

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

311-1941A-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. 455.2286,
15 F.S.; revising the effective date for
16 implementing an automated information system;
17 amending s. 468.604, F.S.; substituting
18 references to the Florida Building Code for
19 references to listed locally adopted codes;
20 amending s. 468.607, F.S.; providing for the
21 continuing validity of the certifications of
22 certain building inspectors and plans examiners
23 for a certain period of time; amending s.
24 468.609, F.S.; clarifying the prerequisites for
25 taking certain certification examinations;
26 amending s. 468.617, F.S.; adding school
27 boards, community college boards, state
28 agencies, and state universities as entities
29 that may contract for joint inspection services
30 or contract with other certified persons to
31 perform plan reviews and inspection services;

1 amending s. 469.002, F.S.; eliminating a
2 required asbestos disclosure statement;
3 providing for inclusion of such a statement
4 within the Florida Building Code; amending s.
5 471.015, F.S.; authorizing the Board of
6 Professional Engineers to establish
7 qualifications for special inspectors of
8 threshold buildings and to establish
9 qualifications for the qualified representative
10 of such a special inspector; providing for
11 minimum qualifications for qualified
12 representatives; amending s. 481.213, F.S.;
13 authorizing the Board of Architecture and
14 Interior Design to establish qualifications for
15 certifying licensed architects as special
16 inspectors of threshold buildings and to
17 establish qualifications for the qualified
18 representative of such a special inspector;
19 amending s. 489.103, F.S.; substituting
20 references to the Florida Building Code for
21 references to locally adopted codes; amending
22 s. 489.107, F.S.; requiring that the office of
23 the Construction Industry Licensing Board be in
24 Leon County; amending ss. 489.115, 497.255,
25 553.06, 553.141, 553.503, 553.506, 553.512,
26 553.73, 553.74, F.S.; replacing references to
27 the Board of Building Codes and Standards with
28 references to the Florida Building Commission;
29 amending s. 500.09, F.S.; clarifying that the
30 Department of Agriculture and Consumer Services
31 may not adopt construction regulations for food

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

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

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

1 intent relating to the Florida Building Code;
2 amending s. 553.73, F.S.; expanding the list of
3 regulations to be included in the Florida
4 Building Code; clarifying the limitations
5 applicable to administrative amendments to the
6 code; clarifying the effect on local
7 governments of adopting and updating the
8 Florida Building Code; specifying that
9 amendments to certain standards or criteria are
10 effective statewide or on a regional basis upon
11 adoption by the commission; providing for the
12 immediate effect of certain amendments to the
13 Florida Building Code in certain circumstances;
14 revising criteria for commission approval of
15 amendments to the Florida Building Code;
16 prescribing which edition of the Florida
17 Building Code applies to a given project;
18 authorizing the Florida Building Commission to
19 provide exceptions to the exemptions; providing
20 for review of decisions of certain local
21 government officials; delegating certain
22 responsibilities to the State Fire Marshal,
23 rather than the Department of Insurance;
24 amending s. 553.77, F.S.; revising the powers
25 of the commission; providing for fees for
26 product approval; correcting a cross-reference;
27 amending s. 553.781, F.S.; clarifying that the
28 Department of Business and Professional
29 Regulation conducts disciplinary investigations
30 and takes disciplinary actions; amending s.
31 553.79, F.S.; replacing the term "mobile home"

1 with the term "manufactured home"; deleting the
2 authority of the Department of Community
3 Affairs to establish qualifications for and
4 certify special inspectors; revising the
5 responsibilities of special inspectors;
6 requiring the Florida Building Commission to
7 establish standards for specified structures;
8 deleting standards for specified structures;
9 providing for alternative plan review by a
10 registered architect or engineer under certain
11 circumstances; clarifying that building code
12 plan review is required independent of
13 firesafety plan review; deleting specific
14 requirements for the submittal of plans;
15 directing the Florida Building Commission to
16 adopt requirements for plan review; revising
17 standards for determining costs; amending s.
18 553.80, F.S.; consolidating all exemptions from
19 local enforcement of the building code;
20 providing for uses of facility maintenance
21 permits by school boards, community college
22 boards, and state universities; amending ss.
23 553.83, 553.84, 553.85, F.S.; replacing
24 references to local codes and state minimum
25 codes with references to the Florida Building
26 Code; amending s. 553.841, F.S.; creating the
27 Office of Building Code Training Program
28 Administration and providing its duties;
29 amending s. 553.842, F.S.; requiring the
30 commission to make recommendations to the
31 Legislature for a statewide product approval

1 system; exempting certain counties from the
2 statewide product approval system; amending s.
3 553.901, F.S.; transferring the authority to
4 adopt the thermal efficiency code from the
5 Department of Community Affairs to the Florida
6 Building Commission; amending s. 553.902, F.S.;
7 amending the term "exempted building"; deleting
8 an exemption; authorizing the commission to
9 recommend additional exemptions; deleting the
10 term "energy performance index"; amending s.
11 553.903, F.S.; deleting an obsolete requirement
12 relating to thermal efficiency; amending s.
13 553.907, F.S.; deleting requirements for
14 certification of compliance to local
15 governments; amending s. 553.9085, F.S.;
16 deleting obsolete references; amending s.
17 553.909, F.S.; deleting specific requirements
18 for water heaters; directing that such
19 requirements be set in the energy code;
20 amending s. 627.0629, F.S.; requiring a rating
21 manual to include discounts for certain
22 fixtures and construction techniques; amending
23 ss. 633.01, 633.0215, 633.025, F.S.; replacing
24 references to the Department of Insurance with
25 references to the State Fire Marshal; amending
26 s. 633.0215, F.S., the Florida Fire Prevention
27 Code; providing for triennial adoption of the
28 code; providing requirements for local
29 amendments; exempting certain ordinances from
30 adoption by the State Fire Marshal; amending s.
31 633.025, F.S.; prescribing minimum firesafety

1 standards; amending s. 633.022, F.S.;

2 authorizing a local authority to charge a fee

3 for an inspection; amending provisions relating

4 to smoke detector requirements in residential

5 buildings; providing requirements for adopting

6 local firesafety codes and standards; amending

7 s. 633.72, F.S.; revising the membership of the

8 Florida Fire Code Advisory Council; revising

9 duties of the council with regard to the

10 Florida Building Commission; amending s.

11 655.962, F.S.; deleting specific construction

12 requirements for automated teller machines;

13 requiring such requirements to be adopted into

14 the Florida Building Code; amending s. 62 of

15 ch. 98-287, Laws of Florida; deleting the

16 requirement that the Legislature approve or

17 reject the Florida Building Code, provide for

18 repeal of local codes on a date certain, and

19 provide for certain local ordinances to remain

20 effective; amending s. 68 of ch. 98-287, Laws

21 of Florida; revising the future repeal of

22 certain sections of the Florida Statutes to

23 provide a date certain, and to transfer and

24 renumber a certain section; providing that the

25 Legislature has reviewed the Florida Building

26 Code and directing the Florida Building

27 Commission to continue the process to adopt the

28 code; providing that certain changes in the

29 code are not subject to rule challenge;

30 providing for determining the cost differential

31 between building under the old code and

1 building under the new code; providing
2 procedures; providing for applicability of the
3 analysis to insurance rates; requiring a report
4 to the Governor and the Legislature;
5 establishing the windborne debris region for
6 the state; deleting disclosure requirements;
7 exempting certain counties from local-amendment
8 procedures; exempting certain types of
9 amendments from the local-amendment procedures;
10 requiring the Florida Building Commission to
11 amend the plumbing, permits, and inspection
12 sections of the Florida Building Code as
13 specified; providing for alternative plan
14 review by a registered architect or engineer
15 under certain circumstances; authorizing the
16 continuation of a select committee;
17 appropriating funds to the State Fire Marshal
18 for training and education; repealing ss.
19 125.0106, 255.21(2), 553.79(11), F.S.;
20 providing that nothing in the act is intended
21 to imply any repeal or sunset of any existing
22 general or special law not specifically
23 identified; providing effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (16) is added to section 120.80,
28 Florida Statutes, to read:

29 120.80 Exceptions and special requirements;
30 agencies.--

31 (16) FLORIDA BUILDING COMMISSION.--

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

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

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

18 125.01 Powers and duties.--

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (b) Approved by the local government;

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

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

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

21 161.56 Establishment of local enforcement.--

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

27 ~~(2) Each local government shall provide evidence to~~
28 ~~the state land planning agency that it has adopted a building~~
29 ~~code pursuant to this section. Within 90 days after January~~
30 ~~1, 1987, the state land planning agency shall submit to the~~
31 ~~Administration Commission a list of those local governments~~

1 ~~which have not submitted such evidence of adoption. The sole~~
2 ~~issue before the Administration Commission shall be whether or~~
3 ~~not to impose sanctions pursuant to s. 163.3184(8).~~

4 (1)~~(3)~~ Nothing in ss. 161.52-161.58 shall be construed
5 to limit or abrogate the right and power of the department to
6 require permits or to adopt and enforce standards pursuant to
7 s. 161.041 or s. 161.053 for construction seaward of the
8 coastal construction control line that are as restrictive as,
9 or more restrictive than, the requirements provided in s.
10 161.55 or the rights or powers of local governments to enact
11 and enforce setback requirements or zoning or building codes
12 that are as restrictive as, or more restrictive than, the
13 requirements provided in s. 161.55.

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

31

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

3 235.26 State Uniform Building Code for Public
4 Educational Facilities Construction.--

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

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

1 (b) The sanitation of educational and ancillary plants
2 and the health of occupants of educational and ancillary
3 plants.

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

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

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

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

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

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

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

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

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

31

1 c. The effect of insulation incorporated into the
2 facility design and the effect on solar utilization of the
3 properties of external surfaces.

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

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

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

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

~~Wherever the words "Uniform
Building Code" appear, they mean the "State Uniform Building
Code for Public Educational Facilities Construction."~~

29
30 It is not a purpose of the Florida ~~Uniform~~ Building Code to
31 inhibit the use of new materials or innovative techniques; nor

1 may it specify or prohibit materials by brand names. The code
2 must be flexible enough to cover all phases of construction so
3 as to afford reasonable protection for the public safety,
4 health, and general welfare. The department may secure the
5 service of other state agencies or such other assistance as it
6 finds desirable in recommending to the Florida Building
7 Commission revisions to ~~revising~~ the code.

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

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

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

29 (b) A district school board or community college
30 district board of trustees may conform with the Florida
31 Building Code and the Florida Fire Prevention Code ~~local~~

1 ~~building codes~~ and the administration of such codes when
2 constructing ancillary plants that are not attached to
3 educational facilities, if those plants conform to the space
4 size requirements established in the codes ~~Uniform Building~~
5 ~~code~~.

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

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

1 ~~(b) The sanitation of educational and ancillary plants~~
2 ~~and the health of occupants of educational and ancillary~~
3 ~~plants.~~

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

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

7 ~~(e) Accessibility for children, notwithstanding the~~
8 ~~provisions of s. 553.512.~~

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

12 ~~1. The life cycle cost analysis must consist of the~~
13 ~~sum of:~~

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

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

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

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

25 ~~b. The amount and type of glass employed in the~~
26 ~~facility and the directions of exposure.~~

27 ~~c. The effect of insulation incorporated into the~~
28 ~~facility design and the effect on solar utilization of the~~
29 ~~properties of external surfaces.~~

30 ~~d. The variable occupancy and operating conditions of~~
31 ~~the facility and subportions of the facility.~~

1 ~~e. An energy consumption analysis of the major~~
2 ~~equipment of the facility's heating, ventilating, and cooling~~
3 ~~system; lighting system; and hot water system and all other~~
4 ~~major energy-consuming equipment and systems as appropriate.~~

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

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

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

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

1 provisions of this subsection do apply to educational,
2 auxiliary, and ancillary facility projects commenced on or
3 after July 1, 1999.

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

14 (5) APPROVAL.--

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

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

- 29 1. The need for the new facility.
- 30 2. The educational and ancillary plant planning.
- 31 3. The architectural and engineering planning.

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

1 an inspector certified by the department or certified pursuant
2 to chapter 468 who is not the architect or engineer of record.
3 The board shall maintain a record of the project's completion
4 and permanent archive of phase III construction documents,
5 including any addenda and change orders to the project. The
6 boards shall provide project data to the department, as
7 requested, for purposes and reports needed by the Legislature.

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

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

28 ~~(8) LEGAL EFFECT OF CODE.--The State Uniform Building~~
29 ~~Code for Public Educational Facilities Construction has the~~
30 ~~force and effect of law and supersedes any other code adopted~~
31 ~~by a district school board or community college district board~~

1 ~~of trustees or any other building code or ordinance for the~~
2 ~~construction of educational and ancillary plants whether at~~
3 ~~the local, county, or state level and whether adopted by rule~~
4 ~~or legislative enactment. All special acts or general laws of~~
5 ~~local application are hereby repealed to the extent that they~~
6 ~~conflict with this section.~~

7 (8)~~(9)~~ EDUCATION FACILITIES AS EMERGENCY SHELTERS.--

8 (a) The Department of Education shall, in consultation
9 with boards and county and state emergency management offices,
10 include within the standards to be developed under subsection
11 ~~(1) amend the State Uniform Building Code for Public~~
12 ~~Educational Facilities Construction to incorporate public~~
13 ~~shelter design criteria that shall be incorporated into the~~
14 ~~Florida Uniform Building Code. The new criteria must be~~
15 ~~designed to ensure that appropriate core facility areas in new~~
16 ~~educational facilities can serve as public shelters for~~
17 ~~emergency management purposes. The Commissioner of Education~~
18 ~~shall publish proposed amendments to the State Uniform~~
19 ~~Building Code for Public Educational Facilities Construction~~
20 ~~setting forth the public-shelter criteria by July 1, 1995.~~A
21 facility, or an appropriate core facility area within a
22 facility, for which a design contract is entered into
23 subsequent to the effective date of the inclusion of the
24 public shelter criteria in the code must be built in
25 compliance with the amended code unless the facility or a part
26 thereof is exempted from using the new shelter criteria due to
27 its location, size, or other characteristics by the applicable
28 board with the concurrence of the applicable local emergency
29 management agency or the Department of Community Affairs. Any
30 educational facility located or proposed to be located in an
31 identified category 1, 2, or 3 evacuation zone is not subject

1 to the requirements of this subsection. If more than one
2 educational facility is being constructed within any 3-mile
3 radius, no more than one facility, which must be selected on
4 the basis of cost-effectiveness and greatest provision of
5 shelter space, is required to incorporate the public shelter
6 criteria into its construction.

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

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

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

1 253.033 Inter-American Center property; transfer to
2 board; continued use for government purposes.--

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

14 Section 12. Effective January 1, 2001, paragraph (a)
15 of subsection (1) of section 255.25, Florida Statutes, is
16 amended to read:

17 255.25 Approval required prior to construction or
18 lease of buildings.--

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

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

27 255.31 Authority to the Department of Management
28 Services to manage construction projects for state and local
29 governments.--

30 (1) The design, construction, erection, alteration,
31 modification, repair, and demolition of all public and private

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

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

27 Section 14. Section 316.1955, Florida Statutes, is
28 amended to read:

29 316.1955 Enforcement of parking requirements ~~spaces~~
30 for persons who have disabilities.--

31

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

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

21 ~~(3) If parking spaces are provided for self-parking by~~
22 ~~employees or visitors, or both, accessible spaces shall be~~
23 ~~provided in each such parking area. Such spaces shall be~~
24 ~~designed and marked for the exclusive use of those individuals~~
25 ~~who have a severe physical disability and have permanent or~~
26 ~~temporary mobility problems that substantially impair their~~
27 ~~ability to ambulate and who have been issued either a disabled~~
28 ~~parking permit under s. 316.1958 or s. 320.0848 or a license~~
29 ~~plate under s. 320.084, s. 320.0842, s. 320.0843, or s.~~
30 ~~320.0845.~~

31

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

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

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

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

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

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

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

1 ~~lot or area may be designated for parking by persons who have~~
2 ~~disabilities, if the lot or area is located on the shortest~~
3 ~~safely accessible route to an accessible entrance to the theme~~
4 ~~park or entertainment complex or to transportation to such an~~
5 ~~accessible entrance.~~

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

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

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

31

1 ~~ss. 4.1 and 4.6 of the Americans with Disabilities Act~~
2 ~~Accessibility Guidelines.~~

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

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

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

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

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

13 ~~(6) Each such parking space must be prominently~~
14 ~~outlined with blue paint, and must be repainted when~~
15 ~~necessary, to be clearly distinguishable as a parking space~~
16 ~~designated for persons who have disabilities and must be~~
17 ~~posted with a permanent above-grade sign of a color and design~~
18 ~~approved by the Department of Transportation, which is placed~~
19 ~~on or at a distance of 84 inches above the ground to the~~
20 ~~bottom of the sign and which bears the international symbol of~~
21 ~~accessibility meeting the requirements of ADAAG s. 4.30.7 and~~
22 ~~the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign~~
23 ~~erected after October 1, 1996, must indicate the penalty for~~
24 ~~illegal use of the space. Any provision of this section to the~~
25 ~~contrary notwithstanding, in a theme park or an entertainment~~
26 ~~complex as defined in s. 509.013(9) in which accessible~~
27 ~~parking is located in designated lots or areas, the signage~~
28 ~~indicating the lot as reserved for accessible parking may be~~
29 ~~located at the entrances to the lot in lieu of a sign at each~~
30 ~~parking place. This subsection does not relieve the owner of~~
31

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

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

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

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

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

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

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

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

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

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

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

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

6 Section 15. Subsection (15) of section 381.006,
7 Florida Statutes, is amended to read:

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

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

21 Section 16. Effective January 1, 2001, section
22 383.301, Florida Statutes, is amended to read:

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

30
31

1 Section 17. Effective January 1, 2001, subsection (1)
2 of section 383.309, Florida Statutes, is amended, and
3 subsection (3) is added to that section, to read:

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

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

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

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

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

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

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

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

12 Section 18. Effective January 1, 2001, paragraph (f)
13 of subsection (1) of section 394.879, Florida Statutes, is
14 amended, and subsection (5) is added to that section, to read:

15 394.879 Rules; enforcement.--

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

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

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

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

9 Section 19. Paragraph (a) of subsection (1) of section
10 395.0163, Florida Statutes, is amended to read:

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

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

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

9 Section 20. Effective January 1, 2001, paragraphs (d)
10 and (e) of subsection (1) of section 395.1055, Florida
11 Statutes, are repealed, and subsection (8) is added to that
12 section, to read:

13 395.1055 Rules and enforcement.--

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

28 Section 21. Subsection (8) is added to section
29 395.10973, Florida Statutes, to read:

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

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

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

8 399.02 General requirements.--

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

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

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

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

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

31

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

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

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

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

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

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

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

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

18 Section 23. Effective January 1, 2001, section 399.03,
19 Florida Statutes, is amended to read:

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

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

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

31

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

7 Section 24. Subsection (1) of section 399.061, Florida
8 Statutes, is amended to read:

9 399.061 Inspections; correction of deficiencies.--

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

19 Section 28. Effective January 1, 2001, section
20 400.232, Florida Statutes, is amended to read:

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

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

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

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

25 Section 29. Section 455.2286, Florida Statutes, is
26 amended to read:

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

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

15 Section 30. Effective January 1, 2001, section
16 468.604, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

14 Section 31. Section 468.607, Florida Statutes, is
15 amended to read:

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

1 Section 32. Subsections (2) and (3) of section
2 468.609, Florida Statutes, are amended to read:

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

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

8 (a) Is at least 18 years of age.†

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Section 33. Section 468.617, Florida Statutes, is
8 amended to read:

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

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

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

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

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

4 Section 34. Effective January 1, 2001, paragraph (d)
5 of subsection (1) of section 469.002, Florida Statutes, is
6 amended to read:

7 469.002 Exemptions.--

8 (1) This chapter does not apply to:

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

19
20 ~~Disclosure Statement~~

21
22 ~~State law requires asbestos abatement to be done by~~
23 ~~licensed contractors. You have applied for a permit under an~~
24 ~~exemption to that law. The exemption allows you, as the owner~~
25 ~~of your property, to act as your own asbestos abatement~~
26 ~~contractor even though you do not have a license. You must~~
27 ~~supervise the construction yourself. You may move, remove, or~~
28 ~~dispose of asbestos-containing materials on a residential~~
29 ~~building where you occupy the building and the building is not~~
30 ~~for sale or lease, or the building is a farm outbuilding on~~
31 ~~your property. If you sell or lease such building within 1~~

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

10 Section 35. Subsection (7) is added to section
11 471.015, Florida Statutes, to read:

12 471.015 Licensure.--

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

25 Section 36. Subsection (7) is added to section
26 481.213, Florida Statutes, to read:

27 481.213 Licensure.--

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

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

11 Section 37. Effective January 1, 2001, subsection (19)
12 of section 489.103, Florida Statutes, is amended to read:

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

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

22 Section 38. Effective July 1, 2000, subsection (7) is
23 added to section 489.107, Florida Statutes, to read:

24 489.107 Construction Industry Licensing Board.--

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

27 Section 39. Paragraph (b) of subsection (4) of section
28 489.115, Florida Statutes, is amended to read:

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

31 (4)

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

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

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

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

15 Section 40. Effective January 1, 2001, paragraph (b)
16 of subsection (4) of section 489.115, Florida Statutes, as
17 amended by section 21 of chapter 98-287, Laws of Florida, and
18 by this act, is reenacted to read:

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

21 (4)

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

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

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

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

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

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

10 Section 41. Section 497.255, Florida Statutes, is
11 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Section 42. Effective January 1, 2001, subsection (8)
25 is added to section 500.09, Florida Statutes, to read:

26 500.09 Rulemaking; analytical work.--

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

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

11 Section 43. Effective January 1, 2001, subsections (7)
12 and (8) are added to section 500.12, Florida Statutes, to
13 read:

14 500.12 Food permits; building permits.--

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

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

23 Section 44. Effective January 1, 2001, subsection (1)
24 of section 500.147, Florida Statutes, is amended to read:

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

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

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

7 Section 45. Effective January 1, 2001, paragraph (d)
8 of subsection (2) and subsection (7) of section 509.032,
9 Florida Statutes, are amended to read:

10 509.032 Duties.--

11 (2) INSPECTION OF PREMISES.--

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

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

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

24 Section 46. Effective January 1, 2001, subsection (1)
25 of section 509.221, Florida Statutes, is amended to read:

26 509.221 Sanitary regulations.--

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

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

8 Section 47. Effective January 1, 2001, section
9 514.021, Florida Statutes, is amended to read:

10 514.021 Department authorization.--

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

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

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

13 Section 48. Effective January 1, 2001, section 514.03,
14 Florida Statutes, is amended to read:

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

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

30
31

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

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

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

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

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

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

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

5 Section 49. Subsection (1) of section 553.06, Florida
6 Statutes, is amended to read:

7 553.06 State Plumbing Code.--

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

30 Section 50. Section 553.141, Florida Statutes, is
31 amended to read:

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

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

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

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

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

30
31

1 Section 51. The Division of Statutory Revision is
2 requested to change the title of part IV of chapter 553,
3 Florida Statutes, to "MANUFACTURED BUILDINGS."

4 Section 52. Effective January 1, 2001, section
5 553.355, Florida Statutes, is created to read:

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

12 Section 53. Subsections (5) and (11) of section
13 553.36, Florida Statutes, are amended, present subsections
14 (13) and (14) of that section are redesignated as subsections
15 (14) and (15), respectively, and a new subsection (13) is
16 added to that section, to read:

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

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

31

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

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

23 Section 54. Effective January 1, 2001, subsections (1)
24 and (2) of section 553.36, Florida Statutes, are amended to
25 read:

26 553.36 Definitions.--The definitions contained in this
27 section govern the construction of this part unless the
28 context otherwise requires.

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

31

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

11 Section 55. Subsections (1), (2), (5), and (8) of
12 section 553.37, Florida Statutes, are amended, present
13 subsection (9) of that section is redesignated as subsection
14 (11), and new subsections (9) and (10) are added to that
15 section, to read:

16 553.37 Rules; inspections; and insignia.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Section 56. Effective January 1, 2001, subsections
18 (1), (2), (3), (4), (6), (7), (9), and (10) of section 553.37,
19 Florida Statutes, as amended by this act, are amended to read:

20 553.37 Rules; inspections; and insignia.--

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 57. Section 553.375, Florida Statutes, is
2 created to read:

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

24 Section 58. Effective January 1, 2001, section 553.38,
25 Florida Statutes, is amended to read:

26 553.38 Application and scope.--

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

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

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

21 Section 59. Section 553.381, Florida Statutes, is
22 amended to read:

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

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

31

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

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

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

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

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

22 Section 60. Effective January 1, 2001, section
23 553.381, Florida Statutes, as amended by this act, is amended
24 to read:

25 553.381 Manufacturer certification.--

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

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

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

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

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

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

21 Section 61. Effective January 1, 2001, section 553.39,
22 Florida Statutes, is amended to read:

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

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

5 Section 62. Section 553.503, Florida Statutes, is
6 amended to read:

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

18 Section 63. Section 553.5041, Florida Statutes, is
19 created to read:

20 553.5041 Parking spaces for persons who have
21 disabilities.--

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

1 adopted by reference in 28 C.F.R. part 36, subparts A and D,
2 and Title II of Pub.L.No. 101-336, provide increased
3 accessibility, those requirements are adopted and incorporated
4 by reference as the law of this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Section 64. Section 553.506, Florida Statutes, is
25 amended to read:

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

1 with Disabilities Act Accessibility Guidelines in accordance
2 with chapter 120.

3 Section 65. Section 553.512, Florida Statutes, is
4 amended to read:

5 553.512 Modifications and waivers; advisory council.--

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

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

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

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

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

21 Section 66. Subsection (7) of section 553.71, Florida
22 Statutes, is amended, and subsection (9) is added to that
23 section, to read:

24 553.71 Definitions.--As used in this part, the term:

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

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

4 Section 67. Effective January 1, 2001, subsection (7)
5 of section 553.71, Florida Statutes, as amended by this act,
6 is amended, and subsection (10) is added to that section, to
7 read:

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

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

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

23 Section 68. Effective January 1, 2001, subsection (1)
24 of section 553.72, Florida Statutes, as amended by section 38
25 of chapter 98-287, Laws of Florida, is amended, and subsection
26 (6) is added to that section, to read:

27 553.72 Intent.--

28 (1) The purpose and intent of this act is to provide a
29 mechanism for the uniform adoption, updating, amendment,
30 interpretation, and enforcement of a single, unified state
31 building code, to be called the Florida Building Code, which

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

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

25 Section 69. Effective January 1, 2001, subsections
26 (2), (4), (5), (6), (7), (8), (9), (10), (11), and (12) of
27 section 553.73, Florida Statutes, as amended by section 40 of
28 chapter 98-287, Laws of Florida, as amended by section 61 of
29 chapter 98-419, Laws of Florida, are amended to read:

30 553.73 Florida Building Code.--
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1 (2) The Florida Building Code shall contain provisions
2 or requirements for public and private buildings, structures,
3 and facilities relative to structural, mechanical, electrical,
4 plumbing, energy, and gas systems, existing buildings,
5 historical buildings, manufactured buildings, elevators,
6 coastal construction, lodging facilities, food sales and food
7 service facilities, health care facilities, including assisted
8 living facilities, adult day care facilities, and facilities
9 for the control of radiation hazards, public or private
10 educational facilities, swimming pools, and correctional
11 facilities and enforcement of and compliance with such
12 provisions or requirements. Technical provisions to be
13 contained within the Florida Building Code are restricted to
14 requirements related to the types of materials used and
15 construction methods and standards employed in order to meet
16 criteria specified in the Florida Building Code. Provisions
17 relating to the personnel, supervision or training of
18 personnel, or any other professional qualification
19 requirements relating to contractors or their workforce may
20 not be included within the Florida Building Code, and
21 subsections (4), (5), and (6) are ~~subsection (4) is~~ not to be
22 construed to allow the inclusion of such provisions within the
23 Florida Building Code by amendment. This restriction applies
24 to both initial development and amendment of the Florida
25 Building Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (c) Any amendment adopted by a local enforcing agency
29 pursuant to this subsection shall not apply to state or school
30 district owned buildings, manufactured buildings approved by
31 the commission, or prototype buildings approved pursuant to s.

1 553.77(6). The respective responsible entities shall consider
2 the physical performance parameters substantiating such
3 amendments when designing, specifying, and constructing such
4 exempt buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (c) Nonresidential farm buildings on farms.

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

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

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

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

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

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

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

1 board determines that the application of such code is not
2 reasonable. If the decision of the local fire official and
3 the local building official is to adopt an alternative to the
4 codes, the local administrative board shall give due regard to
5 the decision rendered by the local officials and may modify
6 that decision if the administrative board adopts a better
7 alternative, taking into consideration all relevant
8 circumstances. In any case in which the local administrative
9 board adopts alternatives to the decision rendered by the
10 local fire official and the local building official, such
11 alternatives shall provide an equivalent degree of lifesafety
12 and an equivalent method of construction as the decision
13 rendered by the local officials.

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

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

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

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

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

22 (10)~~(11)~~ The Florida Building Code does not apply to,
23 and no code enforcement action shall be brought with respect
24 to, zoning requirements, land use requirements, and owner
25 specifications or programmatic requirements which do not
26 pertain to and govern the design, construction, erection,
27 alteration, modification, repair, or demolition of public or
28 private buildings, structures, or facilities or to
29 programmatic requirements that do not pertain to enforcement
30 of the Florida Building Code. Additionally, a local code
31 enforcement agency may not administer or enforce the Florida

1 Building Code to prevent the siting of any publicly owned
2 facility, including, but not limited to, correctional
3 facilities, juvenile justice facilities, or state
4 universities, community colleges, or public education
5 facilities, as provided by law.

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

13 Section 70. Subsections (3) and (4) of section 553.74,
14 Florida Statutes, are amended to read:

15 553.74 Florida Building Commission.--

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

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

29 Section 71. Subsection (2) of section 553.77, Florida
30 Statutes, is amended to read:

31 553.77 Specific powers of the commission.--

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

3 (a) Provide for the testing of materials, devices, and
4 method of construction.

5 (b) Appoint experts, consultants, technical advisers,
6 and advisory committees for assistance and recommendations
7 relating to the State Minimum Building Codes.

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

14 (d) Provide technical assistance and issue advisory
15 opinions concerning the technical and administrative
16 provisions of the State Minimum Building Codes.

17 Section 72. Effective January 1, 2001, subsections
18 (1), (3), and (6) of section 553.77, Florida Statutes, as
19 amended by section 46 of chapter 98-287, Laws of Florida, are
20 amended to read:

21 553.77 Specific powers of the commission.--

22 (1) The commission shall:

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

27 (b) Make a continual study of the operation of the
28 Florida Building Code and other laws relating to the design,
29 construction, erection, alteration, modification, repair, or
30 demolition of public or private buildings, structures, and
31 facilities, including manufactured buildings, and code

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

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

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

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

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

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

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

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

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

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

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

3 (i) Determine the types of products requiring approval
4 for local or statewide use and shall provide for the
5 evaluation and approval of such products, materials, devices,
6 and method of construction for statewide use. The commission
7 may prescribe by rule a schedule of reasonable fees to provide
8 for evaluation and approval of products, materials, devices,
9 and methods of construction. Evaluation and approval shall be
10 by action of the commission or delegated pursuant to s.
11 553.842 ~~s. 553.84~~. This paragraph does not apply to products
12 approved by the State Fire Marshal.

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

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

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

26 2. Emergency permitting and inspection procedures.

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

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

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

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

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

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

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

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

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

8 Section 73. Paragraph (b) of subsection (2) of section
9 553.781, Florida Statutes, is amended to read:

10 553.781 Licensee accountability.--

11 (2)

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

27 Section 74. Subsections (3) and (5), paragraph (a) of
28 subsection (7), and subsections (10), (12), (14) and (16) of
29 section 553.79, Florida Statutes, are amended to read:

30 553.79 Permits; applications; issuance; inspections.--

31

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

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

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

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

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

30 (d) The licensed architect or registered engineer
31 serving as the special inspector shall be permitted to send

1 her or his duly authorized representative to the job site to
2 perform the necessary inspections provided all required
3 written reports are prepared by and bear the seal of the
4 special inspector and are submitted to the enforcement agency.

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

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

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

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

31

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

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

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

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

20 3. The building is not substantially remodeled;

21 4. Current fire code requirements for ingress and
22 egress are met;

23 5. Electrical, gas, and plumbing systems meet the
24 codes in force at the time of construction and are operational
25 and safe for reconnection; and

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

30 (b) The building official shall apply the same
31 standard to a moved residential building or structure as that

1 applied to the remodeling of any comparable residential
2 building or structure to determine whether the moved structure
3 is substantially remodeled. The cost of moving the building
4 and the cost of the foundation on which the moved building or
5 structure is placed shall not be included in the cost of
6 remodeling for purposes of determining whether a moved
7 building or structure has been substantially remodeled.

8 Section 75. Effective January 1, 2001, subsections
9 (2), (3), (6), and (9) of section 553.79, Florida Statutes, as
10 amended by section 49 of chapter 98-287, Laws of Florida, are
11 amended to read:

12 553.79 Permits; applications; issuance; inspections.--

13 (2) No enforcing agency may issue any permit for
14 construction, erection, alteration, modification, repair, or
15 demolition of any building or structure until the local
16 building code administrator or inspector, ~~in conjunction with~~
17 ~~the appropriate firesafety inspector,~~ has reviewed the plans
18 and specifications for such proposal and ~~both officials have~~
19 found the plans to be in compliance with the Florida Building
20 Code. Notwithstanding the foregoing, an enforcing agency may
21 elect to issue a permit based upon a sworn affidavit from a
22 registered architect or engineer stating that the architect or
23 engineer has reviewed the plans and specifications and found
24 the plans to be in compliance with the Florida Building Code.
25 As a condition of issuing a permit on the basis of such an
26 affidavit, the enforcing agency may require the architect or
27 engineer making the affidavit, or a qualified replacement if
28 the architect or engineer is unavailable, to supervise the
29 work, to assume full responsibility for compliance with the
30 Florida Building Code, to submit copies of all inspection
31 reports, and to provide upon completion an affidavit stating

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

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

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

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

1 ~~under the direction of an engineer registered under chapter~~
2 ~~471+~~

3 ~~(a) Electrical documents for any new building or~~
4 ~~addition which requires an aggregate service capacity of 600~~
5 ~~amperes (240 volts) or more on a residential electrical system~~
6 ~~or 800 amperes (240 volts) or more on a commercial or~~
7 ~~industrial electrical system and which costs more than~~
8 ~~\$50,000.~~

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

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

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

30 ~~(e) Any specialized mechanical, electrical, or~~
31 ~~plumbing document for any new building or addition which~~

1 ~~includes a medical gas, oxygen, steam, vacuum, toxic air~~
2 ~~filtration, halon, or fire detection and alarm system which~~
3 ~~costs more than \$5,000.~~

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

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

17 Section 76. Effective January 1, 2001, subsection (1)
18 and paragraph (a) of subsection (6) of section 553.80, Florida
19 Statutes, as amended by section 51 of chapter 98-287, Laws of
20 Florida, are amended, and paragraph (d) is added to subsection
21 (6) of that section, to read:

22 553.80 Enforcement.--

23 (1) Except as provided in paragraphs (a)-(e), it shall
24 ~~be the responsibility of~~ each local government and each
25 legally constituted enforcement district with statutory
26 authority shall to regulate building construction and, where
27 authorized in the state agency's enabling legislation, each
28 state agency shall to enforce the Florida Building Code
29 required by this part on all public or private buildings,
30 structures, and facilities, unless such responsibility has
31

1 | been delegated to another unit of government pursuant to s.
2 | 553.79(9).

3 | (a) Construction regulations relating to correctional
4 | facilities under the jurisdiction of the Department of
5 | Corrections and the Department of Juvenile Justice are to be
6 | enforced exclusively by those departments.

7 | (b) Construction regulations relating to elevator
8 | equipment under the jurisdiction of the Bureau of Elevators of
9 | the Department of Business and Professional Regulation shall
10 | be enforced exclusively by that department.

11 | (c) In addition to the requirements of s. 553.79 and
12 | this section, facilities subject to the provisions of chapter
13 | 395 and part II of chapter 400 shall have facility plans
14 | reviewed and construction surveyed by the state agency
15 | authorized to do so under the requirements of chapter 395 and
16 | part II of chapter 400 and the certification requirements of
17 | the Federal Government.

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

27 | (e) Construction regulations governing public schools,
28 | state universities, and community colleges shall be enforced
29 | as provided in subsection (6).

30 |
31 |

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

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

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

1 entities comply with the Florida Building Code or to limit the
2 authority and responsibility of the fire official to conduct
3 firesafety inspections pursuant to chapter 633.

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

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

31

1 for code enforcement at the expense of the state university,
2 state community college, or public school district.

3 Section 77. Effective January 1, 2001, section 553.83,
4 Florida Statutes, is amended to read:

5 553.83 Injunctive relief.--Any local government,
6 legally constituted enforcement district, or state agency
7 authorized to enforce sections of the Florida Building Code
8 under s. 553.80 ~~code enforcing agency~~ may seek injunctive
9 relief from any court of competent jurisdiction to enjoin the
10 offering for sale, delivery, use, occupancy, erection,
11 alteration, or installation of any building covered by this
12 part, upon an affidavit of the local government, code
13 enforcement district, or state ~~code enforcing~~ agency
14 specifying the manner in which the building does not conform
15 to the requirements of the Florida ~~portion of the State~~
16 Minimum Building Code, or local amendments to the Florida
17 Building Code ~~Codes adopted in that jurisdiction.~~

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

22 Section 78. Effective January 1, 2001, section 553.84,
23 Florida Statutes, is amended to read:

24 553.84 Statutory civil action.--Notwithstanding any
25 other remedies available, any person or party, in an
26 individual capacity or on behalf of a class of persons or
27 parties, damaged as a result of a violation of this part or
28 the Florida State Minimum Building Code ~~Codes~~, has a cause of
29 action in any court of competent jurisdiction against the
30 person or party who committed the violation.

31

1 Section 79. Subsection (11) is added to section
2 553.841, Florida Statutes, to read:

3 553.841 Building code training program; participant
4 competency requirements.--

5 (11) The Legislature establishes an Office of Building
6 Code Training Program Administration within the Institute of
7 Applied Technology in Construction Excellence at the Florida
8 Community College at Jacksonville. The office is charged with
9 the following responsibilities as recommended by the Florida
10 Building Code Commission and as resources are provided by the
11 Legislature:

12 (a) To provide research-to-practice capability for
13 entry-level construction training development, delivery, and
14 quality assurance, as well as training and competency registry
15 systems and recruitment initiatives.

16 (b) To coordinate with the Department of Community
17 Affairs and the Florida Building Code Commission to serve as a
18 school liaison to disseminate construction awareness and
19 promotion programs and materials to schools.

20 Section 80. Subsection (1) of section 553.842, Florida
21 Statutes, is amended, present subsections (5) through (12) of
22 that section are redesignated as subsections (6) through (13),
23 respectively, and a new subsection (5) is added to that
24 section to read:

25 553.842 Product evaluation and approval.--

26 (1) The commission shall make recommendations to the
27 Legislature by February 1, 2001, for a statewide ~~may adopt~~
28 rules pursuant to ss. 120.536(1) and 120.54 to develop and
29 implement a product evaluation and approval system to operate
30 in coordination with the Florida Building Code. The product
31 evaluation and approval system shall provide:

1 (a) Appropriate promotion of innovation and new
2 technologies.

3 (b) Processing submittals of products from
4 manufacturers in a timely manner.

5 (c) Independent, third-party qualified and accredited
6 testing and laboratory facilities.

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

9 (e) Development of stringent but reasonable testing
10 criteria based upon existing consensus standards, when
11 available, for products.

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

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

14 (h) Cost-effectiveness.

15 (5) Notwithstanding subsection (4), any county defined
16 in s. 125.011 or a county operating under a home rule charter
17 adopted on or before November 5, 1974, are not precluded from
18 requiring its own testing, evaluation, or submission of other
19 evidence as a condition of using the product within that
20 county, regardless of whether such testing, evaluation, or
21 submission of other evidence is more stringent than, or
22 otherwise differs from, that required for statewide approval.

23
24 For purposes of this section, an approved product evaluation
25 entity is an entity that has been accredited by a nationally
26 recognized independent evaluation authority or entity
27 otherwise approved by the commission.

28 Section 81. Effective January 1, 2001, section 553.85,
29 Florida Statutes, is amended to read:

30 553.85 Liquefied petroleum gases.--The provisions of
31 the Florida State Minimum Building Code Codes and the rules

1 ~~and regulations adopted thereunder~~ for the design,
2 construction, location, installation, services, and operation
3 of equipment for storing, handling, transporting, and
4 utilization of liquefied petroleum gases shall not be in
5 conflict with chapter 527.

6 Section 82. Section 553.901, Florida Statutes, is
7 amended to read:

8 553.901 Purpose of thermal efficiency code.--By
9 January 1, 2001, the Department of Community Affairs shall
10 prepare a ~~The purpose of this~~ thermal efficiency code ~~is~~ to
11 provide for a statewide uniform standard for energy efficiency
12 in the thermal design and operation of all buildings
13 statewide, consistent with energy conservation goals, and to
14 best provide for public safety, health, and general welfare.
15 The Florida Building Commission shall adopt the Florida Energy
16 Efficiency Code for Building Construction within the Florida
17 Building Code, and ~~Department of Community Affairs~~ shall
18 ~~adopt, modify, revise, update, and maintain the Florida Energy~~
19 ~~Efficiency code for Building Construction~~ to implement the
20 provisions of this thermal efficiency code and amendments
21 thereto, in accordance with the procedures of chapter 120.
22 The department shall, at least triennially, determine the most
23 cost-effective energy-saving equipment and techniques
24 available and report its determinations to the commission,
25 which shall update the code to incorporate such equipment and
26 techniques. The proposed changes shall be made available for
27 public review and comment no later than 6 months prior to code
28 implementation. The term "cost-effective," for the purposes
29 of this part, shall be construed to mean cost-effective to the
30 consumer.

31

1 Section 83. Subsections (1), (4), (6), and (7) of
2 section 553.902, Florida Statutes, are amended to read:

3 553.902 Definitions.--For the purposes of this part:

4 (1) "Exempted building" means:

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

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

11 (c) Any building for which federal mandatory standards
12 preempt state energy codes.

13 (d) Any historical building as described in s.
14 267.021(6).

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

18
19 The Florida Building Commission may recommend to the
20 Legislature additional types of buildings which should be
21 exempted from compliance with the Florida Energy Efficiency
22 Code for Building Construction.

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

29 ~~(6) "Energy performance index" or "EPI" means a number~~
30 ~~describing the relative energy performance of a residential~~
31 ~~building as compared to a residential building designed to~~

1 ~~baseline energy performance levels for the envelope, HVAC, and~~
2 ~~water heating components. The number shall be calculated~~
3 ~~according to rules and procedures promulgated by the~~
4 ~~Department of Community Affairs.~~

5 (6)~~(7)~~ "Energy performance level" means the indicator
6 of the energy-related performance of a building, including,
7 but not limited to, the levels of insulation, the amount and
8 type of glass, and the HVAC and water heating system
9 efficiencies.

10 Section 84. Section 553.903, Florida Statutes, is
11 amended to read:

12 553.903 Applicability.--This part shall apply to all
13 new and renovated buildings in the state, except exempted
14 buildings, for which building permits are obtained after March
15 15, 1979, and to the installation or replacement of building
16 systems and components with new products for which thermal
17 efficiency standards are set by the Florida Energy Efficiency
18 Code for Building Construction. The provisions of this part
19 shall constitute a statewide uniform code. ~~The criteria for~~
20 ~~compliance shall include the provision that the performance~~
21 ~~level of a building built to such thermal performance~~
22 ~~standards shall not vary more than 5 percent as a result of~~
23 ~~choice of energy source.~~

24 Section 85. Section 553.907, Florida Statutes, is
25 amended to read:

26 553.907 Compliance.--~~Owners of all buildings required~~
27 ~~to comply with this part, or their agents, must certify~~
28 ~~compliance to the designated local enforcement agency prior to~~
29 ~~receiving the permit to begin construction or renovation. If,~~
30 ~~during the building construction or renovation, alterations~~
31 ~~are made in the design, materials, or equipment which would~~

1 ~~diminish the energy performance of the building, an amended~~
2 ~~copy of the compliance certification must be submitted to the~~
3 ~~local enforcement agency on or before the date of final~~
4 ~~inspection by the building owner or his or her agent and must~~
5 ~~be placed on the building permit.~~ Each local enforcement
6 agency shall report to the department any information
7 concerning compliance certifications and amendments at such
8 intervals as the department designates by rule adopted in
9 accordance with chapter 120.

10 Section 86. Section 553.9085, Florida Statutes, is
11 amended to read:

12 553.9085 Energy performance disclosure for residential
13 buildings.--The energy performance level resulting from
14 compliance with the provisions of this part, for each new
15 residential building, shall be disclosed at the request of the
16 prospective purchaser. In conjunction with the normal
17 responsibilities and duties of this part, the local building
18 official shall require that a complete and accurate energy
19 performance level display card be completed and certified by
20 the builder as accurate and correct before final approval of
21 the building for occupancy. The energy performance level
22 display card shall be included as an addendum to each sales
23 contract ~~executed after January 1, 1994.~~ The display card
24 shall be uniform statewide and developed by the Department of
25 Community Affairs. At a minimum, the display card shall list
26 information indicating the energy performance level of the
27 dwelling unit, ~~including an EPI when appropriate,~~ resulting
28 from compliance with the code, shall be signed by the builder,
29 and shall list general information about the energy
30 performance level and the code.

31

1 Section 87. Subsection (1) of section 553.909, Florida
2 Statutes, is amended to read:

3 553.909 Setting requirements for appliances;
4 exceptions.--

5 (1) The Florida Energy Efficiency Code for Building
6 Construction shall set the minimum requirements for heat traps
7 and thermostat settings for water heaters sold after October
8 1, 1980, for residential use shall be installed with a heat
9 trap and shall have the thermostat set at 110 °F or whatever
10 minimum the unit is capable of if it exceeds 110 °F. The code
11 shall further establish the minimum acceptable standby loss
12 for electric water heaters and the minimum recovery efficiency
13 and standby loss for ~~may not have a standby loss which exceeds~~
14 ~~4 watts per square foot of tank surface per hour.~~ water
15 heaters fueled by natural gas or liquefied petroleum gas in
16 any form which are sold or installed after March 1, 1981,
17 shall have a recovery efficiency of 75 percent or more and
18 shall have a standby loss in percent per hour not exceeding
19 the number determined by dividing 67 by the volume of the tank
20 in gallons and adding the result to 2.8.

21 Section 88. Subsection (1) of section 627.0629,
22 Florida Statutes, is amended to read:

23 627.0629 Residential property insurance; rate
24 filings.--

25 (1) Effective July 1, 2001 ~~1994~~, a rating manual rate
26 ~~filing~~ for residential property insurance must include
27 appropriate discounts, credits, or other rate differentials,
28 or appropriate reductions in deductibles, for properties on
29 which fixtures or construction techniques actuarially
30 demonstrated to reduce the amount of loss in a windstorm have
31 been installed or implemented. The fixtures or construction

1 techniques shall include, but not be limited to, fixtures or
2 techniques that enhance roof strength, roof-to-wall strength,
3 wall-to-floor-to-foundation strength, and window, door, and
4 skylight strength.

5 Section 89. Effective January 1, 2001, subsection (6)
6 of section 633.01, Florida Statutes, as amended by section 57
7 of chapter 98-287, Laws of Florida, is amended to read:

8 633.01 State Fire Marshal; powers and duties; rules.--

9 (6) Only the State Fire Marshal may issue, and, when
10 requested in writing by any substantially affected person or a
11 local enforcing agency, the State Fire Marshal shall issue ~~The~~
12 ~~Department of Insurance shall issue, when requested in writing~~
13 ~~by any substantially affected person or a local enforcing~~
14 ~~agency,~~ declaratory statements pursuant to s. 120.565 relating
15 to the Florida Fire Prevention Code and the Life Safety Code.
16 ~~Such declaratory statements shall apply prospectively, except~~
17 ~~whenever the State Fire Marshal determines that a serious~~
18 ~~threat to life exists that warrants retroactive application.~~

19 Section 90. Effective January 1, 2001, subsections
20 (1), (2), (3), (4), and (5) of section 633.0215, Florida
21 Statutes, as created by section 59 of chapter 98-287, Laws of
22 Florida, are amended, and subsections (7), (8), (9), and (10)
23 are added to that section, to read:

24 633.0215 Florida Fire Prevention Code.--

25 (1) The State Fire Marshal ~~department~~ shall adopt, by
26 rule pursuant to ss. 120.536(1) and 120.54, the Florida Fire
27 Prevention Code which shall contain or incorporate by
28 reference all firesafety laws and rules that pertain to and
29 govern the design, construction, erection, alteration,
30 modification, repair, and demolition of public and private
31 buildings, structures, and facilities and the enforcement of

1 such firesafety laws and rules. The department shall adopt a
2 new edition of the Florida Fire Prevention Code every third
3 year.

4 (2) The State Fire Marshal ~~department~~ shall adopt the
5 National Fire Protection Association's Standard 1, Fire
6 Prevention Code. The State Fire Marshal ~~department~~ shall
7 adopt the Life Safety Code, Pamphlet 101, current editions, by
8 reference. The State Fire Marshal ~~department~~ may modify the
9 selected codes and standards as needed to accommodate the
10 specific needs of the state. Standards or criteria in the
11 selected codes shall be similarly incorporated by reference.
12 The State Fire Marshal ~~department~~ shall incorporate within
13 sections of the Florida Fire Prevention Code provisions that
14 address uniform firesafety standards as established in s.
15 633.022. The State Fire Marshal ~~department~~ shall incorporate
16 within sections of the Florida Fire Prevention Code provisions
17 addressing regional and local concerns and variations.

18 (3) No later than 180 days before the triennial
19 adoption of the Florida Fire Prevention Code, the State Fire
20 Marshal shall notify each municipal, county, and special
21 district fire department of the triennial code adoption and
22 steps necessary for local amendments to be included within the
23 code, excluding referenced Standard 220 and such sections or
24 standards of Standard 1 governing non-fire-prevention
25 requirements for construction or type of construction. No
26 later than 120 days before the triennial adoption of the
27 Florida Fire Prevention Code, each local jurisdiction shall
28 provide the State Fire Marshal with copies of its local fire
29 code amendments. The State Fire Marshal has the option to
30 process local fire code amendments that are received less than
31

1 120 days before the adoption date of the Florida Fire
2 Prevention Code.

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

5 1. If the local amendment should be adopted as a
6 statewide provision;

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

9 3. That the local amendment does not reference a
10 different edition of the national fire codes or other national
11 standard than the edition provided or referenced in the
12 uniform or minimum firesafety codes adopted by the State Fire
13 Marshal or prescribed by statute.

14 (b) Any local amendment to the Florida Fire Prevention
15 Code adopted by a local government shall be effective only
16 until the adoption ~~by the department~~ of the new edition of the
17 Florida Fire Prevention Code, which shall be every third year.
18 At such time, the State Fire Marshal department shall adopt
19 such amendment as part of the Florida Fire Prevention Code or
20 rescind the amendment. The State Fire Marshal department
21 shall immediately notify the respective local government of
22 the rescission of the amendment and the reason for the
23 rescission. After receiving such notice, the respective local
24 government may readopt the rescinded amendment. Incorporation
25 of local amendments as regional and local concerns and
26 variations shall be considered as adoption of an amendment
27 pursuant to this part.

28 (c) Notwithstanding other state or local building and
29 construction code laws to the contrary, locally adopted fire
30 code requirements that were in existence on the effective date
31 of this section shall be deemed local variations of the

1 Florida Fire Prevention Code until the State Fire Marshal
2 ~~department~~ takes action to adopt as a statewide firesafety
3 code requirement or rescind such requirements as provided
4 herein, and such action shall take place no later than January
5 1, 2001.

6 (4) The State Fire Marshal ~~department~~ shall update, by
7 rule adopted pursuant to ss. 120.536(1) and 120.54, the
8 Florida Fire Prevention Code every 3 years. Once initially
9 adopted and subsequently updated ~~by the department~~, the
10 Florida Fire Prevention Code and the Life Safety Code shall be
11 adopted for use statewide without adoptions by local
12 governments. When updating the Florida Fire Prevention Code
13 and the most recent edition of the Life Safety Code, the State
14 Fire Marshal ~~department~~ shall consider changes made by the
15 national model fire codes incorporated into the Florida Fire
16 Prevention Code, the State Fire Marshal's ~~department's~~ own
17 interpretations, declaratory statements, appellate decisions,
18 and approved statewide and local technical amendments.

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

24 (7) Any local amendment adopted by a local government
25 must strengthen the requirements of the minimum firesafety
26 code.

27 (8) Within 30 days after a local government adopts a
28 local amendment, the local government must transmit the
29 amendment to the Florida Building Commission and the State
30 Fire Marshal.

31

1 (9) The State Fire Marshal shall make rules that
2 implement this section and ss. 633.01 and 633.025 for the
3 purpose of accomplishing the objectives set forth in those
4 sections.

5 (10) Notwithstanding other provisions of this chapter,
6 if a county or a municipality within that county adopts an
7 ordinance providing for a local amendment to the Florida Fire
8 Prevention Code and that amendment provides a higher level of
9 protection to the public than the level specified in the
10 Florida Fire Prevention Code, the local amendment becomes
11 effective without approval of the State Fire Marshal and is
12 not rescinded pursuant to the provisions of this section,
13 provided that the ordinance meets one or more of the following
14 criteria:

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

19 (b) The local authority has adopted, by ordinance, a
20 provision requiring proportionate reduction in, or rebate or
21 waivers of, impact or other fees or assessments levied on
22 buildings that are built or modified in compliance with the
23 more stringent firesafety standards; or

24 (c) The local authority has adopted, by ordinance, a
25 growth management plan that requires buildings and structures
26 to be equipped with more stringent firesafety requirements
27 when these firesafety requirements are used as the basis for
28 planning infrastructure development or housing densities or in
29 other community planning activity.

30
31

1 Except as provided in s. 633.022, the local appeals process
2 shall be the venue if there is a dispute between parties
3 affected by the provisions of the more stringent local
4 firesafety amendment adopted as part of the Florida Fire
5 Prevention Code pursuant to the authority in this subsection.
6 Local amendments adopted pursuant to this subsection shall be
7 deemed local or regional variations and published as such in
8 the Florida Fire Prevention Code. The act of publishing
9 locally adopted firesafety amendments to the Florida Fire
10 Prevention Code shall not be construed to mean that the State
11 Fire Marshal approves or denies the authenticity or
12 appropriateness of the locally adopted firesafety provision,
13 and the burden of protecting the local fire safety amendment
14 remains solely with the adopting local governmental authority.

15 Section 91. Effective January 1, 2001, paragraph (d)
16 is added to subsection (2) of section 633.022, Florida
17 Statutes, to read:

18 633.022 Uniform firesafety standards.--The Legislature
19 hereby determines that to protect the public health, safety,
20 and welfare it is necessary to provide for firesafety
21 standards governing the construction and utilization of
22 certain buildings and structures. The Legislature further
23 determines that certain buildings or structures, due to their
24 specialized use or to the special characteristics of the
25 person utilizing or occupying these buildings or structures,
26 should be subject to firesafety standards reflecting these
27 special needs as may be appropriate.

28 (2)

29 (d) Each local authority may charge each public school
30 for an inspection thereof an amount which the department shall
31 prescribe by rule, but which inspection charge shall not

1 exceed \$2 per 1,000 square feet of covered, enclosed, and
2 occupiable space for each elementary school and shall not
3 exceed \$2.35 per 1,000 square feet of covered, enclosed, and
4 occupiable space for each middle school and each high school.
5 No charge shall be made for covered walkways, porticos, or any
6 other space not normally occupied.

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

11 633.025 Minimum firesafety standards.--

12 (1) The Florida Fire Prevention Code and the Life
13 Safety Code adopted by the State Fire Marshal ~~Department of~~
14 ~~Insurance~~, which shall operate in conjunction with the Florida
15 Building Code, shall be deemed adopted by each municipality,
16 county, and special district with firesafety responsibilities.
17 The minimum firesafety codes shall not apply to buildings and
18 structures subject to the uniform firesafety standards under
19 s. 633.022 and buildings and structures subject to the minimum
20 firesafety standards adopted pursuant to s. 394.879.

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

27 (4) Such codes shall be minimum codes and a
28 municipality, county, or special district with firesafety
29 responsibilities may adopt more stringent firesafety
30 standards, subject to the requirements of this subsection.
31 Such county, municipality, or special district may establish

1 alternative requirements to those requirements which are
2 required under the minimum firesafety standards on a
3 case-by-case basis, in order to meet special situations
4 arising from historic, geographic, or unusual conditions, if
5 the alternative requirements result in a level of protection
6 to life, safety, or property equal to or greater than the
7 applicable minimum firesafety standards. For the purpose of
8 this subsection, the term "historic" means that the building
9 or structure is listed on the National Register of Historic
10 Places of the United States Department of the Interior.

11 (a) The local governing body shall determine,
12 following a public hearing which has been advertised in a
13 newspaper of general circulation at least 10 days before the
14 hearing, if there is a need to strengthen the requirements of
15 the minimum firesafety code adopted by such governing body.
16 The determination must be based upon a review of local
17 conditions by the local governing body, which review
18 demonstrates that local conditions justify more stringent
19 requirements than those specified in the minimum firesafety
20 code for the protection of life and property or justify
21 requirements that meet special situations arising from
22 historic, geographic, or unusual conditions.

23 (b) Such additional requirements shall not be
24 discriminatory as to materials, products, or construction
25 techniques of demonstrated capabilities.

26 (c) Paragraphs (a) and (b) apply solely to the local
27 enforcing agency's adoption of requirements more stringent
28 than those specified in the Florida Fire Prevention Code and
29 the Life Safety Code that have the effect of amending building
30 construction standards. Upon request, the enforcing agency
31 shall provide a person making application for a building

1 permit, or any state agency or board with construction-related
2 regulation responsibilities, a listing of all such
3 requirements and codes.

4 (d) A local government which adopts amendments to the
5 minimum firesafety code must provide a procedure by which the
6 validity of such amendments may be challenged by any
7 substantially affected party to test the amendment's
8 compliance with the provisions of this section.

9 1. Unless the local government agrees to stay
10 enforcement of the amendment, or other good cause is shown,
11 the challenging party shall be entitled to a hearing on the
12 challenge within 45 days.

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

16
17 This subsection gives local government the authority to
18 establish firesafety codes that exceed the minimum firesafety
19 codes and standards adopted by the State Fire Marshal. The
20 Legislature intends that local government give proper public
21 notice and hold public hearings before adopting more stringent
22 firesafety codes and standards.~~A substantially affected~~
23 ~~person may appeal, to the Department of Insurance, the local~~
24 ~~government's resolution of the challenge, and the department~~
25 ~~shall determine if the amendment complies with this section.~~
26 ~~Actions of the department are subject to judicial review~~
27 ~~pursuant to s. 120.68. The department shall consider reports~~
28 ~~of the Florida Building Commission, pursuant to part VII of~~
29 ~~chapter 533, when evaluating building code enforcement.~~

30 (8) Electrically Battery operated single station smoke
31 detectors required ~~shall be considered as an approved~~

1 ~~detection device~~ for residential buildings are not required to
2 be interconnected within individual living units in all
3 buildings having direct access to the outside from each living
4 unit and having three stories or less. This subsection does
5 not apply to any residential building required to have a
6 manual or an automatic fire alarm system.

7 (9) The provisions of the Life Safety Code shall not
8 apply to newly constructed one-family and two-family
9 dwellings. However, fire sprinkler protection may be
10 permitted by local government in lieu of other fire
11 protection-related development requirements for in such
12 structures.

13 Section 93. Section 633.72, Florida Statutes, is
14 amended to read:

15 633.72 Florida Fire Code Advisory Council.--

16 (1) There is created within the department the Florida
17 Fire Code Advisory Council with 11 ~~seven~~ members appointed by
18 the State Fire Marshal. The council, ~~in cooperation with the~~
19 ~~Florida Building Commission,~~ shall advise and recommend to the
20 State Fire Marshal ~~and, where appropriate, for further~~
21 ~~recommendation to the Legislature~~ changes to in and
22 interpretation of the uniform firesafety standards adopted
23 under s. 633.022, the Florida Fire Prevention Code, and those
24 portions of the Florida Fire Prevention Code ~~codes~~ that have
25 the effect of conflicting with building construction standards
26 that are adopted pursuant to ~~ss. s-~~633.0215 and 633.022. The
27 members of the council shall represent the following groups
28 and professions:

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

1 (b) One member shall be an administrative officer from
2 a fire department representing a municipality or a county
3 selected from a list of persons submitted by the Florida Fire
4 Chiefs Association;

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

8 (d) One member shall be an a-structure engineer with
9 fire protection design experience registered to practice in
10 the state selected from a list of persons submitted by the
11 Florida Engineering Society;

12 (e) One member shall be an administrative officer from
13 a building department of a county or municipality selected
14 from a list of persons submitted by the Building Officials
15 Association of Florida;

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

19 (g) One member shall be a Florida certified
20 firefighter selected from a list submitted by the Florida
21 Professional Firefighters' Association;

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

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

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

29 (k) ~~(g)~~ One member shall be representative of the
30 general public.

31

1 (2)(h) The ~~administrative staff of the~~ State Fire
2 Marshal and shall attend meetings of the Florida Building
3 Commission shall ~~and~~ coordinate efforts to provide consistency
4 between the Florida Building Code and the Florida Fire
5 Prevention Code and the Life Safety Code.

6 (3) The council and Florida Building Commission shall
7 cooperate through joint representation and ~~staff~~ coordination
8 of codes and standards to resolve conflicts in their
9 development, updating, and interpretation.

10 (4)(2) Each appointee shall serve a 4-year term. No
11 member shall serve more than one term. No member of the
12 council shall be paid a salary as such member, but each shall
13 receive travel and expense reimbursement as provided in s.
14 112.061.

15 Section 94. Effective January 1, 2001, section
16 655.962, Florida Statutes, is amended to read:

17 655.962 Lighting; mirrors; landscaping.--

18 (1) Each operator of an automated teller machine, or
19 other person that controls the access area or defined parking
20 area to be lighted, shall comply with this section and the
21 provisions of the Florida Building Code which govern required
22 lighting and mirrors for automated teller machines ~~subsections~~
23 ~~(2), (3), and (4) no later than 1 year after October 1, 1994.~~

24 ~~If the access area or defined parking area to be lighted is~~
25 ~~controlled by a person other than the operator, such other~~
26 ~~person shall comply with subsections (2), (3), and (4) no~~
27 ~~later than 1 year after October 1, 1994.~~

28 (2) Each operator, or other person responsible for an
29 automated teller machine pursuant to ss. 655.960-655.965,
30 shall provide lighting as required by the Florida Building
31 Code during the hours of darkness with respect to an open and

1 operating automated teller machine and any defined parking
2 area, access area, and the exterior of an enclosed automated
3 teller machine installation, ~~as follows:~~

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

7 ~~(b) There shall be a minimum of 2 candlefoot power~~
8 ~~within 50 feet in all unobstructed directions from the face of~~
9 ~~the automated teller machine. If the automated teller machine~~
10 ~~is located within 10 feet of the corner of the building and~~
11 ~~the automated teller machine is generally accessible from the~~
12 ~~adjacent side, there shall be a minimum of 2 candlefoot power~~
13 ~~along the first 40 unobstructed feet of the adjacent side of~~
14 ~~the building.~~

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

18 (3) The operator shall provide reflective mirrors or
19 surfaces at each automated teller machine which comply with
20 the Florida Building Code and which provide the customer with
21 a rear view while the customer is engaged in using the
22 automated teller machine.

23 (4) The operator, or other person responsible pursuant
24 to ss. 655.960-655.965 for an automated teller machine, shall
25 ensure that the height of any landscaping, vegetation, or
26 other physical obstructions in the area required to be lighted
27 pursuant to subsection (2) for any open and operating
28 automated teller machine shall not exceed 3 feet, except that
29 trees trimmed to a height of 10 feet and whose diameters are
30 less than 2 feet and manmade physical obstructions required by
31

1 statute, law, code, ordinance, or other governmental
2 regulation shall not be affected by this subsection.

3 Section 95. Section 62 of chapter 98-287, Laws of
4 Florida, is amended to read:

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

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

21 Section 96. Section 68 of chapter 98-287, Laws of
22 Florida, is amended to read:

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

1 is transferred and renumbered as section 553.86, Florida
2 Statutes, and section 553.19, Florida Statutes, is transferred
3 and renumbered as section 553.87, Florida Statutes.

4 Section 97. The Legislature has reviewed the Florida
5 Building Code that was adopted by action of the Florida
6 Building Commission on February 15, 2000, and that was noticed
7 for rule adoption by reference in Rule 9B-3.047, F.A.C., on
8 February 18, 2000, in the Florida Administrative Weekly on
9 page 731. The Florida Building Commission is directed to
10 continue the process to adopt the code, pursuant to section
11 120.54(3), Florida Statutes, and to incorporate the following
12 provisions or standards for the State of Florida:

13 (1) The commission shall apply the criteria set forth
14 at section 553.73(7)(a) and (b), Florida Statutes, as amended
15 by section 40 of chapter 98-287, Laws of Florida, and section
16 553.73(6)(c), Florida Statutes, as created by this act, for
17 the adoption of any amendments to the base codes after the
18 effective date of this act.

19 (2) There is appropriated from the Florida Hurricane
20 Catastrophe Fund to the Department of Community Affairs an
21 amount sufficient to demonstrate the true cost and risk
22 reduction of, and educate the stakeholders regarding, the
23 proposed Florida Building Code. The department shall undertake
24 this demonstration and education project for the following
25 purposes and outcomes:

26 (a) The construction of residential single-family
27 homes in various regions of the state to the standards of the
28 proposed Florida Building Code. These project homes shall be
29 used to determine the cost differential between the Florida
30 Building Code and the current state minimum building code. The
31 department shall provide the resources to offset any increased

1 cost of building to the proposed Florida Building Code, and
2 shall provide an analysis and accounting of such additional
3 costs prepared by an appropriate engineering firm and
4 accounting firm. These homes shall be used for educational
5 purposes in the local community.

6 (b) The results of the accounting and analysis shall
7 be forwarded by the department to the Florida Building
8 Commission for use in reviewing the proposed Florida Building
9 Code.

10 (c) The accounting and analysis shall be forwarded to
11 the Department of Insurance, which shall use the accounting
12 and analysis in determining the basis for property and
13 casualty windstorm insurance rate reductions and rebates to
14 consumers.

15 (3) The department shall implement this project
16 contingent upon and subject to legislative appropriations as
17 soon as budget authority is available following the 2000
18 legislative session. Resources for this project shall be
19 expeditiously made available to project participants. The
20 Department of Community Affairs, the Florida Building
21 Commission, the Florida Insurance Council, the Department of
22 Insurance, the Florida Windstorm Underwriting Association, the
23 Florida Home Builders Association, and the Building Officials
24 Association of Florida shall serve as an advisory group for
25 this project. Decisions regarding the conduct of the project
26 and contracting with the appropriate engineering group and
27 accounting group shall be made by consensus of the advisory
28 group.

29 (4) The Department of Community Affairs shall issue a
30 preliminary report of its findings to the Governor, the
31 President of the Senate, and the Speaker of the House of

1 Representatives prior to the beginning of the 2001 legislative
2 session and shall issue its final report by July 1, 2001.

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

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

8 (b) On the eastern coast of the state, all land within
9 5 miles of the coast north from the 28th latitudinal parallel;

10 (c) On the western coast of the state, all land within
11 3 miles of the coast north from the 28th latitudinal parallel,
12 to the end of the 120 mph wind zone, as established in ASCE
13 7-98, in Taylor County;

14 (d) On the western coast of the state, all land within
15 1 mile of the coast, from the end of the 120 mph wind zone in
16 Taylor County, as established in ASCE 7-98, to the
17 Florida-Alabama state line.

18
19 The exact location of the line shall be established by local
20 ordinance, using recognized physical landmarks such as major
21 roads, canals, rivers, and lake shores, wherever possible.
22 Buildings constructed in the windborne debris region must be
23 either designed for internal pressures that may result inside
24 a building when a window or door is broken or a hole is
25 created in its walls or roof by large debris, or be designed
26 with protected openings.

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

31

1 (7) Notwithstanding section 40 of chapter 98-287, Laws
2 of Florida, if a county with a population over 1 million on
3 April 1, 2000, as enumerated in the 2000 decennial census, or
4 a municipality within that county, adopts and ordinance
5 providing for a local amendment to the Florida Building Code,
6 and such amendment provides a higher level of protection to
7 the public, as determined by the Florida Building Commission,
8 the local amendment becomes effective without approval of the
9 Florida Building Commission and is not rescinded pursuant to
10 section 40 of chapter 98-287, Laws of Florida.

11 (8) Notwithstanding section 40 of chapter 98-287, Laws
12 of Florida, if a county or municipality adopts an ordinance
13 providing for a local amendment to the Florida Building Code,
14 and such amendment provides for window and door protection
15 such as hurricane shutters beyond what the code provides, as
16 determined by the Florida Building Commission, the local
17 amendment becomes effective without approval of the Florida
18 Building Commission and is not rescinded pursuant to section
19 40 of chapter 98-287, Laws of Florida.

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

28 (9) The Florida Building Commission is directed to
29 amend section 611 of the Plumbing Section of the Florida
30 Building Code to incorporate the following:
31

1 (a) When reduction of aesthetic contaminants, such as
2 chlorine, taste, odor, or sediment are claimed, the drinking
3 water treatment units must meet the requirements of NSF
4 Standard 42 Drinking Water Treatment Units-Aesthetic Effects,
5 or Water Quality Association Standard S-200 for Household and
6 Commercial Water Filters. When reduction of regulated health
7 contaminants is claimed, such as inorganic or organic
8 chemicals, or radiological substances, the drinking water
9 treatment unit must meet the requirements of NSF Standard 53
10 Drinking Water Treatment Units-Health Effects.

11 (b) Reverse osmosis drinking water treatment systems
12 shall meet the requirements of NSF Standard 58 Reverse Osmosis
13 Drinking Water Treatment Units or Water Quality Association
14 Standard S-300 Point-of-Use Low Pressure Reverse Osmosis
15 Drinking Water Systems for the Reduction of Total Dissolved
16 Solids Only.

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

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

26 (10) The Florida Building Commission is directed to
27 reinsert into the Florida Building Code Sections 104.3.2 and
28 104.6.2 of the Florida Building Code, Third Draft, related to
29 a building official's authority to elect to issue a permit
30 based upon plan review by a registered architect or engineer.

31

1 (11) The Florida Building Commission is directed to
2 amend paragraph F of Section 105.13 of the Florida Building
3 Code to make clear that the building department may allow a
4 special inspector to conduct the minimum structural inspection
5 of threshold buildings required by the Florida Building Code
6 and section 553.73, Florida Statutes, without duplicative
7 inspection by the building department.

8 (12) The Florida Building Commission is directed to
9 amend Section 127.5.9.8.5 of the Florida Building Code to make
10 clear that the building official may allow a special inspector
11 to conduct all mandatory inspections in accordance with
12 section 127.3 of the Code, without duplicative inspection by
13 the building official.

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

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

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

5 Section 99. Section 125.0106, Florida Statutes, is
6 repealed.

7 Section 100. 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 101. 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 102. Except as otherwise specifically provided
14 in this act, this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for SB's 4 and 380

4 The committee substitute provides the following changes:

- 5 1. Allows an enforcing agency to issue a permit based upon
6 a sworn affidavit from an architect or engineer
7 regarding compliance with the Building Code, instead of
8 requiring the local enforcing agency to review the plans
9 and specifications to determine whether the plan is in
10 compliance with the Building Code.
- 11 2. Clarifies responsibilities of the State Fire Marshal
12 relating to the adoption of local amendments into the
13 statewide Florida Fire Prevention Code, allows local
14 governments to adopt stricter standards than the
15 statewide code, if certain criteria are met, and
16 requires the local appeals as the venue for resolving
17 disputes between affected parties.
- 18 3. Requires insurers to include in their rating manual
19 credits for fixtures as well as construction techniques
20 that have been actuarially demonstrated to reduce the
21 amount of loss in a windstorm.
- 22 4. Authorizes a local authority to inspect a public school
23 for fire inspection standard compliance and charge a fee
24 for such inspection.
- 25 5. Continues the select committee charged with
26 investigating the feasibility of establishing
27 performance-based criteria for the cost effectiveness
28 application of fire codes for educational facilities and
29 appropriates \$35,000 to the State Fire Marshal's Office
30 from the Insurance Commissioner's Regulatory Trust Fund
31 to provide training to those impacted by the application
of such standards.
6. Requires the State Fire Marshal and the Florida Building
Commission, in cooperation with the Department of
Community Affairs, to establish fire safety criteria for
educational plants.
7. Authorizes the Building Commission to adopt amendments
for regional application.
8. Excludes the cost of moving a building for the purpose
of determining whether a structure has been
substantially remodeled.
9. Establishes the Office of Building Code Training within
the Jacksonville Community College to provide research
and training and to coordinate with the Department of
Community Affairs and the Building Commission to promote
awareness regarding construction.
10. Extends the deadline for the Department of Business and
Professional Regulation to implement an automated
information system from November 1999 to November 2001.