

Bill No. CS for CS for SB's 336 & 190

Amendment No.      Barcode 134464

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Constantine moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15 and insert:

16

17 Section 1. Effective upon this act becoming a law,

18 subsection (1) of section 235.061, Florida Statutes, is

19 amended to read:

20 235.061 Standards for relocatables used as classroom

21 space; inspections.--

22 (1) The Commissioner of Education shall adopt rules

23 establishing standards for relocatables intended for long-term

24 use as classroom space at a public elementary school, middle

25 school, or high school. "Long-term use" means the use of

26 relocatables at the same educational plant for a period of 4

27 years or more. These rules must be implemented by July 1,

28 1998, and each relocatable acquired by a district school board

29 after the effective date of the rules and intended for

30 long-term use must comply with the standards. The rules shall

31 require that, by July 1, 2002 ~~July 1, 2001~~, relocatables that

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

22 235.212 Low-energy use design; solar energy systems;  
23 swimming pool heaters.--

24 (1)(a) Passive design elements and low-energy usage  
25 features shall be included in the design and construction of  
26 new educational facilities. Operable glazing consisting of at  
27 least 5 percent of the floor area shall be placed in each  
28 classroom located on the perimeter of the building. For a  
29 relocatable classroom facility, the area of operable glazing  
30 and the area of exterior doors, together, shall consist of at  
31 least 5 percent of the floor area. Operable glazing is not

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 required in community colleges, auxiliary facilities, music  
2 rooms, gyms, locker and shower rooms, special laboratories  
3 requiring special climate control, and large group instruction  
4 areas having a capacity of more than 100 persons.

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

15 Section 3. Effective July 1, 2001, subsection (1) of  
16 section 255.31, Florida Statutes, as amended by section 15 of  
17 chapter 2000-141, Laws of Florida, is amended to read:

18 255.31 Authority to the Department of Management  
19 Services to manage construction projects for state and local  
20 governments.--

21 (1) The design, construction, erection, alteration,  
22 modification, repair, and demolition of all public and private  
23 buildings are governed by the Florida Building Code and the  
24 Florida Fire Prevention Code, which are to be enforced by  
25 local jurisdictions or local enforcement districts unless  
26 specifically exempted as provided in s. 553.80. However, the  
27 Department of Management Services shall provide the project  
28 management and administration services for the construction,  
29 renovation, repair, modification, or demolition of buildings,  
30 utilities, parks, parking lots, or other facilities or  
31 improvements for projects for which the funds are appropriated

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 to the department; provided that, with the exception of  
2 facilities constructed under the authority of chapters 944,  
3 945, and 985; the Governor's mansion and grounds thereof, as  
4 described in s. 272.18; and the Capitol Building and environs,  
5 being that part of the City of Tallahassee bounded on the  
6 north by Pensacola and Jefferson Streets, on the east by  
7 Monroe Street, on the south by Madison Street, and on the west  
8 by Duval Street, the department may not conduct plans reviews  
9 or inspection services for consistency with the Florida  
10 Building Code. The department's fees for such services shall  
11 be paid from such appropriations.

12 Section 4. Subsection (10) is added to section  
13 373.323, Florida Statutes, to read:

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

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

24 Section 5. Effective upon this act becoming a law,  
25 section 399.061, Florida Statutes, is amended to read:

26 399.061 Inspections; correction of deficiencies.--

27 (1)(a) All elevators or other conveyances subject to  
28 this chapter must be annually inspected by a certified  
29 elevator inspector through a third-party inspection service,  
30 or by a municipality or county under contract with the  
31 division, pursuant to s. 399.13. If the elevator or other

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

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

29 (3) Whenever the division determines from the results  
30 of any inspection that, in the interest of the public safety,  
31 an elevator is in an unsafe condition, the division may seal

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 the elevator or order the discontinuance of the use of the  
2 elevator until the division determines by inspection that such  
3 elevator has been satisfactorily repaired or replaced so that  
4 the elevator may be operated in a safe manner.

5 (4) When the division determines that an elevator is  
6 in violation of this chapter, the division may issue an order  
7 to the elevator owner requiring correction of the violation.

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

11 489.509 Fees.--

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

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 ~~receiving a pro rata share of such funds based upon the number~~  
2 ~~of full-time building construction students enrolled at the~~  
3 ~~institution.~~The Department of Community Affairs Education  
4 shall ensure the distribution of research reports and the  
5 availability of continuing education programs to all segments  
6 of the building construction industry to which they relate.  
7 The Department of Community Affairs Education shall report to  
8 the board in October of each year, summarizing the allocation  
9 of the funds by institution and summarizing the new projects  
10 funded and the status of previously funded projects. ~~The~~  
11 ~~Commissioner of Education is directed to appoint one~~  
12 ~~electrical contractor and one certified alarm system~~  
13 ~~contractor to the Building Construction Industry Advisory~~  
14 ~~Committee.~~

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

20 553.36 Definitions.--The definitions contained in this  
21 section govern the construction of this part unless the  
22 context otherwise requires.

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

29 Section 8. Effective upon this act becoming a law,  
30 section 553.415, Florida Statutes, is amended to read:

31 553.415 Factory-built school buildings.--

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1           (1) It is the purpose of this section to provide an  
2 alternative procedure for the construction and installation of  
3 factory-built school buildings designed or intended for use as  
4 school buildings. As used in this section, the term  
5 "factory-built school building" means any building designed or  
6 intended for use as a school building, which is in whole or in  
7 part, manufactured at an offsite facility in compliance with  
8 the State Uniform Code for Public Educational Facilities and  
9 Department of Education rule, effective on January 5, 2000.  
10 After January 1, 2002 ~~July 1, 2001~~, the Uniform Code for  
11 Public Educational Facilities shall be incorporated into the  
12 Florida Building Code, including specific requirements for  
13 Public Educational Facilities and the Department of Education  
14 rule, effective on January 5, 2000. For the purpose of this  
15 section, factory-built school buildings include prefabricated  
16 educational facilities, factory-built educational facilities,  
17 and modular-built educational facilities, that are designed to  
18 be portable, relocatable, demountable, or reconstructible; are  
19 used primarily as classrooms or the components of an entire  
20 school; and do not fall under the provisions of ss.  
21 320.822-320.862.

22           (2) A manufacturer of factory-built school buildings  
23 shall be subject to the certification and enforcement  
24 requirements in this part except as provided in this section.

25           (3) Within 90 days after the effective date of this  
26 section, the department shall adopt by emergency rule  
27 regulations to carry out the provisions of this section. Such  
28 rule shall ensure the safety of design, construction,  
29 accessibility, alterations, and inspections and shall also  
30 prescribe procedures for the plans, specifications, and  
31 methods of construction to be submitted to the department for

Bill No. CS for CS for SB's 336 & 190

Amendment No.      Barcode 134464

1 approval.

2 (4) A manufacturer of factory-built school buildings  
3 designed or intended for use as school buildings shall submit  
4 to the department for approval the manufacturer's plans,  
5 specifications, alterations, and methods of construction. The  
6 department is authorized to charge manufacturers a fee which  
7 reflects the actual expenses incurred for the review of such  
8 plans and specifications.

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

21 (6) The department may delegate its plans review  
22 authority to a state agency or public or private entity;  
23 however, the department shall ensure that any person  
24 conducting plans reviews is a certified plans examiner,  
25 pursuant to part XII of chapter 468.

26 (7) A standard plan approval may be obtained from the  
27 department for factory-built school buildings and such  
28 department-approved plans shall be accepted by the enforcement  
29 agency as approved for the purpose of obtaining a construction  
30 permit for the structure itself. The department, or its  
31 designated representative, shall determine if the plans

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 qualify for purposes of a factory-built school shelter, as  
2 defined in s. 553.36.

3 (8) Any amendment to the State Uniform Code for Public  
4 Educational Facilities, and after January 1, 2002 ~~July 1,~~  
5 ~~2001~~, the Florida Building Code, shall become effective 180  
6 days after the amendment is filed with the Secretary of State.  
7 Notwithstanding the 180-day delayed effective date, the  
8 manufacturer shall submit and obtain a revised approved plan  
9 within the 180 days. A revised plan submitted pursuant to  
10 this subsection shall be processed as a renewal or revision  
11 with appropriate fees. A plan submitted after the period of  
12 time provided shall be processed as a new application with  
13 appropriate fees.

14 (9) The school district or community college district  
15 for which any factory-built school building is constructed or  
16 altered after July 1, 2001, shall provide for periodic  
17 inspection of the proposed factory-built school building  
18 during each phase of construction or alteration. The inspector  
19 shall act under the direction of the governing board for  
20 employment purposes. This subsection does not prevent a school  
21 district or community college district from purchasing or  
22 otherwise using a factory-built school building that has been  
23 inspected during all phases of construction or alteration  
24 conducted after July 1, 2002, by another school district or  
25 community college or by an approved inspection agency  
26 certified pursuant to s. 553.36(2). If a factory-built school  
27 building is constructed or altered for an entity other than a  
28 school district or community college district, such entity may  
29 employ at its election a school district, community college  
30 district, or such approved inspection agency to conduct such  
31 inspections. A school district or community college district

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 so employed may charge such entity for services at reasonable  
2 rates comparable to those charged for similar services by  
3 approved inspection agencies.

4 (10) The department shall, by rule, develop forms and  
5 reporting periods for the architect or structural engineer in  
6 charge of the supervision of the work of construction in the  
7 factory, the inspector on the work, and the manufacturer  
8 verifying that based upon personal knowledge, the work during  
9 the period covered by the report has been performed, and the  
10 materials used and installed, in every particular, in  
11 accordance with the approved plans and specifications, setting  
12 forth such detailed statements of facts as required by the  
13 department.

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

24 (a) The name of the manufacturer.

25 (b) The standard plan approval number or alteration  
26 number.

27 (c) The date of manufacture or alteration.

28 (d) The serial or other identification number.

29 (e) The following designed-for loads: lbs. per square  
30 foot live load; lbs. per square foot floor live load; lbs. per  
31 square foot horizontal wind load; and lbs. per square foot

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 wind uplift load.

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

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

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

6 (12) Such identification label shall be permanently  
7 affixed by the manufacturer in the case of newly constructed  
8 factory-built school buildings, or by the department or its  
9 designee in the case of an existing factory-built building  
10 altered to comply with provisions of s. 235.061.

11 (13) As of July 1, 2001, all ~~existing and~~ newly  
12 constructed factory-built school buildings shall bear a label  
13 pursuant to subsection (12). As of July 1, 2002, existing  
14 factory-built school buildings and manufactured building used  
15 as classrooms and not bearing such label shall not be used as  
16 classrooms pursuant to s. 235.061.

17 (14) Nothing in this section shall affect any  
18 requirement for compliance with firesafety criteria.

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

21 553.505 Exceptions to applicability of the Americans  
22 with Disabilities Act.--Notwithstanding the Americans with  
23 Disabilities Act of 1990, private clubs are governed by ss.  
24 553.501-553.513. Parking spaces, parking lots, and other  
25 parking facilities are governed by s. 553.5041 ~~s. 316.1955~~,  
26 when that section provides increased accessibility.

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

29 553.507 Exemptions.--Sections 553.501-553.513 ~~and s.~~  
30 ~~316.1955(4)~~ do not apply to any of the following:

31 (1) Buildings, structures, or facilities that were

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 either under construction or under contract for construction  
2 on October 1, 1997.

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

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

8 (b) The proposed alteration or renovation of the  
9 building, structure, or facility will affect usability or  
10 accessibility to a degree that invokes the requirements of s.  
11 303(a) of the Americans with Disabilities Act of 1990; or

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

15 Section 11. Subsections (2) and (3), paragraph (b) of  
16 subsection (4) and subsections (5), (6), and (7) of section  
17 553.73, Florida Statutes, as amended by section 40 of chapter  
18 98-287, Laws of Florida, as amended by section 61 of chapter  
19 98-419, Laws of Florida, as amended by sections 73, 74, and 75  
20 of chapter 2000-141, Laws of Florida, and section 62 of  
21 chapter 2000-154, Laws of Florida, are amended, and present  
22 subsections (8), (9), and (10) of that section are  
23 redesignated as subsections (9), (10), and (11), respectively,  
24 to read:

25 553.73 State Minimum Building Codes.--

26 (2) The Florida Building Code shall contain provisions  
27 or requirements for public and private buildings, structures,  
28 and facilities relative to structural, mechanical, electrical,  
29 plumbing, energy, and gas systems, existing buildings,  
30 historical buildings, manufactured buildings, elevators,  
31 coastal construction, lodging facilities, food sales and food

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

24 (3) The commission shall select from available  
25 national or international model building codes, or other  
26 available building codes and standards currently recognized by  
27 the laws of this state, to form the foundation for the Florida  
28 Building Code. The commission may modify the selected model  
29 codes and standards as needed to accommodate the specific  
30 needs of this state. Standards or criteria referenced by the  
31 selected model codes shall be similarly incorporated by

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 reference. If a referenced standard or criterion requires  
2 amplification or modification to be appropriate for use in  
3 this state, only the amplification or modification shall be  
4 specifically set forth in the Florida Building Code. The  
5 Florida Building Commission may approve technical amendments  
6 to the code after the amendments have been subject to the  
7 following conditions:

8 (a) The proposed amendment has been published on the  
9 commission's website for a minimum of 45 days and all the  
10 associated documentation has been made available to any  
11 interested party before any consideration by any Technical  
12 Advisory Committee;

13 (b) In order for a Technical Advisory Committee to  
14 make a favorable recommendation to the commission, the  
15 proposal must receive a three-fourths vote of the members  
16 present at the Technical Advisory Committee meeting and at  
17 least half of the regular members must be present in order to  
18 conduct a meeting;

19 (c) After Technical Advisory Committee consideration  
20 and a recommendation for approval of any proposed amendment,  
21 the proposal must be published on the commission's website for  
22 not less than 45 days before any consideration by the  
23 commission; and

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

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

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 Code, the Florida Fire Prevention Code, and the Life Safety  
2 Code.

3 (4)

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

10 1. The local governing body determines, following a  
11 public hearing which has been advertised in a newspaper of  
12 general circulation at least 10 days before the hearing, that  
13 there is a need to strengthen the requirements of the Florida  
14 Building Code. The determination must be based upon a review  
15 of local conditions by the local governing body, which review  
16 demonstrates that local conditions justify more stringent  
17 requirements than those specified in the Florida Building Code  
18 for the protection of life and property.

19 2. Such additional requirements are not discriminatory  
20 against materials, products, or construction techniques of  
21 demonstrated capabilities.

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

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

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

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 shall conduct a hearing under chapter 120 and the uniform  
2 rules of procedure. Actions of the commission are subject to  
3 judicial review pursuant to s. 120.68. The compliance review  
4 board shall determine whether its decisions apply to a  
5 respective local jurisdiction or apply countywide.

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

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

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

29           (6) The commission, by rule adopted pursuant to ss.  
30 120.536(1) and 120.54, shall update the Florida Building Code  
31 every 3 years.When updating the Florida Building Code, the

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

22 (7)(6)(a) The commission may approve technical  
23 amendments to the Florida Building Code once each year for  
24 statewide or regional application upon a finding that the  
25 amendment:

- 26 1. Has a reasonable and substantial connection with  
27 the health, safety, and welfare of the general public.
- 28 2. Strengthens or improves the Florida Building Code,  
29 or in the case of innovation or new technology, will provide  
30 equivalent or better products or methods or systems of  
31 construction.

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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 provisions 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.

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

22 (i) Chickees constructed by the Miccosukee Tribe of  
23 Indians of Florida or the Seminole Tribe of Florida. As used  
24 in this paragraph, the term "chickee" means an open-sided  
25 wooden hut that has a thatched roof of palm or palmetto or  
26 other traditional materials, and that does not incorporate any  
27 electrical, plumbing, or other nonwood features.

28  
29 With the exception of paragraphs (a), (b), (c), and (f), in  
30 order to preserve the health, safety, and welfare of the  
31 public, the Florida Building Commission may, by rule adopted

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

16 Section 12. Paragraphs (e) and (h) of subsection (1)  
17 and subsections (2) and (6) of section 553.77, Florida  
18 Statutes, as amended by section 46 of chapter 98-287, Laws of  
19 Florida, as amended by section 78 of chapter 2000-141, Laws of  
20 Florida, as amended by section 79 of chapter 2000-141, Laws of  
21 Florida, are amended, and subsection (7) is added to that  
22 section, to read:

23 553.77 Specific powers of the commission.--

24 (1) The commission shall:

25 (e) When requested in writing by any substantially  
26 affected person, state agency, or a local enforcing agency,  
27 shall issue declaratory statements pursuant to s. 120.565  
28 relating to this part and ss. 515.25, 515.27, 515.29, and  
29 515.37. Actions of the commission are subject to judicial  
30 review pursuant to s. 120.68.

31 (h) Hear appeals of the decisions of local boards of

Bill No. CS for CS for SB's 336 & 190

Amendment No.      Barcode 134464

1 appeal regarding interpretation decisions of local building  
2 officials, or if no local board exists, hear appeals of  
3 decisions of the building officials regarding interpretations  
4 of the code. For such appeals:

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

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

11         3. Hearings shall be conducted pursuant to chapter 120  
12 and the uniform rules of procedure, and decisions Actions of  
13 the commission are subject to judicial review pursuant to s.  
14 120.68.

15         ~~(2) With respect to the qualification program for~~  
16 ~~special inspectors of threshold buildings as required by s.~~  
17 ~~553.79(5)(c), the commission may prescribe initial and annual~~  
18 ~~renewal fees for certification, by rule, in accordance with~~  
19 ~~chapter 120.~~

20         (6) The commission may provide by rule for plans  
21 review and approval of prototype buildings owned by public and  
22 private entities to be replicated throughout the state. The  
23 rule must allow for review and approval of plans for prototype  
24 buildings to be performed by a public or private entity with  
25 oversight by the commission. The department may charge  
26 reasonable fees to cover the administrative costs of the  
27 program.Such approved plans or prototype buildings shall be  
28 exempt from further review required by s. 553.79(2), except  
29 changes to the prototype design, site plans, and other  
30 site-related items. As provided in s. 553.73, prototype  
31 buildings are exempt from, or any locally adopted local

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 amendment to any part of the Florida Building Code.  
2 Construction or erection of such prototype buildings is  
3 subject to local permitting and inspections pursuant to this  
4 part.

5 (7) The commission may produce and distribute a  
6 commentary document to accompany the Florida Building Code.  
7 The commentary must be limited in effect to providing  
8 technical assistance and must not have the effect of binding  
9 interpretations of the code document itself.

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

14 553.79 Permits; applications; issuance; inspections.--

15 (2) Except as provided in subsection (6), an ~~No~~  
16 enforcing agency may not issue any permit for construction,  
17 erection, alteration, modification, repair, or demolition of  
18 any building or structure until the local building code  
19 administrator or inspector has reviewed the plans and  
20 specifications required by the Florida Building Code, or local  
21 amendment thereto,for such proposal and found the plans to be  
22 in compliance with the Florida Building Code. In addition, an  
23 enforcing agency may not issue any permit for construction,  
24 erection, alteration, modification, repair, or demolition of  
25 any building until the appropriate firesafety inspector  
26 certified pursuant to s. 633.081 has reviewed the plans and  
27 specifications required by the Florida Building Code, or local  
28 amendment thereto,for such proposal and found that the plans  
29 comply with the Florida Fire Prevention Code and the Life  
30 Safety Code. Any building or structure which is not subject to  
31 a firesafety code shall not be required to have its plans

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

19 (6) A permit may not be issued for any building  
20 construction, erection, alteration, modification, repair, or  
21 addition unless the applicant for such permit complies with  
22 the requirements for plan review established by the Florida  
23 Building Commission within the Florida Building Code. However,  
24 the code shall set standards and criteria to authorize  
25 preliminary construction before completion of all building  
26 plans review, including, but not limited to, special permits  
27 for the foundation only, and such standards shall take effect  
28 concurrent with the first effective date of the Florida  
29 Building Code.

30 Section 14. Effective upon this act becoming a law,  
31 section 553.84, Florida Statutes, as amended by section 88 of

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 chapter 2000-141, Laws of Florida, is amended to read:  
2           553.84 Statutory civil action.--Notwithstanding any  
3 other remedies available, any person or party, in an  
4 individual capacity or on behalf of a class of persons or  
5 parties, damaged as a result of a violation of this part or  
6 the Florida Building Code, has a cause of action in any court  
7 of competent jurisdiction against the person or party who  
8 committed the violation; however, if the person or party  
9 obtains the required building permits and any local government  
10 or public agency with authority to enforce the Florida  
11 Building Code approves the plans, if the construction project  
12 passes all required inspections under the code, and if there  
13 is no personal injury or damage to property other than the  
14 property that is the subject of the permits, plans, and  
15 inspections, this section does not apply unless the person or  
16 party knew or should have known that the violation existed.

17           Section 15. 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 number of licensees who will require initial  
22 training for the Florida Building Code is in excess of  
23 100,000. It is the intent of the Legislature that the Florida  
24 Building Commission make sure that initial training for the  
25 Florida Building Code be achieved as soon as practicable to  
26 ensure compliance. It is further the intent of the Legislature  
27 that the Florida Building Commission encourage and promote  
28 improved coordination between industry associations as a way  
29 to achieve better compliance with Florida's building codes.

30           (2) Not more than 60 days after the effective date of  
31 this section, the Florida Building Commission and the

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

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

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

31 553.842 Product evaluation and approval.--

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

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

29 (5) ~~Statewide and~~ Local approval of products or  
30 methods or systems of construction may shall be achieved by  
31 the local building official through building plans review and

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

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

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

31 (b) Products, methods, or systems of construction for

Bill No. CS for CS for SB's 336 & 190

Amendment No.      Barcode 134464

1 which there are no specific standardized testing or  
2 comparative or rational analysis methods established in the  
3 code may be approved by submittal and validation of one of the  
4 following:

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

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

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

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

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 which shall be third-party entities independent of the  
2 product's manufacturer and which shall certify to the  
3 commission the product's compliance with the code.

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

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

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

27 (c) Quality-assurance entities approved by evaluation  
28 entities approved under paragraph (a) and by certification  
29 agencies approved under paragraph (d) and other  
30 quality-assurance entities that comply with guidelines  
31 selected by the commission and adopted by rule.

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

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

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

25           (10)†(6) A building official may deny the local  
26 application of a product or method or system of construction  
27 which has received statewide approval, based upon a written  
28 report signed by the official that concludes the product  
29 application is inconsistent with the statewide approval and  
30 that states the reasons the application is inconsistent. Such  
31 denial is subject to the provisions of s. 553.77 governing

Bill No. CS for CS for SB's 336 & 190

Amendment No.      Barcode 134464

1 appeal of the building official's interpretation of the code.

2 (11)(7) Products, other than manufactured buildings,  
3 which are custom fabricated or assembled shall not require  
4 separate approval under this section provided the component  
5 parts have been approved for the fabricated or assembled  
6 product's use and the components meet the standards and  
7 requirements of the Florida Building Code which applies to the  
8 product's intended use.

9 (12)(8) A building official may appeal the required  
10 approval for local use of a product or method or system of  
11 construction to the commission. The commission shall conduct a  
12 hearing under chapter 120 and the uniform rules of procedure  
13 and shall establish expedited procedures to handle such  
14 appeals in an expedited manner.

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

22 (14)(10) The commission shall maintain a list of the  
23 state-approved approved products, and product evaluation  
24 entities, testing laboratories, quality-assurance agencies,  
25 certification agencies, and validation entities and make such  
26 lists list available in the most cost-effective manner. The  
27 commission shall establish reasonable timeframes associated  
28 with the product approval process and availability of the  
29 lists list.

30 (15) The commission shall by rule establish criteria  
31 for revocation of product approvals as well as revocation of

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

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

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

22  
 23 ~~For purposes of this section, an approved product evaluation~~  
 24 ~~entity is an entity that has been accredited by a nationally~~  
 25 ~~recognized independent evaluation authority or entity~~  
 26 ~~otherwise approved by the commission.~~

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

29 553.895 Firesafety.--

30 (2) Except for single-family and two-family dwellings,  
 31 any building which is of three stories or more and for which

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

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

30 Section 19. Effective upon this act becoming a law,  
31 the Florida Building Commission shall research the issue of

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

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

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

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

29       Section 135. Effective January 1, 2002 ~~July 1, 2001~~,  
30 subsection (2) of section 255.21, Florida Statutes, paragraphs  
31 (d) and (e) of subsection (1) of section 395.1055, Florida

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

7 Section 62.

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

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

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

29 Section 26. Effective upon this act becoming a law,  
30 funds that are available under sections 489.109(3) and  
31 489.509(3), Florida Statutes, shall be allocated and expended

Bill No. CS for CS for SB's 336 & 190

Amendment No.      Barcode 134464

1 by the Florida Building Commission as provided in this  
2 section.

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

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

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

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

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

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

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

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

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

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

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

30           (c) One member from the Florida Homebuilders  
31 Association;

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

2           (e) One member from the Florida Association of the  
3 American Institute of Architects; and

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

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

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

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

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

29           (4) The ad hoc subcommittee shall submit to the  
30 Florida Building Commission its recommendations and findings  
31 by January 1, 2002. The commission shall submit to the

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

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

8 Section 28. Subsection (1) of section 627.0629,  
9 Florida Statutes, as amended by section 99 of chapter  
10 2000-141, Laws of Florida, is amended to read:

11 627.0629 Residential property insurance; rate  
12 filings.--

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

30 Section 29. Effective upon this act becoming a law,  
31 paragraph (c) of subsection (3) of section 633.0215, Florida

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 Statutes, is amended to read:

2 633.0215 Florida Fire Prevention Code.--

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

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

24 Section 30. Effective upon this act becoming a law,  
25 section 1 of chapter 2000-150, Laws of Florida, is repealed.

26 Section 31. Effective upon this act becoming a law,  
27 the Florida Building Commission shall research and evaluate  
28 the types of specific needs for the state and its localities  
29 which are appropriate to justify amendments to the adopted  
30 Florida Building Code, as referenced in section 553.73(3),  
31 Florida Statutes, and shall make recommendations regarding

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

12           Section 32. Effective upon this act becoming a law,  
 13 the sum of \$250,000 is appropriated from the General Revenue  
 14 Fund to Florida Community College at Jacksonville for the  
 15 operations of the Institute of Applied Technology in  
 16 Construction Excellence.

17           Section 33. The sum of \$250,000 is appropriated from  
 18 the General Revenue Fund to Miami-Dade Community College for  
 19 the purpose of implementing the building code training program  
 20 for inspectors, contractors, architects, and engineers.

21           Section 34. Except as otherwise expressly provided  
 22 in this act, this act shall take effect January 1, 2002.

23  
24

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

26 And the title is amended as follows:

27           Delete everything before the enacting clause

28

29 and insert:

30

                  A bill to be entitled

31

                  An act relating to the Florida Building Code;

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

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

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1 the Florida Building Code; amending s. 135 of  
2 ch. 2000-141, Laws of Florida, and ss. 62(2)  
3 and 68 of ch. 98-287, Laws of Florida, as  
4 amended; requiring that the Florida Building  
5 Commission appoint members to the commission's  
6 Education Technical Advisory Committee;  
7 specifying duties of the advisory committee;  
8 providing for the carryforward of funds  
9 collected for research projects; requiring the  
10 Florida Building Commission to convene an ad  
11 hoc subcommittee to recommend procedures for  
12 engaging an engineer or architect to perform  
13 plans review and inspections; requiring  
14 recommendations for the role of local building  
15 officials in issuing building permits and  
16 certificates of occupancy; providing for  
17 appointment of members; providing for meetings  
18 and staff support by the Department of  
19 Community Affairs; requiring a report to the  
20 Governor and the Legislature by a specified  
21 date; amending s. 627.0629, F.S.; delaying a  
22 deadline by which insurance companies are  
23 required to make certain rate filings; amending  
24 s. 663.0215, F.S.; delaying the date on which  
25 the State Fire Marshal is required to adopt a  
26 statewide firesafety code; providing  
27 appropriations; repealing s. 1 of ch. 2000-150,  
28 Laws of Florida, relating to legislative intent  
29 regarding the meaning of the terms "net  
30 premiums written" and "net premiums collected"  
31 as used in ch. 440, F.S.; providing an

Bill No. CS for CS for SB's 336 & 190

Amendment No. \_\_\_\_ Barcode 134464

1           effective date.  
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