

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Diaz-Balart offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Effective upon this act becoming a law,
section 235.061, Florida Statutes, is amended to read:

235.061 Standards for relocatables used as classroom
space; inspections.--

(1) The Commissioner of Education shall adopt rules
establishing standards for relocatables intended for long-term
use as classroom space at a public elementary school, middle
school, or high school. "Long-term use" means the use of
relocatables at the same educational plant for a period of 4
years or more. These rules must be implemented by July 1,
1998, and each relocatable acquired by a district school board
after the effective date of the rules and intended for
long-term use must comply with the standards. The rules shall
require that, by January 1, 2002 ~~July 1, 2001~~, relocatables
that fail to meet the standards may not be used as classrooms.

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1 The standards shall protect the health, safety, and welfare of
2 occupants by requiring compliance with the Uniform Building
3 Code for Public Educational Facilities or other locally
4 adopted state minimum building codes to ensure the safety and
5 stability of construction and onsite installation; fire and
6 moisture protection; air quality and ventilation; appropriate
7 wind resistance; and compliance with the requirements of the
8 Americans with Disabilities Act of 1990. If appropriate, the
9 standards must also require relocatables to provide access to
10 the same technologies available to similar classrooms within
11 the main school facility and, if appropriate, to be accessible
12 by adequate covered walkways. By July 1, 2000, the
13 commissioner shall adopt standards for all relocatables
14 intended for long-term use as classrooms. A relocatable that
15 is subject to this section and does not meet the standards
16 shall not be reported as providing satisfactory student
17 stations in the Florida Inventory of School Houses.

18 (2) Annual inspections for all satisfactory
19 relocatables designed for classroom use or being occupied by
20 students are required for: foundations; tie-downs; structural
21 integrity; weatherproofing; HVAC; electrical; plumbing, if
22 applicable; firesafety; and accessibility. Reports shall be
23 filed with the district school board and posted in each
24 respective relocatable in order to facilitate corrective
25 action.

26 Section 2. Effective upon this act becoming a law,
27 subsection (1) of section 235.212, Florida Statutes, is
28 amended to read:

29 235.212 Low-energy use design; solar energy systems;
30 swimming pool heaters.--

31 (1)(a) Passive design elements and low-energy usage

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1 features shall be included in the design and construction of
2 new educational facilities. Operable glazing consisting of at
3 least 5 percent of the floor area shall be placed in each
4 classroom located on the perimeter of the building. For
5 relocatable classroom facilities, the area of operable glazing
6 and the area of exterior doors together shall consist of at
7 least 5 percent of the floor area. Operable glazing is not
8 required in community colleges, auxiliary facilities, music
9 rooms, gyms, locker and shower rooms, special laboratories
10 requiring special climate control, and large group instruction
11 areas having a capacity of more than 100 persons.

12 (b) In the remodeling and renovation of educational
13 facilities which have existing natural ventilation, adequate
14 sources of natural ventilation shall be retained, or a
15 combination of natural and low-energy usage mechanical
16 equipment shall be provided that will permit the use of the
17 facility without air-conditioning or heat when ambient
18 conditions are moderate. However, the Commissioner of
19 Education is authorized to waive this requirement when
20 environmental conditions, particularly noise and pollution
21 factors, preclude the effective use of natural ventilation.

22 Section 3. Effective July 1, 2001, subsection (1) of
23 section 255.31, Florida Statutes, as amended by section 15 of
24 chapter 2001-141, Laws of Florida, is amended to read:

25 255.31 Authority to the Department of Management
26 Services to manage construction projects for state and local
27 governments.--

28 (1) The design, construction, erection, alteration,
29 modification, repair, and demolition of all public and private
30 buildings are governed by the Florida Building Code and the
31 Florida Fire Prevention Code, which are to be enforced by

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1 local jurisdictions or local enforcement districts unless
2 specifically exempted as provided in s. 553.80. However, the
3 Department of Management Services shall provide the project
4 management and administration services for the construction,
5 renovation, repair, modification, or demolition of buildings,
6 utilities, parks, parking lots, or other facilities or
7 improvements for projects for which the funds are appropriated
8 to the department; provided that, with the exception of
9 facilities constructed under the authority of chapters 944,
10 945, ~~and 985~~, the Governor's mansion and grounds thereof as
11 described in s. 272.18, and the Capitol Building and environs,
12 being that part of the city of Tallahassee bounded on the
13 north by Pensacola and Jefferson Streets, on the east by
14 Monroe Street, on the south by Madison Street and on the west
15 by Duval Street, the department may not conduct plans reviews
16 or inspection services for consistency with the Florida
17 Building Code. The department's fees for such services shall
18 be paid from such appropriations.

19 Section 4. Effective upon this act becoming a law,
20 subsections (1) and (2) of section 399.061, Florida Statutes,
21 are amended to read:

22 399.061 Inspections; correction of deficiencies.--

23 (1)(a) All elevators or other conveyances subject to
24 this chapter must be annually inspected by a certified
25 elevator inspector through a third-party inspection service,
26 or by a municipality or county under contract with the
27 division pursuant to s. 399.13. ~~If the elevator or other~~
28 conveyance is by a third-party inspection service certified
29 ~~as a qualified elevator inspector or maintained pursuant to a~~
30 service maintenance contract continuously in force, it shall
31 be inspected at least once every two years by a certified

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1 elevator inspector not employed by or otherwise associated
2 with the maintenance company; however, if the elevator is not
3 an escalator or a dumbwaiter and the elevator serves only two
4 adjacent floors and is covered by a service maintenance
5 contract, no inspection shall be required so long as the
6 service contract remains in effect. A statement verifying the
7 existence, performance, and cancellation of each service
8 maintenance contract must be filed annually with the division
9 as prescribed by rule. ~~All elevators covered by a service~~
10 ~~maintenance contract shall be inspected by a~~
11 ~~certificate-of-competency holder at least once every 2 years;~~
12 ~~however, if the elevator is not an escalator or a dumbwaiter~~
13 ~~and the elevator serves only two adjacent floors and is~~
14 ~~covered by a service maintenance contract, no inspection shall~~
15 ~~be required so long as the service contract remains in effect.~~

16 (b) The division may inspect an elevator whenever
17 necessary to ensure its safe operation or when a third-party
18 inspection service is not available for routine inspection.

19 (2) The division may ~~shall~~ employ state elevator
20 inspectors to conduct the inspections as required by
21 subsection (1) and may charge an inspection fee for each
22 inspection sufficient to cover the costs of that inspection,
23 as provided by rule. Each state elevator inspector shall hold
24 a certificate of competency issued by the division.

25 Section 5. Subsection (10) is added to section
26 373.323, Florida Statutes, to read:

27 373.323 Licensure of water well contractors;
28 application, qualifications, and examinations; equipment
29 identification.--

30 (10) Water well contractors licensed under this
31 section may install, repair, and modify pumps and tanks in

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1 accordance with the Florida Building Code, Plumbing; Section
2 612--Wells pumps and tanks used for private potable water
3 systems. In addition, licensed water well contractors may
4 install pumps, tanks, and water conditioning equipment for all
5 water well systems.

6 Section 6. Effective upon this act becoming a law,
7 section 489.13, Florida Statutes, is amended to read:

8 489.13 Unlicensed contracting; authority to issue or
9 receive a building permit.--

10 (1) Any person performing an activity requiring
11 licensure under this part as a construction contractor is
12 guilty of unlicensed contracting if he or she does not hold a
13 valid active certificate or registration authorizing him or
14 her to perform such activity, regardless of whether he or she
15 holds a local construction contractor license or local
16 certificate of competency, except where he or she holds a
17 valid local specialty license as defined in s. 489.105(3)q).
18 Persons working outside the geographical scope of their
19 registration are guilty of unlicensed activity for purposes of
20 this part.

21 (2) A local building department shall not issue a
22 building permit to any contractor, or to any person
23 representing himself or herself as a contractor, who does not
24 hold a valid active certificate or registration in the
25 appropriate category. Possession of a local certificate of
26 competency or local construction license is not sufficient to
27 lawfully obtain a building permit as a construction contractor
28 if the activity in question requires licensure under this
29 part. Nothing in this section shall be construed as
30 prohibiting a local building department from issuing a
31 building permit to a locally licensed or certified contractor

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1 for an activity that does not require licensure under this
2 part.

3 Section 7. Effective upon this act becoming a law,
4 subsection (3) of section 489.509, Florida Statutes, is
5 amended to read:

6 489.509 Fees.--

7 (3) Four dollars of each fee under subsection (1) paid
8 to the department at the time of application or renewal shall
9 be transferred at the end of each licensing period to the
10 Department of Community Affairs Education to fund projects
11 relating to the building construction industry or continuing
12 education programs offered to persons engaged in the building
13 construction industry in Florida. The board shall, at the time
14 the funds are transferred, advise the Department of Community
15 Affairs Education on the most needed areas of research or
16 continuing education based on significant changes in the
17 industry's practices or on the most common types of consumer
18 complaints or on problems costing the state or local
19 governmental entities substantial waste. The board's advice is
20 not binding on the Department of Community Affairs Education.
21 ~~The Department of Education must allocate 50 percent of the~~
22 ~~funds to a graduate program in building construction in a~~
23 ~~Florida university and 50 percent of the funds to all~~
24 ~~accredited private and state universities and community~~
25 ~~colleges within the state offering approved courses in~~
26 ~~building construction, with each university or college~~
27 ~~receiving a pro rata share of such funds based upon the number~~
28 ~~of full-time building construction students enrolled at the~~
29 ~~institution.~~The Department of Community Affairs Education
30 shall ensure the distribution of research reports and the
31 availability of continuing education programs to all segments

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1 of the building construction industry to which they relate.
2 The Department of Community Affairs ~~Education~~ shall report to
3 the board in October of each year, summarizing the allocation
4 of the funds by institution and summarizing the new projects
5 funded and the status of previously funded projects. ~~The~~
6 ~~Commissioner of Education is directed to appoint one~~
7 ~~electrical contractor and one certified alarm system~~
8 ~~contractor to the Building Construction Industry Advisory~~
9 ~~Committee.~~

10 Section 8. Effective upon this act becoming a law,
11 present subsections (7) through (15) of section 553.36,
12 Florida Statutes, are redesignated as subsections (8) through
13 (16), respectively, and a new subsection (7) is added to that
14 section, to read:

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

18 (7) "Factory-built school shelter" means any
19 site-assembled or factory-built school building that is
20 designed to be portable, relocatable, demountable, or
21 reconstructible and that complies with the provisions for
22 enhanced hurricane protection areas, as required by the
23 applicable code.

24 Section 9. Effective upon this act becoming a law,
25 subsections (1), (5), (7), (8), (9), (11) and (13) of section
26 553.415, Florida Statutes, are amended to read:

27 553.415 Factory-built school buildings.--

28 (1) It is the purpose of this section to provide an
29 alternative procedure for the construction and installation of
30 factory-built school buildings designed or intended for use as
31 school buildings. As used in this section, the term

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1 "factory-built school building" means any building designed or
2 intended for use as a school building, which is in whole or in
3 part, manufactured at an offsite facility in compliance with
4 the State Uniform Code for Public Educational Facilities and
5 Department of Education rule, effective on January 5, 2000.
6 After January 1, 2002 ~~July 1, 2001~~, the Uniform Code for
7 Public Educational Facilities shall be incorporated into the
8 Florida Building Code, including specific requirements for
9 Public Educational Facilities and the Department of Education
10 rule, effective on January 5, 2000. For the purpose of this
11 section, factory-built school buildings include prefabricated
12 educational facilities, factory-built educational facilities,
13 and modular-built educational facilities, that are designed to
14 be portable, relocatable, demountable, or reconstructible; are
15 used primarily as classrooms or the components of an entire
16 school; and do not fall under the provisions of ss.
17 320.822-320.862.

18 (5) The department, in accordance with the standards
19 and procedures adopted pursuant to this section and as such
20 standards and procedures may thereafter be modified, shall
21 approve or reject such plans, specifications, and methods of
22 construction. Approval shall not be given unless such plans,
23 specifications, and methods of construction are in compliance
24 with the State Uniform Building Code for Public Educational
25 Facilities and department rule. After January 1, 2002 ~~July 1,~~
26 ~~2001~~, the Uniform Code for Public Educational facilities shall
27 be incorporated into the Florida Building Code, including
28 specific requirements for public educational facilities and
29 department rule.

30 (7) A standard plan approval may be obtained from the
31 department for factory-built school buildings and such

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1 department-approved plans shall be accepted by the enforcement
2 agency as approved for the purpose of obtaining a construction
3 permit for the structure itself. The department, or its
4 designated representative, shall determine if the plans
5 qualify for purposes of a factory-built school shelter, as
6 defined in s. 553.36.

7 (8) Any amendment to the State Uniform Code for Public
8 Educational Facilities, and after January 1, 2002 ~~July 1,~~
9 ~~2001~~, the Florida Building Code, shall become effective 180
10 days after the amendment is filed with the Secretary of State.
11 Notwithstanding the 180-day delayed effective date, the
12 manufacturer shall submit and obtain a revised approved plan
13 within the 180 days. A revised plan submitted pursuant to
14 this subsection shall be processed as a renewal or revision
15 with appropriate fees. A plan submitted after the period of
16 time provided shall be processed as a new application with
17 appropriate fees.

18 (9) The school district or community college district
19 for which any factory-built school building is constructed or
20 altered after July 1, 2001, shall provide for periodic
21 inspection of the proposed factory-built school building
22 during each phase of construction or alteration. The inspector
23 shall act under the direction of the governing board for
24 employment purposes. Nothing in this subsection shall prevent
25 a school district or community college district from
26 purchasing or otherwise using a factory-built school building
27 that has been inspected during all phases of construction or
28 alteration conducted after January 1, 2002, by another school
29 district or community college or by an approved inspection
30 agency certified pursuant to s. 553.36(2). If a factory-built
31 school building is constructed or altered for an entity other

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1 than a school district or community college district after
2 January 1, 2002, such entity may employ at its election a
3 school district, community college district, or such approved
4 inspection agency to conduct such inspections. A school
5 district or community college district so employed may charge
6 such entity for services at reasonable rates comparable to
7 those charged for similar services by approved inspection
8 agencies.

9 (11) The department shall develop a unique
10 identification label to be affixed to all newly constructed
11 factory-built school buildings and existing factory-built
12 school buildings which have been brought into compliance with
13 the standards for existing "satisfactory" buildings pursuant
14 to chapter 5 of the Uniform Code for Public Educational
15 Facilities, and after January 1, 2002 ~~July 1, 2001~~, the
16 Florida Building Code. The department may charge a fee for
17 issuing such labels. Such labels, bearing the department's
18 name and state seal, shall at a minimum, contain:

19 (a) The name of the manufacturer.

20 (b) The standard plan approval number or alteration
21 number.

22 (c) The date of manufacture or alteration.

23 (d) The serial or other identification number.

24 (e) The following designed-for loads: lbs. per square
25 foot live load; lbs. per square foot floor live load; lbs. per
26 square foot horizontal wind load; and lbs. per square foot
27 wind uplift load.

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

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

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

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1 (13) As of July 1, 2001, all ~~existing and~~ newly
2 constructed factory-built school buildings shall bear a label
3 pursuant to subsection (12). As of January 1, 2002, existing
4 factory-built school buildings, and manufactured buildings
5 used as classrooms, not bearing such label shall not be used
6 as classrooms pursuant to s. 235.061.

7 Section 10. Effective July 1, 2001, section 553.505,
8 Florida Statutes, is amended to read:

9 553.505 Exceptions to applicability of the Americans
10 with Disabilities Act.--Notwithstanding the Americans with
11 Disabilities Act of 1990, private clubs are governed by ss.
12 553.501-553.513. Parking spaces, parking lots, and other
13 parking facilities are governed by s. 553.5041 ~~s. 316.1955,~~
14 when that section provides increased accessibility.

15 Section 11. Effective July 1, 2001, section 553.507,
16 Florida Statutes, is amended to read:

17 553.507 Exemptions.--Sections 553.501-553.513 ~~and s.~~
18 ~~316.1955(4)~~ do not apply to any of the following:

19 (1) Buildings, structures, or facilities that were
20 either under construction or under contract for construction
21 on October 1, 1997.

22 (2) Buildings, structures, or facilities that were in
23 existence on October 1, 1997, unless:

24 (a) The building, structure, or facility is being
25 converted from residential to nonresidential or mixed use, as
26 defined by local law;

27 (b) The proposed alteration or renovation of the
28 building, structure, or facility will affect usability or
29 accessibility to a degree that invokes the requirements of s.
30 303(a) of the Americans with Disabilities Act of 1990; or

31 (c) The original construction or any former alteration

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1 or renovation of the building, structure, or facility was
2 carried out in violation of applicable permitting law.

3 Section 12. Subsections (2) and (3), paragraph (b) of
4 subsection (4) and subsections (5), (6), and (7) of section
5 553.73, Florida Statutes, as amended by section 40 of chapter
6 98-287, Laws of Florida, as amended by section 61 of chapter
7 98-419, Laws of Florida, as amended by sections 73, 74, and 75
8 of chapter 2000-141, Laws of Florida, and section 62 of
9 chapter 2000-154, Laws of Florida, are amended, and present
10 subsections (8), (9), and (10) of that section are
11 redesignated as subsections (9), (10), and (11), respectively,
12 to read:

13 553.73 State Minimum Building Codes.--

14 (2) The Florida Building Code shall contain provisions
15 or requirements for public and private buildings, structures,
16 and facilities relative to structural, mechanical, electrical,
17 plumbing, energy, and gas systems, existing buildings,
18 historical buildings, manufactured buildings, elevators,
19 coastal construction, lodging facilities, food sales and food
20 service facilities, health care facilities, including assisted
21 living facilities, adult day care facilities, and facilities
22 for the control of radiation hazards, public or private
23 educational facilities, swimming pools, and correctional
24 facilities and enforcement of and compliance with such
25 provisions or requirements. Further, the Florida Building Code
26 must provide for uniform implementation of ss. 515.25, 515.27,
27 and 515.29 by including standards and criteria for residential
28 swimming pool barriers, pool covers, latching devices, door
29 and window exit alarms, and other equipment required therein,
30 which are consistent with the intent of s. 515.23. Technical
31 provisions to be contained within the Florida Building Code

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

12 (3) The commission shall select from available
13 national or international model building codes, or other
14 available building codes and standards currently recognized by
15 the laws of this state, to form the foundation for the Florida
16 Building Code. The commission may modify the selected model
17 codes and standards as needed to accommodate the specific
18 needs of this state. Standards or criteria referenced by the
19 selected model codes shall be similarly incorporated by
20 reference. If a referenced standard or criterion requires
21 amplification or modification to be appropriate for use in
22 this state, only the amplification or modification shall be
23 specifically set forth in the Florida Building Code. The
24 Florida Building Commission may approve technical amendments
25 to the code after the amendments have been subject to the
26 following conditions:

27 (a) The proposed amendment has been published on the
28 commission's website for a minimum of 45 days and all the
29 associated documentation has been made available to any
30 interested party before any consideration by any Technical
31 Advisory Committee;

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1 (b) In order for a Technical Advisory Committee to
2 make a favorable recommendation to the commission, the
3 proposal must receive a three-fourths vote of the members
4 present at the Technical Advisory Committee meeting and at
5 least half of the regular members must be present in order to
6 conduct a meeting;

7 (c) After Technical Advisory Committee consideration
8 and a recommendation for approval of any proposed amendment,
9 the proposal must be published on the commission's website for
10 not less than 45 days before any consideration by the
11 commission; and

12 (d) Any proposal may be modified by the commission
13 based on public testimony and evidence from a public hearing
14 held in accordance with chapter 120.

15
16 The commission shall incorporate within sections of the
17 Florida Building Code provisions which address regional and
18 local concerns and variations. The commission shall make every
19 effort to minimize conflicts between the Florida Building
20 Code, the Florida Fire Prevention Code, and the Life Safety
21 Code.

22 (4)

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

29 1. The local governing body determines, following a
30 public hearing which has been advertised in a newspaper of
31 general circulation at least 10 days before the hearing, that

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

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

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

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

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

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

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1 7. Each county and municipality desiring to make local
2 technical amendments to the Florida Building Code shall by
3 interlocal agreement establish a countywide compliance review
4 board to review any amendment to the Florida Building Code,
5 adopted by a local government within the county pursuant to
6 this paragraph, that is challenged by any substantially
7 affected party for purposes of determining the amendment's
8 compliance with this paragraph. If the compliance review board
9 determines such amendment is not in compliance with this
10 paragraph, the compliance review board shall notify such local
11 government of the noncompliance and that the amendment is
12 invalid and unenforceable until the local government corrects
13 the amendment to bring it into compliance. The local
14 government may appeal the decision of the compliance review
15 board to the commission, which shall conduct a hearing under
16 chapter 120 and the uniform rules of procedure. If the
17 compliance review board determines such amendment to be in
18 compliance with this paragraph, any substantially affected
19 party may appeal such determination to the commission, which
20 shall conduct a hearing under chapter 120 and the uniform
21 rules of procedure. Actions of the commission are subject to
22 judicial review pursuant to s. 120.68. The compliance review
23 board shall determine whether its decisions apply to a
24 respective local jurisdiction or apply countywide.

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

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1 a basis for challenging the amendment for compliance.

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

6 (5) ~~The commission, by rule adopted pursuant to ss.~~
7 ~~120.536(1) and 120.54, shall update the Florida Building Code~~
8 ~~every 3 years.~~The initial adoption of, and any subsequent
9 update or amendment to, the Florida Building Code by the
10 commission is deemed adopted for use statewide without
11 adoptions by local government. For a building permit for which
12 an application is submitted prior to the effective date of the
13 Florida Building Code, the state minimum building code in
14 effect in the permitting jurisdiction on the date of the
15 application governs the permitted work for the life of the
16 permit and any extension granted to the permit.

17 (6) The commission, by rule adopted pursuant to ss.
18 120.536(1) and 120.54, shall update the Florida Building Code
19 every 3 years.When updating the Florida Building Code, the
20 commission shall consider changes made by the adopting entity
21 of any selected model code for any model code incorporated
22 into the Florida Building Code, and may subsequently adopt the
23 new edition or successor of the model code or any part of such
24 code, no sooner than 6 months after such model code has been
25 adopted by the adopting organization,which may then be
26 modified for this state as provided in this section, and shall
27 further consider the commission's own interpretations,
28 declaratory statements, appellate decisions, and approved
29 statewide and local technical amendments. A change made by an
30 institute or standards organization to any standard or
31 criterion that is adopted by reference in the Florida Building

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1 Code does not become effective statewide until it has been
2 adopted by the commission. Furthermore,the edition of the
3 Florida Building Code which is in effect on the date of
4 application for ~~of~~ any permit authorized by the code governs
5 the permitted work for the life of the permit and any
6 extension granted to the permit. Any amendment to the Florida
7 Building Code which is adopted upon a finding by the
8 commission that the amendment is necessary to protect the
9 public from immediate threat of harm takes effect immediately.

10 (7)~~(6)~~(a) The commission may approve technical
11 amendments to the Florida Building Code once each year for
12 statewide or regional application upon a finding that the
13 amendment:

- 14 1. Has a reasonable and substantial connection with
15 the health, safety, and welfare of the general public.
- 16 2. Strengthens or improves the Florida Building Code,
17 or in the case of innovation or new technology, will provide
18 equivalent or better products or methods or systems of
19 construction.
- 20 3. Does not discriminate against materials, products,
21 methods, or systems of construction of demonstrated
22 capabilities.
- 23 4. Does not degrade the effectiveness of the Florida
24 Building Code.

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

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1 the amendments have been subjected to the provisions of
2 subsection (3).

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

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

14 (8)~~(7)~~ The following buildings, structures, and
15 facilities are exempt from the Florida Building Code as
16 provided by law, and any further exemptions shall be as
17 determined by the Legislature and provided by law:

18 (a) Buildings and structures specifically regulated
19 and preempted by the Federal Government.

20 (b) Railroads and ancillary facilities associated with
21 the railroad.

22 (c) Nonresidential farm buildings on farms.

23 (d) Temporary buildings or sheds used exclusively for
24 construction purposes.

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

28 (f) Those structures or facilities of electric
29 utilities, as defined in s. 366.02, which are directly
30 involved in the generation, transmission, or distribution of
31 electricity.

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

5 (h) Storage sheds that are not designed for human
6 habitation and that have a floor area of 720 square feet or
7 less are not required to comply with the mandatory
8 wind-borne-debris-impact standards of the Florida Building
9 Code.

10 (i) Chickees constructed by the Miccosukee Tribe of
11 Indians of Florida or the Seminole Tribe of Florida. For
12 purposes of this paragraph, a "chickee" means an open-sided
13 wooden hut with a thatched roof of palm or palmetto or other
14 traditional materials, not incorporating any electrical,
15 plumbing or other nonwood features.

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

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1 categories of buildings, structures, or facilities which
2 should be exempted from the Florida Building Code, to be
3 provided by law.

4 Section 13. Paragraphs (e) and (h) of subsection (1)
5 and subsections (2) and (6) of section 553.77, Florida
6 Statutes, as amended by section 46 of chapter 98-287, Laws of
7 Florida, as amended by section 78 of chapter 2000-141, Laws of
8 Florida, as amended by section 79 of chapter 2000-141, Laws of
9 Florida, are amended, and subsection (7) is added to that
10 section, to read:

11 553.77 Specific powers of the commission.--

12 (1) The commission shall:

13 (e) When requested in writing by any substantially
14 affected person, state agency, or a local enforcing agency,
15 shall issue declaratory statements pursuant to s. 120.565
16 relating to this part and ss. 515.25, 515.27, 515.29, and
17 515.37. Actions of the commission are subject to judicial
18 review pursuant to s. 120.68.

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

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

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

30 3. Hearings shall be conducted pursuant to chapter 120
31 and the uniform rules of procedure, and decisions ~~Actions~~ of

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

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

8 (6) The commission may provide by rule for plans
9 review and approval of prototype buildings owned by public and
10 private entities to be replicated throughout the state. The
11 rule must allow for review and approval of plans for prototype
12 buildings to be performed by a public or private entity with
13 oversight by the commission. The department may charge
14 reasonable fees to cover the administrative costs of the
15 program.Such approved plans or prototype buildings shall be
16 exempt from further review required by s. 553.79(2), except
17 changes to the prototype design, site plans, and other
18 site-related items. As provided in s. 553.73, prototype
19 buildings are exempt from, or any locally adopted local
20 amendment to any part of the Florida Building Code.
21 Construction or erection of such prototype buildings is
22 subject to local permitting and inspections pursuant to this
23 part.

24 (7) The commission may produce and distribute a
25 commentary document to accompany the Florida Building Code.
26 The commentary must be limited in effect to providing
27 technical assistance and must not have the effect of binding
28 interpretations of the code document itself.

29 Section 14. Subsections (2) and (6) of section 553.79,
30 Florida Statutes, as amended by section 49 of chapter 98-287,
31 Laws of Florida, as amended by sections 83 and 84 of chapter

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1 2000-141, Laws of Florida, are amended to read:
2 553.79 Permits; applications; issuance; inspections.--
3 (2) Except as provided in subsection (6), an ~~no~~
4 enforcing agency may not issue any permit for construction,
5 erection, alteration, modification, repair, or demolition of
6 any building or structure until the local building code
7 administrator or inspector has reviewed the plans and
8 specifications required by the Florida Building Code, or local
9 amendment thereto, for such proposal and found the plans to be
10 in compliance with the Florida Building Code. In addition, an
11 enforcing agency may not issue any permit for construction,
12 erection, alteration, modification, repair, or demolition of
13 any building until the appropriate firesafety inspector
14 certified pursuant to s. 633.081 has reviewed the plans and
15 specifications required by the Florida Building Code, or local
16 amendment thereto, for such proposal and found that the plans
17 comply with the Florida Fire Prevention Code and the Life
18 Safety Code. Any building or structure which is not subject to
19 a firesafety code shall not be required to have its plans
20 reviewed by the firesafety inspector. Any building or
21 structure that is exempt from the local building permit
22 process may not be required to have its plans reviewed by the
23 local building code administrator. Industrial construction on
24 sites where design, construction, and firesafety are
25 supervised by appropriate design and inspection professionals
26 and which contain adequate in-house fire departments and
27 rescue squads is exempt, subject to local government option,
28 from review of plans and inspections, providing owners certify
29 that applicable codes and standards have been met and supply
30 appropriate approved drawings to local building and firesafety
31 inspectors. The enforcing agency shall issue a permit to

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

7 (6) A permit may not be issued for any building
8 construction, erection, alteration, modification, repair, or
9 addition unless the applicant for such permit complies with
10 the requirements for plan review established by the Florida
11 Building Commission within the Florida Building Code. However,
12 the code shall set standards and criteria to authorize
13 preliminary construction before completion of all building
14 plans review, including, but not limited to, special permits
15 for the foundation only, and such standards shall take effect
16 concurrent with the first effective date of the Florida
17 Building Code.

18 Section 15. Effective upon this act becoming a law,
19 section 553.8412, Florida Statutes, is created to read:

20 553.8412 Legislative intent; delivery of training;
21 outsourcing.--

22 (1) The number of licensees who will require initial
23 training for the Florida Building Code is in excess of
24 100,000. It is the intent of the Legislature that the Florida
25 Building Commission make sure that initial training for the
26 Florida Building Code be achieved as soon as practicable to
27 ensure compliance. It is further the intent of the Legislature
28 that the Florida Building Commission encourage and promote
29 improved coordination between industry associations as a way
30 to achieve better compliance with Florida's building codes.

31 (2) Not more than 60 days after the effective date of

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1 this section, the Florida Building Commission and the
2 department shall provide for statewide outreach for training
3 on the Florida Building Code. The Florida Building Commission
4 and the department shall achieve statewide outreach for
5 training through organizations, including, but not limited to,
6 existing licensee trade and professional associations. The
7 Florida Building Commission or the department may not exclude
8 participation in statewide outreach by any trade or
9 professional association that has as its primary constituency
10 members who are required to comply with the training
11 requirements of the Florida Building Code. Wherever possible
12 and by contract pursuant to s. 287.057, the Florida Building
13 Commission and the department shall outsource components,
14 outreach, and coordination of training and the training itself
15 to prevent duplication and ensure the most expeditious and
16 consistent delivery and minimize administrative costs to the
17 commission and the department. This section does not prohibit
18 any qualified entity from providing training on the Florida
19 Building Code.

20 (3) To the extent available, funding for outreach,
21 coordination of training, or training may come from existing
22 resources. If necessary, the Florida Building Commission or
23 the department may seek additional or supplemental funds
24 pursuant to s. 215.559(5). This section does not preclude the
25 Florida Building Commission from charging fees to fund the
26 building code training program in a self-sufficient manner as
27 provided in s. 553.841(5).

28 (4) This section is repealed June 30, 2003, unless
29 reenacted by the Legislature.

30 Section 16. Effective July 1, 2001, section 553.842,
31 Florida Statutes, is amended to read:

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- 1 553.842 Product evaluation and approval.--
- 2 (1) The commission shall adopt rules under ss.
- 3 120.536(1) and 120.54 ~~make recommendations to the President of~~
- 4 ~~the Senate and the Speaker of the House of Representatives~~
- 5 ~~prior to the 2001 Regular Session~~ to develop and implement a
- 6 product evaluation and approval system that applies statewide
- 7 to operate in coordination with the Florida Building Code. The
- 8 commission may enter into contracts to provide for
- 9 administration of the product evaluation and approval system.
- 10 The product evaluation and approval system shall provide:
- 11 (a) Appropriate promotion of innovation and new
- 12 technologies.
- 13 (b) Processing submittals of products from
- 14 manufacturers in a timely manner.
- 15 (c) Independent, third-party qualified and accredited
- 16 testing and laboratory facilities, product evaluation
- 17 entities, quality-assurance agencies, certification agencies,
- 18 and validation entities.
- 19 (d) An easily accessible product acceptance list to
- 20 entities subject to the Florida Building Code.
- 21 (e) Development of stringent but reasonable testing
- 22 criteria based upon existing consensus standards, when
- 23 available, for products.
- 24 (f) Long-term approvals, where feasible. State and
- 25 local approvals will be valid until the requirements of the
- 26 code on which the approval is based change, the product
- 27 changes in a manner affecting its performance as required by
- 28 the code, or the approval is revoked.
- 29 (g) Criteria for ~~recall or~~ revocation of a product
- 30 approval.
- 31 (h) Cost-effectiveness.

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1 (2) The product evaluation and approval system shall
2 rely on ~~regional~~, national, and international consensus
3 standards, whenever adopted by the Florida Building Code, for
4 demonstrating compliance with code standards. Other standards
5 which meet or exceed established state requirements shall also
6 be considered.

7 (3) Products or methods or systems of construction
8 that require approval under s. 553.77, that have standardized
9 testing or comparative or rational analysis methods
10 established by the code, required to be approved and that are
11 certified by an approved product evaluation entity, testing
12 laboratory, or certification agency as complying with the
13 standards specified by the code shall be approved for local or
14 statewide use by one of the methods established in subsection
15 ~~(6) permitted to be used statewide, without further evaluation~~
16 ~~or approval.~~

17 (4) By October 1, 2003, products or methods or systems
18 of construction requiring approval under s. 553.77 must be
19 approved by one of the methods established in subsection (5)
20 or subsection (6) before their use in construction in this
21 state. Products may be approved either by the commission for
22 statewide use, or by a local building department for use in
23 that department's jurisdiction only. Notwithstanding a local
24 government's authority to amend the Florida Building Code as
25 provided in this act, statewide approval shall preclude local
26 jurisdictions from requiring further testing, evaluation, or
27 submission of other evidence as a condition of using the
28 product so long as the product is being used consistent with
29 the conditions of its approval.

30 (5) ~~Statewide and~~ Local approval of products or
31 methods or systems of construction may ~~shall~~ be achieved by

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1 the local building official through building plans review and
2 inspection to determine that the product, method, or system of
3 construction complies with the prescriptive standards
4 established in the code. Alternatively, local approval may be
5 achieved by one of the methods established in subsection (6).

6 (6) Statewide or local approval of products, methods,
7 or systems of construction may be achieved by one of the
8 following methods. One of these methods must be used by local
9 officials or the commission to approve the following
10 categories of products: panel walls, exterior doors, roofing,
11 skylights, windows, shutters, and structural components as
12 established by the commission by rule.

13 (a) Products for which the code establishes
14 standardized testing or comparative or rational analysis
15 methods shall be approved by submittal and validation of one
16 of the following reports or listings indicating that the
17 product or method or system of construction was evaluated to
18 be in compliance with the Florida Building Code and that the
19 product or method or system of construction is, for the
20 purpose intended, at least equivalent to that required by the
21 Florida Building Code:

- 22 1. A certification mark or listing of an approved
23 certification agency;
24 2. A test report from an approved testing laboratory;
25 3. A product evaluation report based upon testing or
26 comparative or rational analysis, or a combination thereof,
27 from an approved product evaluation entity; or
28 4. A product evaluation report based upon testing or
29 comparative or rational analysis, or a combination thereof,
30 developed and signed and sealed by a professional engineer or
31 architect, licensed in this state.

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1 (b) Products, methods, or systems of construction for
2 which there are no specific standardized testing or
3 comparative or rational analysis methods established in the
4 code may be approved by submittal and validation of one of the
5 following:

6 1. A product evaluation report based upon testing or
7 comparative or rational analysis, or a combination thereof,
8 from an approved product evaluation entity indicating that the
9 product or method or system of construction was evaluated to
10 be in compliance with the intent of the Florida Building Code
11 and that the product or method or system of construction is,
12 for the purpose intended, at least equivalent to that required
13 by the Florida Building Code; or

14 2. A product evaluation report based upon testing or
15 comparative or rational analysis, or a combination thereof,
16 developed and signed and sealed by a professional engineer or
17 architect, licensed in this state, who certifies that the
18 product or method or system of construction is, for the
19 purpose intended, at least equivalent to that required by the
20 Florida Building Code.

21 (7) The commission shall ensure that product
22 manufacturers operate quality-assurance programs for all
23 approved products. The commission shall adopt by rule criteria
24 for operation of the quality-assurance programs.

25 (8) For local approvals, validation shall be performed
26 by the local building official. The commission shall adopt by
27 rule criteria constituting complete validation by the local
28 official, including, but not limited to, criteria governing
29 verification of a quality-assurance program. For state
30 approvals, validation shall be performed by validation
31 entities approved by the commission. The commission shall

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1 adopt by rule criteria for approval of validation entities,
2 which shall be third-party entities independent of the
3 product's manufacturer and which shall certify to the
4 commission the product's compliance with the code.

5 (9) The commission may adopt rules to approve the
6 following types of entities that produce information on which
7 product approvals are based. All of the following entities,
8 including engineers and architects, must comply with a
9 nationally recognized standard demonstrating independence or
10 no conflict of interest:

11 (a) Evaluation entities that meet the criteria for
12 approval adopted by the commission by rule. The commission
13 shall specifically approve the National Evaluation Service,
14 the International Conference of Building Officials Evaluation
15 Services, the Building Officials and Code Administrators
16 International Evaluation Services, the Southern Building Code
17 Congress International Evaluation Services, and the Miami-Dade
18 County Building Code Compliance Office Product Control.
19 Architects and engineers licensed in this state are also
20 approved to conduct product evaluations as provided in
21 subsection (6).

22 (b) Testing laboratories accredited by national
23 organizations, such as A2LA and the National Voluntary
24 Laboratory Accreditation Program, laboratories accredited by
25 evaluation entities approved under paragraph (a), and
26 laboratories that comply with other guidelines for testing
27 laboratories selected by the commission and adopted by rule.

28 (c) Quality-assurance entities approved by evaluation
29 entities approved under paragraph (a) and by certification
30 agencies approved under paragraph (d) and other
31 quality-assurance entities that comply with guidelines

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1 selected by the commission and adopted by rule.

2 (d) Certification agencies accredited by nationally
3 recognized accreditors and other certification agencies that
4 comply with guidelines selected by the commission and adopted
5 by rule.

6 (e) Validation entities that comply with accreditation
7 standards established by the commission by rule.†

8 ~~(a) Submittal and validation of a product evaluation~~
9 ~~report from an approved product evaluation entity indicating~~
10 ~~the product or method or system of construction was tested to~~
11 ~~be in compliance with the Florida Building Code or with the~~
12 ~~intent of the Florida Building Code and the product or method~~
13 ~~or system of construction is, for the purpose intended, at~~
14 ~~least equivalent of that required by the Florida Building~~
15 ~~Code; or~~

16 ~~(b) Submittal and validation of a product evaluation~~
17 ~~report or rational analysis which is signed and sealed by a~~
18 ~~professional engineer or architect, licensed in this state,~~
19 ~~who has no conflict of interest, as determined by national~~
20 ~~guidelines, who certifies that the product or method or system~~
21 ~~of construction is, for the purpose intended, at least~~
22 ~~equivalent of that required by the Florida Building Code. Any~~
23 ~~product approved under this procedure shall be required to be~~
24 ~~manufactured under a quality assurance program, certified by~~
25 ~~an approved product evaluation entity.~~

26 (10)(6) A building official may deny the local
27 application of a product or method or system of construction
28 which has received statewide approval, based upon a written
29 report signed by the official that concludes the product
30 application is inconsistent with the statewide approval and
31 that states the reasons the application is inconsistent. Such

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1 denial is subject to the provisions of s. 553.77 governing
2 appeal of the building official's interpretation of the code.

3 (11)(7) Products, other than manufactured buildings,
4 which are custom fabricated or assembled shall not require
5 separate approval under this section provided the component
6 parts have been approved for the fabricated or assembled
7 product's use and the components meet the standards and
8 requirements of the Florida Building Code which applies to the
9 product's intended use.

10 (12)(8) A building official may appeal the required
11 approval for local use of a product or method or system of
12 construction to the commission. The commission shall conduct a
13 hearing under chapter 120 and the uniform rules of procedure
14 and shall establish expedited procedures to handle such
15 appeals in an expedited manner.

16 (13)(9) The decisions of local building officials
17 shall be appealable to the local board of appeals, if such
18 board exists, and then to the commission, which shall conduct
19 a hearing under chapter 120 and the uniform rules of
20 procedure. Decisions of the commission regarding statewide
21 product approvals and appeals of local product approval shall
22 be subject to judicial review pursuant to s. 120.68.

23 (14)(10) The commission shall maintain a list of the
24 state-approved approved products, and product evaluation
25 entities, testing laboratories, quality-assurance agencies,
26 certification agencies, and validation entities and make such
27 lists list available in the most cost-effective manner. The
28 commission shall establish reasonable timeframes associated
29 with the product approval process and availability of the
30 lists list.

31 (15) The commission shall by rule establish criteria

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1 for revocation of product approvals as well as revocation of
2 approvals of product evaluation entities, testing
3 laboratories, quality-assurance entities, certification
4 agencies, and validation entities. Revocation is governed by
5 s. 120.60 and the uniform rules of procedure.

6 (16) The commission shall establish a schedule for
7 adoption of the rules required in this section to ensure that
8 the product manufacturing industry has sufficient time to
9 revise products to meet the requirements for approval and
10 submit them for testing or evaluation before the system taking
11 effect on October 1, 2003, and to ensure that the availability
12 of statewide approval is not delayed.

13 ~~(11) The commission may establish reasonable and~~
14 ~~appropriate fees for the review of rational analyses and~~
15 ~~certification of manufactured buildings submitted pursuant to~~
16 ~~this section and may enter into any contracts the commission~~
17 ~~deems necessary in order to implement this section.~~

18 ~~(12) Products certified or approved for statewide or~~
19 ~~local use by an approved product evaluation entity prior to~~
20 ~~the effective date of this act shall be deemed to be approved~~
21 ~~for use in this state pursuant to this section and to comply~~
22 ~~with this section.~~

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

28 Section 17. Effective July 1, 2001, subsection (2) of
29 section 553.895, Florida Statutes, is amended to read:

30 553.895 Firesafety.--

31 (2) Except for single-family and two-family dwellings,

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1 any building which is of three stories or more and for which
2 the construction contract is let after January 1, 1994,
3 regardless of occupancy classification and including any
4 building which is subject to s. 509.215, shall be equipped
5 with an automatic sprinkler system installed in compliance
6 with the provisions of chapter 633 and the rules and codes
7 adopted pursuant thereto. A stand-alone parking garage
8 constructed with noncombustible materials, the design of which
9 is such that all levels of the garage are uniformly open to
10 the atmosphere on all sides with percentages of openings as
11 prescribed in the applicable building code, and which parking
12 garage is separated from other structures by at least 20 feet,
13 is exempt from the requirements of this subsection.

14 Telecommunications spaces located within telecommunications
15 buildings, if the spaces are equipped to meet an equivalent
16 fire-prevention standard approved by both the Florida Building
17 Commission and the State Fire Marshal, are exempt from the
18 requirements of this subsection. In a building less than 75
19 feet in height which is protected throughout with an approved
20 and maintained fire sprinkler system, a manual wet standpipe,
21 as defined in the National Fire Protection Association
22 Standard 14, Standard for the Installation of Standpipe,
23 Private Hydrant, and Hose Systems, shall be allowed.

24 Section 18. Effective upon this act becoming a law,
25 the Florida Building Commission shall research the issue of
26 adopting a rehabilitation code for the state and shall report
27 to the Legislature before the 2002 Regular Session regarding
28 the feasibility of adopting such a code. The commission shall
29 review the rehabilitation codes adopted by other states as
30 part of its research.

31 Section 19. Effective upon this act becoming a law,

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1 the Florida Building Commission shall research the issue of
2 requiring all primary elevators in buildings with more than
3 five levels to operate with a universal key, thereby allowing
4 access and operation by emergency personnel. The commission
5 must report its recommendations to the Legislature before the
6 2002 Regular Session.

7 Section 20. Notwithstanding any other provision in
8 chapter 2000-141, Laws of Florida, effective upon this act
9 becoming a law, the effective date of the following sections
10 of chapter 2000-141, Laws of Florida, is changed to January 1,
11 2002: sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15,
12 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 32, 36,
13 39, 44, 47, 48, 49, 52, 54, 56, 58, 59, 60, 62, 70, 71, 72,
14 75, 79, 81, 84, 86, 87, 88, 91, 92, 93, 94, and 99.

15 Section 21. Notwithstanding any other provision in
16 chapter 2000-141, Laws of Florida, effective upon this act
17 becoming a law, the effective date of the following sections
18 of chapter 98-287, Laws of Florida, as amended by chapter
19 2000-141, Laws of Florida, is changed to January 1, 2002:
20 sections 1, 2, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29,
21 31, 32, 34, 36, 38, 40, 44, 46, 47, 49, 51, and 56.

22 Section 22. Notwithstanding any other provision in
23 chapter 2000-141, Laws of Florida, effective upon this act
24 becoming a law, the effective date of section 61 of chapter
25 98-419, Laws of Florida, as amended by chapter 2000-141, Laws
26 of Florida, is changed to January 1, 2002.

27 Section 23. Effective upon this act becoming a law,
28 section 135 of chapter 2000-141, Laws of Florida, is amended
29 to read:

30 Section 135. Effective January 1, 2002 ~~July 1, 2001~~,
31 subsection (2) of section 255.21, Florida Statutes, paragraphs

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1 (d) and (e) of subsection (1) of section 395.1055, Florida
2 Statutes, and subsection (11) of section 553.79, Florida
3 Statutes, are repealed.

4 Section 24. Effective upon this act becoming a law,
5 subsection (2) of section 62 of chapter 98-287, Laws of
6 Florida, as amended by section 107 of chapter 2000-141, Laws
7 of Florida, is amended to read:

8 Section 62.

9 (2) Effective January 1, 2002 ~~July 1, 2001~~, all
10 existing local technical amendments to any building code
11 adopted by any local government, except for local ordinances
12 setting forth administrative requirements which are not in
13 conflict with the Florida Building Code, are repealed. Each
14 local government may readopt such amendments pursuant to s.
15 553.73, Florida Statutes, provided such amendments comply with
16 applicable provisions of the Florida Building Code.

17 Section 25. Effective upon this act becoming a law,
18 section 68 of chapter 98-287, Laws of Florida, as amended by
19 section 108 of chapter 2000-141, Laws of Florida, is amended
20 to read:

21 Section 68. Effective January 1, 2002 ~~July 1, 2001~~,
22 parts I, II, and III of chapter 553, Florida Statutes,
23 consisting of sections 553.01, 553.02, 553.03, 553.04,
24 553.041, 553.05, 553.06, 553.07, 553.08, 553.10, 553.11,
25 553.14, 553.15, 553.16, 553.17, 553.18, 553.20, 553.21,
26 553.22, 553.23, 553.24, 553.25, 553.26, 553.27, and 553.28,
27 Florida Statutes, are repealed, section 553.141, Florida
28 Statutes, is transferred and renumbered as section 553.86,
29 Florida Statutes.

30 Section 26. Effective upon this act becoming a law,
31 funds that are available under sections 489.109(3) and

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1 489.509(3), Florida Statutes, shall be allocated and expended
2 by the Florida Building Commission as provided in this
3 section.

4 (1) The Florida Building Commission shall appoint
5 those members of the Building Construction Industry Advisory
6 Committee on October 1, 2001, as established by Rule
7 6A-10.029, Florida Administrative Code, to the Education
8 Technical Advisory Committee of the Florida Building
9 Commission to complete their terms of office. Members of the
10 Florida Building Commission shall also be appointed to the
11 Education Technical Advisory Committee. The members of the
12 committee shall broadly represent the building construction
13 industry and must consist of no fewer than 10 persons. The
14 chairperson of the Florida Building Commission shall annually
15 designate the chairperson of the committee. The terms of the
16 committee members shall be 2 years each and members may be
17 reappointed at the discretion of the Florida Building
18 Commission.

19 (2) The Educational Technical Advisory Committee
20 shall:

21 (a) Advise the commission on any policies or
22 procedures needed to administer sections 489.109(3) and
23 489.509(3), Florida Statutes.

24 (b) Advise the commission on administering section
25 553.841, Florida Statutes.

26 (c) Advise the commission on areas of priority for
27 which funds should be expended for research and continuing
28 education.

29 (d) Review all proposed research and continuing
30 education projects and recommend to the commission those
31 projects that should be funded and the amount of funds to be

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1 provided for each project.

2 (3) Each biennium, upon receipt of funds by the
3 Department of Community Affairs from the Construction Industry
4 Licensing Board and the Electrical Contractors' Licensing
5 Board provided under sections 489.109(3) and 489.509(3),
6 Florida Statutes, the commission shall determine the amount of
7 funds available for research projects from the proceeds of
8 contractor licensing fees and identify, solicit, and accept
9 funds from other sources for research and continuing education
10 projects.

11 (4) If funds collected for research projects in any
12 year do not require the use of all available funds, the unused
13 funds shall be carried forward and allocated for use during
14 the following fiscal year.

15 Section 27. Effective upon this act becoming a law,
16 the Florida Building Commission shall convene an ad hoc
17 subcommittee to recommend a procedure by which the public
18 could elect to engage an engineer or architect to perform
19 plans review and inspection for the construction, alteration,
20 repair, or improvement of real property, and the appropriate
21 role of the local building official in such an alternative
22 plans review and inspection procedure and in the resulting
23 issuance of a building permit and certificate of occupancy.

24 (1) The ad hoc committee shall be composed of 11
25 members appointed by the chairperson of the commission who
26 shall meet the following qualifications:

27 (a) Five members from the Building Officials
28 Association of Florida;

29 (b) Two members from the Associated General
30 Contractors of Florida;

31 (c) One member from the Florida Homebuilders

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1 Association;

2 (d) One member from the Florida Engineering Society;

3 (e) One member from the American Institute of

4 Architects; and

5 (f) One member from the Florida Insurance Council.

6 (2) The ad hoc subcommittee shall meet at least four
7 times prior to January 1, 2002. Members may participate in any
8 meeting via telephone conference if the technology is
9 available at the meeting location. Members shall serve on a
10 voluntary basis, without compensation and without
11 reimbursement of per diem and travel expenses.

12 (3) The ad hoc subcommittee shall examine the various
13 processes used by local building officials throughout the
14 state in conducting plans review for the construction,
15 alteration, repair, or improvement of real property, and
16 approving building permit applications, as well as those
17 processes used by local building officials in conducting
18 required inspections for construction, alteration, repair, or
19 improvement of real property, and issuing certificates of
20 occupancy. The ad hoc subcommittee shall make recommendations
21 on the following:

22 (a) A procedure by which the public could elect to
23 engage an engineer or architect to perform plans review and
24 inspection for the construction, alteration, repair, or
25 improvement of real property; and

26 (b) The appropriate role of the local building
27 official in such an alternative plans review and inspection
28 procedure and in the resulting issuance of a building permit
29 and certificate of occupancy.

30 (4) The ad hoc subcommittee shall submit to the
31 Florida Building Commission its recommendations and findings

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1 by January 1, 2002. The commission shall submit to the
2 Governor, the President of the Senate, and the Speaker of the
3 House of Representatives, before the beginning of the next
4 regularly scheduled legislative session, a report of its
5 findings, which shall include the recommendations of the ad
6 hoc committee.

7 (5) The Department of Community Affairs shall provide
8 logistical and staff support for the ad hoc subcommittee.

9 Section 28. Section 627.0629, Florida Statutes, as
10 amended by section 99 of chapter 2000-141, Laws of Florida, is
11 amended to read:

12 627.0629 Residential property insurance; rate
13 filings.--

14 (1) A rate filing for residential property insurance
15 must include actuarially reasonable discounts, credits, or
16 other rate differentials, or appropriate reductions in
17 deductibles, for properties on which fixtures or construction
18 techniques demonstrated to reduce the amount of loss in a
19 windstorm have been installed or implemented. The fixtures or
20 construction techniques shall include, but not be limited to,
21 fixtures or construction techniques which enhance roof
22 strength, roof covering performance, roof-to-wall strength,
23 wall-to-floor-to-foundation strength, opening protection, and
24 window, door, and skylight strength. Credits, discounts, or
25 other rate differentials for fixtures and construction
26 techniques which meet the minimum requirements of the Florida
27 Building Code must be included in the rate filing. All
28 insurance companies must make a rate filing which includes the
29 credits, discounts, or other rate differentials by December 31
30 ~~June 1~~, 2002.

31 Section 29. Effective upon this act becoming a law,

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1 paragraph (c) of subsection (3) of section 633.0215, Florida
2 Statutes, is amended to read:

3 633.0215 Florida Fire Prevention Code.--

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

16 (c) Notwithstanding other state or local building and
17 construction code laws to the contrary, locally adopted fire
18 code requirements that were in existence on the effective date
19 of this section shall be deemed local variations of the
20 Florida Fire Prevention Code until the State Fire Marshal
21 takes action to adopt as a statewide firesafety code
22 requirement or rescind such requirements as provided herein,
23 and such action shall take place no later than January 1, 2002
24 ~~July 1, 2001~~.

25 Section 30. The Florida Building Commission shall
26 research and evaluate the types of specific needs for the
27 state and its localities which are appropriate to justify
28 amendment of the adopted Florida Building Code, as referred to
29 in section 553.73(3), and make recommendations regarding
30 legislative clarification of this issue to the Legislature
31 prior to the 2002 Regular Session. The commission shall

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1 consider needs relating to Florida's geographic, climatic,
2 soil, topographic, fire and other conditions as part of its
3 evaluation. The commission shall adopt no amendments to the
4 Florida Building Code until after July 1, 2002, except for the
5 following: emergency amendments, amendments clarifying state
6 agency construction regulations, amendments which eliminate
7 conflicts with Florida law or implement new authorities
8 granted by law, and amendments to implement settlement
9 agreements executed prior to March 1, 2001.

10 Section 31. Effective upon this act becoming a law,
11 the sum of \$250,000 is appropriated from the General Revenue
12 Fund to Florida Community College at Jacksonville for the
13 operations of the Institute of Applied Technology in
14 Construction Excellence, and the sum of \$250,000 is
15 appropriated from the General Revenue Fund to Miami-Dade
16 Community College for the implementation of the building code
17 training program for inspectors, contractors, architects, and
18 engineers.

19 Section 32. Effective upon this act becoming a law,
20 section 1 of chapter 2000-150, Laws of Florida, is repealed.

21 Section 33. Except as otherwise provided in this act,
22 this act shall take effect January 1, 2002.

23
24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 remove from the title of the bill: entire title

28
29 and insert in lieu thereof:

30 A bill to be entitled

31 An act relating to the Florida Building Code;

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1 amending s. 235.061, F.S.; delaying the date
2 for rule requirements; amending s. 235.212,
3 F.S.; specifying window standards for
4 relocatable classrooms; amending s. 255.31,
5 F.S.; exempting certain facilities from plans
6 review and inspections by local jurisdictions;
7 amending s. 399.061, F.S.; revising provisions
8 relating to the inspection of elevators;
9 amending s. 373.323, F.S.; authorizing water
10 well contractors to install, repair, or modify
11 specified equipment in accordance with the
12 code; amending s. 489.13, F.S.; creating an
13 exception to the provision defining what
14 constitutes unlicensed contracting; amending s.
15 489.509, F.S.; transferring specified licensing
16 fees from the Department of Education to the
17 Department of Community Affairs; amending s.
18 553.36, defining the term "factory-built school
19 shelter"; amending s. 553.415, F.S.; delaying
20 the date for inclusion of the Uniform Code for
21 Public Education Facilities in the Florida
22 Building Code; providing for the department to
23 approve plans for factory-built school
24 shelters; authorizing districts to charge
25 inspection fees; authorizing approved
26 inspection entities to conduct inspections of
27 factory-built school buildings while they are
28 under construction; delaying the deadline for
29 inspecting factory-built buildings currently in
30 use; amending ss. 553.505, 553.507, F.S.;
31 conforming cross-references; amending s.

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1 553.73, F.S.; providing for the uniform
2 implementation of parts of the residential
3 swimming pool safety act; providing a process
4 for the approval of technical amendments to the
5 code; providing for the treatment of permit
6 applications submitted prior to the effective
7 date of the code; exempting specified
8 structures from the wind-borne-debris-impact
9 standards of the Florida Building Code;
10 amending s. 553.77, F.S.; requiring the
11 commission to issue specified declaratory
12 statements; providing for hearings; providing
13 for rules for plan review of prototype
14 buildings; authorizing the commission to
15 produce a commentary to accompany the Florida
16 Building Code; amending s. 553.79, F.S.;
17 requiring the code to establish standards for
18 preliminary construction; creating s. 553.8412,
19 F.S.; providing for statewide outreach for
20 training on the code; amending s. 553.842,
21 F.S.; providing methods for local and statewide
22 approval of products, methods, and systems of
23 construction; providing rulemaking authority;
24 amending s. 553.895, F.S.; exempting specified
25 spaces within telecommunications buildings
26 under specified circumstances; allowing the use
27 of a manual wet standpipe under certain
28 circumstances; directing the commission to
29 research some issues and provide reports to the
30 Legislature; amending s. 135 of ch. 2000-141,
31 Laws of Florida, and ss. 62(2) and 68 of ch.

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1 98-287, Laws of Florida, as amended; providing
2 an effective date for the Florida Building
3 Code; requiring that the Florida Building
4 Commission appoint members to the commission's
5 Education Technical Advisory Committee;
6 specifying duties of the advisory committee;
7 providing for the carryforward of funds
8 collected for research projects; requiring the
9 Florida Building Commission to convene an ad
10 hoc subcommittee to recommend procedures for
11 engaging an engineer or architect to perform
12 plans review and inspections; requiring
13 recommendations for the role of local building
14 officials in issuing building permits and
15 certificates of occupancy; providing for
16 appointment of members; providing for meetings
17 and staff support by the Department of
18 Community Affairs; requiring a report to the
19 Governor and the Legislature by a specified
20 date; amending s. 627.0629, F.S.; providing a
21 date certain for insurance companies to file
22 rate filings; amending s. 663.0215, F.S.;
23 delaying the date on which the State Fire
24 Marshal is required to adopt a statewide
25 firesafety code; providing an appropriation;
26 repealing section 1 of chapter 2000-150, Laws
27 of Florida, relating to legislative intent
28 regarding the meaning of the terms "net
29 premiums written" and "net premiums collected"
30 as used in chapter 440, F.S.; providing an
31 effective date.