added to section 120.80,
16 Florida Statutes, to read:

17 120.80 Exceptions and special requirements;
18 agencies.--

19 (16) FLORIDA BUILDING COMMISSION.--

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

24 (b) The Florida Building Commission shall adopt within
25 the Florida Building Code criteria and procedures for
26 alternative means of compliance with the code or local
27 amendments thereto, for enforcement by local governments,
28 local enforcement districts, or other entities authorized by
29 law to enforce the Florida Building Code. Appeals from the
30 denial of the use of alternative means shall be heard by the

31

1 local board, if one exists, and may be appealed to the Florida
2 Building Commission.

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

7 125.01 Powers and duties.--

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

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

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

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

24 Section 3. Effective January 1, 2001, section 125.56,
25 Florida Statutes, is amended to read:

26 125.56 Enforcement and ~~Adoption or~~ amendment of the
27 Florida Building Code and the Florida Fire Prevention Code;
28 inspection fees; inspectors; etc.--

29 (1) The board of county commissioners of each of the
30 several counties of the state is authorized to enforce the
31 Florida Building Code and the Florida Fire Prevention Code, as

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

26 (2) The board of county commissioners of each of the
27 several counties may provide a schedule of reasonable
28 inspection fees in order to defer the costs of inspection and
29 enforcement of the provisions of this act, and of the Florida
30 any Building Code and the Florida Fire Prevention Code adopted
31 ~~pursuant to the terms of this act.~~

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

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

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

28 Section 4. Effective January 1, 2001, section
29 161.0415, Florida Statutes, is amended to read:

30 161.0415 Citation of rule.--In addition to any other
31 provisions within this chapter or any rules promulgated

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

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

12 161.052 Coastal construction and excavation;
13 regulation.--

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

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

29 (12) In accordance with ss. 553.73 and 553.79, and
30 upon the effective date of the Florida Building Code, the
31 provisions of this section which pertain to and govern the

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

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

17 161.053 Coastal construction and excavation;
18 regulation on county basis.--

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

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

5 Section 7. Effective January 1, 2001, section
6 161.05301, Florida Statutes, is amended to read:

7 161.05301 Beach erosion control project staffing;
8 ~~coastal construction building codes review.--~~

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

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

1 building codes review shall be directed to support
2 implementation of the subject beach management plan.

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

5 161.55 Requirements for activities or construction
6 within the coastal building zone.--The following requirements
7 shall apply beginning March 1, 1986, to construction within
8 the coastal building zone and shall be minimum standards for
9 construction in this area:

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

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

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

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

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

30 ~~(e) Foundation design and construction of a major~~
31 ~~structure shall consider all anticipated loads resulting from~~

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

16 (1)(2) REGULATION OF COASTAL STRUCTURAL REQUIREMENTS;
17 MINOR STRUCTURES.--Minor structures need not meet specific
18 structural requirements provided in subsection (1), except for
19 the requirements of paragraph (c) and except for applicable
20 provisions of the state minimum building code in effect in the
21 jurisdiction. Such structures shall be designed to produce the
22 minimum adverse impact on the beach and the dune system and
23 adjacent properties and to reduce the potential for water or
24 wind blown material. Construction of a rigid coastal or shore
25 protection structure designed primarily to protect a minor
26 structure shall not be permitted.

27 (2)(3) REGULATION OF COASTAL STRUCTURAL REQUIREMENTS;
28 NONHABITABLE MAJOR STRUCTURES.--Nonhabitable major structures
29 need not meet specific structural requirements provided in
30 subsection (1), except for the requirements of paragraph (c)
31 and except for applicable provisions of the state minimum

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

12 (3)~~(4)~~ LOCATION OF CONSTRUCTION.--Construction, except
13 for elevated walkways, lifeguard support stands, piers, beach
14 access ramps, gazebos, and coastal or shore protection
15 structures, shall be located a sufficient distance landward of
16 the beach to permit natural shoreline fluctuations and to
17 preserve dune stability.

18 (4)~~(5)~~ APPLICATION TO COASTAL BARRIER ISLANDS.--All
19 ~~building~~ requirements of this part which are applicable to the
20 coastal building zone shall also apply to coastal barrier
21 islands. The coastal building zone on coastal barrier islands
22 shall be the land area from the seasonal high-water line to a
23 line 5,000 feet landward from the coastal construction control
24 line established pursuant to s. 161.053, or the entire island,
25 whichever is less. For coastal barrier islands on which a
26 coastal construction control line has not been established
27 pursuant to s. 161.053, the coastal building zone shall be the
28 land area seaward of the most landward velocity zone (V-zone)
29 boundary line fronting upon the Gulf of Mexico, Atlantic
30 Ocean, Florida Bay, or Straits of Florida. All land area in
31 the Florida Keys located within Monroe County shall be

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

20 (5)~~(6)~~ PUBLIC ACCESS.--Where the public has
21 established an accessway through private lands to lands
22 seaward of the mean high tide or water line by prescription,
23 prescriptive easement, or any other legal means, development
24 or construction shall not interfere with such right of public
25 access unless a comparable alternative accessway is provided.
26 The developer shall have the right to improve, consolidate, or
27 relocate such public accessways so long as the accessways
28 provided by the developer are:

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

31 (b) Approved by the local government;

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

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

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

9 161.56 Establishment of local enforcement.--

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

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

23 (1)(3) Nothing in ss. 161.52-161.58 shall be construed
24 to limit or abrogate the right and power of the department to
25 require permits or to adopt and enforce standards pursuant to
26 s. 161.041 or s. 161.053 for construction seaward of the
27 coastal construction control line that are as restrictive as,
28 or more restrictive than, the requirements provided in s.
29 161.55 or the rights or powers of local governments to enact
30 and enforce setback requirements or zoning or building codes

31

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

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

20 Section 10. Effective January 1, 2001, section 235.26,
21 Florida Statutes, is amended to read:

22 235.26 State Uniform Building Code for Public
23 Educational Facilities Construction.--

24 (1) UNIFORM BUILDING CODE.--By January 1, 2001, the
25 ~~Commissioner of Education shall adopt~~ a uniform statewide
26 building code for the planning and construction of public
27 educational and ancillary plants by district school boards and
28 community college district boards of trustees shall be adopted
29 by the Florida Building Commission within the Florida Building
30 Code, pursuant to s. 553.73. ~~The code must be entitled the~~
31 ~~State Uniform Building Code for Public Educational Facilities~~

1 ~~Construction.~~Included in this code must be flood plain
2 management criteria in compliance with the rules and
3 regulations in 44 C.F.R. parts 59 and 60, and subsequent
4 revisions thereto which are adopted by the Federal Emergency
5 Management Agency. It is also the responsibility of the
6 department to develop, as a part of the uniform building code,
7 standards relating to:
8 (a) Prefabricated facilities, factory-built
9 facilities, or site-built facilities that are designed to be
10 portable, relocatable, demountable, or reconstructible; are
11 used primarily as classrooms; and do not fall under the
12 provisions of ss. 320.822-320.862. Such standards must permit
13 boards to contract with the Department of Community Affairs
14 for factory inspections by certified building code inspectors
15 to certify conformance with applicable law and rules. The
16 standards must comply with the requirements of s. 235.061 for
17 relocatable facilities intended for long-term use as classroom
18 space.
19 (b) The sanitation of educational and ancillary plants
20 and the health of occupants of educational and ancillary
21 plants.
22 (c) The safety of occupants of educational and
23 ancillary plants as provided in s. 235.06, except that the
24 firesafety criteria shall be established by the department in
25 cooperation with the State Fire Marshal and such firesafety
26 requirements must be incorporated into the Florida Fire
27 Prevention Code.
28 (d) Accessibility for children, notwithstanding the
29 provisions of s. 553.512.
30
31

1 (e) The performance of life-cycle cost analyses on
2 alternative architectural and engineering designs to evaluate
3 their energy efficiencies.

4 1. The life-cycle cost analysis must consist of the
5 sum of:

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

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

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

15 a. The orientation and integration of the facility
16 with respect to its physical site.

17 b. The amount and type of glass employed in the
18 facility and the directions of exposure.

19 c. The effect of insulation incorporated into the
20 facility design and the effect on solar utilization of the
21 properties of external surfaces.

22 d. The variable occupancy and operating conditions of
23 the facility and subportions of the facility.

24 e. An energy-consumption analysis of the major
25 equipment of the facility's heating, ventilating, and cooling
26 system; lighting system; and hot water system and all other
27 major energy-consuming equipment and systems as appropriate.

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

30 4. Standards for construction materials and systems
31 based on life-cycle costs that consider initial costs,

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

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

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

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

29 (a) Except as otherwise provided in paragraph (b), all
30 public educational and ancillary plants constructed by a
31 district school board or a community college district board of

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

16 (b) A district school board or community college
17 district board of trustees may conform with the Florida
18 Building Code and the Florida Fire Prevention Code ~~local~~
19 ~~building codes~~ and the administration of such codes when
20 constructing ancillary plants that are not attached to
21 educational facilities, if those plants conform to the space
22 size requirements established in the codes ~~Uniform Building~~
23 ~~code~~.

24 ~~(c)(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS~~
25 ~~REQUIRED FOR APPROVAL.~~ A district school board or community
26 college district board of trustees may not approve any plans
27 for the construction, renovation, remodeling, or demolition of
28 any educational or ancillary plants unless these plans conform
29 to the requirements of the Florida Uniform Building Code and
30 the Florida Fire Prevention Code. Each district school board
31 and community college district board of trustees may adopt

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

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

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

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

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

12 ~~b. The amount and type of glass employed in the~~
13 ~~facility and the directions of exposure.~~

14 ~~c. The effect of insulation incorporated into the~~
15 ~~facility design and the effect on solar utilization of the~~
16 ~~properties of external surfaces.~~

17 ~~d. The variable occupancy and operating conditions of~~
18 ~~the facility and subportions of the facility.~~

19 ~~e. An energy consumption analysis of the major~~
20 ~~equipment of the facility's heating, ventilating, and cooling~~
21 ~~system; lighting system; and hot water system and all other~~
22 ~~major energy-consuming equipment and systems as appropriate.~~

23 ~~3. Such standards must be based on the best currently~~
24 ~~available methods of analysis, including such methods as those~~
25 ~~of the National Institute of Standards and Technology, the~~
26 ~~Department of Housing and Urban Development, and other federal~~
27 ~~agencies and professional societies and materials developed by~~
28 ~~the Department of Management Services and the department.~~
29 ~~Provisions must be made for an annual updating of standards as~~
30 ~~required.~~

31

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

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

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

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

23 (4) ENFORCEMENT BY DEPARTMENT.--As a further means of
24 ensuring that all educational and ancillary facilities
25 hereafter constructed or materially altered or added to
26 conform to the Florida Uniform Building Code standards or
27 Florida Fire Prevention Code standards, each district school
28 board and community college district board of trustees that
29 undertakes the construction, renovation, remodeling,
30 purchasing, or lease-purchase of any educational plant or
31

1 ancillary facility, the cost of which exceeds \$200,000, may
2 submit plans to the department for approval.

3 (5) APPROVAL.--

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

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

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

1 by the department for specific applications may be used in the
2 design of educational facilities.

3 11. The electrical design of educational plants.

4 12. The energy efficiency and conservation of the
5 design.

6 13. Life-cycle cost considerations.

7 14. The design to accommodate physically handicapped
8 persons.

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

10 16. The proposed construction cost per gross square
11 foot.

12 17. Conformity with the Florida Fire Prevention Code.

13 (c) The board may not occupy a facility until the
14 project has been inspected to verify compliance with statutes,
15 rules, and codes affecting the health and safety of the
16 occupants. Verification of compliance with rules, statutes,
17 and codes for nonoccupancy projects such as roofing, paving,
18 site improvements, or replacement of equipment may be
19 certified by the architect or engineer of record and
20 verification of compliance for other projects may be made by
21 an inspector certified by the department or certified pursuant
22 to chapter 468 who is not the architect or engineer of record.
23 The board shall maintain a record of the project's completion
24 and permanent archive of phase III construction documents,
25 including any addenda and change orders to the project. The
26 boards shall provide project data to the department, as
27 requested, for purposes and reports needed by the Legislature.

28 (6) REVIEW PROCEDURE.--The Commissioner of Education
29 shall cooperate with the Florida Building Commission in
30 addressing ~~have final review of~~ all questions, disputes, or
31 interpretations involving the provisions of the Florida

1 ~~Uniform~~ Building Code which govern the construction of public
2 educational and ancillary facilities, and any objections to
3 decisions made by the inspectors or the department must be
4 submitted in writing.

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

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

27 ~~(8)(9)~~ EDUCATION FACILITIES AS EMERGENCY SHELTERS.--

28 (a) The Department of Education shall, in consultation
29 with boards and county and state emergency management offices,
30 include within the standards to be developed under subsection
31 (1) amend the State Uniform Building Code for Public

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

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

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

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

19 Section 11. Effective January 1, 2001, subsection (2)
20 of section 253.033, Florida Statutes, is amended to read:

21 253.033 Inter-American Center property; transfer to
22 board; continued use for government purposes.--

23 (2) It is hereby recognized that certain governmental
24 entities have expended substantial public funds in acquiring,
25 planning for, or constructing public facilities for the
26 purpose of carrying out or undertaking governmental functions
27 on property formerly under the jurisdiction of the authority.
28 All property owned or controlled by any governmental entity
29 shall be exempt from the Florida Building Code and any local
30 amendments thereto and from local ~~building and zoning~~
31 regulations which might otherwise be applicable in the absence

1 of this section in carrying out or undertaking any such
2 governmental function and purpose.

3 Section 12. Effective January 1, 2001, paragraph (a)
4 of subsection (1) of section 255.25, Florida Statutes, is
5 amended to read:

6 255.25 Approval required prior to construction or
7 lease of buildings.--

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

13 Section 13. Effective January 1, 2001, subsections (1)
14 and (2) of section 255.31, Florida Statutes, are amended to
15 read:

16 255.31 Authority to the Department of Management
17 Services to manage construction projects for state and local
18 governments.--

19 (1) The design, construction, erection, alteration,
20 modification, repair, and demolition of all public and private
21 buildings is governed by the Florida Building Code and the
22 Florida Fire Prevention Code, which are to be enforced by
23 local jurisdictions or local enforcement districts unless
24 specifically exempted as provided in s. 553.80. However, the
25 Department of Management Services shall provide the project
26 management and administration services for the construction,
27 renovation, repair, modification, or demolition of buildings,
28 utilities, parks, parking lots, or other facilities or
29 improvements for projects for which the funds are appropriated
30 to the department, provided that, with the exception of
31 facilities constructed under the authority of chapters 944,

1 945, and 985, the department may not conduct plans reviews or
2 inspection services for consistency with the Florida Building
3 Code. The department's fees for such services shall be paid
4 from such appropriations.

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

16 Section 14. Section 316.1955, Florida Statutes, is
17 amended to read:

18 316.1955 Enforcement of parking requirements spaces
19 for persons who have disabilities.--

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

1 ~~accessibility, those requirements are adopted and incorporated~~
2 ~~by reference as the law of this state.~~

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

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

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

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

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

31

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

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

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

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

25 ~~(c)1. Each parking space must be no less than 12 feet~~
26 ~~wide. Parking access aisles must be no less than 5 feet wide~~
27 ~~and must be part of an accessible route to the building or~~
28 ~~facility entrance. In accordance with ADAAG s. 4.6.3, access~~
29 ~~aisles must be placed adjacent to accessible parking spaces;~~
30 ~~however, two accessible parking spaces may share a common~~

31

1 ~~access aisle. The access aisle must be striped diagonally to~~
2 ~~designate it as a no-parking zone.~~

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

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

22 ~~(d) On-street parallel parking spaces must be located~~
23 ~~either at the beginning or end of a block or adjacent to alley~~
24 ~~entrances. Such spaces must be designed in conformance with~~
25 ~~the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5.~~
26 ~~exception: access aisles are not required. Curbs adjacent to~~
27 ~~such spaces must be of a height that will not interfere with~~
28 ~~the opening and closing of motor vehicle doors. This~~
29 ~~subsection does not relieve the owner of the responsibility to~~
30 ~~comply with the parking requirements of ADAAG ss. 4.1 and 4.6.~~

31

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

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

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

21 ~~2. A facility that is making alterations under s.~~
22 ~~553.507(2)(b) must comply with this section to the maximum~~
23 ~~extent feasible. If compliance with parking location~~
24 ~~requirements is not feasible, the facility may provide parking~~
25 ~~spaces at alternative locations for persons who have~~
26 ~~disabilities and provide appropriate signage directing persons~~
27 ~~who have a disability to alternative parking. The facility~~
28 ~~may not reduce the required number or dimensions of those~~
29 ~~spaces, nor may it unnecessarily increase the length of the~~
30 ~~accessible route from a parking space to the facility. The~~

31

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

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

23 ~~(1)(7)~~ It is unlawful for any person to stop, stand,
24 or park a vehicle within, or to obstruct, any such specially
25 designated and marked parking space provided in accordance
26 with s. 553.5041 ~~this section~~, unless the vehicle displays a
27 disabled parking permit issued under s. 316.1958 or s.
28 320.0848 or a license plate issued under s. 320.084, s.
29 320.0842, s. 320.0843, or s. 320.0845, and the vehicle is
30 transporting the person to whom the displayed permit is
31 issued. The violation may not be dismissed for failure of the

1 marking on the parking space to comply with s. 553.5041 ~~this~~
2 ~~section~~ if the space is in general compliance and is clearly
3 distinguishable as a designated accessible parking space for
4 people who have disabilities. Only a warning may be issued for
5 unlawfully parking in a space designated for persons with
6 disabilities if there is no above-grade sign as provided in s.
7 553.5041 ~~subsection (6)~~.

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

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

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

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

31

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 15. Subsection (15) of section 381.006,
28 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 16. Effective January 1, 2001, section
12 383.301, 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 17. Effective January 1, 2001, subsection (1)
21 of section 383.309, Florida Statutes, is amended, and
22 subsection (3) is added to that 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 18. Effective January 1, 2001, paragraph (f)
2 of subsection (1) of section 394.879, Florida Statutes, is
3 amended, and subsection (5) is added to that 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 19. Paragraph (a) of subsection (1) of section
30 395.0163, Florida Statutes, is 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 20. Effective January 1, 2001, paragraphs (d)
31 and (e) of subsection (1) of section 395.1055, Florida

1 Statutes, are repealed, and subsection (8) is added to that
2 section, to read:

3 395.1055 Rules and enforcement.--

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

18 Section 21. Subsection (8) is added to section
19 395.10973, Florida Statutes, to read:

20 395.10973 Powers and duties of the agency.--It is the
21 function of the agency to:

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

27 Section 22. Effective January 1, 2001, section 399.02,
28 Florida Statutes, is amended to read:

29 399.02 General requirements.--

30 (1) The division shall develop and submit to the
31 Florida Building Commission for consideration ~~adopt by rule~~ an

1 elevator safety code, which, when adopted within the Florida
2 Building Code, applies to the installation, relocation, or
3 alteration of an elevator for which a permit has been issued
4 after October 1, 1990, and which must be the same as or
5 similar to the latest revision of "The Safety Code for
6 Elevators and Escalators ASME A17.1."

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

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

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

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

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

30 (b) The elevator owner is responsible for the safe
31 operation and proper maintenance of the elevator after it has

1 | been inspected and a certificate of operation has been issued
2 | by the division. The responsibilities of the elevator owner
3 | may be assigned by lease.

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

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

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

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 23. Effective January 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 24. 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 or maintained pursuant
31 to a service maintenance contract continuously in force. A

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

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

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

22 Section 25. Effective January 1, 2001, subsection (1)
23 of section 399.13, Florida Statutes, is amended to read:

24 399.13 Delegation of authority to municipalities or
25 counties.--

26 (1) The division may enter into contracts with
27 municipalities or counties under which such municipalities or
28 counties will issue construction permits, temporary operation
29 permits, and certificates of operation; will provide
30 inspection of elevators; and will enforce the applicable
31 provisions of the Florida Building Elevator Safety Code, as

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

10 Section 26. Effective January 1, 2001, section
11 400.011, Florida Statutes, is amended to read:

12 400.011 Purpose.--The purpose of this part is to
13 provide for the development, establishment, and enforcement of
14 basic standards for:

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

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

21 Section 27. Effective January 1, 2001, paragraph (a)
22 of subsection (2) of section 400.23, Florida Statutes, is
23 amended to read:

24 400.23 Rules; evaluation and deficiencies; licensure
25 status.--

26 (2) Pursuant to the intention of the Legislature, the
27 agency, in consultation with the Department of Health and the
28 Department of Elderly Affairs, shall adopt and enforce rules
29 to implement this part, which shall include reasonable and
30 fair criteria in relation to:

31

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

1 ~~rules setting forth conditions under which existing facilities~~
2 ~~undergoing additions, alterations, conversions, renovations,~~
3 ~~or repairs shall be required to comply with the most recent~~
4 ~~updated or revised standards.~~

5 Section 28. Effective January 1, 2001, section
6 400.232, Florida Statutes, is amended to read:

7 400.232 Review and approval of plans; fees and
8 costs.--The design, construction, erection, alteration,
9 modification, repair, and demolition of all public and private
10 health care facilities are governed by the Florida Building
11 Code and the Florida Fire Prevention Code under ss. 553.73 and
12 633.022. In addition to the requirements of ss. 553.79 and
13 553.80, the agency shall review the facility plans and survey
14 the construction of facilities licensed under this chapter.

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

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

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

11 Section 29. Effective January 1, 2001, section
12 468.604, Florida Statutes, is amended to read:

13 468.604 Responsibilities of building code
14 administrators, plans examiners, and inspectors.--

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

30 (a) The review of construction plans to ensure
31 compliance with all applicable sections of the code codes. The

1 construction plans must be reviewed before the issuance of any
2 building, system installation, or other construction permit.
3 The review of construction plans must be done by the building
4 code administrator or building official or by a person having
5 the appropriate plans examiner license issued under this
6 chapter.

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

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

28 (3) It is the responsibility of the plans examiner to
29 conduct review of construction plans submitted in the permit
30 application to assure compliance with the Florida Building
31 Code and any applicable local technical amendment to the

1 Florida Building Code ~~all applicable codes required by~~
2 ~~municipal code, county ordinance, or state law.~~ The review of
3 construction plans must be done by the building code
4 administrator or building official or by a person licensed in
5 the appropriate plans examiner category as defined in s.
6 468.603. The plans examiner's responsibilities must be
7 performed under the supervision and authority of the building
8 code administrator or building official without interference
9 from any unlicensed person.

10 Section 30. Section 468.607, Florida Statutes, is
11 amended to read:

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

28 Section 31. Subsections (2) and (3) of section
29 468.609, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~authority, provides proof of completion of such curriculum or~~
2 ~~coursework within 6 months after such certification.~~

3 Section 32. Section 468.617, Florida Statutes, is
4 amended to read:

5 468.617 Joint inspection department; other
6 arrangements.--

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

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

24 (3) Nothing in this part shall prohibit any county or
25 municipal government, school board, community college board,
26 state university, or state agency from entering into any
27 contract with any person or entity for the provision of
28 services regulated under this part, and notwithstanding any
29 other statutory provision, such county or municipal
30 governments may enter into contracts.

31

1 ~~exemption. You may not hire an unlicensed person as your~~
2 ~~contractor. Your work must be done according to all local,~~
3 ~~state, and federal laws and regulations which apply to~~
4 ~~asbestos abatement projects. It is your responsibility to make~~
5 ~~sure that people employed by you have licenses required by~~
6 ~~state law and by county or municipal licensing ordinances.~~

7 Section 34. Subsection (7) is added to section
8 471.015, Florida Statutes, to read:

9 471.015 Licensure.--

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

22 Section 35. Subsection (7) is added to section
23 481.213, Florida Statutes, to read:

24 481.213 Licensure.--

25 (7) For persons whose licensure requires satisfaction
26 of the requirements of ss. 481.209 and 481.211, the board
27 shall, by rule, establish qualifications for certification of
28 such persons as special inspectors of threshold buildings, as
29 defined in ss. 553.71 and 553.79, and shall compile a list of
30 persons who are certified. A special inspector is not required
31 to meet standards for certification other than those

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

8 Section 36. Effective January 1, 2001, subsection (19)
9 of section 489.103, Florida Statutes, is amended to read:

10 489.103 Exemptions.--This part does not apply to:

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

19 Section 37. Effective July 1, 2000, subsection (7) is
20 added to section 489.107, Florida Statutes, to read:

21 489.107 Construction Industry Licensing Board.--

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

24 Section 38. Paragraph (b) of subsection (4) of section
25 489.115, Florida Statutes, is amended to read:

26 489.115 Certification and registration; endorsement;
27 reciprocity; renewals; continuing education.--

28 (4)

29 (b)1. Each certificateholder or registrant shall
30 provide proof, in a form established by rule of the board,
31 that the certificateholder or registrant has completed at

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

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

31 |

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

13 Section 39. Effective January 1, 2001, paragraph (b)
14 of subsection (4) of section 489.115, Florida Statutes, as
15 amended by section 21 of chapter 98-287, Laws of Florida, and
16 by this act, is reenacted to read:

17 489.115 Certification and registration; endorsement;
18 reciprocity; renewals; continuing education.--

19 (4)

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

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

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

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

1 taking the core curriculum courses shall receive full credit
2 for core curriculum course hours.

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

9 Section 40. Section 497.255, Florida Statutes, is
10 amended to read:

11 497.255 Standards for construction and significant
12 alteration or renovation of mausoleums and columbaria.--

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

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

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

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

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

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

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

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

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

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

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

11 (3) The board shall transmit the rules as adopted
12 under subsection (2), hereinafter referred to as the
13 "mausoleum standards," to the Florida Board of Building
14 Commission Codes and Standards, which shall initiate
15 rulemaking under chapter 120 to consider such mausoleum
16 standards. If such mausoleum standards are not deemed
17 acceptable, they shall be returned by the Florida Board of
18 Building Commission Codes and Standards to the board with
19 details of changes needed to make them acceptable. If such
20 mausoleum standards are acceptable, the Florida Board of
21 Building Commission Codes and Standards shall adopt a rule
22 designating the mausoleum standards as an approved revision to
23 the State Minimum Building Codes under part VII of chapter
24 553. When so designated by the Florida Board of Building
25 Commission Codes and Standards, such mausoleum standards shall
26 become a required element of the State Minimum Building Codes
27 under s. 553.73(2) and shall be transmitted to each local
28 enforcement agency, as defined in s. 553.71(5). Such local
29 enforcement agency shall consider and inspect for compliance
30 with such mausoleum standards as if they were part of the
31 local building code, but shall have no continuing duty to

1 inspect after final approval of the construction pursuant to
2 the local building code. Any further amendments to the
3 mausoleum standards shall be accomplished by the same
4 procedure. Such designated mausoleum standards, as from time
5 to time amended, shall be a part of the State Minimum Building
6 Codes under s. 553.73 until the adoption and effective date of
7 a new statewide uniform minimum building code, which may
8 supersede the mausoleum standards as provided by the law
9 enacting the new statewide uniform minimum building code.

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

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

22 Section 41. Effective January 1, 2001, subsection (8)
23 is added to section 500.09, Florida Statutes, to read:

24 500.09 Rulemaking; analytical work.--

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

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

9 Section 42. Effective January 1, 2001, subsections (7)
10 and (8) are added to section 500.12, Florida Statutes, to
11 read:

12 500.12 Food permits; building permits.--

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

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

21 Section 43. Effective January 1, 2001, subsection (1)
22 of section 500.147, Florida Statutes, is amended to read:

23 500.147 Inspection of food establishments and
24 vehicles; food safety pilot program.--

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

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

5 Section 44. Effective January 1, 2001, paragraph (d)
6 of subsection (2) and subsection (7) of section 509.032,
7 Florida Statutes, are amended to read:

8 509.032 Duties.--

9 (2) INSPECTION OF PREMISES.--

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

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

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

22 Section 45. Effective January 1, 2001, subsection (1)
23 of section 509.221, Florida Statutes, is amended to read:

24 509.221 Sanitary regulations.--

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

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

6 Section 46. Effective January 1, 2001, section
7 514.021, Florida Statutes, is amended to read:

8 514.021 Department authorization.--

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

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

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

11 Section 47. Effective January 1, 2001, section 514.03,
12 Florida Statutes, is amended to read:

13 514.03 Construction plans approval necessary to
14 construct, develop, or modify public swimming pools or bathing
15 places.--It is unlawful for any person or public body to
16 construct, develop, or modify any public swimming pool or
17 bathing place without a valid construction plans approval from
18 the department. This section does not preempt the authority of
19 local governments or local enforcement districts to conduct
20 plan reviews and inspections of public swimming pools and
21 bathing places for compliance with the general construction
22 standards of the Florida Building Code, pursuant to s. 553.80.

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

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

31

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

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

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

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

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

29 (4) An approval of construction plans issued by the
30 department under this section becomes void 1 year after the
31

1 date the approval was issued if the construction is not
2 commenced within 1 year after the date of issuance.

3 Section 48. Subsection (1) of section 553.06, Florida
4 Statutes, is amended to read:

5 553.06 State Plumbing Code.--

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

28 Section 49. Section 553.141, Florida Statutes, is
29 amended to read:

30 553.141 Public restrooms; ratio of facilities for men
31 and women; application; incorporation into the Florida

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

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

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

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

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

28 Section 50. The Division of Statutory Revision is
29 requested to change the title of part IV of chapter 553,
30 Florida Statutes, to "MANUFACTURED BUILDINGS."

31

1 Section 51. Effective January 1, 2001, section
2 553.355, Florida Statutes, is created to read:

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

9 Section 52. Subsections (5) and (11) of section
10 553.36, Florida Statutes, are amended, present subsections
11 (13) and (14) of that section are redesignated as subsections
12 (14) and (15), respectively, and a new subsection (13) is
13 added to that section, to read:

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

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

28 (11) "Manufactured building" means a closed structure,
29 building assembly, or system of subassemblies, which may
30 include structural, electrical, plumbing, heating,
31 ventilating, or other service systems manufactured in

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

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

19 Section 53. Effective January 1, 2001, subsections (1)
20 and (2) of section 553.36, Florida Statutes, are amended to
21 read:

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

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

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

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

6 Section 54. Subsections (1), (2), (5), and (8) of
7 section 553.37, Florida Statutes, are amended, present
8 subsection (9) of that section is redesignated as subsection
9 (11), and new subsections (9) and (10) are added to that
10 section, to read:

11 553.37 Rules; inspections; and insignia.--

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

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

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

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

27 (d) Investigation of consumer complaints of
28 noncompliance of manufactured buildings with the requirements
29 for construction or modification of such buildings.
30
31

1 ~~(e)~~ Issuance, cancellation, and revocation of any
2 insignia issued by the department and procedures for auditing
3 and accounting for disposition of them.

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

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

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

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

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

1 department having building construction responsibilities, a
2 local government, an approved inspection agency, an approved
3 plan review agency, or an agency of another state.

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

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

14 Section 55. Effective January 1, 2001, subsections
15 (1), (2), (3), (4), (6), (7), (9), and (10) of section 553.37,
16 Florida Statutes, as amended by this act, are amended to read:

17 553.37 Rules; inspections; and insignia.--

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

29 Section 56. Section 553.375, Florida Statutes, is
30 created to read:

31

1 553.375 Recertification of manufactured
2 buildings.--Prior to the relocation, modification, or change
3 of occupancy of a manufactured building within the state, the
4 manufacturer, dealer, or owner thereof may apply to the
5 department for recertification of that manufactured building.
6 The department shall, by rule, provide what information the
7 applicant must submit for recertification and for plan review
8 and inspection of such manufactured buildings and shall
9 establish fees for recertification. Upon a determination by
10 the department that the manufactured building complies with
11 the applicable building codes, the department shall issue a
12 recertification insignia. A manufactured building that bears
13 recertification insignia does not require any additional
14 approval by an enforcement jurisdiction in which the building
15 is sold or installed, and is considered to comply with all
16 applicable codes. As an alternative to recertification by the
17 department, the manufacturer, dealer, or owner of a
18 manufactured building may seek appropriate permitting and a
19 certificate of occupancy from the local jurisdiction in
20 accordance with procedures generally applicable under the
21 Florida Building Code.

22 Section 57. Effective January 1, 2001, section 553.38,
23 Florida Statutes, is amended to read:

24 553.38 Application and scope.--

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

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

19 Section 58. Section 553.381, Florida Statutes, is
20 amended to read:

21 553.381 Manufacturer certification~~; product liability~~
22 ~~insurance as prerequisite.--~~

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

29 (a) The manufacturer's internal quality-control
30 procedures and manuals, including any amendments;
31

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

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

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

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

20 Section 59. Effective January 1, 2001, section
21 553.381, Florida Statutes, as amended by this act, is amended
22 to read:

23 553.381 Manufacturer certification.--

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

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

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

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

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

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

19 Section 60. Effective January 1, 2001, section 553.39,
20 Florida Statutes, is amended to read:

21 553.39 Injunctive relief.--The department may seek
22 injunctive or other relief from the circuit court of
23 appropriate jurisdiction to compel compliance with the
24 requirements of this part or with the Florida Building Code
25 ~~rules issued pursuant thereto~~ or to enjoin the sale, delivery,
26 or installation of a manufactured building, upon an affidavit
27 specifying the manner in which the building does not conform
28 to the Florida Building Code or other requirements of this
29 part ~~or to rules issued pursuant thereto~~. Noncompliance with
30 the Florida Building Code or this part ~~or the rules~~
31 ~~promulgated under this part~~ shall be considered prima facie

1 evidence of irreparable damage in any cause of action brought
2 under the authority of this part.

3 Section 61. Section 553.503, Florida Statutes, is
4 amended to read:

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

16 Section 62. Section 553.5041, Florida Statutes, is
17 created to read:

18 553.5041 Parking spaces for persons who have
19 disabilities.--

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

1 accessibility, those requirements are adopted and incorporated
2 by reference as the law of this state.

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

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

19 (4) The number of accessible parking spaces must
20 comply with the parking requirements in ADAAG s. 4.1 and the
21 following:

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

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

31

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

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

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

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

25 (c)1. Each parking space must be no less than 12 feet
26 wide. Parking access aisles must be no less than 5 feet wide
27 and must be part of an accessible route to the building or
28 facility entrance. In accordance with ADAAG s. 4.6.3, access
29 aisles must be placed adjacent to accessible parking spaces;
30 however, two accessible parking spaces may share a common

31

1 access aisle. The access aisle must be striped diagonally to
2 designate it as a no-parking zone.

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

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

22 (d) On-street parallel parking spaces must be located
23 either at the beginning or end of a block or adjacent to alley
24 entrances. Such spaces must be designed in conformance with
25 the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5,
26 exception: access aisles are not required. Curbs adjacent to
27 such spaces must be of a height that will not interfere with
28 the opening and closing of motor vehicle doors. This
29 subsection does not relieve the owner of the responsibility to
30 comply with the parking requirements of ADAAG ss. 4.1 and 4.6.

31

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

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

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

21 2. A facility that is making alterations under s.
22 553.507(2)(b) must comply with this section to the maximum
23 extent feasible. If compliance with parking location
24 requirements is not feasible, the facility may provide parking
25 spaces at alternative locations for persons who have
26 disabilities and provide appropriate signage directing persons
27 who have a disability to alternative parking. The facility may
28 not reduce the required number or dimensions of those spaces,
29 nor may it unnecessarily increase the length of the accessible
30 route from a parking space to the facility. The alteration

31

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

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

23 Section 63. Section 553.506, Florida Statutes, is
24 amended to read:

25 553.506 Powers of the commission board.--In addition
26 to any other authority vested in the Florida Building
27 Commission board by law, the commission Board of Building
28 Codes and Standards, in implementing ss. 553.501-553.513, may,
29 by rule, adopt revised and updated versions of the Americans
30 with Disabilities Act Accessibility Guidelines in accordance
31 with chapter 120.

1 Section 64. Section 553.512, Florida Statutes, is
2 amended to read:

3 553.512 Modifications and waivers; advisory council.--

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

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

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

14 (3)~~(2)~~ Members of the council shall serve without
15 compensation, but shall be entitled to reimbursement for per
16 diem and travel expenses as provided by s. 112.061.

17 (4)~~(3)~~ Meetings of the advisory council shall be held
18 in conjunction with the regular meetings of the commission.

19 Section 65. Subsection (7) of section 553.71, Florida
20 Statutes, is amended, and subsection (9) is added to that
21 section, to read:

22 553.71 Definitions.--As used in this part, the term:

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

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

31

1 Section 66. Effective January 1, 2001, subsection (7)
2 of section 553.71, Florida Statutes, as amended by this act,
3 is amended, and subsection (10) is added to that section, to
4 read:

5 553.71 Definitions.--As used in this part, the term:

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

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

20 Section 67. Effective January 1, 2001, subsection (1)
21 of section 553.72, Florida Statutes, as amended by section 38
22 of chapter 98-287, Laws of Florida, is amended, and subsection
23 (6) is added to that section, to read:

24 553.72 Intent.--

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

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

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

22 Section 68. Effective January 1, 2001, subsections
23 (2), (4), (5), (6), (7), (8), (9), (10), (11), and (12) of
24 section 553.73, Florida Statutes, as amended by section 40 of
25 chapter 98-287, Laws of Florida, as amended by section 61 of
26 chapter 98-419, Laws of Florida, are amended to read:

27 553.73 Florida Building Code.--

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

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

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

1 herein and shall be transmitted to the commission within 30
2 days after enactment. The local government shall make such
3 amendments available to the general public in a usable format.
4 The State Fire Marshal ~~The Department of Insurance~~ is
5 responsible for establishing the standards and procedures
6 required in this paragraph for governmental entities with
7 respect to applying the Florida Fire Prevention Code and the
8 Life Safety Code.

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

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

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

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

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

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

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

17 7. Each county and municipality desiring to make local
18 technical amendments to the Florida Building Code shall by
19 interlocal agreement establish a countywide compliance review
20 board to review any amendment to the Florida Building Code,
21 adopted by a local government within the county pursuant to
22 this paragraph, that is challenged by any substantially
23 affected party for purposes of determining the amendment's
24 compliance with this paragraph. A public officer, as defined
25 in s. 112.313(1), who votes on a local amendment may not sit
26 on the compliance review board that hears a challenge to the
27 validity of that amendment. If the compliance review board
28 determines such amendment is not in compliance with this
29 paragraph, the compliance review board shall notify such local
30 government of the noncompliance and that the amendment is
31 invalid and unenforceable until the local government corrects

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

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

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

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

30 (5) The commission, by rule adopted pursuant to ss.
31 120.536(1) and 120.54, shall update the Florida Building Code

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

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

30 (6)(7)(a) The commission may approve technical
31 amendments to the Florida Building Code once each year for

1 statewide application upon a finding that ~~delaying the~~
2 ~~application of the amendment would be contrary to the health,~~
3 ~~safety, and welfare of the public or the amendment provides an~~
4 ~~economic advantage to the consumer and that the amendment:~~

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

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

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

14 4. Does not degrade the effectiveness of the Florida
15 Building Code.

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

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

30 (c) The commission may not approve any proposed
31 amendment that does not accurately and completely address all

1 requirements for amendment which are set forth in this
2 section.

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

7 (a) Buildings and structures specifically regulated
8 and preempted by the Federal Government.

9 (b) Railroads and ancillary facilities associated with
10 the railroad.

11 (c) Nonresidential farm buildings on farms.

12 (d) Temporary buildings or sheds used exclusively for
13 construction purposes.

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

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

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

25
26 With the exception of paragraphs (a), (b), and (f), in order
27 to preserve the health, safety, and welfare of the public, the
28 Florida Building Commission may, by rule adopted pursuant to
29 chapter 120, provide for exceptions to the broad categories of
30 buildings exempted in this section, including exceptions for
31 application of specific sections of the code or standards

1 adopted therein. The exceptions must be based upon specific
2 criteria, such as under-roof floor area, aggregate electrical
3 service capacity, HVAC system capacity, or other building
4 requirements. Further, the commission may recommend to the
5 Legislature additional categories of buildings, structures, or
6 facilities which should be exempted from the Florida Building
7 Code, to be provided by law.

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

17 (b) Any decision made by the local fire official and
18 the local building official may be appealed to a local
19 administrative board designated by the municipality, county,
20 or special district having firesafety responsibilities. If the
21 decision of the local fire official and the local building
22 official is to apply the provisions of either the Florida
23 Building Code or the Florida Fire Prevention Code and the Life
24 Safety Code, the board may not alter the decision unless the
25 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 the local building official and the local fire
8 official are unable to agree on a resolution of the conflict
9 between the Florida Building Code and the Florida Fire
10 Prevention Code and the Life Safety Code, the local
11 administrative board shall resolve the conflict in favor of
12 the code which offers the greatest degree of lifesafety or
13 alternatives which would provide an equivalent degree of
14 lifesafety and an equivalent method of construction.

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

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

26 (f)~~(e)~~ All decisions of the local building official
27 and local fire official and all decisions of the
28 administrative board shall be in writing and shall be binding
29 upon all persons but shall not limit the authority of the
30 State Fire Marshal or the Florida Building Commission pursuant
31 to paragraph(1)(d) and ss. 663.01 and 633.161. Decisions of

1 general application shall be indexed by building and fire code
2 sections and shall be available for inspection during normal
3 business hours.

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

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

28 ~~(12) In addition to the requirements of ss. 553.79 and~~
29 ~~553.80, facilities subject to the provisions of chapter 395~~
30 ~~and part II of chapter 400 shall have facility plans reviewed~~
31 ~~and construction surveyed by the state agency authorized to do~~

1 ~~so under the requirements of chapter 395 and part II of~~
2 ~~chapter 400 and the certification requirements of the Federal~~
3 ~~Government.~~

4 Section 69. Subsections (3) and (4) of section 553.74,
5 Florida Statutes, are amended to read:

6 553.74 Florida Building Commission.--

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

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

20 Section 70. Subsection (2) of section 553.77, Florida
21 Statutes, is amended to read:

22 553.77 Specific powers of the commission.--

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

25 (a) Provide for the testing of materials, devices, and
26 method of construction.

27 (b) Appoint experts, consultants, technical advisers,
28 and advisory committees for assistance and recommendations
29 relating to the State Minimum Building Codes.

30 (c) Appoint an advisory committee consisting of at
31 least five plumbing contractors licensed to do business in

1 this state for assistance and recommendations relating to
2 plumbing code interpretations, if the commission identifies
3 the need for additional assistance in making decisions
4 regarding the State Plumbing Code.

5 (d) Provide technical assistance and issue advisory
6 opinions concerning the technical and administrative
7 provisions of the State Minimum Building Codes.

8 Section 71. Effective January 1, 2001, subsections
9 (1), (3), and (6) of section 553.77, Florida Statutes, as
10 amended by section 46 of chapter 98-287, Laws of Florida, are
11 amended to read:

12 553.77 Specific powers of the commission.--

13 (1) The commission shall:

14 (a) Adopt and update the Florida Building Code or
15 amendments thereto, pursuant to ss. 120.536(1) and 120.54, as
16 necessary for execution of the powers and responsibilities
17 authorized by this act.

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

1 such information as requested by the commission for evaluation
2 of and recommendations for improving the effectiveness of the
3 system of building code laws for reporting to the Legislature
4 annually. Failure to comply with this or other requirements of
5 this act must be reported to the Legislature for further
6 action. Any proposed legislation providing for the revision or
7 repeal of existing laws and rules relating to technical
8 requirements applicable to building structures or facilities
9 should expressly state that such legislation is not intended
10 to imply any repeal or sunset of existing general or special
11 laws that are not specifically identified in the legislation.

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

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

27 (e) When requested in writing by any substantially
28 affected person, state agency, or a local enforcing agency,
29 shall issue declaratory statements pursuant to s. 120.565
30 relating to this part, ~~which shall apply prospectively only.~~

31

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

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

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

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

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

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

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

28 (i) Determine the types of products requiring approval
29 for local or statewide use and shall provide for the
30 evaluation and approval of such products, materials, devices,
31 and method of construction for statewide use. The commission

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

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

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

18 1. Minimum postdisaster structural, electrical, and
19 plumbing inspections and procedures.

20 2. Emergency permitting and inspection procedures.

21 3. Establishing contact with emergency management
22 personnel and other state and federal agencies.

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

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

31

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

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

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

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

31

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

3 Section 72. Paragraph (b) of subsection (2) of section
4 553.781, Florida Statutes, is amended to read:

5 553.781 Licensee accountability.--

6 (2)

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

22 Section 73. Subsections (3) and (5), paragraph (a) of
23 subsection (7), and subsections (10), (12), (14) and (16) of
24 section 553.79, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

14 3. The building is not substantially remodeled;

15 4. Current fire code requirements for ingress and
16 egress are met;

17 5. Electrical, gas, and plumbing systems meet the
18 codes in force at the time of construction and are operational
19 and safe for reconnection; and

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

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

1 whether a moved building or structure has been substantially
2 remodeled.

3 Section 74. Effective January 1, 2001, subsections
4 (2), (3), (6), and (9) of section 553.79, Florida Statutes, as
5 amended by section 49 of chapter 98-287, Laws of Florida, are
6 amended to read:

7 553.79 Permits; applications; issuance; inspections.--

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

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

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

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

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

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

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

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

1 ~~accommodate 100 or more persons or for which the system costs~~
2 ~~more than \$50,000. This paragraph does not include any~~
3 ~~document for the replacement or repair of an existing system~~
4 ~~in which the work does not require altering a structural part~~
5 ~~of the building or for work on a residential one-family,~~
6 ~~two-family, three-family, or four-family structure.~~

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

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

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

25 Section 75. Effective January 1, 2001, subsection (1)
26 and paragraph (a) of subsection (6) of section 553.80, Florida
27 Statutes, as amended by section 51 of chapter 98-287, Laws of
28 Florida, are amended, and paragraph (d) is added to subsection
29 (6) of that section, to read:

30 553.80 Enforcement.--

31

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

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

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

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

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

1 assembly, or construction at the site. Erection, assembly, and
2 construction at the site are subject to local permitting and
3 inspections.

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

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

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

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

1 requirements, plans review, and inspection fees. State
2 universities, state community colleges, and public school
3 districts shall be liable and responsible for all of their
4 buildings, structures, and facilities. Nothing in this
5 paragraph shall be construed to limit the authority of the
6 county, municipality, or code enforcement district to ensure
7 that buildings, structures, and facilities owned by such
8 entities comply with the Florida Building Code or to limit the
9 authority and responsibility of the fire official to conduct
10 firesafety inspections pursuant to chapter 633.

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

25
26 Nothing in this part shall be construed to authorize counties,
27 municipalities, or code enforcement districts to conduct any
28 permitting, plans review, or inspections not covered by the
29 Florida Building Code. Any actions by counties or
30 municipalities not in compliance with this part may be
31 appealed to the Florida Building Commission. The commission,

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

9 Section 76. Effective January 1, 2001, section 553.83,
10 Florida Statutes, is amended to read:

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

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

28 Section 77. Effective January 1, 2001, section 553.84,
29 Florida Statutes, is amended to read:

30 553.84 Statutory civil action.--Notwithstanding any
31 other remedies available, any person or party, in an

1 individual capacity or on behalf of a class of persons or
2 parties, damaged as a result of a violation of this part or
3 the Florida State Minimum Building Code Codes, has a cause of
4 action in any court of competent jurisdiction against the
5 person or party who committed the violation.

6 Section 78. Subsections (2), (3), and (9) of section
7 553.841, Florida Statutes, are amended to read:

8 553.841 Building code training program; participant
9 competency requirements.--

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

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

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

28 Section 79. Subsection (1) of section 553.842, Florida
29 Statutes, is amended, present subsections (5) through (12) of
30 that section are redesignated as subsections (6) through (13),
31

1 respectively, and a new subsection (5) is added to that
2 section to read:

3 553.842 Product evaluation and approval.--

4 (1) The commission shall make recommendations to the
5 Legislature by February 1, 2001, for a statewide ~~may adopt~~
6 ~~rules pursuant to ss. 120.536(1) and 120.54 to develop and~~
7 ~~implement a~~ product evaluation and approval system to operate
8 in coordination with the Florida Building Code. The product
9 evaluation and approval system shall provide:

10 (a) Appropriate promotion of innovation and new
11 technologies.

12 (b) Processing submittals of products from
13 manufacturers in a timely manner.

14 (c) Independent, third-party qualified and accredited
15 testing and laboratory facilities.

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

18 (e) Development of stringent but reasonable testing
19 criteria based upon existing consensus standards, when
20 available, for products.

21 (f) Long-term approvals, where feasible.

22 (g) Recall or revocation of a product approval.

23 (h) Cost-effectiveness.

24 (5) Notwithstanding subsection (4), any county defined
25 in s. 125.011 or a county operating under a home rule charter
26 adopted on or before November 5, 1974, are not precluded from
27 requiring its own testing, evaluation, or submission of other
28 evidence as a condition of using the product within that
29 county, regardless of whether such testing, evaluation, or
30 submission of other evidence is more stringent than, or
31 otherwise differs from, that required for statewide approval.

1
2 For purposes of this section, an approved product evaluation
3 entity is an entity that has been accredited by a nationally
4 recognized independent evaluation authority or entity
5 otherwise approved by the commission.

6 Section 80. Effective January 1, 2001, section 553.85,
7 Florida Statutes, is amended to read:

8 553.85 Liquefied petroleum gases.--The provisions of
9 the Florida State Minimum Building Code Codes and the rules
10 ~~and regulations adopted thereunder~~ for the design,
11 construction, location, installation, services, and operation
12 of equipment for storing, handling, transporting, and
13 utilization of liquefied petroleum gases shall not be in
14 conflict with chapter 527.

15 Section 81. Section 553.901, Florida Statutes, is
16 amended to read:

17 553.901 Purpose of thermal efficiency code.--By
18 January 1, 2001, the Department of Community Affairs shall
19 prepare a ~~The purpose of this~~ thermal efficiency code ~~is~~ to
20 provide for a statewide uniform standard for energy efficiency
21 in the thermal design and operation of all buildings
22 statewide, consistent with energy conservation goals, and to
23 best provide for public safety, health, and general welfare.
24 The Florida Building Commission shall adopt the Florida Energy
25 Efficiency Code for Building Construction within the Florida
26 Building Code, and ~~Department of Community Affairs~~ shall
27 ~~adopt,~~ modify, revise, update, and maintain the ~~Florida Energy~~
28 ~~Efficiency code for Building Construction~~ to implement the
29 provisions of this thermal efficiency code and amendments
30 thereto, in accordance with the procedures of chapter 120.
31 The department shall, at least triennially, determine the most

1 cost-effective energy-saving equipment and techniques
2 available and report its determinations to the commission,
3 which shall update the code to incorporate such equipment and
4 techniques. The proposed changes shall be made available for
5 public review and comment no later than 6 months prior to code
6 implementation. The term "cost-effective," for the purposes
7 of this part, shall be construed to mean cost-effective to the
8 consumer.

9 Section 82. Subsections (1), (4), (6), and (7) of
10 section 553.902, Florida Statutes, are amended to read:

11 553.902 Definitions.--For the purposes of this part:

12 (1) "Exempted building" means:

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

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

19 (c) Any building for which federal mandatory standards
20 preempt state energy codes.

21 (d) Any historical building as described in s.
22 267.021(6).

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

26
27 The Florida Building Commission may recommend to the
28 Legislature additional types of buildings which should be
29 exempted from compliance with the Florida Energy Efficiency
30 Code for Building Construction.

31

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

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

14 (6)(7) "Energy performance level" means the indicator
15 of the energy-related performance of a building, including,
16 but not limited to, the levels of insulation, the amount and
17 type of glass, and the HVAC and water heating system
18 efficiencies.

19 Section 83. Section 553.903, Florida Statutes, is
20 amended to read:

21 553.903 Applicability.--This part shall apply to all
22 new and renovated buildings in the state, except exempted
23 buildings, for which building permits are obtained after March
24 15, 1979, and to the installation or replacement of building
25 systems and components with new products for which thermal
26 efficiency standards are set by the Florida Energy Efficiency
27 Code for Building Construction. The provisions of this part
28 shall constitute a statewide uniform code. ~~The criteria for~~
29 ~~compliance shall include the provision that the performance~~
30 ~~level of a building built to such thermal performance~~

31

1 ~~standards shall not vary more than 5 percent as a result of~~
2 ~~choice of energy source.~~

3 Section 84. Section 553.907, Florida Statutes, is
4 amended to read:

5 553.907 Compliance.--~~Owners of all buildings required~~
6 ~~to comply with this part, or their agents, must certify~~
7 ~~compliance to the designated local enforcement agency prior to~~
8 ~~receiving the permit to begin construction or renovation. If,~~
9 ~~during the building construction or renovation, alterations~~
10 ~~are made in the design, materials, or equipment which would~~
11 ~~diminish the energy performance of the building, an amended~~
12 ~~copy of the compliance certification must be submitted to the~~
13 ~~local enforcement agency on or before the date of final~~
14 ~~inspection by the building owner or his or her agent and must~~
15 ~~be placed on the building permit.~~Each local enforcement
16 agency shall report to the department any information
17 concerning compliance certifications and amendments at such
18 intervals as the department designates by rule adopted in
19 accordance with chapter 120.

20 Section 85. Section 553.9085, Florida Statutes, is
21 amended to read:

22 553.9085 Energy performance disclosure for residential
23 buildings.--The energy performance level resulting from
24 compliance with the provisions of this part, for each new
25 residential building, shall be disclosed at the request of the
26 prospective purchaser. In conjunction with the normal
27 responsibilities and duties of this part, the local building
28 official shall require that a complete and accurate energy
29 performance level display card be completed and certified by
30 the builder as accurate and correct before final approval of
31 the building for occupancy. The energy performance level

1 display card shall be included as an addendum to each sales
2 contract ~~executed after January 1, 1994~~. The display card
3 shall be uniform statewide and developed by the Department of
4 Community Affairs. At a minimum, the display card shall list
5 information indicating the energy performance level of the
6 dwelling unit, ~~including an EPI when appropriate, resulting~~
7 from compliance with the code, shall be signed by the builder,
8 and shall list general information about the energy
9 performance level and the code.

10 Section 86. Subsection (1) of section 553.909, Florida
11 Statutes, is amended to read:

12 553.909 Setting requirements for appliances;
13 exceptions.--

14 (1) The Florida Energy Efficiency Code for Building
15 Construction shall set the minimum requirements for heat traps
16 and thermostat settings for water heaters sold after October
17 1, 1980, for residential use shall be installed with a heat
18 trap and shall have the thermostat set at 110 °F or whatever
19 minimum the unit is capable of if it exceeds 110 °F. The code
20 shall further establish the minimum acceptable standby loss
21 for electric water heaters and the minimum recovery efficiency
22 and standby loss for may not have a standby loss which exceeds
23 4 watts per square foot of tank surface per hour. water
24 heaters fueled by natural gas or liquefied petroleum gas in
25 any form which are sold or installed after March 1, 1981,
26 shall have a recovery efficiency of 75 percent or more and
27 shall have a standby loss in percent per hour not exceeding
28 the number determined by dividing 67 by the volume of the tank
29 in gallons and adding the result to 2.8.

30 Section 87. Section 627.0626, Florida Statutes, is
31 created to read:

1 627.0626 Residential property insurance; rate
2 filings.--A rate filing for residential property made after
3 the effective date of the Florida Building Code must include
4 discounts, credits, or other rate differentials that will
5 effectively lower windstorm insurance rates for residences
6 constructed to the standards of the Florida Building Code and
7 for residences which have been retrofitted with construction
8 techniques or fixtures intended to reduce the amount of loss
9 resulting from windstorm damage. The discounts, rebates,
10 credits, or rate reductions must be based on a maximum 5-year
11 cost-of-recovery formula approved by the Insurance
12 Commissioner. The cost-of-recovery formula must include, but
13 is not limited to, construction techniques and fixtures that
14 enhance roof strength; roof-covering performance; roof-to-wall
15 connection strength; foundation and floor-to-wall connection
16 strength; opening protection; window, door and skylight
17 performance and strength; and any other construction
18 techniques, materials, and fixtures that meet the requirements
19 of the Florida Building Code. All windstorm insurers must
20 include the requirements of this section in any rate filing
21 made after the effective date of the Florida Building Code.

22 Section 88. Effective January 1, 2001, subsection (6)
23 of section 633.01, Florida Statutes, as amended by section 57
24 of chapter 98-287, Laws of Florida, is amended to read:

25 633.01 State Fire Marshal; powers and duties; rules.--

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

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

5 Section 89. Effective January 1, 2001, subsections
6 (1), (2), (3), (4), and (5) of section 633.0215, Florida
7 Statutes, as created by section 59 of chapter 98-287, Laws of
8 Florida, are amended, and subsections (7), (8), and (9) are
9 added to that section, to read:

10 633.0215 Florida Fire Prevention Code.--

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

21 (2) The State Fire Marshal department shall adopt the
22 National Fire Protection Association's Standard 1, Fire
23 Prevention Code. The State Fire Marshal department shall
24 adopt the Life Safety Code, Pamphlet 101, current editions, by
25 reference. The State Fire Marshal department may modify the
26 selected codes and standards as needed to accommodate the
27 specific needs of the state. Standards or criteria in the
28 selected codes shall be similarly incorporated by reference.
29 The State Fire Marshal department shall incorporate within
30 sections of the Florida Fire Prevention Code provisions that
31 address uniform firesafety standards as established in s.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Section 90. Effective January 1, 2001, subsections
18 (1), (3), (4), (8), and (9) of section 633.025, Florida
19 Statutes, as amended by section 59 of chapter 98-287, Laws of
20 Florida, are amended to read:

21 633.025 Minimum firesafety standards.--

22 (1) The Florida Fire Prevention Code and the Life
23 Safety Code adopted by the State Fire Marshal ~~Department of~~
24 ~~Insurance~~, which shall operate in conjunction with the Florida
25 Building Code, shall be deemed adopted by each municipality,
26 county, and special district with firesafety responsibilities.
27 The minimum firesafety codes shall not apply to buildings and
28 structures subject to the uniform firesafety standards under
29 s. 633.022 and buildings and structures subject to the minimum
30 firesafety standards adopted pursuant to s. 394.879.

31

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

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

22 (a) The local governing body shall determine,
23 following a public hearing which has been advertised in a
24 newspaper of general circulation at least 10 days before the
25 hearing, if there is a need to strengthen the requirements of
26 the minimum firesafety code adopted by such governing body.
27 The determination must be based upon a review of local
28 conditions by the local governing body, which review
29 demonstrates that local conditions justify more stringent
30 requirements than those specified in the minimum firesafety
31 code for the protection of life and property or justify

1 requirements that meet special situations arising from
2 historic, geographic, or unusual conditions.

3 (b) Such additional requirements shall not be
4 discriminatory as to materials, products, or construction
5 techniques of demonstrated capabilities.

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

15 (d) A local government which adopts amendments to the
16 minimum firesafety code must provide a procedure by which the
17 validity of such amendments may be challenged by any
18 substantially affected party to test the amendment's
19 compliance with the provisions of this section.

20 1. Unless the local government agrees to stay
21 enforcement of the amendment, or other good cause is shown,
22 the challenging party shall be entitled to a hearing on the
23 challenge within 45 days.

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

27

28 This subsection gives local government the authority to
29 establish firesafety codes that exceed the minimum firesafety
30 codes and standards adopted by the State Fire Marshal. The
31 Legislature intends that local government give proper public

1 notice and hold public hearings before adopting more stringent
2 firesafety codes and standards.~~A substantially affected~~
3 ~~person may appeal, to the Department of Insurance, the local~~
4 ~~government's resolution of the challenge, and the department~~
5 ~~shall determine if the amendment complies with this section.~~
6 ~~Actions of the department are subject to judicial review~~
7 ~~pursuant to s. 120.68. The department shall consider reports~~
8 ~~of the Florida Building Commission, pursuant to part VII of~~
9 ~~chapter 533, when evaluating building code enforcement.~~

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

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

24 Section 91. Section 633.72, Florida Statutes, is
25 amended to read:

26 633.72 Florida Fire Code Advisory Council.--

27 (1) There is created within the department the Florida
28 Fire Code Advisory Council with 11 ~~seven~~ members appointed by
29 the State Fire Marshal. The council, ~~in cooperation with the~~
30 ~~Florida Building Commission,~~ shall advise and recommend to the
31 State Fire Marshal ~~and, where appropriate, for further~~

1 ~~recommendation to the Legislature~~ changes to in and
2 interpretation of the uniform firesafety standards adopted
3 under s. 633.022, the Florida Fire Prevention Code, and those
4 portions of the Florida Fire Prevention Code ~~codes~~ that have
5 the effect of conflicting with building construction standards
6 that are adopted pursuant to ~~ss. s.~~633.0215 and 633.022. The
7 members of the council shall represent the following groups
8 and professions:

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

12 (b) One member shall be an administrative officer from
13 a fire department representing a municipality or a county
14 selected from a list of persons submitted by the Florida Fire
15 Chiefs Association;

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

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

23 (e) One member shall be an administrative officer from
24 a building department of a county or municipality selected
25 from a list of persons submitted by the Building Officials
26 Association of Florida;

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

30
31

1 (g) One member shall be a Florida certified
2 firefighter selected from a list submitted by the Florida
3 Professional Firefighters' Association;

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

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

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

11 (k)~~(g)~~ One member shall be representative of the
12 general public.

13 ~~(2)(h) The administrative staff of the State Fire~~
14 ~~Marshal and shall attend meetings of the Florida Building~~
15 ~~Commission shall and coordinate efforts to provide consistency~~
16 ~~between the Florida Building Code and the Florida Fire~~
17 ~~Prevention Code and the Life Safety Code.~~

18 (3) The council and Florida Building Commission shall
19 cooperate through joint representation and staff coordination
20 of codes and standards to resolve conflicts in their
21 development, updating, and interpretation.

22 ~~(4)(2)~~ Each appointee shall serve a 4-year term. No
23 member shall serve more than one term. No member of the
24 council shall be paid a salary as such member, but each shall
25 receive travel and expense reimbursement as provided in s.
26 112.061.

27 Section 92. Effective January 1, 2001, section
28 655.962, Florida Statutes, is amended to read:

29 655.962 Lighting; mirrors; landscaping.--

30 (1) Each operator of an automated teller machine, or
31 other person that controls the access area or defined parking

1 area to be lighted, shall comply with this section and the
2 provisions of the Florida Building Code which govern required
3 lighting and mirrors for automated teller machines ~~subsections~~
4 ~~(2), (3), and (4) no later than 1 year after October 1, 1994.~~
5 ~~If the access area or defined parking area to be lighted is~~
6 ~~controlled by a person other than the operator, such other~~
7 ~~person shall comply with subsections (2), (3), and (4) no~~
8 ~~later than 1 year after October 1, 1994.~~

9 (2) Each operator, or other person responsible for an
10 automated teller machine pursuant to ss. 655.960-655.965,
11 shall provide lighting as required by the Florida Building
12 Code during the hours of darkness with respect to an open and
13 operating automated teller machine and any defined parking
14 area, access area, and the exterior of an enclosed automated
15 teller machine installation, ~~as follows:~~

16 (a) ~~There shall be a minimum of 10 candlefoot power at~~
17 ~~the face of the automated teller machine and extending in an~~
18 ~~unobstructed direction outward 5 feet.~~

19 (b) ~~There shall be a minimum of 2 candlefoot power~~
20 ~~within 50 feet in all unobstructed directions from the face of~~
21 ~~the automated teller machine. If the automated teller machine~~
22 ~~is located within 10 feet of the corner of the building and~~
23 ~~the automated teller machine is generally accessible from the~~
24 ~~adjacent side, there shall be a minimum of 2 candlefoot power~~
25 ~~along the first 40 unobstructed feet of the adjacent side of~~
26 ~~the building.~~

27 (c) ~~There shall be a minimum of 2 candlefoot power in~~
28 ~~that portion of the defined parking area within 60 feet of the~~
29 ~~automated teller machine.~~

30 (3) The operator shall provide reflective mirrors or
31 surfaces at each automated teller machine which comply with

1 the Florida Building Code and which provide the customer with
2 a rear view while the customer is engaged in using the
3 automated teller machine.

4 (4) The operator, or other person responsible pursuant
5 to ss. 655.960-655.965 for an automated teller machine, shall
6 ensure that the height of any landscaping, vegetation, or
7 other physical obstructions in the area required to be lighted
8 pursuant to subsection (2) for any open and operating
9 automated teller machine shall not exceed 3 feet, except that
10 trees trimmed to a height of 10 feet and whose diameters are
11 less than 2 feet and manmade physical obstructions required by
12 statute, law, code, ordinance, or other governmental
13 regulation shall not be affected by this subsection.

14 Section 93. Section 62 of chapter 98-287, Laws of
15 Florida, is amended to read:

16 Section 62. (1) Before the 2000 Regular Session of
17 the Legislature, the Florida Building Commission shall submit
18 to the Legislature, ~~for review and approval or rejection,~~ the
19 Florida Building Code adopted by the commission and shall
20 prepare list of recommendations of revisions to the Florida
21 Statutes necessitated by adoption of the Florida Building Code
22 if the Legislature approves the Florida Building Code.

23 (2) Effective January 1, 2001 ~~Upon approval of the~~
24 ~~Florida Building Code by the Legislature,~~ all existing local
25 technical amendments to any building code adopted by any local
26 government, except for local ordinances setting forth
27 administrative requirements which are not in conflict with the
28 Florida Building Code, are repealed. Each local government may
29 readopt such amendments pursuant to s. 553.73, Florida
30 Statutes, provided such amendments comply with applicable
31 provisions of the Florida Building Code.

1 Section 94. Section 68 of chapter 98-287, Laws of
2 Florida, is amended to read:

3 Section 68. Effective January 1, 2001 ~~upon the~~
4 ~~approval by the Legislature of the adoption of the Florida~~
5 ~~Building Code by the Florida Building Commission, parts I, II,~~
6 ~~and III of chapter 553, Florida Statutes, consisting of~~
7 ~~sections 553.01, 553.02, 553.03, 553.04, 553.041, 553.05,~~
8 ~~553.06, 553.07, 553.08, 553.10, 553.11, 553.14, 553.15,~~
9 ~~553.16, 553.17, 553.18, 553.19, 553.20, 553.21, 553.22,~~
10 ~~553.23, 553.24, 553.25, 553.26, 553.27, and 553.28, Florida~~
11 ~~Statutes, are repealed,~~ and section 553.141, Florida Statutes,
12 is transferred and renumbered as section 553.86, Florida
13 Statutes, and section 553.19, Florida Statutes, is transferred
14 and renumbered as section 553.87, Florida Statutes.

15 Section 95. The Legislature has reviewed the Florida
16 Building Code that was adopted by action of the Florida
17 Building Commission on February 15, 2000, and that was noticed
18 for rule adoption by reference in Rule 9B-3.047, F.A.C., on
19 February 18, 2000, in the Florida Administrative Weekly on
20 page 731. The Florida Building Commission is directed to
21 continue the process to adopt the code, pursuant to section
22 120.54(3), Florida Statutes, and to incorporate the following
23 provisions or standards for the State of Florida:

24 (1) The commission shall apply the criteria set forth
25 at section 553.73(7)(a) and (b), Florida Statutes, as amended
26 by section 40 of chapter 98-287, Laws of Florida, and section
27 553.73(6)(c), Florida Statutes, as created by this act, for
28 the adoption of any amendments to the base codes after the
29 effective date of this act.

30 (2) There is appropriated from the Florida Hurricane
31 Catastrophe Fund to the Department of Community Affairs an

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

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

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

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

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

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

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

14 (5) The following areas of the state are defined as
15 the "windborne debris region" and are subject to the windborne
16 debris construction standards specified in the American
17 Society of Civil Engineers standard ASCE 7-98:

18 (a) All land south of the 28th latitudinal parallel;

19 (b) On the eastern coast of the state, all land within
20 5 miles of the coast north from the 28th latitudinal parallel;

21 (c) On the western coast of the state, all land within
22 3 miles of the coast north from the 28th latitudinal parallel,
23 to the end of the 120 mph wind zone, as established in ASCE
24 7-98, in Taylor County;

25 (d) On the western coast of the state, all land within
26 1 mile of the coast, from the end of the 120 mph wind zone in
27 Taylor County, as established in ASCE 7-98, to the
28 Florida-Alabama state line.

29
30 The exact location of the line shall be established by local
31 ordinance, using recognized physical landmarks such as major

1 roads, canals, rivers, and lake shores, wherever possible.
2 Buildings constructed in the windborne debris region must be
3 either designed for internal pressures that may result inside
4 a building when a window or door is broken or a hole is
5 created in its walls or roof by large debris, or be designed
6 with protected openings.

7 (6) The commission shall delete the requirement in the
8 code that disclosures be made to the owner of the building
9 regarding the risks associated with failing to install
10 shutters and door protections during a hurricane.

11 (7) Notwithstanding section 40 of chapter 98-287, Laws
12 of Florida, if a county with a population over 1 million on
13 April 1, 2000, as enumerated in the 2000 decennial census, or
14 a municipality within that county, adopts an ordinance
15 providing for a local amendment to the Florida Building Code,
16 and such amendment provides a higher level of protection to
17 the public, as determined by the Florida Building Commission,
18 the local amendment becomes effective without approval of the
19 Florida Building Commission and is not rescinded pursuant to
20 section 40 of chapter 98-287, Laws of Florida.

21 (8) Notwithstanding section 40 of chapter 98-287, Laws
22 of Florida, if a county or municipality adopts an ordinance
23 providing for a local amendment to the Florida Building Code,
24 and such amendment provides for window and door protection
25 such as hurricane shutters beyond what the code provides, as
26 determined by the Florida Building Commission, the local
27 amendment becomes effective without approval of the Florida
28 Building Commission and is not rescinded pursuant to section
29 40 of chapter 98-287, Laws of Florida.

30
31

1 The Legislature declares that changes made to the proposed
2 Rule 9B-3.047, F.A.C., to implement the requirements of this
3 act prior to October 1, 2000, are not subject to rule
4 challenges under section 120.56, Florida Statutes. However,
5 the entire rule, adopted pursuant to section 120.54(3),
6 Florida Statutes, as amended after October 1, 2000, is subject
7 to rule challenges under section 120.56, Florida Statutes.

8 (5) The Florida Building Commission is directed to
9 amend section 611 of the Plumbing Section of the Florida
10 Building Code to incorporate the following:

11 (a) When reduction of aesthetic contaminants, such as
12 chlorine, taste, odor, or sediment are claimed, the drinking
13 water treatment units must meet the requirements of NSF
14 Standard 42 Drinking Water Treatment Units-Aesthetic Effects,
15 or Water Quality Association Standard S-200 for Household and
16 Commercial Water Filters. When reduction of regulated health
17 contaminants is claimed, such as inorganic or organic
18 chemicals, or radiological substances, the drinking water
19 treatment unit must meet the requirements of NSF Standard 53
20 Drinking Water Treatment Units-Health Effects.

21 (b) Reverse osmosis drinking water treatment systems
22 shall meet the requirements of NSF Standard 58 Reverse Osmosis
23 Drinking Water Treatment Units or Water Quality Association
24 Standard S-300 Point-of-Use Low Pressure Reverse Osmosis
25 Drinking Water Systems for the Reduction of Total Dissolved
26 Solids Only.

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

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

5 Section 96. Section 125.0106, Florida Statutes, is
6 repealed.

7 Section 97. Effective January 1, 2001, subsection (2)
8 of section 255.21, Florida Statutes, and subsection (11) of
9 section 553.79, Florida Statutes, are repealed.

10 Section 98. This act does not imply any repeal or
11 sunset of existing general or special laws that are not
12 specifically identified in this act.

13 Section 99. Except as otherwise specifically provided
14 in this act, this act shall take effect upon becoming a law.

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 SBS 4 & 380

19 The CS differs from the bill in the following ways:

20 It directs the Florida Building Commission to:

21 Redefine the "windborne debris region" for the state,
22 thus exempting some parts of the state from construction
23 standards specified in ASCE 7-98, the American Society
24 of Civil Engineer's standard for building in specified
25 areas of the state;

26 Exempt some counties, and all counties in limited
27 circumstances, from the local amendment adoption process
28 specified in the Florida Building Code;

29 Recommend a statewide product approval to the
30 Legislature by February, 2001; and

31 Allow Miami-Dade and Broward Counties to continue to use
 their product approval systems.