

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

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

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

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

1 of part I of ch. 400, F.S., to eliminate the  
2 provision of construction standards for nursing  
3 homes and related health care facilities;  
4 amending s. 400.23, F.S.; eliminating the  
5 authority of the Agency for Health Care  
6 Administration to adopt construction  
7 regulations for nursing homes and related  
8 health care facilities; authorizing the agency  
9 to enforce specified provisions of the Florida  
10 Building Code; directing the agency to assist  
11 the Florida Building Commission; amending s.  
12 400.232, F.S.; providing that the design and  
13 construction of nursing homes is governed by  
14 the Florida Building Code and the Florida Fire  
15 Prevention Code; authorizing the agency to  
16 conduct plan reviews and construction surveys  
17 of those facilities; amending s. 455.2286,  
18 F.S.; revising the effective date for  
19 implementing an automated information system;  
20 amending s. 468.604, F.S.; substituting  
21 references to the Florida Building Code for  
22 references to listed locally adopted codes;  
23 amending s. 468.607, F.S.; providing for the  
24 continuing validity of the certifications of  
25 certain building inspectors and plans examiners  
26 for a certain period of time; amending s.  
27 468.609, F.S.; clarifying the prerequisites for  
28 taking certain certification examinations;  
29 providing for a limited certificate to be  
30 issued to an employee of an educational board  
31 before a specified date; amending s. 468.617,

1 F.S.; adding school boards, community college  
2 boards, state agencies, and state universities  
3 as entities that may contract for joint  
4 inspection services or contract with other  
5 certified persons to perform plan reviews and  
6 inspection services; amending s. 469.002, F.S.;  
7 eliminating a required asbestos disclosure  
8 statement; providing for inclusion of such a  
9 statement within the Florida Building Code;  
10 amending s. 471.015, F.S.; authorizing the  
11 Board of Professional Engineers to establish  
12 qualifications for special inspectors of  
13 threshold buildings and to establish  
14 qualifications for the qualified representative  
15 of such a special inspector; providing for  
16 minimum qualifications for qualified  
17 representatives; amending s. 481.213, F.S.;  
18 authorizing the Board of Architecture and  
19 Interior Design to establish qualifications for  
20 certifying licensed architects as special  
21 inspectors of threshold buildings and to  
22 establish qualifications for the qualified  
23 representative of such a special inspector;  
24 amending s. 489.103, F.S.; substituting  
25 references to the Florida Building Code for  
26 references to locally adopted codes; amending  
27 ss. 489.115, 497.255, 553.06, 553.141, 553.503,  
28 553.506, 553.512, 553.73, 553.74, F.S.;  
29 replacing references to the Board of Building  
30 Codes and Standards with references to the  
31 Florida Building Commission; amending s.

1 500.09, F.S.; clarifying that the Department of  
2 Agriculture and Consumer Services may not adopt  
3 construction regulations for food  
4 establishments; requiring the adoption of such  
5 regulations within the Florida Building Code;  
6 authorizing the department to enforce specified  
7 provisions of the Florida Building Code;  
8 preserving the department's authority to adopt  
9 and enforce sanitary regulations; amending s.  
10 500.12, F.S.; authorizing the department to  
11 enforce specific provisions of the Florida  
12 Building Code; providing a requirement for  
13 obtaining or renewing a local occupational  
14 license; amending s. 500.147, F.S.; authorizing  
15 the department to enforce specific provisions  
16 of the Florida Building Code; amending s.  
17 509.032, F.S.; clarifying that the Division of  
18 Hotels and Restaurants may not adopt  
19 construction standards for public food and  
20 public lodging establishments; providing for  
21 the adoption of such standards within the  
22 Florida Building Code and the Florida Fire  
23 Prevention Code; authorizing the division to  
24 enforce specified provisions of the Florida  
25 Building Code and the Florida Fire Prevention  
26 Code; preserving the authority of local  
27 governments to inspect public food and public  
28 lodging establishments for compliance with the  
29 Florida Building Code and the Florida Fire  
30 Prevention Code; amending s. 509.221, F.S.;  
31 substituting references to the Florida Building

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



1 term "module"; updating references to the  
2 Florida Building Code; amending s. 553.37,  
3 F.S.; authorizing the Department of Community  
4 Affairs to adopt certain rules; providing that,  
5 if the department delegates certain authority,  
6 manufacturers shall have plan reviews and  
7 inspections conducted by a single agency;  
8 transferring rulemaking authority to the  
9 Florida Building Commission; creating s.  
10 553.375, F.S.; providing for recertification of  
11 manufactured buildings; amending s. 553.38,  
12 F.S.; transferring to the Florida Building  
13 Commission authority to adopt rules governing  
14 manufactured buildings; amending s. 553.381,  
15 F.S.; providing for certification of  
16 manufacturers of manufactured buildings;  
17 providing certification requirements;  
18 transferring authority for construction  
19 standards to the Florida Building Commission;  
20 amending s. 553.39, F.S.; replacing the  
21 department's rules with the Florida Building  
22 Code; creating s. 553.5041, F.S.; providing  
23 requirements for parking accommodations for  
24 persons who have disabilities; amending s.  
25 553.512, F.S.; providing that the commission  
26 may not waive specified requirements for  
27 parking for persons who have disabilities;  
28 providing that applicants for waiver must have  
29 applied for variance from specified local  
30 requirements; deleting the word "handicapped";  
31 amending s. 553.71, F.S.; redefining the term

1 "threshold building"; defining the terms  
2 "special inspector" and "prototype building";  
3 amending s. 553.72, F.S.; amending legislative  
4 intent relating to the Florida Building Code;  
5 amending s. 553.73, F.S.; prohibiting the  
6 Florida Building Commission from adopting a  
7 fire prevention or life safety code; expanding  
8 the list of regulations to be included in the  
9 Florida Building Code; clarifying the  
10 limitations applicable to administrative  
11 amendments to the code; clarifying the effect  
12 on local governments of adopting and updating  
13 the Florida Building Code; specifying that  
14 amendments to certain standards or criteria are  
15 effective statewide or on a regional basis upon  
16 adoption by the commission; providing for the  
17 immediate effect of certain amendments to the  
18 Florida Building Code in certain circumstances;  
19 revising criteria for commission approval of  
20 amendments to the Florida Building Code;  
21 prescribing which edition of the Florida  
22 Building Code applies to a given project;  
23 authorizing the Florida Building Commission to  
24 provide exceptions to the exemptions; providing  
25 for review of decisions of certain local  
26 government officials; delegating certain  
27 responsibilities to the State Fire Marshal,  
28 rather than the Department of Insurance;  
29 amending s. 553.77, F.S.; revising the powers  
30 of the commission; providing for fees for  
31 product approval; correcting a cross-reference;

1 amending s. 553.781, F.S.; clarifying that the  
2 Department of Business and Professional  
3 Regulation conducts disciplinary investigations  
4 and takes disciplinary actions; amending s.  
5 553.79, F.S.; replacing the term "mobile home"  
6 with the term "manufactured home"; deleting the  
7 authority of the Department of Community  
8 Affairs to establish qualifications for and  
9 certify special inspectors; revising the  
10 responsibilities of special inspectors;  
11 requiring the Florida Building Commission to  
12 establish standards for specified structures;  
13 deleting standards for specified structures;  
14 providing for alternative plan review by a  
15 registered architect or engineer under certain  
16 circumstances; clarifying that building code  
17 plan review is required independent of  
18 firesafety plan review; deleting specific  
19 requirements for the submittal of plans;  
20 directing the Florida Building Commission to  
21 adopt requirements for plan review; revising  
22 standards for determining costs; amending s.  
23 553.80, F.S.; consolidating all exemptions from  
24 local enforcement of the building code;  
25 providing for uses of facility maintenance  
26 permits by school boards, community college  
27 boards, and state universities; amending ss.  
28 553.83, 553.84, 553.85, F.S.; replacing  
29 references to local codes and state minimum  
30 codes with references to the Florida Building  
31 Code; amending s. 553.841, F.S.; requiring the

1 Florida Building Commission to establish a  
2 training program by rule; providing for  
3 consultation with the State Fire Marshal;  
4 eliminating residential designers from the  
5 program; creating the Office of Building Code  
6 Training Program Administration and providing  
7 its duties; amending s. 553.842, F.S.;  
8 requiring the commission to make  
9 recommendations to the Legislature for a  
10 statewide product approval system; exempting  
11 certain counties from the statewide product  
12 approval system; amending s. 553.901, F.S.;  
13 transferring the authority to adopt the thermal  
14 efficiency code from the Department of  
15 Community Affairs to the Florida Building  
16 Commission; amending s. 553.902, F.S.; amending  
17 the term "exempted building"; deleting an  
18 exemption; authorizing the commission to  
19 recommend additional exemptions; deleting the  
20 term "energy performance index"; amending s.  
21 553.903, F.S.; deleting an obsolete requirement  
22 relating to thermal efficiency; amending s.  
23 553.907, F.S.; deleting requirements for  
24 certification of compliance to local  
25 governments; amending s. 553.9085, F.S.;  
26 deleting obsolete references; amending s.  
27 553.909, F.S.; deleting specific requirements  
28 for water heaters; directing that such  
29 requirements be set in the energy code;  
30 amending s. 627.0629, F.S.; requiring a rating  
31 manual to include discounts for certain

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

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

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

2

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

5 120.80 Exceptions and special requirements;  
6 agencies.--

7 (16) FLORIDA BUILDING COMMISSION.--

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

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

21 Section 2. Effective January 1, 2001, paragraphs (d)  
22 and (i) of subsection (1) of section 125.01, Florida Statutes,  
23 are amended, and paragraph (cc) is added to that subsection,  
24 to read:

25 125.01 Powers and duties.--

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

30 (d) Provide fire protection, including the enforcement  
31 of the Florida Fire Prevention Code, as provided in ss.

1 633.022 and 633.025, and adopt and enforce local technical  
2 amendments to the Florida Fire Prevention Code as provided in  
3 those sections and pursuant to s. 633.0215.

4 (i) Adopt, by reference or in full, and enforce  
5 ~~building, housing, and~~ related technical codes and  
6 regulations.

7 (cc) Enforce the Florida Building Code, as provided in  
8 s. 553.80, and adopt and enforce local technical amendments to  
9 the Florida Building Code, pursuant to s. 553.73(4)(b) and  
10 (c).

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

13 125.56 Enforcement and Adoption ~~or~~ amendment of the  
14 Florida Building Code and the Florida Fire Prevention Code;  
15 inspection fees; inspectors; etc.--

16 (1) The board of county commissioners of each of the  
17 several counties of the state is authorized to enforce the  
18 Florida Building Code and the Florida Fire Prevention Code, as  
19 provided in s. 553.80, 633.022, and 633.025, and, at its  
20 discretion, to adopt local technical amendments to the Florida  
21 ~~or amend a~~ Building Code, pursuant to s. 553.73(4)(b) and (c)  
22 and local technical amendments to the Florida Fire Prevention  
23 Code, pursuant to s. 633.0215, to provide for the safe  
24 construction, erection, alteration, repair, securing, and  
25 demolition of any building within its territory outside the  
26 corporate limits of any municipality. Upon a determination to  
27 consider amending the Florida ~~or adopting a~~ Building Code or  
28 the Florida Fire Prevention Code by a majority of the members  
29 of the board of county commissioners of such county, the board  
30 shall call a public hearing and comply with the public notice  
31 requirements of s. 125.66(2). The board shall hear all



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

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

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

24 (4) After adoption of the Florida Building Code by the  
25 Florida Building Commission or the Florida Fire Prevention  
26 Code by the State Fire Marshal, or amendment of the building  
27 code or the fire code as herein provided, it shall be unlawful  
28 for any person, firm, or corporation to construct, erect,  
29 alter, repair, secure, or demolish any building within the  
30 territory embraced by the terms of this act, ~~without first~~  
31 obtaining a permit therefor from the appropriate board of

1 county commissioners, or from such persons as may by  
2 resolution be directed to issue such permits, upon the payment  
3 of such reasonable fees as shall be set forth in the schedule  
4 of fees adopted by the board; the board is hereby empowered to  
5 revoke any such permit upon a determination by the board that  
6 the construction, erection, alteration, repair, securing, or  
7 demolition of the building for which the permit was issued is  
8 in violation of or not in conformity with the building code or  
9 the fire code.

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

15 Section 4. Effective January 1, 2001, section  
16 161.0415, Florida Statutes, is amended to read:

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

26 Section 5. Effective January 1, 2001, paragraph (b) of  
27 subsection (2) of section 161.052, Florida Statutes, is  
28 amended, and subsection (12) is added to that section, to  
29 read:

30 161.052 Coastal construction and excavation;  
31 regulation.--

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

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

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

1 plant communities, and the preservation of public beach  
2 access.

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

5 161.053 Coastal construction and excavation;  
6 regulation on county basis.--

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

24 Section 7. Effective January 1, 2001, section  
25 161.05301, Florida Statutes, is amended to read:

26 161.05301 Beach erosion control project staffing;  
27 ~~coastal construction building codes review.--~~

28 (1) There are hereby appropriated to the Department of  
29 Environmental Protection six positions and \$449,918 for fiscal  
30 year 1998-1999 from the Ecosystem Management and Restoration  
31 Trust Fund from revenues provided by this act pursuant to s.

1 201.15(11). These positions and funding are provided to  
2 assist local project sponsors, and shall be used to facilitate  
3 and promote enhanced beach erosion control project  
4 administration. Such staffing resources shall be directed  
5 toward more efficient contract development and oversight,  
6 promoting cost-sharing strategies and regional coordination or  
7 projects among local governments, providing assistance to  
8 local governments to ensure timely permit review, and  
9 improving billing review and disbursement processes.

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

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

23 161.55 Requirements for activities or construction  
24 within the coastal building zone.--The following requirements  
25 shall apply beginning March 1, 1986, to construction within  
26 the coastal building zone and shall be minimum standards for  
27 construction in this area:

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

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

31

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

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

10           ~~(d) Major structures, except those conforming to the~~  
11 ~~standards of paragraph (b), shall, at a minimum be designed~~  
12 ~~and constructed in accordance with s. 1205 of the 1986~~  
13 ~~revisions to the 1985 Standard Building Code using a fastest~~  
14 ~~mile-wind velocity of 110 miles per hour except for the~~  
15 ~~Florida Keys which shall use a fastest mile-wind velocity of~~  
16 ~~115 miles per hour. This does not preclude use of a locally~~  
17 ~~adopted building code which is more restrictive.~~

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

1 ~~department may provide information and guidance as to those~~  
2 ~~areas within the coastal building zone where the erosion and~~  
3 ~~scour of a 100-year storm event is applicable.~~

4 ~~(1)(2) REGULATION OF COASTAL STRUCTURAL REQUIREMENTS~~  
5 ~~MINOR STRUCTURES.--Minor structures need not meet specific~~  
6 ~~structural requirements provided in subsection (1), except for~~  
7 ~~the requirements of paragraph (c) and except for applicable~~  
8 ~~provisions of the state minimum building code in effect in the~~  
9 ~~jurisdiction. Such structures~~ shall be designed to produce the  
10 minimum adverse impact on the beach and the dune system and  
11 adjacent properties and to reduce the potential for water or  
12 wind blown material. Construction of a rigid coastal or shore  
13 protection structure designed primarily to protect a minor  
14 structure shall not be permitted.

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

31

1           (3)~~(4)~~ LOCATION OF CONSTRUCTION.--Construction, except  
2 for elevated walkways, lifeguard support stands, piers, beach  
3 access ramps, gazebos, and coastal or shore protection  
4 structures, shall be located a sufficient distance landward of  
5 the beach to permit natural shoreline fluctuations and to  
6 preserve dune stability.

7           (4)~~(5)~~ APPLICATION TO COASTAL BARRIER ISLANDS.--All  
8 ~~building~~ requirements of this part which are applicable to the  
9 coastal building zone shall also apply to coastal barrier  
10 islands. The coastal building zone on coastal barrier islands  
11 shall be the land area from the seasonal high-water line to a  
12 line 5,000 feet landward from the coastal construction control  
13 line established pursuant to s. 161.053, or the entire island,  
14 whichever is less. For coastal barrier islands on which a  
15 coastal construction control line has not been established  
16 pursuant to s. 161.053, the coastal building zone shall be the  
17 land area seaward of the most landward velocity zone (V-zone)  
18 boundary line fronting upon the Gulf of Mexico, Atlantic  
19 Ocean, Florida Bay, or Straits of Florida. All land area in  
20 the Florida Keys located within Monroe County shall be  
21 included in the coastal building zone. The coastal building  
22 zone on any coastal barrier island between Sebastian Inlet and  
23 Fort Pierce Inlet may be reduced in size upon approval of the  
24 Land and Water Adjudicatory Commission, if it determines that  
25 the local government with jurisdiction has provided adequate  
26 protection for the barrier island. In no case, however, shall  
27 the coastal building zone be reduced to an area less than a  
28 line 2,500 feet landward of the coastal construction control  
29 line. ~~In determining whether the local government with~~  
30 ~~jurisdiction has provided adequate protection, the Land and~~  
31 ~~Water Adjudicatory Commission shall determine that the local~~



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

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

18 (a) Of substantially similar quality and convenience  
19 to the public;

20 (b) Approved by the local government;

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

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

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

29 161.56 Establishment of local enforcement.--

30 ~~(1) Each local government which is required to enforce~~  
31 ~~the Florida Building Code by s. 553.73 and which has a coastal~~

1 ~~building zone or some portion of a coastal zone within its~~  
2 ~~territorial boundaries shall enforce the requirements of the~~  
3 ~~code established in s. 161.55.~~

4 ~~(2) Each local government shall provide evidence to~~  
5 ~~the state land planning agency that it has adopted a building~~  
6 ~~code pursuant to this section. Within 90 days after January~~  
7 ~~1, 1987, the state land planning agency shall submit to the~~  
8 ~~Administration Commission a list of those local governments~~  
9 ~~which have not submitted such evidence of adoption. The sole~~  
10 ~~issue before the Administration Commission shall be whether or~~  
11 ~~not to impose sanctions pursuant to s. 163.3184(8).~~

12 (1)(3) Nothing in ss. 161.52-161.58 shall be construed  
13 to limit or abrogate the right and power of the department to  
14 require permits or to adopt and enforce standards pursuant to  
15 s. 161.041 or s. 161.053 for construction seaward of the  
16 coastal construction control line that are as restrictive as,  
17 or more restrictive than, the requirements provided in s.  
18 161.55 or the rights or powers of local governments to enact  
19 and enforce setback requirements or zoning or building codes  
20 that are as restrictive as, or more restrictive than, the  
21 requirements provided in s. 161.55.

22 (2)(4) To assist local governments in the  
23 implementation and enforcement of s. 161.55, the state land  
24 planning agency shall develop and maintain a biennial coastal  
25 building zone construction training program for the local  
26 enforcement agencies specified in subsection (1). The state  
27 land planning agency shall provide an initial training program  
28 not later than April 1, 1987, and on a recurring biennial  
29 basis shall provide a continuing education program beginning  
30 July 1, 1989. Registration fees, as determined appropriate by  
31 the state land planning agency, may be charged to defray the

1 cost of the program if general revenue funds are not provided  
2 for this purpose. ~~No later than December 1, 1986, the state~~  
3 ~~land planning agency shall further develop a deemed-to-comply~~  
4 ~~manual which contains, as determined appropriate by the state~~  
5 ~~land planning agency, methods, materials, connections,~~  
6 ~~applicability, and other associated information for use by the~~  
7 ~~local enforcement agency in complying with subsection (1).~~

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

10 235.26 State Uniform Building Code for Public  
11 Educational Facilities Construction.--

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

27 (a) Prefabricated facilities, factory-built  
28 facilities, or site-built facilities that are designed to be  
29 portable, relocatable, demountable, or reconstructible; are  
30 used primarily as classrooms; and do not fall under the  
31 provisions of ss. 320.822-320.862. Such standards must permit

1 boards to contract with the Department of Community Affairs  
2 for factory inspections by certified building code inspectors  
3 to certify conformance with applicable law and rules. The  
4 standards must comply with the requirements of s. 235.061 for  
5 relocatable facilities intended for long-term use as classroom  
6 space.

7 (b) The sanitation of educational and ancillary plants  
8 and the health of occupants of educational and ancillary  
9 plants.

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

17 (d) Accessibility for children, notwithstanding the  
18 provisions of s. 553.512.

19 (e) The performance of life-cycle cost analyses on  
20 alternative architectural and engineering designs to evaluate  
21 their energy efficiencies.

22 1. The life-cycle cost analysis must consist of the  
23 sum of:

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

28 b. The reasonable costs of probable maintenance,  
29 including labor and materials, and operation of the building.  
30  
31

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

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

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

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

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

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

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

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

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

5  
 6 It is not a purpose of the Florida ~~Uniform~~ Building Code to  
 7 inhibit the use of new materials or innovative techniques; nor  
 8 may it specify or prohibit materials by brand names. The code  
 9 must be flexible enough to cover all phases of construction so  
 10 as to afford reasonable protection for the public safety,  
 11 health, and general welfare. The department may secure the  
 12 service of other state agencies or such other assistance as it  
 13 finds desirable in recommending to the Florida Building  
 14 Commission revisions to ~~revising~~ the code.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ~~1. The life cycle cost analysis must consist of the~~  
21 ~~sum of:~~

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

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

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

31



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

3 ~~b. The amount and type of glass employed in the~~  
4 ~~facility and the directions of exposure.~~

5 ~~c. The effect of insulation incorporated into the~~  
6 ~~facility design and the effect on solar utilization of the~~  
7 ~~properties of external surfaces.~~

8 ~~d. The variable occupancy and operating conditions of~~  
9 ~~the facility and subportions of the facility.~~

10 ~~e. An energy consumption analysis of the major~~  
11 ~~equipment of the facility's heating, ventilating, and cooling~~  
12 ~~system; lighting system; and hot water system and all other~~  
13 ~~major energy-consuming equipment and systems as appropriate.~~

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

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

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

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

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

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

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

23 (5) APPROVAL.--

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

1 firesafety, health and sanitation, casualty safety, and  
2 requirements for the physically handicapped which are in  
3 effect at the time a construction contract is to be awarded.

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

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

1           17. Conformity with the Florida Fire Prevention Code.

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

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

25           (7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The  
26 department shall biennially review and recommend to the  
27 Florida Building Commission updates and revisions to the  
28 provisions of the Florida, ~~update, and revise the Uniform~~  
29 Building Code which govern the construction of public  
30 educational and ancillary facilities. The department shall  
31 publish and make available to each district school board and

1 community college district board of trustees at no cost copies  
2 of the state requirements for educational facilities code and  
3 each amendment and revision thereto. The department shall make  
4 additional copies available to all interested persons at a  
5 price sufficient to recover costs.

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

16 ~~(8)(9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.--~~

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

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

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

1 pursuant to paragraph (a) must be guided by the plan and by  
2 this subsection.

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

9 Section 11. Section 240.2945, Florida Statutes, is  
10 created to read:

11 240.2945 Building construction standards;  
12 exemptions.--The state universities are exempt from local  
13 amendments to the Florida Building Code and the Fire  
14 Prevention Code.

15 Section 12. Effective January 1, 2001, subsection (2)  
16 of section 253.033, Florida Statutes, is amended to read:

17 253.033 Inter-American Center property; transfer to  
18 board; continued use for government purposes.--

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

30  
31



1           Section 13. Effective January 1, 2001, paragraph (a)  
2 of subsection (1) of section 255.25, Florida Statutes, is  
3 amended to read:

4           255.25 Approval required prior to construction or  
5 lease of buildings.--

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

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

14           255.31 Authority to the Department of Management  
15 Services to manage construction projects for state and local  
16 governments.--

17           (1) The design, construction, erection, alteration,  
18 modification, repair, and demolition of all public and private  
19 buildings is governed by the Florida Building Code and the  
20 Florida Fire Prevention Code, which are to be enforced by  
21 local jurisdictions or local enforcement districts unless  
22 specifically exempted as provided in s. 553.80. However, the  
23 Department of Management Services shall provide the project  
24 management and administration services for the construction,  
25 renovation, repair, modification, or demolition of buildings,  
26 utilities, parks, parking lots, or other facilities or  
27 improvements for projects for which the funds are appropriated  
28 to the department, provided that, with the exception of  
29 facilities constructed under the authority of chapters 944,  
30 945, and 985, the department may not conduct plans reviews or  
31 inspection services for consistency with the Florida Building

1 Code. The department's fees for such services shall be paid  
2 from such appropriations.

3 (2) The Department of Management Services may, upon  
4 request, enter into contracts with other state agencies under  
5 which the department may provide the project management,  
6 administration services, or assistance 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 other state agencies, provided that the department does not  
11 conduct plans reviews or inspection services for consistency  
12 with the Florida Building Code. The contracts shall provide  
13 for payment of fees to the department.

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

16 316.1955 Enforcement of parking requirements ~~spaces~~  
17 for persons who have disabilities.--

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

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

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

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

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

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

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

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

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

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

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

30           ~~2. The parking access aisles are reserved for the~~  
31 ~~temporary exclusive use of persons who have disabled parking~~

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

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

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

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

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

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

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

28           ~~(6) Each such parking space must be prominently~~  
29 ~~outlined with blue paint, and must be repainted when~~  
30 ~~necessary, to be clearly distinguishable as a parking space~~  
31 ~~designated for persons who have disabilities and must be~~

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

17 (1)~~(7)~~ It is unlawful for any person to stop, stand,  
18 or park a vehicle within, or to obstruct, any such specially  
19 designated and marked parking space provided in accordance  
20 with s. 553.5041 ~~this section~~, unless the vehicle displays a  
21 disabled parking permit issued under s. 316.1958 or s.  
22 320.0848 or a license plate issued under s. 320.084, s.  
23 320.0842, s. 320.0843, or s. 320.0845, and the vehicle is  
24 transporting the person to whom the displayed permit is  
25 issued. The violation may not be dismissed for failure of the  
26 marking on the parking space to comply with s. 553.5041 ~~this~~  
27 ~~section~~ if the space is in general compliance and is clearly  
28 distinguishable as a designated accessible parking space for  
29 people who have disabilities. Only a warning may be issued for  
30 unlawfully parking in a space designated for persons with  
31

1 disabilities if there is no above-grade sign as provided in s.  
2 553.5041 ~~subsection (6)~~.

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

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

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

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

28 (2)~~(8)~~ It is unlawful for any person to obstruct the  
29 path of travel to an accessible parking space, curb cut, or  
30 access aisle by standing or parking a vehicle within any such  
31 designated area. The violator is subject to the same penalties



1 as are imposed for illegally parking in a space that is  
2 designated as an accessible parking space for persons who have  
3 disabilities.

4 ~~(3)(9)~~ Any person who is chauffeuring a person who has  
5 a disability is allowed, without need for a disabled parking  
6 permit or a special license plate, to stand temporarily in any  
7 such parking space, for the purpose of loading or unloading  
8 the person who has a disability. A penalty may not be imposed  
9 upon the driver for such temporary standing.

10 ~~(4)(10)~~(a) A vehicle that is transporting a person who  
11 has a disability and that has been granted a permit under s.  
12 320.0848(1)(a) may be parked for a maximum of 30 minutes in  
13 any parking space reserved for persons who have disabilities.

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

21 Section 16. Subsection (15) of section 381.006,  
22 Florida Statutes, is amended to read:

23 381.006 Environmental health.--The department shall  
24 conduct an environmental health program as part of fulfilling  
25 the state's public health mission. The purpose of this program  
26 is to detect and prevent disease caused by natural and manmade  
27 factors in the environment. The environmental health program  
28 shall include, but not be limited to:

29 (15) A sanitary facilities function, which shall  
30 include minimum standards for the maintenance and sanitation  
31 of sanitary facilities; public access to sanitary facilities;

1 ~~the number, operation, design, and maintenance of plumbing~~  
2 ~~fixtures in places serving the public and places of~~  
3 ~~employment~~ and fixture ratios for special or temporary events  
4 and for homeless shelters.

5 Section 17. Effective January 1, 2001, section  
6 383.301, Florida Statutes, is amended to read:

7 383.301 Licensure and regulation of birth centers;  
8 legislative intent.--It is the intent of the Legislature to  
9 provide for the protection of public health and safety in the  
10 establishment, ~~construction~~, maintenance, and operation of  
11 birth centers by providing for licensure of birth centers and  
12 for the development, establishment, and enforcement of minimum  
13 standards with respect to birth centers.

14 Section 18. Effective January 1, 2001, subsection (1)  
15 of section 383.309, Florida Statutes, is amended, and  
16 subsection (3) is added to that section, to read:

17 383.309 Minimum standards for birth centers; rules and  
18 enforcement.--

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

23 (a) Sufficient numbers and qualified types of  
24 personnel and occupational disciplines are available at all  
25 times to provide necessary and adequate patient care and  
26 safety.

27 (b) Infection control, housekeeping, sanitary  
28 conditions, disaster plan, and medical record procedures that  
29 will adequately protect patient care and provide safety are  
30 established and implemented.

31

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

8           ~~(c)~~(d) Licensed facilities are established, organized,  
9 and operated consistent with established programmatic  
10 standards.

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

26           Section 19. Effective January 1, 2001, paragraph (f)  
27 of subsection (1) of section 394.879, Florida Statutes, is  
28 amended, and subsection (5) is added to that section, to read:

29           394.879 Rules; enforcement.--

30           (1) The department, in consultation with the agency,  
31 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to

1 implement the provisions of this chapter, including, at a  
2 minimum, rules providing standards to ensure that:

3 ~~(f) Facility construction and design requirements are~~  
4 ~~consistent with the patients' conditions and that~~ The  
5 operation and purposes of these facilities assure individuals'  
6 health, safety, and welfare.

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

23 Section 20. Paragraph (a) of subsection (1) of section  
24 395.0163, Florida Statutes, is amended to read:

25 395.0163 Construction inspections; plan submission and  
26 approval; fees.--

27 (1)(a) The design, construction, erection, alteration,  
28 modification, repair, and demolition of all public and private  
29 health care facilities are governed by the Florida Building  
30 Code and the Florida Fire Prevention Code under ss. 553.73 and  
31 663.022. In addition to the requirements of ss. 553.79 and

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

23 Section 21. Effective January 1, 2001, paragraphs (d)  
24 and (e) of subsection (1) of section 395.1055, Florida  
25 Statutes, are repealed, and subsection (8) is added to that  
26 section, to read:

27 395.1055 Rules and enforcement.--

28 (8) The agency may not adopt any rule governing the  
29 design, construction, erection, alteration, modification,  
30 repair, or demolition of any public or private hospital,  
31 intermediate residential treatment facility, or ambulatory

1 surgical center. It is the intent of the Legislature to  
2 preempt that function to the Florida Building Commission and  
3 the State Fire Marshal through adoption and maintenance of the  
4 Florida Building Code and the Florida Fire Prevention Code.  
5 However, the agency shall provide technical assistance to the  
6 commission and the State Fire Marshal in updating the  
7 construction standards of the Florida Building Code and the  
8 Florida Fire Prevention Code which govern hospitals,  
9 intermediate residential treatment facilities, and ambulatory  
10 surgical centers.

11 Section 22. Subsection (8) is added to section  
12 395.10973, Florida Statutes, to read:

13 395.10973 Powers and duties of the agency.--It is the  
14 function of the agency to:

15 (8) Enforce the special-occupancy provisions of the  
16 Florida Building Code which apply to hospitals, intermediate  
17 residential treatment facilities, and ambulatory surgical  
18 centers in conducting any inspection authorized by this  
19 chapter.

20 Section 23. Effective January 1, 2001, section 399.02,  
21 Florida Statutes, is amended to read:

22 399.02 General requirements.--

23 (1) The division shall develop and submit to the  
24 Florida Building Commission for consideration ~~adopt by rule~~ an  
25 elevator safety code, which, when adopted within the Florida  
26 Building Code, applies to the installation, relocation, or  
27 alteration of an elevator for which a permit has been issued  
28 after October 1, 1990, and which must be the same as or  
29 similar to the latest revision of "The Safety Code for  
30 Elevators and Escalators ASME A17.1."

31

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

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

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

12           (3)~~(4)~~ Each elevator shall have a serial number  
13 assigned by the division painted on or attached to the  
14 elevator car in plain view and also to the driving mechanism.  
15 This serial number shall be shown on all required certificates  
16 and permits.

17           (4)~~(5)~~(a) The construction permitholder is responsible  
18 for the correction of violations and deficiencies until the  
19 elevator has been inspected and a certificate of operation has  
20 been issued by the division. The construction permitholder is  
21 responsible for all tests of new and altered equipment until  
22 the elevator has been inspected and a certificate of operation  
23 has been issued by the division.

24           (b) The elevator owner is responsible for the safe  
25 operation and proper maintenance of the elevator after it has  
26 been inspected and a certificate of operation has been issued  
27 by the division. The responsibilities of the elevator owner  
28 may be assigned by lease.

29           (c) The elevator owner shall report to the division 60  
30 days before the expiration of the certificate of operation  
31 whether there exists a service maintenance contract, with whom

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

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

19 ~~(5)(6)~~ The division is ~~hereby~~ empowered to carry out  
20 all of the provisions of this chapter relating to the  
21 inspection and regulation of elevators and to enforce the  
22 provisions of the Florida Building Code which govern elevators  
23 and conveying systems in conducting the inspections authorized  
24 under this part to provide for the protection of the public  
25 health, welfare, and safety.

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



1           Section 24. Effective January 1, 2001, section 399.03,  
2 Florida Statutes, is amended to read:

3           399.03 Design, installation, and alteration of  
4 elevators.--

5           (1) Each elevator shall comply with the edition of the  
6 Florida Building Elevator Safety Code that was in effect at  
7 the time of receipt of application for the construction permit  
8 for the elevator.

9           (2) Each alteration to, or relocation of, an elevator  
10 shall comply with the edition of the Florida Building Elevator  
11 Safety Code that was in effect at the time of receipt of the  
12 application for the construction permit for the alteration or  
13 relocation.

14           (3) When any change is made in the classification of  
15 an elevator, the elevator shall comply with all of the  
16 requirements of the version of the Florida Building Elevator  
17 Safety Code that were in effect at the time of receipt of the  
18 application for the construction permit for the change in  
19 classification.

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

22           399.061 Inspections; correction of deficiencies.--

23           (1)(a) All ~~For those~~ elevators subject to this chapter  
24 must be inspected pursuant to s. 399.13 by a third-party  
25 inspection service certified as a Qualified Elevator Inspector  
26 or maintained pursuant to a service maintenance contract  
27 continuously in force. A statement verifying the existence,  
28 performance, and cancellation of each service maintenance  
29 contract must be filed annually with the division as  
30 prescribed by rule. All elevators for which a service  
31 ~~maintenance contract is not continuously in force, the~~

1 ~~division shall inspect such elevators at least once between~~  
2 ~~July 1 of any year and June 30 of the next year, the state's~~  
3 ~~fiscal year.~~

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

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

18 Section 26. Effective January 1, 2001, subsection (1)  
19 of section 399.13, Florida Statutes, is amended to read:

20 399.13 Delegation of authority to municipalities or  
21 counties.--

22 (1) The division may enter into contracts with  
23 municipalities or counties under which such municipalities or  
24 counties will issue construction permits, temporary operation  
25 permits, and certificates of operation; will provide  
26 inspection of elevators; and will enforce the applicable  
27 provisions of the Florida Building Elevator Safety Code, as  
28 required by this chapter. Each such agreement shall include a  
29 provision that the municipality or county shall maintain for  
30 inspection by the division copies of all applications for  
31 permits issued, a copy of each inspection report issued, and

1 proper records showing the number of certificates of operation  
2 issued; shall include a provision that each required  
3 inspection be conducted by the holder of a certificate of  
4 competency issued by the division; and may include such other  
5 provisions as the division deems necessary.

6 Section 27. Effective January 1, 2001, section  
7 400.011, Florida Statutes, is amended to read:

8 400.011 Purpose.--The purpose of this part is to  
9 provide for the development, establishment, and enforcement of  
10 basic standards for:

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

13 (2) The ~~construction, maintenance, and~~ operation of  
14 such institutions that ~~which~~ will ensure safe, adequate, and  
15 appropriate care, treatment, and health of persons in such  
16 facilities.

17 Section 28. Effective January 1, 2001, paragraph (a)  
18 of subsection (2) of section 400.23, Florida Statutes, is  
19 amended to read:

20 400.23 Rules; evaluation and deficiencies; licensure  
21 status.--

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

27 (a) The location ~~and construction~~ of the facility ~~+~~  
28 ~~including fire and life safety, plumbing, heating, cooling,~~  
29 ~~lighting, ventilation, and other~~ housing conditions that ~~which~~  
30 will ensure the health, safety, and comfort of residents,  
31 including an adequate call system. ~~The agency shall establish~~

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

1           Section 29. Effective January 1, 2001, section  
2 400.232, Florida Statutes, is amended to read:

3           400.232 Review and approval of plans; fees and  
4 costs.--The design, construction, erection, alteration,  
5 modification, repair, and demolition of all public and private  
6 health care facilities are governed by the Florida Building  
7 Code and the Florida Fire Prevention Code under ss. 553.73 and  
8 633.022. In addition to the requirements of ss. 553.79 and  
9 553.80, the agency shall review the facility plans and survey  
10 the construction of facilities licensed under this chapter.

11           (1) The agency shall approve or disapprove the plans  
12 and specifications within 60 days after receipt of the final  
13 plans and specifications. The agency may be granted one  
14 15-day extension for the review period, if the director of the  
15 agency so approves. If the agency fails to act within the  
16 specified time, it shall be deemed to have approved the plans  
17 and specifications. When the agency disapproves plans and  
18 specifications, it shall set forth in writing the reasons for  
19 disapproval. Conferences and consultations may be provided as  
20 necessary.

21           (2) The agency is authorized to charge an initial fee  
22 of \$2,000 for review of plans and construction on all  
23 projects, no part of which is refundable. The agency may also  
24 collect a fee, not to exceed 1 percent of the estimated  
25 construction cost or the actual cost of review, whichever is  
26 less, for the portion of the review which encompasses initial  
27 review through the initial revised construction document  
28 review. The agency is further authorized to collect its  
29 actual costs on all subsequent portions of the review and  
30 construction inspections. Initial fee payment shall accompany  
31 the initial submission of plans and specifications. Any

1 subsequent payment that is due is payable upon receipt of the  
2 invoice from the agency. Notwithstanding any other provisions  
3 of law to the contrary, all money received by the agency  
4 pursuant to the provisions of this section shall be deemed to  
5 be trust funds, to be held and applied solely for the  
6 operations required under this section.

7 Section 30. Section 455.2286, Florida Statutes, is  
8 amended to read:

9 455.2286 Automated information system.--By November 1,  
10 2001 ~~1999~~, the department shall implement an automated  
11 information system for all certificateholders and registrants  
12 under part XII of chapter 468, chapter 471, chapter 481, or  
13 chapter 489. The system shall provide instant notification to  
14 local building departments and other interested parties  
15 regarding the status of the certification or registration.  
16 The provision of such information shall consist, at a minimum,  
17 of an indication of whether the certification or registration  
18 is active, of any current failure to meet the terms of any  
19 final action by a licensing authority, of any ongoing  
20 disciplinary cases that are subject to public disclosure,  
21 whether there are any outstanding fines, and of the reporting  
22 of any material violations pursuant to s. 553.781. The system  
23 shall also retain information developed by the department and  
24 local governments on individuals found to be practicing or  
25 contracting without holding the applicable license,  
26 certification, or registration required by law. The system may  
27 be Internet-based.

28 Section 31. Effective January 1, 2001, section  
29 468.604, Florida Statutes, is amended to read:

30 468.604 Responsibilities of building code  
31 administrators, plans examiners, and inspectors.--

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

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

24           (b) The inspection of each phase of construction where  
25 a building or other construction permit has been issued. The  
26 building code administrator or building official, or a person  
27 having the appropriate building code inspector license issued  
28 under this chapter, shall inspect the construction or  
29 installation to ensure that the work is performed in  
30 accordance with applicable sections of the code ~~codes~~.

31

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

15           (3) It is the responsibility of the plans examiner to  
16 conduct review of construction plans submitted in the permit  
17 application to assure compliance with the Florida Building  
18 Code and any applicable local technical amendment to the  
19 Florida Building Code ~~all applicable codes required by~~  
20 ~~municipal code, county ordinance, or state law.~~ The review of  
21 construction plans must be done by the building code  
22 administrator or building official or by a person licensed in  
23 the appropriate plans examiner category as defined in s.  
24 468.603. The plans examiner's responsibilities must be  
25 performed under the supervision and authority of the building  
26 code administrator or building official without interference  
27 from any unlicensed person.

28           Section 32. Section 468.607, Florida Statutes, is  
29 amended to read:

30           468.607 Certification of building code administration  
31 and inspection personnel.--The board shall issue a certificate



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

15 Section 33. Subsections (2) and (3) of section  
16 468.609, Florida Statutes, are amended to read:

17 468.609 Administration of this part; standards for  
18 certification; additional categories of certification.--

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

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

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

24 (c) Meets eligibility requirements according to one of  
25 the following criteria:

26 1. Demonstrates 5 years' combined experience in the  
27 field of construction or a related field, building inspection,  
28 or plans review corresponding to the certification category  
29 sought;

30 2. Demonstrates a combination of postsecondary  
31 education in the field of construction or a related field and

1 experience which totals 4 years, with at least 1 year of such  
2 total being experience in construction, building inspection,  
3 or plans review;

4 3. Demonstrates a combination of technical education  
5 in the field of construction or a related field and experience  
6 which totals 4 years, with at least 1 year of such total being  
7 experience in construction, building inspection, or plans  
8 review; or

9 4. Currently holds a standard certificate as issued by  
10 the board and satisfactorily completes an inspector or plans  
11 examiner training program of not less than 200 hours in the  
12 certification category sought. The board shall establish by  
13 rule criteria for the development and implementation of the  
14 training programs.

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

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

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

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

29 (c) Meets eligibility requirements according to one of  
30 the following criteria:

31

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

6           2. Demonstrates a combination of postsecondary  
7 education in the field of construction or related field, no  
8 more than 5 years of which may be applied, and experience as  
9 an architect, engineer, plans examiner, building code  
10 inspector, registered or certified contractor, or construction  
11 superintendent which totals 10 years, with at least 5 years of  
12 such total being experience in supervisory positions.

13           (d) After the Building Code Training Program is  
14 established under s. 553.841, demonstrates successful  
15 completion of the core curriculum ~~and specialized or advanced~~  
16 ~~module coursework~~ approved by the Florida Building Commission,  
17 ~~as part of the Building Code Training Program established~~  
18 ~~pursuant to s. 553.841,~~ appropriate to the licensing category  
19 sought ~~or, pursuant to authorization by the certifying~~  
20 ~~authority, provides proof of completion of such curriculum or~~  
21 ~~coursework within 6 months after such certification.~~

22  
23 Before January 1, 2001, any individual who is employed by an  
24 educational board as a building code administrator, plans  
25 examiner, or inspector and who is not eligible for a standard  
26 certificate but wishes to continue in such employment, shall  
27 submit to the board the appropriate application and  
28 certification fees and shall receive a limited certificate  
29 that qualifies the individual to engage in building code  
30 administration, plans examination, or inspection in the class,  
31

1 at the performance level, and within the governmental  
2 jurisdiction in which the individual is employed.

3 Section 34. Section 468.617, Florida Statutes, is  
4 amended to read:

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

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

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

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

31

1 Section 35. Effective January 1, 2001, paragraph (d)  
2 of subsection (1) of section 469.002, Florida Statutes, is  
3 amended to read:

4 469.002 Exemptions.--

5 (1) This chapter does not apply to:

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

16  
17 ~~Disclosure Statement~~

18  
19 ~~State law requires asbestos abatement to be done by~~  
20 ~~licensed contractors. You have applied for a permit under an~~  
21 ~~exemption to that law. The exemption allows you, as the owner~~  
22 ~~of your property, to act as your own asbestos abatement~~  
23 ~~contractor even though you do not have a license. You must~~  
24 ~~supervise the construction yourself. You may move, remove, or~~  
25 ~~dispose of asbestos-containing materials on a residential~~  
26 ~~building where you occupy the building and the building is not~~  
27 ~~for sale or lease, or the building is a farm outbuilding on~~  
28 ~~your property. If you sell or lease such building within 1~~  
29 ~~year after the asbestos abatement is complete, the law will~~  
30 ~~presume that you intended to sell or lease the property at the~~  
31 ~~time the work was done, which is a violation of this~~

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

7 Section 36. Subsection (7) is added to section  
8 471.015, Florida Statutes, to read:

9 471.015 Licensure.--

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

22 Section 37. Subsection (7) is added to section  
23 481.213, Florida Statutes, to read:

24 481.213 Licensure.--

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

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

8 Section 38. Effective January 1, 2001, subsection (19)  
9 of section 489.103, Florida Statutes, is amended to read:

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

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

19 Section 39. Paragraph (b) of subsection (4) of section  
20 489.115, Florida Statutes, is amended to read:

21 489.115 Certification and registration; endorsement;  
22 reciprocity; renewals; continuing education.--

23 (4)

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

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

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

26         3. Each certificateholder or registrant shall provide  
27 to the board proof of completion of the core curriculum  
28 courses, or passing the equivalency test of the Building Code  
29 Training Program established under s. 553.841, specific to the  
30 licensing category sought, within 2 years after commencement  
31 of the program or of initial certification or registration,



1 whichever is later. Classroom hours spent taking core  
2 curriculum courses shall count toward the number required for  
3 renewal of certificates or registration. A certificateholder  
4 or registrant who passes the equivalency test in lieu of  
5 taking the core curriculum courses shall receive full credit  
6 for core curriculum course hours.

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

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

13 (4)

14 (b)1. Each certificateholder or registrant shall  
15 provide proof, in a form established by rule of the board,  
16 that the certificateholder or registrant has completed at  
17 least 14 classroom hours of at least 50 minutes each of  
18 continuing education courses during each biennium since the  
19 issuance or renewal of the certificate or registration. The  
20 board shall establish by rule that a portion of the required  
21 14 hours must deal with the subject of workers' compensation,  
22 business practices, and workplace safety. The board shall by  
23 rule establish criteria for the approval of continuing  
24 education courses and providers, including requirements  
25 relating to the content of courses and standards for approval  
26 of providers, and may by rule establish criteria for accepting  
27 alternative nonclassroom continuing education on an  
28 hour-for-hour basis. The board shall prescribe by rule the  
29 continuing education, if any, which is required during the  
30 first biennium of initial licensure. A person who has been  
31

1 licensed for less than an entire biennium must not be required  
2 to complete the full 14 hours of continuing education.

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

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

28         4. The board shall require, by rule adopted pursuant  
29 to ss. 120.536(1) and 120.54, a specified number of hours in  
30 specialized or advanced module courses, approved by the  
31 Florida Building Commission, on any portion of the Florida

1 Building Code, adopted pursuant to part VII of chapter 553,  
2 relating to the contractor's respective discipline.

3 Section 41. Section 497.255, Florida Statutes, is  
4 amended to read:

5 497.255 Standards for construction and significant  
6 alteration or renovation of mausoleums and columbaria.--

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

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

1 low-lying area subject to frequent flooding or hurricane  
2 threats might require different standards than one located on  
3 high ground in an area not subject to frequent severe weather  
4 threats. The board shall develop the rules in cooperation  
5 with, and with technical assistance from, the Florida Board of  
6 Building Commission Codes and Standards of the Department of  
7 Community Affairs, to ensure that the rules are in the proper  
8 form and content to be included as part of the State Minimum  
9 Building Codes under part VII of chapter 553. If the Florida  
10 Board of Building Commission Codes and Standards advises that  
11 some of the standards proposed by the board are not  
12 appropriate for inclusion in such building codes, the board  
13 may choose to include those standards in a distinct chapter of  
14 its rules entitled "Non-Building-Code Standards for  
15 Mausoleums" or "Additional Standards for Mausoleums," or other  
16 terminology to that effect. If the board elects to divide the  
17 standards into two or more chapters, all such rules shall be  
18 binding on licensees and others subject to the jurisdiction of  
19 the board, but only the chapter containing provisions  
20 appropriate for building codes shall be transmitted to the  
21 Florida Board of Building Commission Codes and Standards  
22 pursuant to subsection (3). Such rules may be in the form of  
23 standards for design and construction; methods, materials, and  
24 specifications for construction; or other mechanisms. Such  
25 rules shall encompass, at a minimum, the following standards:  
26 (a) No structure may be built or significantly altered  
27 for use for interment, entombment, or inurnment purposes  
28 unless constructed of such material and workmanship as will  
29 ensure its durability and permanence, as well as the safety,  
30 convenience, comfort, and health of the community in which it  
31

1 is located, as dictated and determined at the time by modern  
2 mausoleum construction and engineering science.

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

6 (c) Such structure must contain adequate provision for  
7 drainage and ventilation.

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

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

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

31

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

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

1 to time amended, shall be a part of the State Minimum Building  
2 Codes under s. 553.73 until the adoption and effective date of  
3 a new statewide uniform minimum building code, which may  
4 supersede the mausoleum standards as provided by the law  
5 enacting the new statewide uniform minimum building code.

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

14 (5) For purposes of this section, "significant  
15 alteration or renovation" means any addition, renovation, or  
16 repair which results in the creation of new crypt or niche  
17 spaces.

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

20 500.09 Rulemaking; analytical work.--

21 (8) The department may adopt rules necessary for the  
22 sanitary manufacture, processing, or handling of food, except  
23 for those governing the design, construction, erection,  
24 alteration, modification, repair, or demolition of any  
25 building, structure, or facility wherein food products are  
26 manufactured, processed, handled, stored, sold, or  
27 distributed. It is the intent of the Legislature to preempt  
28 those functions to the Florida Building Commission through  
29 adoption and maintenance of the Florida Building Code. The  
30 department shall provide technical assistance to the  
31 commission in updating the construction standards of the

1 Florida Building Code which relate to food safety. However,  
2 the department is authorized to enforce the provisions of the  
3 Florida Building Code which apply to food establishments in  
4 conducting any inspections authorized by this chapter.

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

8 500.12 Food permits; building permits.--

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

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

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

19 500.147 Inspection of food establishments and  
20 vehicles; food safety pilot program.--

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



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

4           509.032 Duties.--

5           (2) INSPECTION OF PREMISES.--

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

1 Fire Prevention Code which apply to public lodging and public  
2 food service establishments in conducting any inspections  
3 authorized by this part.

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

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

20 509.221 Sanitary regulations.--

21 (1) Each public lodging establishment and each public  
22 food service establishment shall be supplied with potable  
23 water and shall provide adequate sanitary facilities for the  
24 accommodation of its employees and guests. Such facilities may  
25 include, but are not limited to, showers, handwash basins,  
26 toilets, and bidets. Such sanitary facilities shall be  
27 connected to approved plumbing. Such plumbing shall be sized,  
28 installed, and maintained in accordance with the Florida  
29 Building Code ~~applicable state and local plumbing codes.~~  
30 Wastewater or sewage shall be properly treated onsite or  
31

1 discharged into an approved sewage collection and treatment  
2 system.

3 Section 47. Effective January 1, 2001, section  
4 514.021, Florida Statutes, is amended to read:

5 514.021 Department authorization.--

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

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

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

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

10 514.03 Construction plans approval necessary to  
11 construct, develop, or modify public swimming pools or bathing  
12 places.--It is unlawful for any person or public body to  
13 construct, develop, or modify any public swimming pool or  
14 bathing place without a valid construction plans approval from  
15 the department. This section does not preempt the authority of  
16 local governments or local enforcement districts to conduct  
17 plan reviews and inspections of public swimming pools and  
18 bathing places for compliance with the general construction  
19 standards of the Florida Building Code, pursuant to s. 553.80.

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

25 (a) Engineering drawings, specifications,  
26 descriptions, and detailed maps of the structure, its  
27 appurtenances, and its intended operation.

28 (b) A description of the source or sources of water  
29 supply and amount and quality of water available and intended  
30 to be used.

31

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

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

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

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

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

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

1           553.06 State Plumbing Code.--

2           (1) The Florida Building Commission shall, in  
3 accordance with the provisions of chapter 120 and ss.  
4 553.70-553.895, adopt the Standard Plumbing Code, 1994  
5 edition, as adopted at the October 1993 annual meeting of the  
6 Southern Building Code Congress International, as the State  
7 Plumbing Code which shall be the minimum requirements  
8 statewide for all installations, repairs, and alterations to  
9 plumbing. The commission ~~board~~ may, in accordance with the  
10 requirements of chapter 120, adopt all or parts of updated or  
11 revised editions of the State Plumbing Code to keep abreast of  
12 latest technological advances in plumbing and installation  
13 techniques. Local governments which have adopted the South  
14 Florida, One and Two Family Dwelling or EPCOT Plumbing Codes  
15 may continue their use provided the requirements contained  
16 therein meet or exceed the requirements of the State Plumbing  
17 Code. Provided, however, nothing in this section shall alter  
18 or diminish the authority of the Department of Business and  
19 Professional Regulation to conduct plan reviews, issue  
20 variances, and adopt rules regarding sanitary facilities in  
21 public lodging and public food service establishments pursuant  
22 to chapter 509, providing that such actions do not conflict  
23 with the requirements for public restrooms in s. 553.141.

24           Section 50. Section 553.141, Florida Statutes, is  
25 amended to read:

26           553.141 Public restrooms; ratio of facilities for men  
27 and women; application; incorporation into the Florida  
28 Building Code rules.--The Florida Building Commission shall  
29 incorporate into the Florida Building Code, to be adopted by  
30 rule pursuant to s. 553.73(1), a ratio of public restroom  
31 facilities for men and women which must be provided in all

1 buildings that are newly constructed after September 30, 1992,  
2 and that have restrooms open to the public.

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

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

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

21 ~~(4) The Board of Building Codes and Standards shall~~  
22 ~~adopt rules to administer this section, pursuant to chapter~~  
23 ~~120.~~

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

27 Section 52. Effective January 1, 2001, section  
28 553.355, Florida Statutes, is created to read:

29 553.355 Minimum construction requirements  
30 established.--The Florida Building Code and the Florida Fire  
31 Prevention and Lifesafety Codes shall be the minimum

1 construction requirements governing the manufacture, design,  
2 construction, erection, alteration, modification, repair, and  
3 demolition of manufactured buildings.

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

9 553.36 Definitions.--The definitions contained in this  
10 section govern the construction of this part unless the  
11 context otherwise requires.

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

23 (11) "Manufactured building" means a closed structure,  
24 building assembly, or system of subassemblies, which may  
25 include structural, electrical, plumbing, heating,  
26 ventilating, or other service systems manufactured in  
27 manufacturing facilities for installation or erection, ~~with or~~  
28 ~~without other specified components,~~ as a finished building or  
29 as part of a finished building, which shall include, but not  
30 be limited to, residential, commercial, institutional,  
31 storage, and industrial structures. This part does not apply



1 to mobile homes. The term includes buildings not intended for  
2 human habitation such as lawn storage buildings and storage  
3 sheds manufactured and assembled offsite by a manufacturer  
4 certified in conformance with this part. ~~Manufactured building~~  
5 ~~may also mean, at the option of the manufacturer, any building~~  
6 ~~of open construction made or assembled in manufacturing~~  
7 ~~facilities away from the building site for installation, or~~  
8 ~~assembly and installation, on the building site.~~

9 (13) "Module" means a separately transported  
10 three-dimensional component of a manufactured building which  
11 contains all or a portion of structural systems, electrical  
12 systems, plumbing systems, mechanical systems, fire systems,  
13 and thermal systems.

14 Section 54. Effective January 1, 2001, subsections (1)  
15 and (2) of section 553.36, Florida Statutes, are amended to  
16 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 (1) "Approved" means conforming to the requirements of  
21 the Florida Building Code ~~Department of Community Affairs.~~

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

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

6           553.37 Rules; inspections; and insignia.--

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

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

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

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

22           (d) Investigation of consumer complaints of  
23 noncompliance of manufactured buildings with the requirements  
24 for construction or modification of such buildings.

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

28           (f) Monitoring the manufacturers', inspection  
29 entities', and plan review entities' compliance with this  
30 part. Monitoring may include, but is not limited to,  
31 performing audits of plans, inspections of manufacturing

1 facilities and observation of the manufacturing and inspection  
2 process, and onsite inspections of buildings.

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

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

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

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

28 (9) If the department delegates its inspection  
29 authority to third-party approved inspection agencies,  
30 manufacturers must have one, and only one, inspection agency

31

1 responsible for inspection of a manufactured building, module,  
2 or component at all times.

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

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

11 553.37 Rules; inspections; and insignia.--

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

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

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

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

28 (d) Investigation of consumer complaints of  
29 noncompliance of manufactured buildings with the Florida  
30 Building Code and the Florida Fire Prevention Code

31

1 ~~requirements for construction or modification of such~~  
2 ~~buildings.~~

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

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

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

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

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

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

30 (6) If the Florida Building Commission ~~department~~  
31 determines that the standards for construction and inspection

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

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

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

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

23 Section 57. Section 553.375, Florida Statutes, is  
24 created to read:

25 553.375 Recertification of manufactured  
26 buildings.--Prior to the relocation, modification, or change  
27 of occupancy of a manufactured building within the state, the  
28 manufacturer, dealer, or owner thereof may apply to the  
29 department for recertification of that manufactured building.  
30 The department shall, by rule, provide what information the  
31 applicant must submit for recertification and for plan review

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

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

17 553.38 Application and scope.--

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

25 (2) The department shall enforce every provision of  
26 the Florida Building Code this part and the rules adopted  
27 pursuant hereto, except that local land use and zoning  
28 requirements, fire zones, building setback requirements, side  
29 and rear yard requirements, site development requirements,  
30 property line requirements, subdivision control, and onsite  
31 installation requirements, as well as the review and

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

12 Section 59. Section 553.381, Florida Statutes, is  
13 amended to read:

14 553.381 Manufacturer certification ~~product liability~~  
15 ~~insurance as prerequisite.--~~

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

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

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

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

31



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

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

13           Section 60. Effective January 1, 2001, section  
14 553.381, Florida Statutes, as amended by this act, is amended  
15 to read:

16           553.381 Manufacturer certification.--

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

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

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

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

31

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

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

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

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

28           Section 62. Section 553.503, Florida Statutes, is  
29 amended to read:

30           553.503 Adoption of guidelines.--Subject to the  
31 exceptions in s. 553.504, the federal Americans with

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

10 Section 63. Section 553.5041, Florida Statutes, is  
11 created to read:

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

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

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

1 regulations, guidelines, or practices normally applied to new  
2 development.

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

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

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

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

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

28 (5) Accessible perpendicular and diagonal accessible  
29 parking spaces and loading zones must be designed and located  
30 in conformance with the guidelines set forth in ADAAG ss.  
31

1 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking  
2 Design."

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

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

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

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

1 are subject to the same penalties that are imposed for  
2 illegally parking in parking spaces that are designated for  
3 persons who have disabilities. A vehicle may not be parked in  
4 an access aisle, even if the vehicle owner or passenger is  
5 disabled or owns a disabled parking permit.

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

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

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

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

29 (g)1. The removal of architectural barriers from a  
30 parking facility in accordance with 28 C.F.R. s. 36.304 or  
31 with s. 553.508 must comply with this section unless

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

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

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

1 bottom of the sign and which bears the international symbol of  
2 accessibility meeting the requirements of ADAAG s. 4.30.7 and  
3 the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign  
4 erected after October 1, 1996, must indicate the penalty for  
5 illegal use of the space. Any provision of this section to the  
6 contrary notwithstanding, in a theme park or an entertainment  
7 complex as defined in s. 509.013(9) in which accessible  
8 parking is located in designated lots or areas, the signage  
9 indicating the lot as reserved for accessible parking may be  
10 located at the entrances to the lot in lieu of a sign at each  
11 parking place. This subsection does not relieve the owner of  
12 the responsibility of complying with the signage requirements  
13 of ADAAG s. 4.30.

14 Section 64. Section 553.506, Florida Statutes, is  
15 amended to read:

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

23 Section 65. Section 553.512, Florida Statutes, is  
24 amended to read:

25 553.512 Modifications and waivers; advisory council.--

26 (1) The Florida Building Commission Board of Building  
27 Codes and Standards shall provide by regulation criteria for  
28 granting individual modifications of, or exceptions from, the  
29 literal requirements of this part upon a determination of  
30 unnecessary, unreasonable, or extreme hardship, provided such  
31 waivers shall not violate federal accessibility laws and



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

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

1 made in the form provided, an individual waiver or  
2 modification may be granted by the commission ~~board~~ so long as  
3 such modification or waiver is not in conflict with more  
4 stringent standards provided in another chapter.

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

8 ~~(4)(3)~~ Meetings of the advisory council shall be held  
9 in conjunction with the regular meetings of the commission.

10 Section 66. Subsection (7) of section 553.71, Florida  
11 Statutes, is amended, and subsection (9) is added to that  
12 section, to read:

13 553.71 Definitions.--As used in this part, the term:

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

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

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

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

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

1 construction, erection, alteration, repair, modification, or  
2 demolition of public or private buildings, structures, or  
3 facilities.

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

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

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

22 553.72 Intent.--

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

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

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

20 Section 69. Effective January 1, 2001, paragraph (c)  
21 of subsection (1) and subsections (2), (4), (5), (6), (7),  
22 (8), (9), (10), (11), and (12) of section 553.73, Florida  
23 Statutes, as amended by section 40 of chapter 98-287, Laws of  
24 Florida, as amended by section 61 of chapter 98-419, Laws of  
25 Florida, are amended to read:

26 553.73 Florida Building Code.--

27 (1)

28 (c) The Florida Fire Prevention Code and the Life  
29 Safety Code shall be referenced in the Florida Building Code,  
30 but shall be adopted, modified, revised, or amended,  
31 interpreted, and maintained by the Department of Insurance by

1 rule adopted pursuant to ss. 120.536(1) and 120.54. The  
2 Florida Building Commission may not adopt a fire prevention or  
3 life safety code and nothing in the Florida Building Code  
4 shall affect the statutory powers, duties, and  
5 responsibilities of any fire official or the Department of  
6 Insurance.

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

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

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

25           1. The local governing body determines, following a  
26 public hearing which has been advertised in a newspaper of  
27 general circulation at least 10 days before the hearing, that  
28 there is a need to strengthen the requirements of the Florida  
29 Building Code. The determination must be based upon a review  
30 of local conditions by the local governing body, which review  
31 demonstrates that local conditions justify more stringent

1 requirements than those specified in the Florida Building Code  
2 for the protection of life and property.

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

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

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

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

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

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

1 adopted by a local government within the county pursuant to  
2 this paragraph, that is challenged by any substantially  
3 affected party for purposes of determining the amendment's  
4 compliance with this paragraph. A public officer, as defined  
5 in s. 112.313(1), who votes on a local amendment may not sit  
6 on the compliance review board that hears a challenge to the  
7 validity of that amendment. If the compliance review board  
8 determines such amendment is not in compliance with this  
9 paragraph, the compliance review board shall notify such local  
10 government of the noncompliance and that the amendment is  
11 invalid and unenforceable until the local government corrects  
12 the amendment to bring it into compliance. The local  
13 government may appeal the decision of the compliance review  
14 board to the commission. If the compliance review board  
15 determines such amendment to be in compliance with this  
16 paragraph, any substantially affected party may appeal such  
17 determination to the commission. Actions of the commission are  
18 subject to judicial review pursuant to s. 120.68. The  
19 compliance review board shall determine whether its decisions  
20 apply to a respective local jurisdiction or apply countywide.

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

29 9. In addition to subparagraphs 7. and 8., the  
30 commission may review any amendments adopted pursuant to this  
31



1 subsection and make nonbinding recommendations related to  
2 compliance of such amendments with this subsection.

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

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

1 by the code governs the permitted work for the life of the  
2 permit and any extension granted to the permit. Any amendment  
3 to the Florida Building Code which is adopted upon a finding  
4 by the commission that the amendment is necessary to protect  
5 the public from immediate threat of harm takes effect  
6 immediately.

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

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

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

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

24 3. Does not discriminate against materials, products,  
25 methods, or systems of construction of demonstrated  
26 capabilities.

27 4. Does not degrade the effectiveness of the Florida  
28 Building Code.

29  
30 Furthermore, the Florida Building Commission may approve  
31 technical amendments to the code once each year to incorporate

1 into the Florida Building Code its own interpretations of the  
2 code which are embodied in its opinions and declaratory  
3 statements. Amendments approved under this paragraph shall be  
4 adopted by rule pursuant to ss. 120.536(1) and 120.54.

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

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

16 (7)~~(8)~~ The following buildings, structures, and  
17 facilities are exempt ~~may be exempted~~ from the Florida  
18 Building Code as provided by law, and any further exemptions  
19 shall be as determined by the Legislature and provided by law:

20 (a) Buildings and structures specifically regulated  
21 and preempted by the Federal Government.

22 (b) Railroads and ancillary facilities associated with  
23 the railroad.

24 (c) Nonresidential farm buildings on farms.

25 (d) Temporary buildings or sheds used exclusively for  
26 construction purposes.

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

30 (f) Those structures or facilities of electric  
31 utilities, as defined in s. 366.02, which are directly

1 involved in the generation, transmission, or distribution of  
2 electricity.

3 (g) Temporary sets, assemblies, or structures used in  
4 commercial motion picture or television production, or any  
5 sound-recording equipment used in such production, on or off  
6 the premises.

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

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

30 (b) Any decision made by the local fire official and  
31 the local building official may be appealed to a local

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

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

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

1 Commission and the Fire Code Advisory Council. If the joint  
2 committee is unable to resolve conflicts between the codes as  
3 applied to a specific project, the matter shall be resolved  
4 pursuant to the provisions of paragraph (1)(d).

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

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

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

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

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

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

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

19 553.74 Florida Building Commission.--

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

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

1 official duties, or pleading guilty or nolo contendere to, or  
2 being found guilty of, a felony.

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

5 553.77 Specific powers of the commission.--

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

8 (a) Provide for the testing of materials, devices, and  
9 method of construction.

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

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

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

22 Section 72. Effective January 1, 2001, subsections  
23 (1), (3), and (6) of section 553.77, Florida Statutes, as  
24 amended by section 46 of chapter 98-287, Laws of Florida, are  
25 amended to read:

26 553.77 Specific powers of the commission.--

27 (1) The commission shall:

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



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

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

1           (d) Upon written application by any substantially  
2 affected person, state agency, or a local enforcement agency,  
3 issue declaratory statements pursuant to s. 120.565 relating  
4 to the ~~interpretation, enforcement or, administration, or~~  
5 ~~modification~~ by local governments of the Florida Building  
6 Code. Paragraph (h) provides the exclusive remedy for  
7 addressing local interpretations of the code.

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

14           (f) Make recommendations to, and provide assistance  
15 upon the request of, the Florida Commission on Human Relations  
16 regarding rules relating to accessibility for persons with  
17 disabilities.

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

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

31

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

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

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

9           (i) Determine the types of products requiring approval  
10 for local or statewide use and shall provide for the  
11 evaluation and approval of such products, materials, devices,  
12 and method of construction for statewide use. The commission  
13 may prescribe by rule a schedule of reasonable fees to provide  
14 for evaluation and approval of products, materials, devices,  
15 and methods of construction. Evaluation and approval shall be  
16 by action of the commission or delegated pursuant to s.  
17 553.842 ~~s. 553.84~~. This paragraph does not apply to products  
18 approved by the State Fire Marshal.

19           (j) Appoint experts, consultants, technical advisers,  
20 and advisory committees for assistance and recommendations  
21 relating to the major areas addressed in the Florida Building  
22 Code.

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

30           1. Minimum postdisaster structural, electrical, and  
31 plumbing inspections and procedures.

1           2. Emergency permitting and inspection procedures.

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

4           (1) Maintain a list of interested parties for noticing  
5 rulemaking workshops and hearings, disseminating information  
6 on code adoption, revisions, amendments, and all other such  
7 actions which are the responsibility of the commission.

8           (m) Coordinate with the state and local governments,  
9 industry, and other affected stakeholders in the examination  
10 of legislative provisions and make recommendations to fulfill  
11 the responsibility to develop a consistent, single code.

12           (n) Provide technical assistance to local building  
13 departments in order to implement policies, procedures, and  
14 practices which would produce the most cost-effective property  
15 insurance ratings.

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

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

1 of the State Fire Marshal made pursuant to the provisions of  
2 chapter 633.

3 (6) The commission may provide by rule for plans  
4 review and approval of prototype buildings owned by public and  
5 private entities to be replicated throughout the state. Such  
6 approved plans or prototype buildings shall be exempt from  
7 further review required by s. 553.79(2), except changes to the  
8 prototype design, site plans, and other site-related items, or  
9 any local amendment to any part of the Florida Building Code.  
10 Construction or erection of such prototype buildings is  
11 subject to local permitting and inspections pursuant to this  
12 part.

13 Section 73. Paragraph (b) of subsection (2) of section  
14 553.781, Florida Statutes, is amended to read:

15 553.781 Licensee accountability.--

16 (2)

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

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

4           553.79 Permits; applications; issuance; inspections.--

5           (3) The State Minimum Building Codes, after the  
6 effective date of their adoption pursuant to the provisions of  
7 this part, shall supersede all other building construction  
8 codes or ordinances in the state, whether at the local or  
9 state level and whether adopted by administrative regulation  
10 or by legislative enactment, unless such building construction  
11 codes or ordinances are more stringent than the State Minimum  
12 Building Codes and the conditions of s. 553.73(4) are met.

13 However, this subsection does not apply to manufactured ~~mobile~~  
14 homes as defined by chapter 320. Nothing contained in this  
15 subsection shall be construed as nullifying or divesting  
16 appropriate state or local agencies of authority to make  
17 inspections or to enforce the codes within their respective  
18 areas of jurisdiction.

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

1 contractual or statutory obligations are not relieved by any  
2 action of the special inspector.The special inspector shall  
3 determine that a professional engineer who specializes in  
4 shoring design has inspected ~~inspect~~ the shoring and reshoring  
5 for conformance with the shoring and reshoring plans submitted  
6 to the enforcing agency. A fee simple title owner of a  
7 building, which does not meet the minimum size, height,  
8 occupancy, occupancy classification, or number-of-stories  
9 criteria which would result in classification as a threshold  
10 building under s. 553.71(7), may designate such building as a  
11 threshold building, subject to more than the minimum number of  
12 inspections required by the Florida Building Code.

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

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

1 professional licensing board's list of persons qualified to be  
2 special inspectors.

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

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

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

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



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

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

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

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

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

23 3. The building is not substantially remodeled;

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

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

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

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

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

12 Section 75. Effective January 1, 2001, subsections  
13 (2), (3), (6), and (9) of section 553.79, Florida Statutes, as  
14 amended by section 49 of chapter 98-287, Laws of Florida, are  
15 amended to read:

16 553.79 Permits; applications; issuance; inspections.--

17 (2) No enforcing agency may issue any permit for  
18 construction, erection, alteration, modification, repair, or  
19 demolition of any building or structure until the local  
20 building code administrator or inspector, in conjunction with  
21 the appropriate firesafety inspector, has reviewed the plans  
22 and specifications for such proposal and both officials have  
23 found the plans to be in compliance with the Florida Building  
24 Code. In addition, an enforcing agency may not issue any  
25 permit for construction, erection, alteration, modification,  
26 repair, or demolition of any building until the appropriate  
27 firesafety inspector certified pursuant to s. 633.081 has  
28 reviewed the plans and specifications for such proposal and  
29 found that the plans comply with and the Florida Fire  
30 Prevention Code and the Life Safety Code as determined by the  
31 local authority in accordance with this chapter and chapter

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

29 (3) Except as provided in this chapter, the Florida  
30 Building Code, after the effective date of adoption pursuant  
31 to the provisions of this part, shall supersede all other

1 building construction codes or ordinances in the state,  
2 whether at the local or state level and whether adopted by  
3 administrative regulation or by legislative enactment.  
4 However, this subsection does not apply to the construction of  
5 manufactured ~~manufacture of mobile~~ homes as defined by federal  
6 law. Nothing contained in this subsection shall be construed  
7 as nullifying or divesting appropriate state or local agencies  
8 of authority to make inspections or to enforce the codes  
9 within their respective areas of jurisdiction.

10 (6) ~~A No~~ permit may not be issued for any building  
11 construction, erection, alteration, modification, repair, or  
12 addition unless the applicant for such permit complies with  
13 the requirements for plan review established by the Florida  
14 Building Commission within the Florida Building Code.~~provides~~  
15 ~~to the enforcing agency which issues the permit any of the~~  
16 ~~following documents which apply to the construction for which~~  
17 ~~the permit is to be issued and which shall be prepared by or~~  
18 ~~under the direction of an engineer registered under chapter~~  
19 ~~471+.~~

20 (a) ~~Electrical documents for any new building or~~  
21 ~~addition which requires an aggregate service capacity of 600~~  
22 ~~amperes (240 volts) or more on a residential electrical system~~  
23 ~~or 800 amperes (240 volts) or more on a commercial or~~  
24 ~~industrial electrical system and which costs more than~~  
25 ~~\$50,000.~~

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

29 (c) ~~Fire sprinkler documents for any new building or~~  
30 ~~addition which includes a fire sprinkler system which contains~~  
31 ~~50 or more sprinkler heads. A Contractor I, Contractor II, or~~

1 ~~Contractor IV, certified under s. 633.521, may design a fire~~  
2 ~~sprinkler system of 49 or fewer heads and may design the~~  
3 ~~alteration of an existing fire sprinkler system if the~~  
4 ~~alteration consists of the relocation, addition, or deletion~~  
5 ~~of not more than 49 heads, notwithstanding the size of the~~  
6 ~~existing fire sprinkler system.~~

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

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

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

26 ~~(9) Any state agency whose enabling legislation~~  
27 ~~authorizes it to enforce provisions of the Florida Building~~  
28 ~~Code may enter into an agreement with any other unit of~~  
29 ~~government to delegate its responsibility to enforce those~~  
30 ~~provisions and may with building construction responsibility~~  
31 ~~is authorized to expend public funds for permit and inspection~~

1 fees, which fees may be no greater than the fees charged  
2 others.

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

8 553.80 Enforcement.--

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

19 (a) Construction regulations relating to correctional  
20 facilities under the jurisdiction of the Department of  
21 Corrections and the Department of Juvenile Justice are to be  
22 enforced exclusively by those departments.

23 (b) Construction regulations relating to elevator  
24 equipment under the jurisdiction of the Bureau of Elevators of  
25 the Department of Business and Professional Regulation shall  
26 be enforced exclusively by that department.

27 (c) In addition to the requirements of s. 553.79 and  
28 this section, facilities subject to the provisions of chapter  
29 395 and part II of chapter 400 shall have facility plans  
30 reviewed and construction surveyed by the state agency  
31 authorized to do so under the requirements of chapter 395 and

1 part II of chapter 400 and the certification requirements of  
2 the Federal Government.

3 (d) Building plans approved pursuant to s. 553.77(6)  
4 and state-approved manufactured buildings, including buildings  
5 manufactured and assembled offsite and not intended for  
6 habitation, such as lawn storage buildings and storage sheds,  
7 are exempt from local code enforcing agency plan reviews  
8 except for provisions of the code relating to erection,  
9 assembly, or construction at the site. Erection, assembly, and  
10 construction at the site are subject to local permitting and  
11 inspections.

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

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

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

31

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

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



1 building official may withhold the issuance of future annual  
2 facility maintenance permits.

3  
4 Nothing in this part shall be construed to authorize counties,  
5 municipalities, or code enforcement districts to conduct any  
6 permitting, plans review, or inspections not covered by the  
7 Florida Building Code. Any actions by counties or  
8 municipalities not in compliance with this part may be  
9 appealed to the Florida Building Commission. The commission,  
10 upon a determination that actions not in compliance with this  
11 part have delayed permitting or construction, may suspend the  
12 authority of a county, municipality, or code enforcement  
13 district to enforce the Florida Building Code on the  
14 buildings, structures, or facilities of a state university,  
15 state community college, or public school district and provide  
16 for code enforcement at the expense of the state university,  
17 state community college, or public school district.

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

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

1 Building Code ~~Codes adopted in that jurisdiction.~~

2 Noncompliance with the a building code promulgated under this  
3 part shall be considered prima facie evidence of irreparable  
4 damage in any cause of action brought under authority of this  
5 part.

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

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

15 Section 79. Subsections (2), (3), and (9) of section  
16 553.841, Florida Statutes, are amended, and subsection (11) is  
17 added to that section, to read:

18 553.841 Building code training program; participant  
19 competency requirements.--

20 (2) The commission shall establish by rule the  
21 Building Code Training Program to develop and provide a core  
22 curriculum and advance module courses relating to the Florida  
23 Building Code and a system of administering and enforcing the  
24 Florida Building Code.

25 (3) The program shall be developed, implemented, and  
26 administered by the commission in consultation with the  
27 Department of Education, the Department of Community Affairs,  
28 the Department of Business and Professional Regulation, the  
29 State Fire Marshal, the State University System, and the  
30 Division of Community Colleges.

31

1           (9) The commission, in consultation with the  
2 Department of Business and Professional Regulation, shall  
3 develop or cause to be developed, or approve as a part of the  
4 program, a core curriculum and specialized or advanced module  
5 coursework for the construction workforce, including, but not  
6 limited to, superintendents and, journeymen, ~~and residential~~  
7 ~~designers.~~

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

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

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

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

28           553.842 Product evaluation and approval.--

29           (1) The commission shall make recommendations to the  
30 Legislature by February 1, 2001, for a statewide ~~may adopt~~  
31 ~~rules pursuant to ss. 120.536(1) and 120.54 to develop and~~

1 ~~implement a~~ product evaluation and approval system to operate  
2 in coordination with the Florida Building Code. The product  
3 evaluation and approval system shall provide:

4 (a) Appropriate promotion of innovation and new  
5 technologies.

6 (b) Processing submittals of products from  
7 manufacturers in a timely manner.

8 (c) Independent, third-party qualified and accredited  
9 testing and laboratory facilities.

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

12 (e) Development of stringent but reasonable testing  
13 criteria based upon existing consensus standards, when  
14 available, for products.

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

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

17 (h) Cost-effectiveness.

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

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

31

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

3 553.85 Liquefied petroleum gases.--The provisions of  
4 the Florida State Minimum Building Code ~~Codes and the rules~~  
5 ~~and regulations adopted thereunder~~ for the design,  
6 construction, location, installation, services, and operation  
7 of equipment for storing, handling, transporting, and  
8 utilization of liquefied petroleum gases shall not be in  
9 conflict with chapter 527.

10 Section 82. Section 553.901, Florida Statutes, is  
11 amended to read:

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

1 implementation. The term "cost-effective," for the purposes  
2 of this part, shall be construed to mean cost-effective to the  
3 consumer.

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

6 553.902 Definitions.--For the purposes of this part:

7 (1) "Exempted building" means:

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

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

14 (c) Any building for which federal mandatory standards  
15 preempt state energy codes.

16 (d) Any historical building as described in s.  
17 267.021(6).

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

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

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

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

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

13           Section 84. Section 553.903, Florida Statutes, is  
14 amended to read:

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

27           Section 85. Section 553.907, Florida Statutes, is  
28 amended to read:

29           553.907 Compliance.--~~Owners of all buildings required~~  
30 ~~to comply with this part, or their agents, must certify~~  
31 ~~compliance to the designated local enforcement agency prior to~~

1 ~~receiving the permit to begin construction or renovation. If,~~  
2 ~~during the building construction or renovation, alterations~~  
3 ~~are made in the design, materials, or equipment which would~~  
4 ~~diminish the energy performance of the building, an amended~~  
5 ~~copy of the compliance certification must be submitted to the~~  
6 ~~local enforcement agency on or before the date of final~~  
7 ~~inspection by the building owner or his or her agent and must~~  
8 ~~be placed on the building permit.~~ Each local enforcement  
9 agency shall report to the department any information  
10 concerning compliance certifications and amendments at such  
11 intervals as the department designates by rule adopted in  
12 accordance with chapter 120.

13 Section 86. Section 553.9085, Florida Statutes, is  
14 amended to read:

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



1 and shall list general information about the energy  
2 performance level and the code.

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

5 553.909 Setting requirements for appliances;  
6 exceptions.--

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

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

25 627.0629 Residential property insurance; rate  
26 filings.--

27 (1) Effective July 1, 2001 ~~1994~~, a rating manual rate  
28 filing for residential property insurance must include  
29 appropriate discounts, credits, or other rate differentials,  
30 or appropriate reductions in deductibles, for properties on  
31 which fixtures or construction techniques actuarially

1 demonstrated to reduce the amount of loss in a windstorm have  
2 been installed or implemented. The fixtures or construction  
3 techniques shall include, but not be limited to, fixtures or  
4 techniques that enhance roof strength, roof-to-wall strength,  
5 wall-to-floor-to-foundation strength, and window, door, and  
6 skylight strength.

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

10 633.01 State Fire Marshal; powers and duties; rules.--

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

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

26 633.0215 Florida Fire Prevention Code.--

27 (1) The State Fire Marshal ~~department~~ shall adopt, by  
28 rule pursuant to ss. 120.536(1) and 120.54, the Florida Fire  
29 Prevention Code which shall contain or incorporate by  
30 reference all firesafety laws and rules that pertain to and  
31 govern the design, construction, erection, alteration,

1 modification, repair, and demolition of public and private  
2 buildings, structures, and facilities and the enforcement of  
3 such firesafety laws and rules. The department shall adopt a  
4 new edition of the Florida Fire Prevention Code every third  
5 year.

6 (2) The State Fire Marshal ~~department~~ shall adopt the  
7 National Fire Protection Association's Standard 1, Fire  
8 Prevention Code, but shall not adopt a building, mechanical,  
9 or plumbing code. The State Fire Marshal ~~department~~ shall  
10 adopt the Life Safety Code, Pamphlet 101, current editions, by  
11 reference. The State Fire Marshal ~~department~~ may modify the  
12 selected codes and standards as needed to accommodate the  
13 specific needs of the state. Standards or criteria in the  
14 selected codes shall be similarly incorporated by reference.  
15 The State Fire Marshal ~~department~~ shall incorporate within  
16 sections of the Florida Fire Prevention Code provisions that  
17 address uniform firesafety standards as established in s.  
18 633.022. The State Fire Marshal ~~department~~ shall incorporate  
19 within sections of the Florida Fire Prevention Code provisions  
20 addressing regional and local concerns and variations.

21 (3) No later than 180 days before the triennial  
22 adoption of the Florida Fire Prevention Code, the State Fire  
23 Marshal shall notify each municipal, county, and special  
24 district fire department of the triennial code adoption and  
25 steps necessary for local amendments to be included within the  
26 code. No later than 120 days before the triennial adoption of  
27 the Florida Fire Prevention Code, each local jurisdiction  
28 shall provide the State Fire Marshal with copies of its local  
29 fire 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, subsections  
16 (1), (3), (4), (8), and (9) of section 633.025, Florida  
17 Statutes, as amended by section 59 of chapter 98-287, Laws of  
18 Florida, are amended to read:

19 633.025 Minimum firesafety standards.--

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

29 (3) The most current edition of the National Fire  
30 Protection Association (NFPA) 101, Life Safety Code, adopted  
31 by the State Fire Marshal ~~Department of Insurance~~, shall be

1 deemed to be adopted by each municipality, county, and special  
2 district with firesafety responsibilities as part of the  
3 minimum firesafety code.

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

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

31



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

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

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

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

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

25  
26 This subsection gives local government the authority to  
27 establish firesafety codes that exceed the minimum firesafety  
28 codes and standards adopted by the State Fire Marshal. The  
29 Legislature intends that local government give proper public  
30 notice and hold public hearings before adopting more stringent  
31 firesafety codes and standards.~~A substantially affected~~

1 ~~person may appeal, to the Department of Insurance, the local~~  
2 ~~government's resolution of the challenge, and the department~~  
3 ~~shall determine if the amendment complies with this section.~~  
4 ~~Actions of the department are subject to judicial review~~  
5 ~~pursuant to s. 120.68. The department shall consider reports~~  
6 ~~of the Florida Building Commission, pursuant to part VII of~~  
7 ~~chapter 533, when evaluating building code enforcement.~~

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

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

22 Section 92. Section 633.72, Florida Statutes, is  
23 amended to read:

24 633.72 Florida Fire Code Advisory Council.--

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

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

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

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

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

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

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

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

28 (g) One member shall be a Florida certified  
29 firefighter selected from a list submitted by the Florida  
30 Professional Firefighters' Association;

31

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

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

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

8           ~~(k)(g)~~ One member shall be representative of the  
9 general public.

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

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

19           ~~(4)(2)~~ Each appointee shall serve a 4-year term. No  
20 member shall serve more than one term. No member of the  
21 council shall be paid a salary as such member, but each shall  
22 receive travel and expense reimbursement as provided in s.  
23 112.061.

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

26           Section 62. (1) Before the 2000 Regular Session of  
27 the Legislature, the Florida Building Commission shall submit  
28 to the Legislature, for review ~~and approval or rejection,~~ the  
29 Florida Building Code adopted by the commission and shall  
30 prepare list of recommendations of revisions to the Florida  
31

1 Statutes necessitated by adoption of the Florida Building Code  
2 if the Legislature approves the Florida Building Code.

3       (2) Effective January 1, 2001 ~~Upon approval of the~~  
4 ~~Florida Building Code by the Legislature~~, all existing local  
5 technical amendments to any building code adopted by any local  
6 government, except for local ordinances setting forth  
7 administrative requirements which are not in conflict with the  
8 Florida Building Code, are repealed. Each local government may  
9 readopt such amendments pursuant to s. 553.73, Florida  
10 Statutes, provided such amendments comply with applicable  
11 provisions of the Florida Building Code.

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

14       Section 68. Effective January 1, 2001 ~~upon the~~  
15 ~~approval by the Legislature of the adoption of the Florida~~  
16 ~~Building Code by the Florida Building Commission~~, parts I, II,  
17 and III of chapter 553, Florida Statutes, consisting of  
18 sections 553.01, 553.02, 553.03, 553.04, 553.041, 553.05,  
19 553.06, 553.07, 553.08, 553.10, 553.11, 553.14, 553.15,  
20 553.16, 553.17, 553.18, ~~553.19~~, 553.20, 553.21, 553.22,  
21 553.23, 553.24, 553.25, 553.26, 553.27, and 553.28, Florida  
22 Statutes, are repealed, and section 553.141, Florida Statutes,  
23 is transferred and renumbered as section 553.86, Florida  
24 Statutes, and section 553.19, Florida Statutes, is transferred  
25 and renumbered as section 553.87, Florida Statutes.

26       Section 95. The Legislature has reviewed the Florida  
27 Building Code that was adopted by action of the Florida  
28 Building Commission on February 15, 2000, and that was noticed  
29 for rule adoption by reference in Rule 9B-3.047, F.A.C., on  
30 February 18, 2000, in the Florida Administrative Weekly on  
31 page 731. The Florida Building Commission is directed to

1 continue the process to adopt the code, pursuant to section  
2 120.54(3), Florida Statutes, and to incorporate the following  
3 provisions or standards for the State of Florida:

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

10 (2) There is appropriated from the Florida Hurricane  
11 Catastrophe Fund to the Department of Community Affairs an  
12 amount sufficient to demonstrate the true cost and risk  
13 reduction of, and educate the stakeholders regarding, the  
14 proposed Florida Building Code. The department shall undertake  
15 this demonstration and education project for the following  
16 purposes and outcomes:

17 (a) The construction of residential single-family  
18 homes in various regions of the state to the standards of the  
19 proposed Florida Building Code. These project homes shall be  
20 used to determine the cost differential between the Florida  
21 Building Code and the current state minimum building code. The  
22 department shall provide the resources to offset any increased  
23 cost of building to the proposed Florida Building Code, and  
24 shall provide an analysis and accounting of such additional  
25 costs prepared by an appropriate engineering firm and  
26 accounting firm. These homes shall be used for educational  
27 purposes in the local community.

28 (b) The results of the accounting and analysis shall  
29 be forwarded by the department to the Florida Building  
30 Commission for use in reviewing the Florida Building Code.

31

1           (c) The accounting and analysis shall be forwarded to  
2 the Department of Insurance, which shall use the accounting  
3 and analysis in determining the basis for property and  
4 casualty windstorm insurance rate reductions and rebates to  
5 consumers.

6           (3) The department shall implement this project  
7 contingent upon and subject to legislative appropriations as  
8 soon as budget authority is available following the 2000  
9 legislative session. Resources for this project shall be  
10 expeditiously made available to project participants. The  
11 Department of Community Affairs, the Florida Building  
12 Commission, the Florida Insurance Council, the Department of  
13 Insurance, the Florida Windstorm Underwriting Association, the  
14 Florida Home Builders Association, and the Building Officials  
15 Association of Florida shall serve as an advisory group for  
16 this project. Decisions regarding the conduct of the project  
17 and contracting with the appropriate engineering group and  
18 accounting group shall be made by consensus of the advisory  
19 group.

20           (4) The Department of Community Affairs shall issue a  
21 preliminary report of its findings to the Governor, the  
22 President of the Senate, and the Speaker of the House of  
23 Representatives prior to the beginning of the 2001 legislative  
24 session and shall issue its final report by July 1, 2001.

25           (5) The following areas of the state are defined as  
26 the "windborne debris region" for residential construction and  
27 appurtenant structures:

28           (a) All land south of the 28th latitudinal parallel  
29 within the 120 mph and higher wind zones as established in  
30 ASCE 7-98;  
31

1           (b) On the eastern coast of the state, all land within  
2 5 miles of the coast north from the 28th latitudinal parallel;

3           (c) On the western coast of the state, all land within  
4 3 miles of the coast north from the 28th latitudinal parallel,  
5 to the end of the 120 mph wind zone, as established in ASCE  
6 7-98, in Taylor County;

7           (d) On the western coast of the state, all land within  
8 1 mile of the coast, from the end of the 120 mph wind zone in  
9 Taylor County, as established in ASCE 7-98, to the  
10 Florida-Alabama state line.

11  
12 The exact location of the line shall be established by local  
13 ordinance, using recognized physical landmarks such as major  
14 roads, canals, rivers, and lake shores, wherever possible.  
15 Buildings constructed in the windborne debris region must be  
16 either designed for internal pressures that may result inside  
17 a building when a window or door is broken or a hole is  
18 created in its walls or roof by large debris, or be designed  
19 with protected openings.

20           (6) The windborne debris region for nonresidential  
21 construction is as adopted by the Florida Building Commission.

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

26           (8) Notwithstanding section 40 of chapter 98-287, Laws  
27 of Florida, if a county or municipality adopts an ordinance  
28 providing for a local amendment to the Florida Building Code,  
29 and such amendment provides for window and door protection  
30 such as hurricane shutters beyond what the code provides, as  
31 determined by the Florida Building Commission, the local



1 amendment becomes effective without approval of the Florida  
2 Building Commission and is not rescinded pursuant to section  
3 40 of chapter 98-287, Laws of Florida.

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

12 (9) The Florida Building Commission is directed to  
13 amend section 611 of the Plumbing Section of the Florida  
14 Building Code to incorporate the following:

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

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

31

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

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

10           (10) The Florida Building Commission is directed to  
11 reinsert into the Florida Building Code Sections 104.3.2 and  
12 104.6.2 of the Florida Building Code, Third Draft, related to  
13 a building official's authority to elect to issue a permit  
14 based upon plan review by a registered architect or engineer.  
15 The building official is responsible for ensuring that any  
16 person conducting a plan review is qualified as a plans  
17 examiner under part XII of chapter 468, and that any person  
18 conducting inspections is qualified as a building inspector  
19 under part XII of chapter 468.

20           (11) The Florida Building Commission is directed to  
21 amend paragraph F of Section 105.13 of the Florida Building  
22 Code to make clear that the building department may allow a  
23 special inspector to conduct the minimum structural inspection  
24 of threshold buildings required by the Florida Building Code  
25 and section 553.73, Florida Statutes, without duplicative  
26 inspection by the building department. The building official  
27 is responsible for ensuring that any person conducting  
28 inspections is either qualified as a building inspector under  
29 part XII of chapter 468 or certified as a special inspector  
30 under chapter 471 or chapter 481.

31

1           (12) The Florida Building Commission is directed to  
2 amend Section 127.5.9.8.5 of the Florida Building Code to make  
3 clear that the building official may allow a special inspector  
4 to conduct all mandatory inspections in accordance with  
5 section 127.3 of the Code, without duplicative inspection by  
6 the building official. The building official is responsible  
7 for ensuring that any person conducting inspections is either  
8 qualified as a building inspector under part XII of chapter  
9 468 or certified as a special inspector under chapter 471 or  
10 chapter 481.

11           Section 96. (1) The select committee to investigate  
12 the feasibility of establishing performance-based criteria for  
13 the cost-effective application of fire codes and fire code  
14 alternatives for existing educational facilities established  
15 by chapter 98-287, Laws of Florida, is authorized to continue  
16 its investigation. Committee appointment authority established  
17 by chapter 98-287, Laws of Florida, shall continue should any  
18 position on the select committee become vacant. Members of the  
19 committee shall serve at their own expense, except that state  
20 employees shall be reimbursed for travel costs incurred from  
21 existing budgets in accordance with section 112.061, Florida  
22 Statutes.

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

1 Fire Prevention Code as an acceptable alternative for code  
2 compliance.

3 Section 97. Section 125.0106, Florida Statutes, is  
4 repealed.

5 Section 98. Effective January 1, 2001, subsection (2)  
6 of section 255.21, Florida Statutes, and subsection (11) of  
7 section 553.79, Florida Statutes, are repealed.

8 Section 99. This act does not imply any repeal or  
9 sunset of existing general or special laws that are not  
10 specifically identified in this act.

11 Section 100. The Florida Building Commission shall  
12 examine the applicability of the full proposed Florida  
13 Building Code to buildings manufactured and assembled offsite  
14 but not intended for human habitation, such as storage sheds  
15 and lawn storage buildings. The commission shall consider  
16 whether such buildings should be subject to the same standards  
17 applicable to buildings intended for human habitation; the  
18 feasibility of constructing such buildings to such standards;  
19 the additional financial costs associated with compliance with  
20 such standards; the risk reduction effects associated with  
21 such compliance; and the long-term economic and practical  
22 consequences attendant to such compliance. The commission  
23 shall report its findings and recommendations for legislative  
24 change, if any, to the President of the Senate and the Speaker  
25 of the House of Representatives by January 1, 2001.

26 Section 101. Except as otherwise specifically provided  
27 in this act, this act shall take effect upon becoming a law.

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