

1 A bill to be entitled
2 An act relating to the Florida Building Code;
3 amending s. 235.061, F.S.; delaying the date
4 for rule requirements; amending s. 235.212,
5 F.S.; specifying window standards for
6 relocatable classrooms; amending s. 255.31,
7 F.S.; exempting certain facilities from plans
8 review and inspections by local jurisdictions;
9 amending s. 399.061, F.S.; revising provisions
10 relating to the inspection of elevators;
11 amending s. 373.323, F.S.; authorizing water
12 well contractors to install, repair, or modify
13 specified equipment in accordance with the
14 code; amending s. 489.509, F.S.; transferring
15 specified licensing fees from the Department of
16 Education to the Department of Community
17 Affairs; amending s. 553.36, defining the term
18 "factory-built school shelter"; amending s.
19 553.415, F.S.; delaying the date for inclusion
20 of the Uniform Code for Public Education
21 Facilities in the Florida Building Code;
22 providing for the department to approve plans
23 for factory-built school shelters; authorizing
24 districts to charge inspection fees;
25 authorizing approved inspection entities to
26 conduct inspections of factory-built school
27 buildings while they are under construction;
28 delaying the deadline for inspecting
29 factory-built buildings currently in use;
30 amending ss. 553.505, 553.507, F.S.; conforming
31 cross-references; amending s. 553.73, F.S.;

1 providing for the uniform implementation of
2 parts of the residential swimming pool safety
3 act; providing a process for the approval of
4 technical amendments to the code; providing for
5 the treatment of permit applications submitted
6 prior to the effective date of the code;
7 exempting specified structures from the
8 wind-borne-debris-impact standards of the
9 Florida Building Code; amending s. 553.77,
10 F.S.; requiring the commission to issue
11 specified declaratory statements; providing for
12 hearings; providing for rules for plan review
13 of prototype buildings; authorizing the
14 commission to produce a commentary to accompany
15 the Florida Building Code; amending s. 553.79,
16 F.S.; requiring the code to establish standards
17 for preliminary construction; amending s.
18 553.84, F.S.; providing for nonapplication of
19 certain civil action provisions under certain
20 circumstances; creating s. 553.8412, F.S.;
21 providing for statewide outreach for training
22 on the code; amending s. 553.842, F.S.;
23 providing methods for local and statewide
24 approval of products, methods, and systems of
25 construction; providing rulemaking authority;
26 amending s. 553.895, F.S.; exempting specified
27 spaces within telecommunications buildings
28 under specified circumstances; allowing the use
29 of a manual wet standpipe under certain
30 circumstances; directing the commission to
31 research some issues and provide reports to the

1 Legislature; amending s. 135 of ch. 2000-141,
2 Laws of Florida, and ss. 62(2) and 68 of ch.
3 98-287, Laws of Florida, as amended; providing
4 an effective date for the Florida Building
5 Code; requiring that the Florida Building
6 Commission appoint members to the commission's
7 Education Technical Advisory Committee;
8 specifying duties of the advisory committee;
9 providing for the carryforward of funds
10 collected for research projects; requiring the
11 Florida Building Commission to convene an ad
12 hoc subcommittee to recommend procedures for
13 engaging an engineer or architect to perform
14 plans review and inspections; requiring
15 recommendations for the role of local building
16 officials in issuing building permits and
17 certificates of occupancy; providing for
18 appointment of members; providing for meetings
19 and staff support by the Department of
20 Community Affairs; requiring a report to the
21 Governor and the Legislature by a specified
22 date; amending s. 627.0629, F.S.; providing a
23 date certain for insurance companies to file
24 rate filings; amending s. 663.0215, F.S.;
25 delaying the date on which the State Fire
26 Marshal is required to adopt a statewide
27 firesafety code; providing an appropriation;
28 providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

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

3 235.061 Standards for relocatables used as classroom
4 space; inspections.--

5 (1) The Commissioner of Education shall adopt rules
6 establishing standards for relocatables intended for long-term
7 use as classroom space at a public elementary school, middle
8 school, or high school. "Long-term use" means the use of
9 relocatables at the same educational plant for a period of 4
10 years or more. These rules must be implemented by July 1,
11 1998, and each relocatable acquired by a district school board
12 after the effective date of the rules and intended for
13 long-term use must comply with the standards. The rules shall
14 require that, by July 1, 2002 ~~July 1, 2001~~, relocatables that
15 fail to meet the standards may not be used as classrooms. The
16 standards shall protect the health, safety, and welfare of
17 occupants by requiring compliance with the Uniform Building
18 Code for Public Educational Facilities or other locally
19 adopted state minimum building codes to ensure the safety and
20 stability of construction and onsite installation; fire and
21 moisture protection; air quality and ventilation; appropriate
22 wind resistance; and compliance with the requirements of the
23 Americans with Disabilities Act of 1990. If appropriate, the
24 standards must also require relocatables to provide access to
25 the same technologies available to similar classrooms within
26 the main school facility and, if appropriate, to be accessible
27 by adequate covered walkways. By July 1, 2000, the
28 commissioner shall adopt standards for all relocatables
29 intended for long-term use as classrooms. A relocatable that
30 is subject to this section and does not meet the standards
31

1 shall not be reported as providing satisfactory student
2 stations in the Florida Inventory of School Houses.

3 (2) Annual inspections for all satisfactory
4 relocatables designed for classroom use or being occupied by
5 students are required for: foundations; tie-downs; structural
6 integrity; weatherproofing; HVAC; electrical; plumbing, if
7 applicable; firesafety; and accessibility. Reports shall be
8 filed with the district school board and posted in each
9 respective relocatable in order to facilitate corrective
10 action.

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

14 235.212 Low-energy use design; solar energy systems;
15 swimming pool heaters.--

16 (1)(a) Passive design elements and low-energy usage
17 features shall be included in the design and construction of
18 new educational facilities. Operable glazing consisting of at
19 least 5 percent of the floor area shall be placed in each
20 classroom located on the perimeter of the building. For
21 relocatable classroom facilities, the area of operable glazing
22 and the area of exterior doors together shall consist of at
23 least 5 percent of the floor area. Operable glazing is not
24 required in community colleges, auxiliary facilities, music
25 rooms, gyms, locker and shower rooms, special laboratories
26 requiring special climate control, and large group instruction
27 areas having a capacity of more than 100 persons.

28 (b) In the remodeling and renovation of educational
29 facilities which have existing natural ventilation, adequate
30 sources of natural ventilation shall be retained, or a
31 combination of natural and low-energy usage mechanical

1 equipment shall be provided that will permit the use of the
2 facility without air-conditioning or heat when ambient
3 conditions are moderate. However, the Commissioner of
4 Education is authorized to waive this requirement when
5 environmental conditions, particularly noise and pollution
6 factors, preclude the effective use of natural ventilation.

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

10 255.31 Authority to the Department of Management
11 Services to manage construction projects for state and local
12 governments.--

13 (1) The design, construction, erection, alteration,
14 modification, repair, and demolition of all public and private
15 buildings are governed by the Florida Building Code and the
16 Florida Fire Prevention Code, which are to be enforced by
17 local jurisdictions or local enforcement districts unless
18 specifically exempted as provided in s. 553.80. However, the
19 Department of Management Services shall provide the project
20 management and administration services for the construction,
21 renovation, repair, modification, or demolition of buildings,
22 utilities, parks, parking lots, or other facilities or
23 improvements for projects for which the funds are appropriated
24 to the department; provided that, with the exception of
25 facilities constructed under the authority of chapters 944,
26 945, ~~and~~ 985, the Governor's mansion and grounds thereof as
27 described in s. 272.18, and the Capitol Building and environs,
28 being that part of the city of Tallahassee bounded on the
29 north by Pensacola and Jefferson Streets, on the east by
30 Monroe Street, on the south by Madison Street and on the west
31 by Duval Street, the department may not conduct plans reviews

1 or inspection services for consistency with the Florida
2 Building Code. The department's fees for such services shall
3 be paid from such appropriations.

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

7 399.061 Inspections; correction of deficiencies.--

8 (1)(a) All elevators or other conveyances subject to
9 this chapter must be annually inspected by a certified
10 elevator inspector through a third-party inspection service,
11 or by a municipality or county under contract with the
12 division pursuant to s. 399.13. If the elevator or other
13 conveyance is by a third-party inspection service certified
14 as a qualified elevator inspector or maintained pursuant to a
15 service maintenance contract continuously in force, it shall
16 be inspected at least once every two years by a certified
17 elevator inspector not employed by or otherwise associated
18 with the maintenance company; however, if the elevator is not
19 an escalator or a dumbwaiter and the elevator serves only two
20 adjacent floors and is covered by a service maintenance
21 contract, no inspection shall be required so long as the
22 service contract remains in effect. A statement verifying the
23 existence, performance, and cancellation of each service
24 maintenance contract must be filed annually with the division
25 as prescribed by rule. All elevators covered by a service
26 maintenance contract shall be inspected by a
27 certificate-of-competency holder at least once every 2 years;
28 however, if the elevator is not an escalator or a dumbwaiter
29 and the elevator serves only two adjacent floors and is
30 covered by a service maintenance contract, no inspection shall
31 be required so long as the service contract remains in effect.

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

4 (2) The division may ~~shall~~ employ state elevator
5 inspectors to conduct the inspections as required by
6 subsection (1) and may charge an inspection fee for each
7 inspection sufficient to cover the costs of that inspection,
8 as provided by rule. Each state elevator inspector shall hold
9 a certificate of competency issued by the division.

10 Section 5. Subsection (10) is added to section
11 373.323, Florida Statutes, to read:

12 373.323 Licensure of water well contractors;
13 application, qualifications, and examinations; equipment
14 identification.--

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

22 Section 6. Effective upon this act becoming a law,
23 subsection (3) of section 489.509, Florida Statutes, is
24 amended to read:

25 489.509 Fees.--

26 (3) Four dollars of each fee under subsection (1) paid
27 to the department at the time of application or renewal shall
28 be transferred at the end of each licensing period to the
29 Department of Community Affairs ~~Education~~ to fund projects
30 relating to the building construction industry or continuing
31 education programs offered to persons engaged in the building

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

29 Section 7. Effective upon this act becoming a law,
30 present subsections (7) through (15) of section 553.36,
31 Florida Statutes, are redesignated as subsections (8) through

1 (16), respectively, and a new subsection (7) is added to that
2 section, to read:

3 553.36 Definitions.--The definitions contained in this
4 section govern the construction of this part unless the
5 context otherwise requires.

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

12 Section 8. Effective upon this act becoming a law,
13 subsections (1), (5), (7), (8), (9), (11) and (13) of section
14 553.415, Florida Statutes, are amended to read:

15 553.415 Factory-built school buildings.--

16 (1) It is the purpose of this section to provide an
17 alternative procedure for the construction and installation of
18 factory-built school buildings designed or intended for use as
19 school buildings. As used in this section, the term
20 "factory-built school building" means any building designed or
21 intended for use as a school building, which is in whole or in
22 part, manufactured at an offsite facility in compliance with
23 the State Uniform Code for Public Educational Facilities and
24 Department of Education rule, effective on January 5, 2000.
25 After January 1, 2002 ~~July 1, 2001~~, the Uniform Code for
26 Public Educational Facilities shall be incorporated into the
27 Florida Building Code, including specific requirements for
28 Public Educational Facilities and the Department of Education
29 rule, effective on January 5, 2000. For the purpose of this
30 section, factory-built school buildings include prefabricated
31 educational facilities, factory-built educational facilities,

1 and modular-built educational facilities, that are designed to
2 be portable, relocatable, demountable, or reconstructible; are
3 used primarily as classrooms or the components of an entire
4 school; and do not fall under the provisions of ss.
5 320.822-320.862.

6 (5) The department, in accordance with the standards
7 and procedures adopted pursuant to this section and as such
8 standards and procedures may thereafter be modified, shall
9 approve or reject such plans, specifications, and methods of
10 construction. Approval shall not be given unless such plans,
11 specifications, and methods of construction are in compliance
12 with the State Uniform Building Code for Public Educational
13 Facilities and department rule. After January 1, 2002 ~~July 1,~~
14 ~~2001~~, the Uniform Code for Public Educational facilities shall
15 be incorporated into the Florida Building Code, including
16 specific requirements for public educational facilities and
17 department rule.

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

26 (8) Any amendment to the State Uniform Code for Public
27 Educational Facilities, and after January 1, 2002 ~~July 1,~~
28 ~~2001~~, the Florida Building Code, shall become effective 180
29 days after the amendment is filed with the Secretary of State.
30 Notwithstanding the 180-day delayed effective date, the
31 manufacturer shall submit and obtain a revised approved plan

1 within the 180 days. A revised plan submitted pursuant to
2 this subsection shall be processed as a renewal or revision
3 with appropriate fees. A plan submitted after the period of
4 time provided shall be processed as a new application with
5 appropriate fees.

6 (9) The school district or community college district
7 for which any factory-built school building is constructed or
8 altered after July 1, 2001, shall provide for periodic
9 inspection of the proposed factory-built school building
10 during each phase of construction or alteration. The inspector
11 shall act under the direction of the governing board for
12 employment purposes. Nothing in this subsection shall prevent
13 a school district or community college district from
14 purchasing or otherwise using a factory-built school building
15 that has been inspected during all phases of construction or
16 alteration conducted after July 1, 2002, by another school
17 district or community college or by an approved inspection
18 agency certified pursuant to s. 553.36(2). If a factory-built
19 school building is constructed or altered for an entity other
20 than a school district or community college district, such
21 entity may employ at its election a school district, community
22 college district, or such approved inspection agency to
23 conduct such inspections. A school district or community
24 college district so employed may charge such entity for
25 services at reasonable rates comparable to those charged for
26 similar services by approved inspection agencies.

27 (11) The department shall develop a unique
28 identification label to be affixed to all newly constructed
29 factory-built school buildings and existing factory-built
30 school buildings which have been brought into compliance with
31 the standards for existing "satisfactory" buildings pursuant

1 to chapter 5 of the Uniform Code for Public Educational
2 Facilities, and after January 1, 2002 ~~July 1, 2001~~, the
3 Florida Building Code. The department may charge a fee for
4 issuing such labels. Such labels, bearing the department's
5 name and state seal, shall at a minimum, contain:

6 (a) The name of the manufacturer.

7 (b) The standard plan approval number or alteration
8 number.

9 (c) The date of manufacture or alteration.

10 (d) The serial or other identification number.

11 (e) The following designed-for loads: lbs. per square
12 foot live load; lbs. per square foot floor live load; lbs. per
13 square foot horizontal wind load; and lbs. per square foot
14 wind uplift load.

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

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

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

19 (13) As of July 1, 2001, all ~~existing and~~ newly
20 constructed factory-built school buildings shall bear a label
21 pursuant to subsection (12). As of July 1, 2002, existing
22 factory-built school buildings, and manufactured buildings
23 used as classrooms, not bearing such label shall not be used
24 as classrooms pursuant to s. 235.061.

25 Section 9. Effective July 1, 2001, section 553.505,
26 Florida Statutes, is amended to read:

27 553.505 Exceptions to applicability of the Americans
28 with Disabilities Act.--Notwithstanding the Americans with
29 Disabilities Act of 1990, private clubs are governed by ss.
30 553.501-553.513. Parking spaces, parking lots, and other
31

1 parking facilities are governed by s. 553.5041 ~~s. 316.1955~~,
2 when that section provides increased accessibility.

3 Section 10. Effective July 1, 2001, section 553.507,
4 Florida Statutes, is amended to read:

5 553.507 Exemptions.--Sections 553.501-553.513 ~~and s.~~
6 ~~316.1955(4)~~ do not apply to any of the following:

7 (1) Buildings, structures, or facilities that were
8 either under construction or under contract for construction
9 on October 1, 1997.

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

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

15 (b) The proposed alteration or renovation of the
16 building, structure, or facility will affect usability or
17 accessibility to a degree that invokes the requirements of s.
18 303(a) of the Americans with Disabilities Act of 1990; or

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

22 Section 11. Subsections (2) and (3), paragraph (b) of
23 subsection (4) and subsections (5), (6), and (7) of section
24 553.73, Florida Statutes, as amended by section 40 of chapter
25 98-287, Laws of Florida, as amended by section 61 of chapter
26 98-419, Laws of Florida, as amended by sections 73, 74, and 75
27 of chapter 2000-141, Laws of Florida, and section 62 of
28 chapter 2000-154, Laws of Florida, are amended, and present
29 subsections (8), (9), and (10) of that section are
30 redesignated as subsections (9), (10), and (11), respectively,
31 to read:

1 553.73 State Minimum Building Codes.--

2 (2) The Florida Building Code shall contain provisions
3 or requirements for public and private buildings, structures,
4 and facilities relative to structural, mechanical, electrical,
5 plumbing, energy, and gas systems, existing buildings,
6 historical buildings, manufactured buildings, elevators,
7 coastal construction, lodging facilities, food sales and food
8 service facilities, health care facilities, including assisted
9 living facilities, adult day care facilities, and facilities
10 for the control of radiation hazards, public or private
11 educational facilities, swimming pools, and correctional
12 facilities and enforcement of and compliance with such
13 provisions or requirements. Further, the Florida Building Code
14 must provide for uniform implementation of ss. 515.25, 515.27,
15 and 515.29 by including standards and criteria for residential
16 swimming pool barriers, pool covers, latching devices, door
17 and window exit alarms, and other equipment required therein,
18 which are consistent with the intent of s. 515.23. Technical
19 provisions to be contained within the Florida Building Code
20 are restricted to requirements related to the types of
21 materials used and construction methods and standards employed
22 in order to meet criteria specified in the Florida Building
23 Code. Provisions relating to the personnel, supervision or
24 training of personnel, or any other professional qualification
25 requirements relating to contractors or their workforce may
26 not be included within the Florida Building Code, and
27 subsections (4), (5), and (6) are not to be construed to allow
28 the inclusion of such provisions within the Florida Building
29 Code by amendment. This restriction applies to both initial
30 development and amendment of the Florida Building Code.

31

1 (3) The commission shall select from available
2 national or international model building codes, or other
3 available building codes and standards currently recognized by
4 the laws of this state, to form the foundation for the Florida
5 Building Code. The commission may modify the selected model
6 codes and standards as needed to accommodate the specific
7 needs of this state. Standards or criteria referenced by the
8 selected model codes shall be similarly incorporated by
9 reference. If a referenced standard or criterion requires
10 amplification or modification to be appropriate for use in
11 this state, only the amplification or modification shall be
12 specifically set forth in the Florida Building Code. The
13 Florida Building Commission may approve technical amendments
14 to the code after the amendments have been subject to the
15 following conditions:

16 (a) The proposed amendment has been published on the
17 commission's website for a minimum of 45 days and all the
18 associated documentation has been made available to any
19 interested party before any consideration by any Technical
20 Advisory Committee;

21 (b) In order for a Technical Advisory Committee to
22 make a favorable recommendation to the commission, the
23 proposal must receive a three-fourths vote of the members
24 present at the Technical Advisory Committee meeting and at
25 least half of the regular members must be present in order to
26 conduct a meeting;

27 (c) After Technical Advisory Committee consideration
28 and a recommendation for approval of any proposed amendment,
29 the proposal must be published on the commission's website for
30 not less than 45 days before any consideration by the
31 commission; and

1 (d) Any proposal may be modified by the commission
2 based on public testimony and evidence from a public hearing
3 held in accordance with chapter 120.
4

5 The commission shall incorporate within sections of the
6 Florida Building Code provisions which address regional and
7 local concerns and variations. The commission shall make every
8 effort to minimize conflicts between the Florida Building
9 Code, the Florida Fire Prevention Code, and the Life Safety
10 Code.

11 (4)

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

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

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

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

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

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

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

21 7. Each county and municipality desiring to make local
22 technical amendments to the Florida Building Code shall by
23 interlocal agreement establish a countywide compliance review
24 board to review any amendment to the Florida Building Code,
25 adopted by a local government within the county pursuant to
26 this paragraph, that is challenged by any substantially
27 affected party for purposes of determining the amendment's
28 compliance with this paragraph. If the compliance review board
29 determines such amendment is not in compliance with this
30 paragraph, the compliance review board shall notify such local
31 government of the noncompliance and that the amendment is

1 invalid and unenforceable until the local government corrects
2 the amendment to bring it into compliance. The local
3 government may appeal the decision of the compliance review
4 board to the commission, which shall conduct a hearing under
5 chapter 120 and the uniform rules of procedure. If the
6 compliance review board determines such amendment to be in
7 compliance with this paragraph, any substantially affected
8 party may appeal such determination to the commission, which
9 shall conduct a hearing under chapter 120 and the uniform
10 rules of procedure. Actions of the commission are subject to
11 judicial review pursuant to s. 120.68. The compliance review
12 board shall determine whether its decisions apply to a
13 respective local jurisdiction or apply countywide.

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

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

26 (5) ~~The commission, by rule adopted pursuant to ss.~~
27 ~~120.536(1) and 120.54, shall update the Florida Building Code~~
28 ~~every 3 years.~~The initial adoption of, and any subsequent
29 update or amendment to, the Florida Building Code by the
30 commission is deemed adopted for use statewide without
31 adoptions by local government. For a building permit for which

1 an application is submitted prior to the effective date of the
2 Florida Building Code, the state minimum building code in
3 effect in the permitting jurisdiction on the date of the
4 application governs the permitted work for the life of the
5 permit and any extension granted to the permit.

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

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

1 statewide or regional application upon a finding that the
2 amendment:

- 3 1. Has a reasonable and substantial connection with
4 the health, safety, and welfare of the general public.
- 5 2. Strengthens or improves the Florida Building Code,
6 or in the case of innovation or new technology, will provide
7 equivalent or better products or methods or systems of
8 construction.
- 9 3. Does not discriminate against materials, products,
10 methods, or systems of construction of demonstrated
11 capabilities.
- 12 4. Does not degrade the effectiveness of the Florida
13 Building Code.

14
15 Furthermore, the Florida Building Commission may approve
16 technical amendments to the code once each year to incorporate
17 into the Florida Building Code its own interpretations of the
18 code which are embodied in its opinions and declaratory
19 statements. Amendments approved under this paragraph shall be
20 adopted by rule pursuant to ss. 120.536(1) and 120.54, after
21 the amendments have been subjected to the provisions of
22 subsection (3).

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

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

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

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

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

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

11 (c) Nonresidential farm buildings on farms.

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

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

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

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

25 (h) Storage sheds that are not designed for human
26 habitation and that have a floor area of 720 square feet or
27 less are not required to comply with the mandatory
28 wind-borne-debris-impact standards of the Florida Building
29 Code.

30 (i) Chickees constructed by the Miccosukee Tribe of
31 Indians of Florida or the Seminole Tribe of Florida. For

1 purposes of this paragraph, a "chickee" means an open-sided
2 wooden hut with a thatched roof of palm or palmetto or other
3 traditional materials, not incorporating any electrical,
4 plumbing or other nonwood features.

5
6 With the exception of paragraphs (a), (b), (c), and (f), in
7 order to preserve the health, safety, and welfare of the
8 public, the Florida Building Commission may, by rule adopted
9 pursuant to chapter 120, provide for exceptions to the broad
10 categories of buildings exempted in this section, including
11 exceptions for application of specific sections of the code or
12 standards adopted therein. The Department of Agriculture and
13 Consumer Services shall have exclusive authority to adopt by
14 rule, pursuant to chapter 120, exceptions to nonresidential
15 farm buildings exempted in paragraph (c) when reasonably
16 necessary to preserve public health, safety, and welfare. The
17 exceptions must be based upon specific criteria, such as
18 under-roof floor area, aggregate electrical service capacity,
19 HVAC system capacity, or other building requirements. Further,
20 the commission may recommend to the Legislature additional
21 categories of buildings, structures, or facilities which
22 should be exempted from the Florida Building Code, to be
23 provided by law.

24 Section 12. Paragraphs (e) and (h) of subsection (1)
25 and subsections (2) and (6) of section 553.77, Florida
26 Statutes, as amended by section 46 of chapter 98-287, Laws of
27 Florida, as amended by section 78 of chapter 2000-141, Laws of
28 Florida, as amended by section 79 of chapter 2000-141, Laws of
29 Florida, are amended, and subsection (7) is added to that
30 section, to read:

31 553.77 Specific powers of the commission.--

1 (1) The commission shall:

2 (e) When requested in writing by any substantially
3 affected person, state agency, or a local enforcing agency,
4 shall issue declaratory statements pursuant to s. 120.565
5 relating to this part and ss. 515.25, 515.27, 515.29, and
6 515.37. Actions of the commission are subject to judicial
7 review pursuant to s. 120.68.

8 (h) Hear appeals of the decisions of local boards of
9 appeal regarding interpretation decisions of local building
10 officials, or if no local board exists, hear appeals of
11 decisions of the building officials regarding interpretations
12 of the code. For such appeals:

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

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

19 3. Hearings shall be conducted pursuant to chapter 120
20 and the uniform rules of procedure, and decisions ~~Actions~~ of
21 the commission are subject to judicial review pursuant to s.
22 120.68.

23 ~~(2) With respect to the qualification program for~~
24 ~~special inspectors of threshold buildings as required by s.~~
25 ~~553.79(5)(c), the commission may prescribe initial and annual~~
26 ~~renewal fees for certification, by rule, in accordance with~~
27 ~~chapter 120.~~

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

1 buildings to be performed by a public or private entity with
 2 oversight by the commission. The department may charge
 3 reasonable fees to cover the administrative costs of the
 4 program.Such approved plans or prototype buildings shall be
 5 exempt from further review required by s. 553.79(2), except
 6 changes to the prototype design, site plans, and other
 7 site-related items. As provided in s. 553.73, prototype
 8 buildings are exempt from,~~or~~ any locally adopted local
 9 amendment to any part of the Florida Building Code.
 10 Construction or erection of such prototype buildings is
 11 subject to local permitting and inspections pursuant to this
 12 part.

13 (7) The commission may produce and distribute a
 14 commentary document to accompany the Florida Building Code.
 15 The commentary must be limited in effect to providing
 16 technical assistance and must not have the effect of binding
 17 interpretations of the code document itself.

18 Section 13. Subsections (2) and (6) of section 553.79,
 19 Florida Statutes, as amended by section 49 of chapter 98-287,
 20 Laws of Florida, as amended by sections 83 and 84 of chapter
 21 2000-141, Laws of Florida, are amended to read:

22 553.79 Permits; applications; issuance; inspections.--

23 (2) Except as provided in subsection (6), an ~~No~~
 24 enforcing agency may not issue any permit for construction,
 25 erection, alteration, modification, repair, or demolition of
 26 any building or structure until the local building code
 27 administrator or inspector has reviewed the plans and
 28 specifications required by the Florida Building Code, or local
 29 amendment thereto,for such proposal and found the plans to be
 30 in compliance with the Florida Building Code. In addition, an
 31 enforcing agency may not issue any permit for construction,

1 erection, alteration, modification, repair, or demolition of
2 any building until the appropriate firesafety inspector
3 certified pursuant to s. 633.081 has reviewed the plans and
4 specifications required by the Florida Building Code, or local
5 amendment thereto,for such proposal and found that the plans
6 comply with the Florida Fire Prevention Code and the Life
7 Safety Code. Any building or structure which is not subject to
8 a firesafety code shall not be required to have its plans
9 reviewed by the firesafety inspector. Any building or
10 structure that is exempt from the local building permit
11 process may not be required to have its plans reviewed by the
12 local building code administrator. Industrial construction on
13 sites where design, construction, and firesafety are
14 supervised by appropriate design and inspection professionals
15 and which contain adequate in-house fire departments and
16 rescue squads is exempt, subject to local government option,
17 from review of plans and inspections, providing owners certify
18 that applicable codes and standards have been met and supply
19 appropriate approved drawings to local building and firesafety
20 inspectors. The enforcing agency shall issue a permit to
21 construct, erect, alter, modify, repair, or demolish any
22 building or structure when the plans and specifications for
23 such proposal comply with the provisions of the Florida
24 Building Code and the Florida Fire Prevention Code and the
25 Life Safety Code as determined by the local authority in
26 accordance with this chapter and chapter 633.

27 (6) A permit may not be issued for any building
28 construction, erection, alteration, modification, repair, or
29 addition unless the applicant for such permit complies with
30 the requirements for plan review established by the Florida
31 Building Commission within the Florida Building Code. However,

1 the code shall set standards and criteria to authorize
2 preliminary construction before completion of all building
3 plans review, including, but not limited to, special permits
4 for the foundation only, and such standards shall take effect
5 concurrent with the first effective date of the Florida
6 Building Code.

7 Section 14. Effective upon this act becoming a law,
8 section 553.84, Florida Statutes, is amended to read:

9 553.84 Statutory civil action.--Notwithstanding any
10 other remedies available, any person or party, in an
11 individual capacity or on behalf of a class of persons or
12 parties, damaged as a result of a violation of this part or
13 the State Minimum Building Codes, has a cause of action in any
14 court of competent jurisdiction against the person or party
15 who committed the violation, provided that if the person or
16 party obtains the required building permit and any local
17 government or public agency with authority to enforce the
18 building code approves the plans and the construction project
19 passes all required inspections under the code, and there is
20 no personal injury or damage to property other than the
21 property that is the subject of the permits, plans, and
22 inspections, this section shall not apply unless the person or
23 party knew or should have known that the violation existed
24 notwithstanding the approval of the permits, plans, and
25 inspections.

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

28 553.8412 Legislative intent; delivery of training;
29 outsourcing.--

30 (1) The number of licensees who will require initial
31 training for the Florida Building Code is in excess of

1 100,000. It is the intent of the Legislature that the Florida
2 Building Commission make sure that initial training for the
3 Florida Building Code be achieved as soon as practicable to
4 ensure compliance. It is further the intent of the Legislature
5 that the Florida Building Commission encourage and promote
6 improved coordination between industry associations as a way
7 to achieve better compliance with Florida's building codes.

8 (2) Not more than 60 days after the effective date of
9 this section, the Florida Building Commission and the
10 department shall provide for statewide outreach for training
11 on the Florida Building Code. The Florida Building Commission
12 and the department shall achieve statewide outreach for
13 training through organizations, including, but not limited to,
14 existing licensee trade and professional associations. The
15 Florida Building Commission or the department may not exclude
16 participation in statewide outreach by any trade or
17 professional association that has as its primary constituency
18 members who are required to comply with the training
19 requirements of the Florida Building Code. Wherever possible
20 and by contract pursuant to s. 287.057, the Florida Building
21 Commission and the department shall outsource components,
22 outreach, and coordination of training and the training itself
23 to prevent duplication and ensure the most expeditious and
24 consistent delivery and minimize administrative costs to the
25 commission and the department. This section does not prohibit
26 any qualified entity from providing training on the Florida
27 Building Code.

28 (3) To the extent available, funding for outreach,
29 coordination of training, or training may come from existing
30 resources. If necessary, the Florida Building Commission or
31 the department may seek additional or supplemental funds

1 pursuant to s. 215.559(5). This section does not preclude the
2 Florida Building Commission from charging fees to fund the
3 building code training program in a self-sufficient manner as
4 provided in s. 553.841(5).

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

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

9 553.842 Product evaluation and approval.--

10 (1) The commission shall adopt rules under ss.
11 120.536(1) and 120.54 ~~make recommendations to the President of~~
12 ~~the Senate and the Speaker of the House of Representatives~~
13 ~~prior to the 2001 Regular Session~~ to develop and implement a
14 product evaluation and approval system that applies statewide
15 to operate in coordination with the Florida Building Code. The
16 commission may enter into contracts to provide for
17 administration of the product evaluation and approval system.

18 The product evaluation and approval system shall provide:

19 (a) Appropriate promotion of innovation and new
20 technologies.

21 (b) Processing submittals of products from
22 manufacturers in a timely manner.

23 (c) Independent, third-party qualified and accredited
24 testing and laboratory facilities, product evaluation
25 entities, quality-assurance agencies, certification agencies,
26 and validation entities.

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

29 (e) Development of stringent but reasonable testing
30 criteria based upon existing consensus standards, when
31 available, for products.

1 (f) Long-term approvals, where feasible. State and
2 local approvals will be valid until the requirements of the
3 code on which the approval is based change, the product
4 changes in a manner affecting its performance as required by
5 the code, or the approval is revoked.

6 (g) Criteria for ~~recall or~~ revocation of a product
7 approval.

8 (h) Cost-effectiveness.

9 (2) The product evaluation and approval system shall
10 rely on ~~regional,~~ national, and international consensus
11 standards, whenever adopted by the Florida Building Code, for
12 demonstrating compliance with code standards. Other standards
13 which meet or exceed established state requirements shall also
14 be considered.

15 (3) Products or methods or systems of construction
16 that require approval under s. 553.77, that have standardized
17 testing or comparative or rational analysis methods
18 established by the code, ~~required to be approved~~ and that are
19 certified by an approved product evaluation entity, testing
20 laboratory, or certification agency as complying with the
21 standards specified by the code shall be approved for local or
22 statewide use by one of the methods established in subsection
23 ~~(6) permitted to be used statewide, without further evaluation~~
24 ~~or approval.~~

25 (4) By October 1, 2003, products or methods or systems
26 of construction requiring approval under s. 553.77 must be
27 approved by one of the methods established in subsection (5)
28 or subsection (6) before their use in construction in this
29 state. Products may be approved either by the commission for
30 statewide use, or by a local building department for use in
31 that department's jurisdiction only. Notwithstanding a local

1 government's authority to amend the Florida Building Code as
2 provided in this act, statewide approval shall preclude local
3 jurisdictions from requiring further testing, evaluation, or
4 submission of other evidence as a condition of using the
5 product so long as the product is being used consistent with
6 the conditions of its approval.

7 (5) ~~Statewide and~~ Local approval of products or
8 methods or systems of construction ~~may shall~~ be achieved by
9 the local building official through building plans review and
10 inspection to determine that the product, method, or system of
11 construction complies with the prescriptive standards
12 established in the code. Alternatively, local approval may be
13 achieved by one of the methods established in subsection (6).

14 (6) Statewide or local approval of products, methods,
15 or systems of construction may be achieved by one of the
16 following methods. One of these methods must be used by local
17 officials or the commission to approve the following
18 categories of products: panel walls, exterior doors, roofing,
19 skylights, windows, shutters, and structural components as
20 established by the commission by rule.

21 (a) Products for which the code establishes
22 standardized testing or comparative or rational analysis
23 methods shall be approved by submittal and validation of one
24 of the following reports or listings indicating that the
25 product or method or system of construction was evaluated to
26 be in compliance with the Florida Building Code and that the
27 product or method or system of construction is, for the
28 purpose intended, at least equivalent to that required by the
29 Florida Building Code:

30 1. A certification mark or listing of an approved
31 certification agency;

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

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

5 4. A product evaluation report based upon testing or
6 comparative or rational analysis, or a combination thereof,
7 developed and signed and sealed by a professional engineer or
8 architect, licensed in this state.

9 (b) Products, methods, or systems of construction for
10 which there are no specific standardized testing or
11 comparative or rational analysis methods established in the
12 code may be approved by submittal and validation of one of the
13 following:

14 1. A product evaluation report based upon testing or
15 comparative or rational analysis, or a combination thereof,
16 from an approved product evaluation entity indicating that the
17 product or method or system of construction was evaluated to
18 be in compliance with the intent of the Florida Building Code
19 and that the product or method or system of construction is,
20 for the purpose intended, at least equivalent to that required
21 by the Florida Building Code; or

22 2. A product evaluation report based upon testing or
23 comparative or rational analysis, or a combination thereof,
24 developed and signed and sealed by a professional engineer or
25 architect, licensed in this state, who certifies that the
26 product or method or system of construction is, for the
27 purpose intended, at least equivalent to that required by the
28 Florida Building Code.

29 (7) The commission shall ensure that product
30 manufacturers operate quality-assurance programs for all

31

1 approved products. The commission shall adopt by rule criteria
2 for operation of the quality-assurance programs.

3 (8) For local approvals, validation shall be performed
4 by the local building official. The commission shall adopt by
5 rule criteria constituting complete validation by the local
6 official, including, but not limited to, criteria governing
7 verification of a quality-assurance program. For state
8 approvals, validation shall be performed by validation
9 entities approved by the commission. The commission shall
10 adopt by rule criteria for approval of validation entities,
11 which shall be third-party entities independent of the
12 product's manufacturer and which shall certify to the
13 commission the product's compliance with the code.

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

20 (a) Evaluation entities that meet the criteria for
21 approval adopted by the commission by rule. The commission
22 shall specifically approve the National Evaluation Service,
23 the International Conference of Building Officials Evaluation
24 Services, the Building Officials and Code Administrators
25 International Evaluation Services, the Southern Building Code
26 Congress International Evaluation Services, and the Miami-Dade
27 County Building Code Compliance Office Product Control.
28 Architects and engineers licensed in this state are also
29 approved to conduct product evaluations as provided in
30 subsection (6).

31

1 (b) Testing laboratories accredited by national
2 organizations, such as A2LA and the National Voluntary
3 Laboratory Accreditation Program, laboratories accredited by
4 evaluation entities approved under paragraph (a), and
5 laboratories that comply with other guidelines for testing
6 laboratories selected by the commission and adopted by rule.

7 (c) Quality-assurance entities approved by evaluation
8 entities approved under paragraph (a) and by certification
9 agencies approved under paragraph (d) and other
10 quality-assurance entities that comply with guidelines
11 selected by the commission and adopted by rule.

12 (d) Certification agencies accredited by nationally
13 recognized accreditors and other certification agencies that
14 comply with guidelines selected by the commission and adopted
15 by rule.

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

18 ~~(a) Submittal and validation of a product evaluation~~
19 ~~report from an approved product evaluation entity indicating~~
20 ~~the product or method or system of construction was tested to~~
21 ~~be in compliance with the Florida Building Code or with the~~
22 ~~intent of the Florida Building Code and the product or method~~
23 ~~or system of construction is, for the purpose intended, at~~
24 ~~least equivalent of that required by the Florida Building~~
25 ~~Code; or~~

26 ~~(b) Submittal and validation of a product evaluation~~
27 ~~report or rational analysis which is signed and sealed by a~~
28 ~~professional engineer or architect, licensed in this state,~~
29 ~~who has no conflict of interest, as determined by national~~
30 ~~guidelines, who certifies that the product or method or system~~
31 ~~of construction is, for the purpose intended, at least~~

1 ~~equivalent of that required by the Florida Building Code. Any~~
2 ~~product approved under this procedure shall be required to be~~
3 ~~manufactured under a quality assurance program, certified by~~
4 ~~an approved product evaluation entity.~~

5 (10)~~(6)~~ A building official may deny the local
6 application of a product or method or system of construction
7 which has received statewide approval, based upon a written
8 report signed by the official that concludes the product
9 application is inconsistent with the statewide approval and
10 that states the reasons the application is inconsistent. Such
11 denial is subject to the provisions of s. 553.77 governing
12 appeal of the building official's interpretation of the code.

13 (11)~~(7)~~ Products, other than manufactured buildings,
14 which are custom fabricated or assembled shall not require
15 separate approval under this section provided the component
16 parts have been approved for the fabricated or assembled
17 product's use and the components meet the standards and
18 requirements of the Florida Building Code which applies to the
19 product's intended use.

20 (12)~~(8)~~ A building official may appeal the required
21 approval for local use of a product or method or system of
22 construction to the commission. The commission shall conduct a
23 hearing under chapter 120 and the uniform rules of procedure
24 and shall establish expedited procedures to handle such
25 appeals in an expedited manner.

26 (13)~~(9)~~ The decisions of local building officials
27 shall be appealable to the local board of appeals, if such
28 board exists, and then to the commission, which shall conduct
29 a hearing under chapter 120 and the uniform rules of
30 procedure. Decisions of the commission regarding statewide
31

1 product approvals and appeals of local product approval shall
2 be subject to judicial review pursuant to s. 120.68.

3 ~~(14)(10)~~ The commission shall maintain a list of the
4 state-approved approved products, and product evaluation
5 entities, testing laboratories, quality-assurance agencies,
6 certification agencies, and validation entities and make such
7 lists list available in the most cost-effective manner. The
8 commission shall establish reasonable timeframes associated
9 with the product approval process and availability of the
10 lists list.

11 (15) The commission shall by rule establish criteria
12 for revocation of product approvals as well as revocation of
13 approvals of product evaluation entities, testing
14 laboratories, quality-assurance entities, certification
15 agencies, and validation entities. Revocation is governed by
16 s. 120.60 and the uniform rules of procedure.

17 (16) The commission shall establish a schedule for
18 adoption of the rules required in this section to ensure that
19 the product manufacturing industry has sufficient time to
20 revise products to meet the requirements for approval and
21 submit them for testing or evaluation before the system taking
22 effect on October 1, 2003, and to ensure that the availability
23 of statewide approval is not delayed.

24 ~~(11) The commission may establish reasonable and~~
25 ~~appropriate fees for the review of rational analyses and~~
26 ~~certification of manufactured buildings submitted pursuant to~~
27 ~~this section and may enter into any contracts the commission~~
28 ~~deems necessary in order to implement this section.~~

29 ~~(12) Products certified or approved for statewide or~~
30 ~~local use by an approved product evaluation entity prior to~~
31 ~~the effective date of this act shall be deemed to be approved~~

1 ~~for use in this state pursuant to this section and to comply~~
2 ~~with this section.~~

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

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

10 553.895 Firesafety.--

11 (2) Except for single-family and two-family dwellings,
12 any building which is of three stories or more and for which
13 the construction contract is let after January 1, 1994,
14 regardless of occupancy classification and including any
15 building which is subject to s. 509.215, shall be equipped
16 with an automatic sprinkler system installed in compliance
17 with the provisions of chapter 633 and the rules and codes
18 adopted pursuant thereto. A stand-alone parking garage
19 constructed with noncombustible materials, the design of which
20 is such that all levels of the garage are uniformly open to
21 the atmosphere on all sides with percentages of openings as
22 prescribed in the applicable building code, and which parking
23 garage is separated from other structures by at least 20 feet,
24 is exempt from the requirements of this subsection.

25 Telecommunications spaces located within telecommunications
26 buildings, if the spaces are equipped to meet an equivalent
27 fire-prevention standard approved by both the Florida Building
28 Commission and the State Fire Marshal, are exempt from the
29 requirements of this subsection. In a building less than 75
30 feet in height which is protected throughout with an approved
31 and maintained fire sprinkler system, a manual wet standpipe,

1 as defined in the National Fire Protection Association
2 Standard 14, Standard for the Installation of Standpipe,
3 Private Hydrant, and Hose Systems, shall be allowed.

4 Section 18. Effective upon this act becoming a law,
5 the Florida Building Commission shall research the issue of
6 adopting a rehabilitation code for the state and shall report
7 to the Legislature before the 2002 Regular Session regarding
8 the feasibility of adopting such a code. The commission shall
9 review the rehabilitation codes adopted by other states as
10 part of its research.

11 Section 19. Effective upon this act becoming a law,
12 the Florida Building Commission shall research the issue of
13 requiring all primary elevators in buildings with more than
14 five levels to operate with a universal key, thereby allowing
15 access and operation by emergency personnel. The commission
16 must report its recommendations to the Legislature before the
17 2002 Regular Session.

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

26 Section 21. Notwithstanding any other provision in
27 chapter 2000-141, Laws of Florida, effective upon this act
28 becoming a law, the effective date of the following sections
29 of chapter 98-287, Laws of Florida, as amended by chapter
30 2000-141, Laws of Florida, is changed to January 1, 2002:

31

1 sections 1, 2, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29,
2 31, 32, 34, 36, 38, 40, 44, 46, 47, 49, 51, and 56.

3 Section 22. Notwithstanding any other provision in
4 chapter 2000-141, Laws of Florida, effective upon this act
5 becoming a law, the effective date of section 61 of chapter
6 98-419, Laws of Florida, as amended by chapter 2000-141, Laws
7 of Florida, is changed to January 1, 2002.

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

11 Section 135. Effective January 1, 2002 ~~July 1, 2001~~,
12 subsection (2) of section 255.21, Florida Statutes, paragraphs
13 (d) and (e) of subsection (1) of section 395.1055, Florida
14 Statutes, and subsection (11) of section 553.79, Florida
15 Statutes, are repealed.

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

20 Section 62.

21 (2) Effective January 1, 2002 ~~July 1, 2001~~, all
22 existing local technical amendments to any building code
23 adopted by any local government, except for local ordinances
24 setting forth administrative requirements which are not in
25 conflict with the Florida Building Code, are repealed. Each
26 local government may readopt such amendments pursuant to s.
27 553.73, Florida Statutes, provided such amendments comply with
28 applicable provisions of the Florida Building Code.

29 Section 25. Effective upon this act becoming a law,
30 section 68 of chapter 98-287, Laws of Florida, as amended by
31

1 section 108 of chapter 2000-141, Laws of Florida, is amended
2 to read:

3 Section 68. Effective January 1, 2002 ~~July 1, 2001,~~
4 parts I, II, and III of chapter 553, Florida Statutes,
5 consisting of sections 553.01, 553.02, 553.03, 553.04,
6 553.041, 553.05, 553.06, 553.07, 553.08, 553.10, 553.11,
7 553.14, 553.15, 553.16, 553.17, 553.18, 553.20, 553.21,
8 553.22, 553.23, 553.24, 553.25, 553.26, 553.27, and 553.28,
9 Florida Statutes, are repealed, section 553.141, Florida
10 Statutes, is transferred and renumbered as section 553.86,
11 Florida Statutes.

12 Section 26. Effective upon this act becoming a law,
13 funds that are available under sections 489.109(3) and
14 489.509(3), Florida Statutes, shall be allocated and expended
15 by the Florida Building Commission as provided in this
16 section.

17 (1) The Florida Building Commission shall appoint
18 those members of the Building Construction Industry Advisory
19 Committee on October 1, 2001, as established by Rule
20 6A-10.029, Florida Administrative Code, to the Education
21 Technical Advisory Committee of the Florida Building
22 Commission to complete their terms of office. Members of the
23 Florida Building Commission shall also be appointed to the
24 Education Technical Advisory Committee. The members of the
25 committee shall broadly represent the building construction
26 industry and must consist of no fewer than 10 persons. The
27 chairperson of the Florida Building Commission shall annually
28 designate the chairperson of the committee. The terms of the
29 committee members shall be 2 years each and members may be
30 reappointed at the discretion of the Florida Building
31 Commission.

1 (2) The Educational Technical Advisory Committee
2 shall:

3 (a) Advise the commission on any policies or
4 procedures needed to administer sections 489.109(3) and
5 489.509(3), Florida Statutes.

6 (b) Advise the commission on administering section
7 553.841, Florida Statutes.

8 (c) Advise the commission on areas of priority for
9 which funds should be expended for research and continuing
10 education.

11 (d) Review all proposed research and continuing
12 education projects and recommend to the commission those
13 projects that should be funded and the amount of funds to be
14 provided for each project.

15 (3) Each biennium, upon receipt of funds by the
16 Department of Community Affairs from the Construction Industry
17 Licensing Board and the Electrical Contractors' Licensing
18 Board provided under sections 489.109(3) and 489.509(3),
19 Florida Statutes, the commission shall determine the amount of
20 funds available for research projects from the proceeds of
21 contractor licensing fees and identify, solicit, and accept
22 funds from other sources for research and continuing education
23 projects.

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

28 Section 27. Effective upon this act becoming a law,
29 the Florida Building Commission shall convene an ad hoc
30 subcommittee to recommend a procedure by which the public
31 could elect to engage an engineer or architect to perform

1 plans review and inspection for the construction, alteration,
2 repair, or improvement of real property, and the appropriate
3 role of the local building official in such an alternative
4 plans review and inspection procedure and in the resulting
5 issuance of a building permit and certificate of occupancy.

6 (1) The ad hoc committee shall be composed of 11
7 members appointed by the chairperson of the commission who
8 shall meet the following qualifications:

9 (a) Five members from the Building Officials
10 Association of Florida;

11 (b) Two members from the Associated General
12 Contractors of Florida;

13 (c) One member from the Florida Homebuilders
14 Association;

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

16 (e) One member from the Florida Association of the
17 American Institute of Architects; and

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

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

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

1 improvement of real property, and issuing certificates of
2 occupancy. The ad hoc subcommittee shall make recommendations
3 on the following:

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

8 (b) The appropriate role of the local building
9 official in such an alternative plans review and inspection
10 procedure and in the resulting issuance of a building permit
11 and certificate of occupancy.

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

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

22 Section 28. Section 627.0629, Florida Statutes, as
23 amended by section 99 of chapter 2000-141, Laws of Florida, is
24 amended to read:

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

27 (1) A rate filing for residential property insurance
28 must include actuarially reasonable discounts, credits, or
29 other rate differentials, or appropriate reductions in
30 deductibles, for properties on which fixtures or construction
31 techniques demonstrated to reduce the amount of loss in a

1 windstorm have been installed or implemented. The fixtures or
2 construction techniques shall include, but not be limited to,
3 fixtures or construction techniques which enhance roof
4 strength, roof covering performance, roof-to-wall strength,
5 wall-to-floor-to-foundation strength, opening protection, and
6 window, door, and skylight strength. Credits, discounts, or
7 other rate differentials for fixtures and construction
8 techniques which meet the minimum requirements of the Florida
9 Building Code must be included in the rate filing. All
10 insurance companies must make a rate filing which includes the
11 credits, discounts, or other rate differentials by December 31
12 ~~June 1~~, 2002.

13 Section 29. Effective upon this act becoming a law,
14 paragraph (c) of subsection (3) of section 633.0215, Florida
15 Statutes, is amended to read:

16 633.0215 Florida Fire Prevention Code.--

17 (3) No later than 180 days before the triennial
18 adoption of the Florida Fire Prevention Code, the State Fire
19 Marshal shall notify each municipal, county, and special
20 district fire department of the triennial code adoption and
21 steps necessary for local amendments to be included within the
22 code. No later than 120 days before the triennial adoption of
23 the Florida Fire Prevention Code, each local jurisdiction
24 shall provide the State Fire Marshal with copies of its local
25 fire code amendments. The State Fire Marshal has the option to
26 process local fire code amendments that are received less than
27 120 days before the adoption date of the Florida Fire
28 Prevention Code.

29 (c) Notwithstanding other state or local building and
30 construction code laws to the contrary, locally adopted fire
31 code requirements that were in existence on the effective date

1 of this section shall be deemed local variations of the
2 Florida Fire Prevention Code until the State Fire Marshal
3 takes action to adopt as a statewide firesafety code
4 requirement or rescind such requirements as provided herein,
5 and such action shall take place no later than January 1, 2002
6 ~~July 1, 2001~~.

7 Section 30. Effective upon this act becoming a law,
8 the Florida Building Commission shall research and evaluate
9 the types of specific needs for the state and its localities
10 which are appropriate to justify amendment of the adopted
11 Florida Building Code, as referred to in section 553.73(3),
12 and make recommendations regarding legislative clarification
13 of this issue to the Legislature prior to the 2002 Regular
14 Session. The commission shall consider needs relating to
15 Florida's geographic, climatic, soil, topographic, fire and
16 other conditions as part of its evaluation. The commission
17 shall adopt no amendments to the Florida Building Code until
18 after July 1, 2002, except for the following: emergency
19 amendments, amendments clarifying state agency construction
20 regulations, amendments which eliminate conflicts with Florida
21 law or implement new authorities granted by law, and
22 amendments to implement settlement agreements executed prior
23 to March 1, 2001.

24 Section 31. Effective July 1, 2001, the sum of
25 \$250,000 is appropriated from the General Revenue Fund to
26 Florida Community College at Jacksonville for the operations
27 of the Institute of Applied Technology in Construction
28 Excellence, and the sum of \$250,000 is appropriated from the
29 General Revenue Fund to Miami-Dade Community College for the
30 implementation of the building code training program for
31 inspectors, contractors, architects, and engineers.

1 Section 32. Except as otherwise provided in this act,
2 this act shall take effect January 1, 2002.

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