

By the Committees on Appropriations; Comprehensive Planning,
Local and Military Affairs; and Senators Constantine and Clary

309-1856A-01

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

1 F.S.; requiring the commission to issue
2 specified declaratory statements; providing for
3 hearings; providing for rules for plan review
4 of prototype buildings; authorizing the
5 commission to produce a commentary to accompany
6 the Florida Building Code; amending s. 553.79,
7 F.S.; requiring the code to establish standards
8 for preliminary construction; creating s.
9 553.8412, F.S.; providing for statewide
10 outreach for training on the code; amending s.
11 553.842, F.S.; providing methods for local and
12 statewide approval of products, methods, and
13 systems of construction; providing rulemaking
14 authority; amending s. 553.895, F.S.; exempting
15 specified spaces within telecommunications
16 buildings under specified circumstances;
17 allowing the use of a manual wet standpipe
18 under certain circumstances; directing the
19 commission to research some issues and provide
20 reports to the Legislature; amending s. 135 of
21 ch. 2000-141, Laws of Florida, and ss. 62(2)
22 and 68 of ch. 98-287, Laws of Florida, as
23 amended; providing an effective date for the
24 Florida Building Code; requiring that the
25 Florida Building Commission appoint members to
26 the commission's Education Technical Advisory
27 Committee; specifying duties of the advisory
28 committee; providing for the carryforward of
29 funds collected for research projects;
30 requiring the Florida Building Commission to
31 convene an ad hoc subcommittee to recommend

1 procedures for engaging an engineer or
2 architect to perform plans review and
3 inspections; requiring recommendations for the
4 role of local building officials in issuing
5 building permits and certificates of occupancy;
6 providing for appointment of members; providing
7 for meetings and staff support by the
8 Department of Community Affairs; requiring a
9 report to the Governor and the Legislature by a
10 specified date; amending s. 663.0215, F.S.;
11 delaying the date on which the State Fire
12 Marshal is required to adopt a statewide
13 firesafety code; providing an appropriation;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (10) is added to section
19 373.323, Florida Statutes, to read:

20 373.323 Licensure of water well contractors;
21 application, qualifications, and examinations; equipment
22 identification.--

23 (10) Water well contractors licensed under this
24 section may install, repair, and modify pumps and tanks in
25 accordance with the Florida Building Code, Plumbing; Section
26 612--Wells pumps and tanks used for private potable water
27 systems. In addition, licensed water well contractors may
28 install pumps, tanks, and water conditioning equipment for all
29 water well systems.

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

1 489.509 Fees.--
2 (3) Four dollars of each fee under subsection (1) paid
3 to the department at the time of application or renewal shall
4 be transferred at the end of each licensing period to the
5 Department of Community Affairs Education to fund projects
6 relating to the building construction industry or continuing
7 education programs offered to persons engaged in the building
8 construction industry in Florida. The board shall, at the time
9 the funds are transferred, advise the Department of Community
10 Affairs Education on the most needed areas of research or
11 continuing education based on significant changes in the
12 industry's practices or on the most common types of consumer
13 complaints or on problems costing the state or local
14 governmental entities substantial waste. The board's advice is
15 not binding on the Department of Community Affairs Education.
16 ~~The Department of Education must allocate 50 percent of the~~
17 ~~funds to a graduate program in building construction in a~~
18 ~~Florida university and 50 percent of the funds to all~~
19 ~~accredited private and state universities and community~~
20 ~~colleges within the state offering approved courses in~~
21 ~~building construction, with each university or college~~
22 ~~receiving a pro rata share of such funds based upon the number~~
23 ~~of full-time building construction students enrolled at the~~
24 ~~institution.~~The Department of Community Affairs Education
25 shall ensure the distribution of research reports and the
26 availability of continuing education programs to all segments
27 of the building construction industry to which they relate.
28 The Department of Community Affairs Education shall report to
29 the board in October of each year, summarizing the allocation
30 of the funds by institution and summarizing the new projects
31 funded and the status of previously funded projects. ~~The~~

1 ~~Commissioner of Education is directed to appoint one~~
2 ~~electrical contractor and one certified alarm system~~
3 ~~contractor to the Building Construction Industry Advisory~~
4 ~~Committee.~~

5 Section 3. Present subsections (7) through (15) of
6 section 553.36, Florida Statutes, are redesignated as
7 subsections (8) through (16), respectively, and a new
8 subsection (7) is added to that section, to read:

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

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

18 Section 4. Subsections (7), (9), and (13) of section
19 553.415, Florida Statutes, are amended to read:

20 553.415 Factory-built school buildings.--

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

29 (9) The school district or community college district
30 for which any factory-built school building is constructed or
31 altered after October 1, 2001, shall provide for periodic

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

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

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

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

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

3 Section 6. 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 7. 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. For the purposes of this part, the term,
8 "specific needs" includes, but is not limited to, those needs
9 identified as a unique physical characteristic that relate to
10 Florida's geography, climatic condition, soil, topography, or
11 other conditions that are measurably different from other
12 areas of the nation and when the commission determines the
13 model code does not adequately provide a standard of safety or
14 protection for the state. Standards or criteria referenced by
15 the selected model codes shall be similarly incorporated by
16 reference. If a referenced standard or criterion requires
17 amplification or modification to be appropriate for use in
18 this state, only the amplification or modification shall be
19 specifically set forth in the Florida Building Code. The
20 Florida Building Commission may approve technical amendments
21 to the code after the amendments have been subject to the
22 following conditions:

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

28 (b) In order for a Technical Advisory Committee to
29 make a favorable recommendation to the commission, the
30 proposal must receive a three-fourths vote of the members
31 present at the Technical Advisory Committee meeting and at

1 least half of the regular members must be present in order to
2 conduct a meeting;

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

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

11
12 The commission shall incorporate within sections of the
13 Florida Building Code provisions which address regional and
14 local concerns and variations. The commission shall make every
15 effort to minimize conflicts between the Florida Building
16 Code, the Florida Fire Prevention Code, and the Life Safety
17 Code.

18 (4)

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (5) ~~The commission, by rule adopted pursuant to ss.~~
4 ~~120.536(1) and 120.54, shall update the Florida Building Code~~
5 ~~every 3 years.~~The initial adoption of, and any subsequent
6 update or amendment to, the Florida Building Code by the
7 commission is deemed adopted for use statewide without
8 adoptions by local government. For a building permit for which
9 an application is submitted prior to the effective date of the
10 Florida Building Code, the state minimum building code in
11 effect in the permitting jurisdiction on the date of the
12 application governs the permitted work for the life of the
13 permit and any extension granted to the permit.

14 (6) The commission, by rule adopted pursuant to ss.
15 120.536(1) and 120.54, shall update the Florida Building Code
16 every 3 years.When updating the Florida Building Code, the
17 commission shall consider changes made by the adopting entity
18 of any selected model code for any model code incorporated
19 into the Florida Building Code, and may subsequently adopt the
20 new edition or successor of the model code or any part of such
21 code, no sooner than 6 months after such model code has been
22 adopted by the adopting organization,which may then be
23 modified for this state as provided in this section, and shall
24 further consider the commission's own interpretations,
25 declaratory statements, appellate decisions, and approved
26 statewide and local technical amendments. A change made by an
27 institute or standards organization to any standard or
28 criterion that is adopted by reference in the Florida Building
29 Code does not become effective statewide until it has been
30 adopted by the commission. Furthermore,the edition of the
31 Florida Building Code which is in effect on the date of

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

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

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

13 2. Strengthens or improves the Florida Building Code,
14 or in the case of innovation or new technology, will provide
15 equivalent or better products or methods or systems of
16 construction.

17 3. Does not discriminate against materials, products,
18 methods, or systems of construction of demonstrated
19 capabilities.

20 4. Does not degrade the effectiveness of the Florida
21 Building Code.

22
23 Furthermore, the Florida Building Commission may approve
24 technical amendments to the code once each year to incorporate
25 into the Florida Building Code its own interpretations of the
26 code which are embodied in its opinions and declaratory
27 statements. Amendments approved under this paragraph shall be
28 adopted by rule pursuant to ss. 120.536(1) and 120.54, after
29 the amendments have been subjected to the provisions of
30 subsection (3).

31

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

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

12 ~~(8)(7)~~ The following buildings, structures, and
13 facilities are exempt from the Florida Building Code as
14 provided by law, and any further exemptions shall be as
15 determined by the Legislature and provided by law:

16 (a) Buildings and structures specifically regulated
17 and preempted by the Federal Government.

18 (b) Railroads and ancillary facilities associated with
19 the railroad.

20 (c) Nonresidential farm buildings on farms.

21 (d) Temporary buildings or sheds used exclusively for
22 construction purposes.

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

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

30 (g) Temporary sets, assemblies, or structures used in
31 commercial motion picture or television production, or any

1 sound-recording equipment used in such production, on or off
2 the premises.

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

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

27 Section 8. Paragraphs (e) and (h) of subsection (1)
28 and subsections (2) and (6) of section 553.77, Florida
29 Statutes, as amended by section 46 of chapter 98-287, Laws of
30 Florida, as amended by section 78 of chapter 2000-141, Laws of
31 Florida, as amended by section 79 of chapter 2000-141, Laws of

1 Florida, are amended, and subsection (7) is added to that
2 section, to read:

3 553.77 Specific powers of the commission.--

4 (1) The commission shall:

5 (e) When requested in writing by any substantially
6 affected person, state agency, or a local enforcing agency,
7 shall issue declaratory statements pursuant to s. 120.565
8 relating to this part and ss. 515.25, 515.27, 515.29, and
9 515.37. Actions of the commission are subject to judicial
10 review pursuant to s. 120.68.

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

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

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

22 3. Hearings shall be conducted pursuant to chapter 120
23 and the uniform rules of procedure, and decisions ~~Actions~~ of
24 the commission are subject to judicial review pursuant to s.
25 120.68.

26 ~~(2) With respect to the qualification program for~~
27 ~~special inspectors of threshold buildings as required by s.~~
28 ~~553.79(5)(c), the commission may prescribe initial and annual~~
29 ~~renewal fees for certification, by rule, in accordance with~~
30 ~~chapter 120.~~

31

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

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

22 Section 9. Subsections (2) and (6) of section 553.79,
23 Florida Statutes, as amended by section 49 of chapter 98-287,
24 Laws of Florida, as amended by sections 83 and 84 of chapter
25 2000-141, Laws of Florida, are amended to read:

26 553.79 Permits; applications; issuance; inspections.--

27 (2) Except as provided in subsection (6), an ~~No~~
28 enforcing agency may not issue any permit for construction,
29 erection, alteration, modification, repair, or demolition of
30 any building or structure until the local building code
31 administrator or inspector has reviewed the plans and

1 specifications required by the Florida Building Code, or local
2 amendment thereto,for such proposal and found the plans to be
3 in compliance with the Florida Building Code. In addition, an
4 enforcing agency may not issue any permit for construction,
5 erection, alteration, modification, repair, or demolition of
6 any building until the appropriate firesafety inspector
7 certified pursuant to s. 633.081 has reviewed the plans and
8 specifications required by the Florida Building Code, or local
9 amendment thereto,for such proposal and found that the plans
10 comply with the Florida Fire Prevention Code and the Life
11 Safety Code. Any building or structure which is not subject to
12 a firesafety code shall not be required to have its plans
13 reviewed by the firesafety inspector. Any building or
14 structure that is exempt from the local building permit
15 process may not be required to have its plans reviewed by the
16 local building code administrator. Industrial construction on
17 sites where design, construction, and firesafety are
18 supervised by appropriate design and inspection professionals
19 and which contain adequate in-house fire departments and
20 rescue squads is exempt, subject to local government option,
21 from review of plans and inspections, providing owners certify
22 that applicable codes and standards have been met and supply
23 appropriate approved drawings to local building and firesafety
24 inspectors. The enforcing agency shall issue a permit to
25 construct, erect, alter, modify, repair, or demolish any
26 building or structure when the plans and specifications for
27 such proposal comply with the provisions of the Florida
28 Building Code and the Florida Fire Prevention Code and the
29 Life Safety Code as determined by the local authority in
30 accordance with this chapter and chapter 633.
31

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

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

14 553.8412 Legislative intent; delivery of training;
15 outsourcing.--

16 (1) The number of licensees who will require initial
17 training for the Florida Building Code is in excess of
18 100,000. It is the intent of the Legislature that the Florida
19 Building Commission make sure that initial training for the
20 Florida Building Code be achieved as soon as practicable to
21 ensure compliance. It is further the intent of the Legislature
22 that the Florida Building Commission encourage and promote
23 improved coordination between industry associations as a way
24 to achieve better compliance with Florida's building codes.

25 (2) Not more than 60 days after the effective date of
26 this section, the Florida Building Commission and the
27 department shall provide for statewide outreach for training
28 on the Florida Building Code. The Florida Building Commission
29 and the department shall achieve statewide outreach for
30 training through organizations, including, but not limited to,
31 existing licensee trade and professional associations. The

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

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

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

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

26 553.842 Product evaluation and approval.--

27 (1) The commission shall adopt rules under ss.
28 120.536(1) and 120.54 ~~make recommendations to the President of~~
29 ~~the Senate and the Speaker of the House of Representatives~~
30 ~~prior to the 2001 Regular Session~~ to develop and implement a
31 product evaluation and approval system that applies statewide

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

1 which meet or exceed established state requirements shall also
2 be considered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 product's manufacturer and which shall certify to the
2 commission the product's compliance with the code.

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

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

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

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

31

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

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

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

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

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

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

31

1 (15) The commission shall by rule establish criteria
2 for revocation of product approvals as well as revocation of
3 approvals of product evaluation entities, testing
4 laboratories, quality-assurance entities, certification
5 agencies, and validation entities. Revocation is governed by
6 s. 120.60 and the uniform rules of procedure.

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

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

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

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

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

31 553.895 Firesafety.--

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

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

25 Section 13. The Florida Building Commission shall
26 research the issue of adopting a rehabilitation code for the
27 state and shall report to the Legislature before the 2002
28 Regular Session regarding the feasibility of adopting such a
29 code. The commission shall review the rehabilitation codes
30 adopted by other states as part of its research.

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1 Section 14. The Florida Building Commission shall
2 research the issue of requiring all primary elevators in
3 buildings with more than five levels to operate with a
4 universal key, thereby allowing access and operation by
5 emergency personnel. The commission must report its
6 recommendations to the Legislature before the 2002 Regular
7 Session.

8 Section 15. Notwithstanding any other provision in
9 chapter 2000-141, Laws of Florida, effective upon this act
10 becoming a law, the effective date of the following sections
11 of chapter 2000-141, Laws of Florida, is changed to October 1,
12 2001: sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15,
13 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 32, 36,
14 39, 44, 47, 48, 49, 52, 54, 56, 58, 59, 60, 62, 70, 71, 72,
15 75, 79, 81, 84, 86, 87, 88, 91, 92, 93, and 94.

16 Section 16. Notwithstanding any other provision in
17 chapter 2000-141, Laws of Florida, effective upon this act
18 becoming a law, the effective date of the following sections
19 of chapter 98-287, Laws of Florida, as amended by chapter
20 2000-141, Laws of Florida, is changed to October 1, 2001:
21 sections 1, 2, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29,
22 31, 32, 34, 36, 38, 40, 44, 46, 47, 49, 51, and 56.

23 Section 17. Notwithstanding any other provision in
24 chapter 2000-141, Laws of Florida, effective upon this act
25 becoming a law, the effective date of section 61 of chapter
26 98-419, Laws of Florida, as amended by chapter 2000-141, Laws
27 of Florida, is changed to October 1, 2001.

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

31

1 Section 135. Effective October ~~July~~ 1, 2001,
2 subsection (2) of section 255.21, Florida Statutes, paragraphs
3 (d) and (e) of subsection (1) of section 395.1055, Florida
4 Statutes, and subsection (11) of section 553.79, Florida
5 Statutes, are repealed.

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

10 Section 62.

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

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

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

1 Section 21. Funds that are available under sections
2 489.109(3) and 489.509(3), Florida Statutes, shall be
3 allocated and expended by the Florida Building Commission as
4 provided in this section.

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

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

22 (a) Advise the commission on any policies or
23 procedures needed to administer sections 489.109(3) and
24 489.509(3), Florida Statutes.

25 (b) Advise the commission on administering section
26 553.841, Florida Statutes.

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

30 (d) Review all proposed research and continuing
31 education projects and recommend to the commission those

1 projects that should be funded and the amount of funds to be
2 provided for each project.

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

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

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

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

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

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

1 (c) One member from the Florida Homebuilders
2 Association;

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

4 (e) One member from the American Institute of
5 Architects; and

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

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

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

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

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

31

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

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

11 Section 23. Paragraph (c) of subsection (3) of section
12 633.0215, Florida Statutes, is amended to read:

13 633.0215 Florida Fire Prevention Code.--

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

26 (c) Notwithstanding other state or local building and
27 construction code laws to the contrary, locally adopted fire
28 code requirements that were in existence on the effective date
29 of this section shall be deemed local variations of the
30 Florida Fire Prevention Code until the State Fire Marshal
31 takes action to adopt as a statewide firesafety code

1 requirement or rescind such requirements as provided herein,
2 and such action shall take place no later than October ~~July~~ 1,
3 2001.

4 Section 24. The sum of \$250,000 is appropriated from
5 the General Revenue Fund to Florida Community College at
6 Jacksonville for the operations of the Institute of Applied
7 Technology in Construction Excellence.

8 Section 25. Except as otherwise provided in this act,
9 this act shall take effect October 1, 2001.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for SB 336 & 190

4 This committee substitute does the following:

- 5 - Clarifies that the exemption applies to all storage
6 sheds, whether site-built on location or manufactured
and assembled off site;
- 7 - Clarifies the intent of current law that the Florida
8 Building Commission may charge fees to provide for a
self-sufficient training program;
- 9 - Authorizes the Florida Building Commission to outsource
10 the administrative portions of the product approval
system;
- 11 - Provides that product approvals are valid until the
12 product changes affecting its performance as required by
the code;
- 13 - Clarifies that criteria for constituting product
14 validation includes but is not limited to verification
of a quality assurance program;
- 15 - Adds state licensed architects and engineers as approved
16 entities to conduct product evaluations;
- 17 - Delays the effective date to October 2001 for
18 implementing a statewide fire safety code to be
consistent with the building code;
- 19 - Requires that all entities that produce information on
20 which product approvals are based, including engineers
and architects, must comply with a nationally-recognized
21 standard demonstrating independence or no conflict of
interest;
- 22 - Provides discretion to the Florida Building Commission
23 to determine if amendments to the Florida Building Code
address specific needs of the state;
- 24 - Provides that any factory-built school building
25 constructed or altered after October 1, 2001 have
periodic inspections during each phase of construction
or alteration.
- 26 - Provides an appropriation of \$250,000 from the General
27 Revenue Fund to Florida Community College of
Jacksonville for the operations of the Institute of
28 Applied Technology in Construction Excellence.