

By the Committee on Local Government & Veterans Affairs
and Representative Diaz-Balart

1 A bill to be entitled
2 An act relating to the Florida Building Code;
3 amending s. 373.323, F.S.; authorizing water
4 well contractors to install, repair, or modify
5 specified equipment in accordance with the
6 code; amending s. 489.509, F.S.; transferring
7 specified licensing fees from the Department of
8 Education to the Department of Community
9 Affairs; amending ss. 553.36 and 553.415, F.S.;
10 defining the term "factory-built school
11 shelter"; providing for the Department of
12 Community Affairs to approve plans for such
13 shelters; authorizing districts to charge
14 inspection fees; authorizing approved
15 inspection entities to conduct inspections of
16 factory-built school buildings while they are
17 under construction; delaying the deadline for
18 inspecting factory-built buildings currently in
19 use; amending ss. 553.505 and 553.507, F.S.;
20 conforming cross references; amending s.
21 553.73, F.S.; providing for the uniform
22 implementation of parts of the residential
23 swimming pool safety act; defining the term
24 "specific needs" for purposes of selection from
25 available codes; providing a process for the
26 approval of technical amendments to the code;
27 providing for the treatment of permit
28 applications submitted prior to the effective
29 date of the code; exempting specified buildings
30 from certain standards of the code; amending s.
31 553.77, F.S.; requiring the commission to issue

1 specified declaratory statements; providing for
2 hearings; providing for rules for plan review
3 of prototype buildings; authorizing the
4 commission to produce a commentary to accompany
5 the Florida Building Code; amending s. 553.79,
6 F.S.; requiring the code to establish standards
7 for preliminary construction; creating s.
8 553.8412, F.S.; providing for statewide
9 outreach for training in the code; amending s.
10 553.842, F.S.; providing methods for local and
11 statewide approval of products and methods or
12 systems of construction; providing rulemaking
13 authority; amending s. 553.895, F.S.; exempting
14 specified spaces within telecommunications
15 buildings under specified circumstances;
16 allowing the use of a manual wet standpipe
17 under certain circumstances; directing the
18 commission to research certain issues and
19 provide reports to the Legislature; providing
20 an effective date for the Florida Building
21 Code; amending chs. 98-287, Laws of Florida, as
22 amended by ch. 2000-141, Laws of Florida,
23 98-419, Laws of Florida, as amended by ch.
24 2000-141, Laws of Florida, and 2000-141, Laws
25 of Florida; revising effective dates of certain
26 provisions; requiring the Florida Building
27 Commission to appoint members to the
28 commission's Education Technical Advisory
29 Committee; specifying duties of the advisory
30 committee; providing for the carryforward of
31 funds collected for research projects;

1 requiring the Florida Building Commission to
2 convene an ad hoc subcommittee to make
3 recommendations regarding alternative plans
4 review and inspection procedures; requiring a
5 report; amending ss. 316.515 and 627.702, F.S.;
6 revising cross references; repealing s.
7 553.77(2), F.S., relating to commission
8 prescription of certain renewal fees; providing
9 effective dates.

10

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

12

13 Section 1. Subsection (10) is added to section
14 373.323, Florida Statutes, to read:

15 373.323 Licensure of water well contractors;
16 application, qualifications, and examinations; equipment
17 identification.--

18 (10) Water well contractors licensed under this
19 section may install, repair, or modify pumps and tanks in
20 accordance with the Florida Building Code, Plumbing; Section
21 612--Wells, pumps, and tanks used for private potable water
22 systems. In addition, licensed water well contractors may
23 install pumps, tanks, or water conditioning equipment for all
24 water well systems.

25 Section 2. Subsection (3) of section 489.509, Florida
26 Statutes, is amended to read:

27 489.509 Fees.--

28 (3) Four dollars of each fee under subsection (1) paid
29 to the department at the time of application or renewal shall
30 be transferred at the end of each licensing period to the
31 Department of Community Affairs ~~Education~~ to fund projects

1 relating to the building construction industry or continuing
2 education programs offered to persons engaged in the building
3 construction industry in Florida. The board shall, at the time
4 the funds are transferred, advise the Department of Community
5 Affairs Education on the most needed areas of research or
6 continuing education based on significant changes in the
7 industry's practices or on the most common types of consumer
8 complaints or on problems costing the state or local
9 governmental entities substantial waste. The board's advice is
10 not binding on the Department of Community Affairs Education.
11 ~~The Department of Education must allocate 50 percent of the~~
12 ~~funds to a graduate program in building construction in a~~
13 ~~Florida university and 50 percent of the funds to all~~
14 ~~accredited private and state universities and community~~
15 ~~colleges within the state offering approved courses in~~
16 ~~building construction, with each university or college~~
17 ~~receiving a pro rata share of such funds based upon the number~~
18 ~~of full-time building construction students enrolled at the~~
19 ~~institution.~~The Department of Community Affairs Education
20 shall ensure the distribution of research reports and the
21 availability of continuing education programs to all segments
22 of the building construction industry to which they relate.
23 The Department of Community Affairs Education shall report to
24 the board in October of each year, summarizing the allocation
25 of the funds by institution and summarizing the new projects
26 funded and the status of previously funded projects. ~~The~~
27 ~~Commissioner of Education is directed to appoint one~~
28 ~~electrical contractor and one certified alarm system~~
29 ~~contractor to the Building Construction Industry Advisory~~
30 ~~Committee.~~
31

1 Section 3. Subsections (7) through (15) of section
2 553.36, Florida Statutes, are renumbered as subsections (8)
3 through (16), respectively, and a new subsection (7) is added
4 to said section to read:

5 553.36 Definitions.--The definitions contained in this
6 section govern the construction of this part unless the
7 context otherwise requires.

8 (7) "Factory-built school shelter" means any
9 site-assembled or factory-built school building that is
10 designed to be portable, relocatable, demountable, or
11 reconstructible that complies with the provisions for enhanced
12 hurricane protection areas as required by the applicable code.

13 Section 4. Subsections (7), (9), and (13) of section
14 553.415, Florida Statutes, are amended to read:

15 553.415 Factory-built school buildings.--

16 (7) A standard plan approval may be obtained from the
17 department for factory-built school buildings and such
18 department-approved plans shall be accepted by the enforcement
19 agency as approved for the purpose of obtaining a construction
20 permit for the structure itself. The department, or its
21 designated representative, shall determine if the plans
22 qualify for purposes of a factory-built school shelter, as
23 defined in s. 553.36.

24 (9) The school district or community college district
25 for which any factory-built school building is constructed or
26 altered shall provide for periodic inspection of the proposed
27 factory-built school building during each phase of
28 construction or alteration. The inspector shall act under the
29 direction of the governing board for employment purposes. A
30 school district or community college district may charge the
31 manufacturer of such buildings for services at reasonable

1 rates comparable to those charged for similar services by
2 approved inspection agencies. Periodic inspections of
3 factory-built school buildings may also be conducted by an
4 approved inspection agency as defined in s. 553.36(2).

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

11 Section 5. Effective July 1, 2001, section 553.505,
12 Florida Statutes, is amended to read:

13 553.505 Exceptions to applicability of the Americans
14 with Disabilities Act.--Notwithstanding the Americans with
15 Disabilities Act of 1990, private clubs are governed by ss.
16 553.501-553.513. Parking spaces, parking lots, and other
17 parking facilities are governed by s. 553.5041 ~~316.1955~~, when
18 that section provides increased accessibility.

19 Section 6. Effective July 1, 2001, section 553.507,
20 Florida Statutes, is amended to read:

21 553.507 Exemptions.--Sections 553.501-553.513 ~~and s.~~
22 ~~316.1955(4)~~ do not apply to any of the following:

23 (1) Buildings, structures, or facilities that were
24 either under construction or under contract for construction
25 on October 1, 1997.

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

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

31

1 (b) The proposed alteration or renovation of the
2 building, structure, or facility will affect usability or
3 accessibility to a degree that invokes the requirements of s.
4 303(a) of the Americans with Disabilities Act of 1990; or

5 (c) The original construction or any former alteration
6 or renovation of the building, structure, or facility was
7 carried out in violation of applicable permitting law.

8 Section 7. Subsections (2) and (3), paragraph (b) of
9 subsection (4), and subsections (5), (6), and (7) of section
10 553.73, Florida Statutes, as amended by chapters 98-287,
11 98-419, 2000-141, and 2000-154, Laws of Florida, are amended,
12 and subsections (8), (9), and (10) of said section are
13 renumbered as subsections (9), (10), and (11), respectively,
14 to read:

15 553.73 Florida Building Code.--

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

1 required in such sections, which are consistent with the
2 intent of s. 515.23. Technical provisions to be contained
3 within the Florida Building Code are restricted to
4 requirements related to the types of materials used and
5 construction methods and standards employed in order to meet
6 criteria specified in the Florida Building Code. Provisions
7 relating to the personnel, supervision or training of
8 personnel, or any other professional qualification
9 requirements relating to contractors or their workforce may
10 not be included within the Florida Building Code, and
11 subsections (4), (5), and (6) are not to be construed to allow
12 the inclusion of such provisions within the Florida Building
13 Code by amendment. This restriction applies to both initial
14 development and amendment of the Florida Building Code.

15 (3) The commission shall select from available
16 national or international model building codes, or other
17 available building codes and standards currently recognized by
18 the laws of this state, to form the foundation for the Florida
19 Building Code. The commission may modify the selected model
20 codes and standards as needed to accommodate the specific
21 needs of this state. For the purposes of this part, the term
22 "specific needs" means needs identified as unique physical
23 characteristics that relate to this state's geography,
24 climatic condition, soil, topography, or other conditions that
25 are measurably different from other areas of the nation and
26 the commission determines that the model code does not
27 adequately provide a standard of safety or protection for the
28 state. Standards or criteria referenced by the selected model
29 codes shall be similarly incorporated by reference. If a
30 referenced standard or criterion requires amplification or
31 modification to be appropriate for use in this state, only the

1 amplification or modification shall be specifically set forth
2 in the Florida Building Code.

3 (a) The Florida Building Commission may approve
4 technical amendments to the code after the amendments have
5 been subjected to the following conditions:

6 1. The proposed amendment has been published on the
7 commission's website for a minimum of 45 days and all the
8 associated documentation has been made available to any
9 interested party before any consideration by any technical
10 advisory committee.

11 2. In order for a technical advisory committee to make
12 a favorable recommendation to the commission, the proposal
13 must receive a three-fourths vote of the members present at
14 the technical advisory committee's meeting, and at least half
15 of the regular members must be present in order to conduct a
16 meeting.

17 3. After consideration by a technical advisory
18 committee and a recommendation for approval of any proposed
19 amendment, the proposal must be published on the commission's
20 website for not less than 45 days before any consideration by
21 the commission.

22 (b) Any proposal may be modified by the commission
23 based on public testimony and evidence from a public hearing
24 held in accordance with chapter 120.

25
26 The commission shall incorporate within sections of the
27 Florida Building Code provisions which address regional and
28 local concerns and variations. The commission shall make every
29 effort to minimize conflicts between the Florida Building
30 Code, the Florida Fire Prevention Code, and the Life Safety
31 Code.

- 1 (4)
- 2 (b) Local governments may, subject to the limitations
3 of this section, adopt amendments to the technical provisions
4 of the Florida Building Code which apply solely within the
5 jurisdiction of such government and which provide for more
6 stringent requirements than those specified in the Florida
7 Building Code, not more than once every 6 months, provided:
- 8 1. The local governing body determines, following a
9 public hearing which has been advertised in a newspaper of
10 general circulation at least 10 days before the hearing, that
11 there is a need to strengthen the requirements of the Florida
12 Building Code. The determination must be based upon a review
13 of local conditions by the local governing body, which review
14 demonstrates that local conditions justify more stringent
15 requirements than those specified in the Florida Building Code
16 for the protection of life and property.
- 17 2. Such additional requirements are not discriminatory
18 against materials, products, or construction techniques of
19 demonstrated capabilities.
- 20 3. Such additional requirements may not introduce a
21 new subject not addressed in the Florida Building Code.
- 22 4. The enforcing agency shall make readily available,
23 in a usable format, all amendments adopted pursuant to this
24 section.
- 25 5. Any amendment to the Florida Building Code shall be
26 transmitted within 30 days by the adopting local government to
27 the commission. The commission shall maintain copies of all
28 such amendments in a format that is usable and obtainable by
29 the public.
- 30 6. Any amendment to the Florida Building Code adopted
31 by a local government pursuant to this paragraph shall be

1 effective only until the adoption by the commission of the new
2 edition of the Florida Building Code every third year. At
3 such time, the commission shall review such amendment for
4 consistency with the criteria in paragraph (6)(a) and adopt
5 such amendment as part of the Florida Building Code or rescind
6 the amendment. The commission shall immediately notify the
7 respective local government of the rescission of any
8 amendment. After receiving such notice, the respective local
9 government may readopt the rescinded amendment pursuant to the
10 provisions of this paragraph.

11 7. Each county and municipality desiring to make local
12 technical amendments to the Florida Building Code shall by
13 interlocal agreement establish a countywide compliance review
14 board to review any amendment to the Florida Building Code,
15 adopted by a local government within the county pursuant to
16 this paragraph, that is challenged by any substantially
17 affected party for purposes of determining the amendment's
18 compliance with this paragraph. If the compliance review board
19 determines such amendment is not in compliance with this
20 paragraph, the compliance review board shall notify such local
21 government of the noncompliance and that the amendment is
22 invalid and unenforceable until the local government corrects
23 the amendment to bring it into compliance. The local
24 government may appeal the decision of the compliance review
25 board to the commission, which shall conduct a hearing under
26 chapter 120 and the uniform rules of procedure. If the
27 compliance review board determines such amendment to be in
28 compliance with this paragraph, any substantially affected
29 party may appeal such determination to the commission, which
30 shall conduct a hearing under chapter 120 and the uniform
31 rules of procedure. Actions of the commission are subject to

1 judicial review pursuant to s. 120.68. The compliance review
2 board shall determine whether its decisions apply to a
3 respective local jurisdiction or apply countywide.

4 8. An amendment adopted under this paragraph shall
5 include a fiscal impact statement which documents the costs
6 and benefits of the proposed amendment. Criteria for the
7 fiscal impact statement shall include the impact to local
8 government relative to enforcement, the impact to property and
9 building owners, as well as to industry, relative to the cost
10 of compliance. The fiscal impact statement may not be used as
11 a basis for challenging the amendment for compliance.

12 9. In addition to subparagraphs 7. and 8., the
13 commission may review any amendments adopted pursuant to this
14 subsection and make nonbinding recommendations related to
15 compliance of such amendments with this subsection.

16 ~~(5) The commission, by rule adopted pursuant to ss.~~
17 ~~120.536(1) and 120.54, shall update the Florida Building Code~~
18 ~~every 3 years.~~The initial adoption of, and any subsequent
19 update or amendment to, the Florida Building Code by the
20 commission is deemed adopted for use statewide without
21 adoptions by local government. For a building permit for which
22 an application is submitted prior to the effective date of the
23 Florida Building Code, the state minimum building code in
24 effect in the permitting jurisdiction on the date of the
25 application governs the permitted work for the life of the
26 permit and any extension granted to the permit.

27 (6) The commission, by rule adopted pursuant to ss.
28 120.536(1) and 120.54, shall update the Florida Building Code
29 every 3 years.When updating the Florida Building Code, the
30 commission shall consider changes made by the adopting entity
31 of any selected model code for any model code incorporated

1 into the Florida Building Code, and may subsequently adopt the
2 new edition or successor of the model code or any part of such
3 code, no sooner than 6 months after such model code has been
4 adopted by the adopting entity, which may then be modified for
5 this state as provided in this section, and shall further
6 consider the commission's own interpretations, declaratory
7 statements, appellate decisions, and approved statewide and
8 local technical amendments. A change made by an institute or
9 standards organization to any standard or criterion that is
10 adopted by reference in the Florida Building Code does not
11 become effective statewide until it has been adopted by the
12 commission. Furthermore, the edition of the Florida Building
13 Code which is in effect on the date of application for ~~of~~ any
14 permit authorized by the code governs the permitted work for
15 the life of the permit and any extension granted to the
16 permit. Any amendment to the Florida Building Code which is
17 adopted upon a finding by the commission that the amendment is
18 necessary to protect the public from immediate threat of harm
19 takes effect immediately.

20 (7)(6)(a) The commission may approve technical
21 amendments to the Florida Building Code once each year for
22 statewide or regional application upon a finding that the
23 amendment:
24 1. Has a reasonable and substantial connection with
25 the health, safety, and welfare of the general public.
26 2. Strengthens or improves the Florida Building Code,
27 or in the case of innovation or new technology, will provide
28 equivalent or better products or methods or systems of
29 construction.

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1 3. Does not discriminate against materials, products,
2 methods, or systems of construction of demonstrated
3 capabilities.

4 4. Does not degrade the effectiveness of the Florida
5 Building Code.

6
7 Furthermore, the Florida Building Commission may approve
8 technical amendments to the code once each year to incorporate
9 into the Florida Building Code its own interpretations of the
10 code which are embodied in its opinions and declaratory
11 statements. Amendments approved under this paragraph shall be
12 adopted by rule pursuant to ss. 120.536(1) and 120.54, after
13 the amendments have been subjected to the requirements of
14 subsection (3).

15 (b) A proposed amendment shall include a fiscal impact
16 statement which documents the costs and benefits of the
17 proposed amendment. Criteria for the fiscal impact statement
18 shall be established by rule by the commission and shall
19 include the impact to local government relative to
20 enforcement, the impact to property and building owners, as
21 well as to industry, relative to the cost of compliance.

22 (c) The commission may not approve any proposed
23 amendment that does not accurately and completely address all
24 requirements for amendment which are set forth in this
25 section.

26 (8)~~(7)~~ The following buildings, structures, and
27 facilities are exempt from the Florida Building Code as
28 provided by law, and any further exemptions shall be as
29 determined by the Legislature and provided by law:

30 (a) Buildings and structures specifically regulated
31 and preempted by the Federal Government.

1 (b) Railroads and ancillary facilities associated with
2 the railroad.

3 (c) Nonresidential farm buildings on farms.

4 (d) Temporary buildings or sheds used exclusively for
5 construction purposes.

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

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

13 (g) Temporary sets, assemblies, or structures used in
14 commercial motion picture or television production, or any
15 sound-recording equipment used in such production, on or off
16 the premises.

17 (h) Manufactured storage sheds which are not designed
18 for human habitation and that have a floor area of 720 square
19 feet or less are not required to comply with the mandatory
20 wind-borne-debris impact standards of the Florida Building
21 Code.

22
23 With the exception of paragraphs (a), (b), (c), and (f), in
24 order to preserve the health, safety, and welfare of the
25 public, the Florida Building Commission may, by rule adopted
26 pursuant to chapter 120, provide for exceptions to the broad
27 categories of buildings exempted in this section, including
28 exceptions for application of specific sections of the code or
29 standards adopted therein. The Department of Agriculture and
30 Consumer Services shall have exclusive authority to adopt by
31 rule, pursuant to chapter 120, exceptions to nonresidential

1 farm buildings exempted in paragraph (c) when reasonably
2 necessary to preserve public health, safety, and welfare. The
3 exceptions must be based upon specific criteria, such as
4 under-roof floor area, aggregate electrical service capacity,
5 HVAC system capacity, or other building requirements. Further,
6 the commission may recommend to the Legislature additional
7 categories of buildings, structures, or facilities which
8 should be exempted from the Florida Building Code, to be
9 provided by law.

10 Section 8. Paragraphs (e) and (h) of subsection (1)
11 and subsection (6) of section 553.77, Florida Statutes, as
12 amended by chapters 98-287 and 2000-141, Laws of Florida, are
13 amended, and subsection (7) is added to said section, to read:

14 553.77 Specific powers of the commission.--

15 (1) The commission shall:

16 (e) When requested in writing by any substantially
17 affected person, state agency, or a local enforcing agency,
18 shall issue declaratory statements pursuant to s. 120.565
19 relating to this part and ss. 515.25, 515.27, 515.29, and
20 515.37. Actions of the commission are subject to judicial
21 review pursuant to s. 120.68.

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

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

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

3 3. Hearings shall be conducted pursuant to chapter 120
4 and the uniform rules of procedure, and decisions ~~Actions~~ of
5 the commission are subject to judicial review pursuant to s.
6 120.68.

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

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

28 Section 9. Subsections (2) and (6) of section 553.79,
29 Florida Statutes, as amended by chapters 98-287 and 2000-141,
30 Laws of Florida, are amended to read:

31 553.79 Permits; applications; issuance; inspections.--

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

1 plans and specifications for such proposal comply with the
2 provisions of the Florida Building Code and the Florida Fire
3 Prevention Code and the Life Safety Code as determined by the
4 local authority in accordance with this chapter and chapter
5 633.

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

17 Section 10. Effective upon this act becoming a law,
18 section 553.8412, Florida Statutes, is created to read:

19 553.8412 Legislative intent; delivery of training;
20 outsourcing.--

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

31

1 (2) Not more than 60 days after the effective date of
2 this section, the Florida Building Commission and the
3 department shall provide for statewide outreach for training
4 in the Florida Building Code. The Florida Building Commission
5 and the department shall achieve statewide outreach for
6 training through organizations, including, but not limited to,
7 existing licensee trade and professional associations. The
8 Florida Building Commission or the department may not exclude
9 participation in statewide outreach by any trade or
10 professional association which has as its primary constituency
11 members who are required to comply with the training
12 requirements of the Florida Building Code. Wherever possible
13 and by contract pursuant to s. 287.057, the Florida Building
14 Commission and the department shall outsource components,
15 outreach, and coordination of training and the training itself
16 to prevent duplication and ensure the most expeditious and
17 consistent delivery and minimize administrative costs to the
18 commission and the department. Nothing in this section shall
19 prohibit any qualified entity from providing training in the
20 Florida Building Code.

21 (3) To the extent available, funding for outreach,
22 coordination of training, or training may come from existing
23 resources. If necessary, the Florida Building Commission or
24 the department may seek additional or supplemental funds
25 pursuant to s. 215.559. Nothing in this section shall
26 preclude the Florida Building Commission from charging a fee
27 for the training course meeting the intent of s. 553.841(5).

28 (4) This section is repealed June 30, 2003, unless
29 reenacted before that date.

30 Section 11. Effective July 1, 2001, section 553.842,
31 Florida Statutes, is amended to read:

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.
8 The product evaluation and approval system shall provide:
9 (a) Appropriate promotion of innovation and new
10 technologies.
11 (b) Processing submittals of products from
12 manufacturers in a timely manner.
13 (c) Independent, third-party qualified and accredited
14 testing and laboratory facilities, product evaluation
15 entities, quality assurance agencies, certification agencies,
16 and validation agencies.
17 (d) An easily accessible product acceptance list to
18 entities subject to the Florida Building Code.
19 (e) Development of stringent but reasonable testing
20 criteria based upon existing consensus standards, when
21 available, for products.
22 (f) Long-term approvals, where feasible. State and
23 local approvals shall be valid until the requirements of the
24 code on which the approval is based change, the product
25 changes, or the approval is revoked.
26 (g) Criteria for ~~Recall or~~ revocation of a product
27 approval.
28 (h) Cost-effectiveness.
29 (2) The product evaluation and approval system shall
30 rely on regional, national, and international consensus
31 standards, whenever adopted by the Florida Building Code, for

1 demonstrating compliance with code standards. Other standards
2 which meet or exceed established state requirements shall also
3 be considered.

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

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

27 (5) ~~Statewide and~~ Local approval of products or
28 methods or systems of construction may shall be achieved by
29 the local building official through building plans review and
30 inspection to determine that the product, method, or system of
31 construction complies with the prescriptive standards

1 established in the code. Alternatively, local approval may be
2 achieved by one of the methods established in subsection (6).

3 (6) Statewide or local approval of products or methods
4 or systems of construction may be achieved by one of the
5 following methods, one of which shall be used by local
6 officials or the commission to approve panel walls, exterior
7 doors, roofing, skylights, windows, shutters, and structural
8 components as established by the commission by rule:

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

18 1. A certification mark or listing of an approved
19 certification agency;

20 2. A test report from an approved testing laboratory;

21 3. A product evaluation report based upon testing or
22 comparative or rational analysis, or a combination thereof,
23 from an approved product evaluation entity; or

24 4. A product evaluation report based upon testing or
25 comparative or rational analysis, or a combination thereof,
26 developed and signed and sealed by a professional engineer or
27 architect, licensed in this state, who has no conflict of
28 interest, as established by the commission by rule.

29 (b) Products or methods or systems of construction for
30 which there are no specific standardized testing or
31 comparative or rational analysis methods established in the

1 code may be approved by submittal and validation of one of the
2 following:

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

11 2. A product evaluation report based upon testing or
12 comparative or rational analysis, or a combination thereof,
13 developed and signed and sealed by a professional engineer or
14 architect licensed in this state who has no conflict of
15 interest, as established by the commission by rule, and who
16 certifies that the product or method or system of construction
17 is, for the purpose intended, at least equivalent to that
18 required by the Florida Building Code.

19 (7) The commission shall ensure that product
20 manufacturers operate quality assurance programs for all
21 approved products. The commission shall adopt by rule criteria
22 for operation of such quality assurance programs.

23 (8) For local approvals, validation shall be performed
24 by the local building official. The commission shall adopt by
25 rule criteria constituting complete validation by the local
26 official. For state approvals, validation shall be performed
27 by validation entities approved by the commission. The
28 commission shall adopt by rule criteria for approval of
29 validation entities, which shall be third-party entities
30 independent of the product's manufacturer and which shall
31

1 certify to the commission the product's compliance with the
2 code.
3 (9) The commission may adopt rules to approve the
4 following types of entities that produce information on which
5 product approvals are based:
6 (a) Evaluation entities that meet the criteria for
7 approval adopted by the commission by rule. The commission
8 shall specifically approve the National Evaluation Service,
9 the International Conference of Building Officials Evaluation
10 Services, the Building Officials and Code Administrators
11 International Evaluation Services, the Southern Building Code
12 Congress International Evaluation Services, and the Miami-Dade
13 County Building Code Compliance Office Product Control.
14 (b) Testing laboratories accredited by national
15 organizations such as A2LA and the National Voluntary
16 Laboratory Accreditation Program or accredited by evaluation
17 entities approved under paragraph (a) and laboratories that
18 comply with other guidelines for testing laboratories selected
19 by the commission and adopted by rule.
20 (c) Quality-assurance entities approved by evaluation
21 entities approved under paragraph (a) and by certification
22 agencies approved under paragraph (d) and other
23 quality-assurance entities that comply with guidelines
24 selected by the commission and adopted by rule.
25 (d) Certification agencies accredited by nationally
26 recognized accreditors and other certification agencies that
27 comply with guidelines selected by the commission and adopted
28 by rule.
29 (e) Validation entities that comply with accreditation
30 standards established by the commission by rule.†
31

1 ~~(a) Submittal and validation of a product evaluation~~
2 ~~report from an approved product evaluation entity indicating~~
3 ~~the product or method or system of construction was tested to~~
4 ~~be in compliance with the Florida Building Code or with the~~
5 ~~intent of the Florida Building Code and the product or method~~
6 ~~or system of construction is, for the purpose intended, at~~
7 ~~least equivalent of that required by the Florida Building~~
8 ~~Code; or~~

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

19 ~~(10)(6)~~ A building official may deny the local
20 application of a product or method or system of construction
21 which has received statewide approval, based upon a written
22 report signed by the official that concludes the product
23 application is inconsistent with the statewide approval and
24 that states the reasons the application is inconsistent. Such
25 denial is subject to the provisions of s. 553.77 governing
26 appeals of the building official's interpretation of the code.

27 ~~(11)(7)~~ Products, other than manufactured buildings,
28 which are custom fabricated or assembled shall not require
29 separate approval under this section provided the component
30 parts have been approved for the fabricated or assembled
31 product's use and the components meet the standards and

1 requirements of the Florida Building Code which applies to the
2 product's intended use.

3 (12)~~(8)~~ A building official may appeal the required
4 approval for local use of a product or method or system of
5 construction to the commission. The commission shall conduct a
6 hearing under chapter 120 and the uniform rules of procedure
7 and shall ~~establish expedited procedures to~~ handle such
8 appeals in an expedited manner.

9 (13)~~(9)~~ The decisions of local building officials
10 shall be appealable to the local board of appeals, if such
11 board exists, and then to the commission, which shall conduct
12 a hearing under chapter 120 and the uniform rules of
13 procedure. Decisions of the commission regarding statewide
14 product approvals and appeals of local product approval shall
15 be subject to judicial review pursuant to s. 120.68.

16 (14)~~(10)~~ The commission shall maintain a list of the
17 state-approved ~~approved~~ products, and product evaluation
18 entities, testing laboratories, quality-assurance agencies,
19 certification agencies, and validation entities and make such
20 lists ~~list~~ available in the most cost-effective manner. The
21 commission shall establish reasonable timeframes associated
22 with the product approval process and availability of the
23 list.

24 (15) The commission shall establish by rule criteria
25 for revocation of product approvals as well as revocation of
26 approvals of product evaluation entities, testing
27 laboratories, quality-assurance entities, certification
28 agencies, and validation entities. Revocation is governed by
29 s. 120.60 and the uniform rules of procedure.

30 (16) The commission shall establish a schedule for
31 adoption of the rules required in this section to ensure that

1 the product manufacturing industry has sufficient time to
2 revise products to meet the requirements for approval and
3 submit the products for testing or evaluation before the
4 system takes effect on October 1, 2003, and to ensure that the
5 availability of statewide approval is not delayed.

6 ~~(11) The commission may establish reasonable and~~
7 ~~appropriate fees for the review of rational analyses and~~
8 ~~certification of manufactured buildings submitted pursuant to~~
9 ~~this section and may enter into any contracts the commission~~
10 ~~deems necessary in order to implement this section.~~

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

16
17 ~~For purposes of this section, an approved product evaluation~~
18 ~~entity is an entity that has been accredited by a nationally~~
19 ~~recognized independent evaluation authority or entity~~
20 ~~otherwise approved by the commission.~~

21 Section 12. Effective July 1, 2001, subsection (2) of
22 section 553.895, Florida Statutes, is amended to read:

23 553.895 Firesafety.--

24 (2) Except for single-family and two-family dwellings,
25 any building which is of three stories or more and for which
26 the construction contract is let after January 1, 1994,
27 regardless of occupancy classification and including any
28 building which is subject to s. 509.215, shall be equipped
29 with an automatic sprinkler system installed in compliance
30 with the provisions of chapter 633 and the rules and codes
31 adopted pursuant thereto. A stand-alone parking garage

1 constructed with noncombustible materials, the design of which
2 is such that all levels of the garage are uniformly open to
3 the atmosphere on all sides with percentages of openings as
4 prescribed in the applicable building code, and which parking
5 garage is separated from other structures by at least 20 feet,
6 is exempt from the requirements of this subsection.
7 Telecommunications spaces located within telecommunications
8 buildings, if the spaces are equipped to meet an equivalent
9 fire-prevention standard approved by both the Florida Building
10 Commission and the State Fire Marshal, are exempt from the
11 requirements of this subsection. In a building less than 75
12 feet in height which is protected throughout with an approved
13 and maintained fire sprinkler system, a manual wet standpipe,
14 as defined in the National Fire Protection Association
15 Standard 14, Standard for the Installation of Standpipe,
16 Private Hydrant, and Hose Systems, shall be allowed.

17 Section 13. The Florida Building Commission shall
18 research the issue of adopting a rehabilitation code for the
19 state and shall report to the Legislature before the 2002
20 Regular Session regarding the feasibility of adopting such a
21 code. The commission shall review the rehabilitation codes
22 adopted by other states as part of its research.

23 Section 14. The Florida Building Commission shall
24 research the issue of requiring all primary elevators in
25 buildings with more than five levels to operate with a
26 universal key for purposes of allowing access and operation by
27 emergency personnel. The commission shall report its
28 recommendations to the Legislature before the 2002 Regular
29 Session.

30 Section 15. Notwithstanding the effective date
31 specified in the sections or directories of sections of the

1 Laws of Florida specified in this section, effective upon the
2 earlier of June 30, 2001, or the date this act becomes a law,
3 the effective date of:

4 (1) Sections 1, 2, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18,
5 21, 24, 29, 31, 32, 34, 36, 38, 40, 44, 46, 47, 49, 51, and 56
6 of chapter 98-287, Laws of Florida, as amended by chapter
7 2000-141, Laws of Florida;

8 (2) Section 61 of chapter 98-419, Laws of Florida, as
9 amended by chapter 2000-141, Laws of Florida; and

10 (3) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14,
11 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 32,
12 36, 39, 44, 47, 48, 49, 52, 54, 56, 58, 59, 60, 62, 70, 71,
13 72, 75, 79, 81, 84, 86, 87, 88, 91, 92, 93, and 94 of chapter
14 2000-141, Laws of Florida,

15
16 is changed from July 1, 2001, to October 1, 2001.

17 Section 16. Effective upon this act becoming a law,
18 section 135 of chapter 2000-141, Laws of Florida, is amended
19 to read:

20 Section 135. Effective ~~October~~ July 1, 2001,
21 subsection (2) of section 255.21, Florida Statutes, paragraphs
22 (d) and (e) of subsection (1) of section 395.1055, Florida
23 Statutes, and subsection (11) of section 553.79, Florida
24 Statutes, are repealed.

25 Section 17. Effective upon this act becoming a law,
26 subsection (2) of section 62 of chapter 98-287, Laws of
27 Florida, as amended by section 107 of chapter 2000-141, Laws
28 of Florida, is amended to read:

29 Section 107. Section 62 of chapter 98-287, Laws of
30 Florida, is amended to read:

31 Section 62.

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

9 Section 18. Effective upon this act becoming a law,
10 section 68 of chapter 98-287, Laws of Florida, as amended by
11 section 108 of chapter 2000-141, Laws of Florida, is amended
12 to read:

13 Section 108. Section 68 of chapter 98-287, Laws of
14 Florida, is amended to read:

15 Section 68. Effective ~~October~~ July 1, 2001, parts I,
16 II, and III of chapter 553, Florida Statutes, consisting of
17 sections 553.01, 553.02, 553.03, 553.04, 553.041, 553.05,
18 553.06, 553.07, 553.08, 553.10, 553.11, 553.14, 553.15,
19 553.16, 553.17, 553.18, 553.20, 553.21, 553.22, 553.23,
20 553.24, 553.25, 553.26, 553.27, and 553.28, Florida Statutes,
21 are repealed, section 553.141, Florida Statutes, is
22 transferred and renumbered as section 553.86, Florida
23 Statutes.

24 Section 19. Funds that are available under ss.
25 489.109(3) and 489.509(3), Florida Statutes, shall be
26 allocated and expended by the Florida Building Commission as
27 provided in this section.

28 (1) The Florida Building Commission shall appoint
29 those members of the Building Construction Industry Advisory
30 Committee on October 1, 2001, as established by Rule
31 6A-10.029, Florida Administrative Code, to the Education

1 Technical Advisory Committee of the Florida Building
2 Commission to complete their terms of office. Members of the
3 Florida Building Commission shall also be appointed to the
4 Education Technical Advisory Committee. The members of the
5 committee shall broadly represent the building construction
6 industry and the committee shall consist of no fewer than 10
7 members. The chair of the Florida Building Commission shall
8 annually designate the chair of the committee. The terms of
9 committee members shall be 2 years each and members may be
10 reappointed at the discretion of the Florida Building
11 Commission.

12 (2) The Educational Technical Advisory Committee
13 shall:

14 (a) Advise the commission on any policies or
15 procedures needed to administer ss. 489.109(3) and 489.509(3),
16 Florida Statutes.

17 (b) Advise the commission on administering s. 553.841,
18 Florida Statutes.

19 (c) Advise the commission on areas of priority for
20 which funds should be expended for research and continuing
21 education.

22 (d) Review all proposed research and continuing
23 education projects and recommend to the commission projects
24 that should be funded and the amount of funds to be provided
25 for each project.

26 (3) Each biennium, upon receipt of funds by the
27 Department of Community Affairs from the Construction Industry
28 Licensing Board and the Electrical Contractors' Licensing
29 Board provided under ss. 489.109(3) and 489.509(3), Florida
30 Statutes, the commission shall determine the amount of funds
31 available for research projects from the proceeds of

1 contractor licensing fees and identify, solicit, and accept
2 funds from other sources for research and continuing education
3 projects.

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

8 Section 20. (1) The Florida Building Commission shall
9 convene an ad hoc subcommittee composed of 11 members
10 appointed by the chair of the commission, consisting of:

11 (a) Five members from the Building Officials
12 Association of Florida.

13 (b) Two members from the Associated General
14 Contractors of Florida.

15 (c) One member from the Florida Homebuilders
16 Association.

17 (d) One member from the Florida Engineering Society.

18 (e) One member from the American Institute of
19 Architects.

20 (f) One Insurance Industry Representative.

21 (2) The subcommittee shall meet at least four times
22 prior to January 1, 2002. Members may participate in any
23 meeting via telephone conference if the technology is
24 available at the meeting location. Members shall serve on a
25 voluntary basis, without compensation and without
26 reimbursement of per diem and travel expenses.

27 (3) The subcommittee shall examine the various
28 processes used by local building officials throughout the
29 state in conducting plans review for the construction,
30 alteration, repair, or improvement of real property and
31 approving building permit applications, as well as those

1 processes used by local building officials in conducting
2 required inspections for construction, alteration, repair, or
3 improvement of real property and issuing certificates of
4 occupancy. The subcommittee shall make recommendations on the
5 following:

6 (a) A procedure by which the public could elect to
7 engage an engineer or architect to perform plans review and
8 inspection for the construction, alteration, repair, or
9 improvement of real property.

10 (b) The appropriate role of the local building
11 official under such procedure and in the resulting issuance of
12 a building permit and certificate of occupancy.

13 (4) The ad hoc subcommittee shall submit to the
14 Florida Building Commission its recommendations and findings
15 by January 1, 2002. The commission shall submit to the
16 Governor, the Speaker of the House of Representatives, and the
17 President the Senate, before the beginning of the next regular
18 session of the Legislature, a report of its findings, which
19 shall include the recommendations of the ad hoc committee.

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

22 Section 21. Subsection (14) of section 316.515,
23 Florida Statutes, is amended to read:

24 316.515 Maximum width, height, length.--

25 (14) MANUFACTURED BUILDINGS.--The Department of
26 Transportation may, in its discretion and upon application and
27 good cause shown therefor that the same is not contrary to the
28 public interest, issue a special permit for truck
29 tractor-semitrailer combinations where the total number of
30 overwidth deliveries of manufactured buildings, as defined in
31

1 s. 553.36(12)(~~11~~), may be reduced by permitting the use of an
2 overlength trailer of no more than 54 feet.

3 Section 22. Subsections (1) and (5) of section
4 627.702, Florida Statutes, are amended to read:

5 627.702 Valued policy law.--

6 (1) In the event of the total loss of any building,
7 structure, mobile home as defined in s. 320.01(2), or
8 manufactured building as defined in s. 553.36(12)(~~11~~), located
9 in this state and insured by any insurer as to a covered
10 peril, in the absence of any change increasing the risk
11 without the insurer's consent and in the absence of fraudulent
12 or criminal fault on the part of the insured or one acting in
13 her or his behalf, the insurer's liability, if any, under the
14 policy for such total loss shall be in the amount of money for
15 which such property was so insured as specified in the policy
16 and for which a premium has been charged and paid.

17 (5) This section does not apply as to personal
18 property or any interest therein, except with respect to
19 mobile homes as defined in s. 320.01(2) or manufactured
20 buildings as defined in s. 553.36(12)(~~11~~). Nor does this
21 section apply to coverage of an appurtenant structure or other
22 structure or any coverage or claim in which the dollar amount
23 of coverage available as to the structure involved is not
24 directly stated in the policy as a dollar amount specifically
25 applicable to that particular structure.

26 Section 23. Subsection (2) of section 553.77, Florida
27 Statutes, as amended by chapters 98-287 and 2000-141, Laws of
28 Florida, is repealed.

29 Section 24. Except as otherwise provided herein, this
30 act shall take effect October 1, 2001.

31