

1                                   A bill to be entitled  
2           An act relating to the Florida Building Code;  
3           amending s. 235.061, F.S.; delaying the date by  
4           which relocatables used as classrooms must meet  
5           certain standards; amending s. 235.212, F.S.;  
6           specifying certain low-energy window standards  
7           for relocatable classrooms; amending s. 255.31,  
8           F.S.; exempting certain facilities from plans  
9           reviews and inspections by local governments;  
10          amending s. 373.323, F.S.; authorizing water  
11          well contractors to install, repair, or modify  
12          specified equipment in accordance with the  
13          code; amending s. 399.061, F.S.; providing  
14          requirements for the inspection of elevators  
15          and other conveyances; amending s. 489.509,  
16          F.S.; transferring specified licensing fees  
17          from the Department of Education to the  
18          Department of Community Affairs; amending s.  
19          489.537, F.S.; revising the power of  
20          municipalities and counties with respect to  
21          regulating electrical journeymen; amending ss.  
22          553.36, 553.415, F.S.; defining the term  
23          "factory-built school shelter"; providing for  
24          the department to approve plans for such  
25          shelters; authorizing districts to charge  
26          inspection fees; authorizing approved  
27          inspection entities to conduct inspections of  
28          factory-built school buildings while they are  
29          under construction; delaying the date for  
30          inclusion of the Uniform Code for Public  
31          Education Facilities in the Florida Building

1 Code; delaying the deadline for inspecting  
2 factory-built buildings currently in use;  
3 amending ss. 553.505, 553.507, F.S.; conforming  
4 cross-references; amending s. 553.73, F.S.;  
5 providing for the uniform implementation of  
6 parts of the residential swimming pool safety  
7 act; providing a process for the approval of  
8 technical amendments to the code; providing for  
9 the treatment of permit applications submitted  
10 prior to the effective date of the code;  
11 exempting specified structures from the  
12 wind-borne-debris-impact standards of the  
13 Florida Building Code; amending s. 553.77,  
14 F.S.; requiring the commission to issue  
15 specified declaratory statements; providing for  
16 hearings; providing for rules for plan review  
17 of prototype buildings; authorizing the  
18 commission to produce a commentary to accompany  
19 the Florida Building Code; amending s. 553.79,  
20 F.S.; requiring the code to establish standards  
21 for preliminary construction; amending s.  
22 553.84, F.S.; providing an exception to certain  
23 liability provisions relating to the Florida  
24 building Code; creating s. 553.8412, F.S.;  
25 providing for statewide outreach for training  
26 on the code; amending s. 553.842, F.S.;  
27 providing methods for local and statewide  
28 approval of products, methods, and systems of  
29 construction; providing rulemaking authority;  
30 amending s. 553.895, F.S.; exempting specified  
31 spaces within telecommunications buildings

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

1           appropriations; repealing s. 1 of ch. 2000-150,  
2           Laws of Florida, relating to legislative intent  
3           regarding the meaning of the terms "net  
4           premiums written" and "net premiums collected"  
5           as used in ch. 440, F.S.; providing an  
6           effective date.

7

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

9

10           Section 1. Effective upon this act becoming a law,  
11 subsection (1) of section 235.061, Florida Statutes, is  
12 amended to read:

13           235.061 Standards for relocatables used as classroom  
14 space; inspections.--

15           (1) The Commissioner of Education shall adopt rules  
16 establishing standards for relocatables intended for long-term  
17 use as classroom space at a public elementary school, middle  
18 school, or high school. "Long-term use" means the use of  
19 relocatables at the same educational plant for a period of 4  
20 years or more. These rules must be implemented by July 1,  
21 1998, and each relocatable acquired by a district school board  
22 after the effective date of the rules and intended for  
23 long-term use must comply with the standards. The rules shall  
24 require that, by July 1, 2002 ~~July 1, 2001~~, relocatables that  
25 fail to meet the standards may not be used as classrooms. The  
26 standards shall protect the health, safety, and welfare of  
27 occupants by requiring compliance with the Uniform Building  
28 Code for Public Educational Facilities or other locally  
29 adopted state minimum building codes to ensure the safety and  
30 stability of construction and onsite installation; fire and  
31 moisture protection; air quality and ventilation; appropriate

1 wind resistance; and compliance with the requirements of the  
2 Americans with Disabilities Act of 1990. If appropriate, the  
3 standards must also require relocatables to provide access to  
4 the same technologies available to similar classrooms within  
5 the main school facility and, if appropriate, to be accessible  
6 by adequate covered walkways. By July 1, 2000, the  
7 commissioner shall adopt standards for all relocatables  
8 intended for long-term use as classrooms. A relocatable that  
9 is subject to this section and does not meet the standards  
10 shall not be reported as providing satisfactory student  
11 stations in the Florida Inventory of School Houses.

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

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

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

29 (b) In the remodeling and renovation of educational  
30 facilities which have existing natural ventilation, adequate  
31 sources of natural ventilation shall be retained, or a

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

8 Section 3. Effective January 1, 2002, subsection (1)  
9 of section 255.31, Florida Statutes, as amended by section 15  
10 of chapter 2000-141, Laws of Florida, is amended to read:

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

14 (1) The design, construction, erection, alteration,  
15 modification, repair, and demolition of all public and private  
16 buildings are governed by the Florida Building Code and the  
17 Florida Fire Prevention Code, which are to be enforced by  
18 local jurisdictions or local enforcement districts unless  
19 specifically exempted as provided in s. 553.80. However, the  
20 Department of Management Services shall provide the project  
21 management and administration services for the construction,  
22 renovation, repair, modification, or demolition of buildings,  
23 utilities, parks, parking lots, or other facilities or  
24 improvements for projects for which the funds are appropriated  
25 to the department; provided that, with the exception of  
26 facilities constructed under the authority of chapters 944,  
27 945, and 985; the Governor's mansion and grounds thereof, as  
28 described in s. 272.18; and the Capitol Building and environs,  
29 being that part of the City of Tallahassee bounded on the  
30 north by Pensacola and Jefferson Streets, on the east by  
31 Monroe Street, on the south by Madison Street, and on the west

1 by Duval Street, the department may not conduct plans reviews  
2 or inspection services for consistency with the Florida  
3 Building Code. The department's fees for such services shall  
4 be paid from such appropriations.

5 Section 4. Subsection (10) is added to section  
6 373.323, Florida Statutes, to read:

7 373.323 Licensure of water well contractors;  
8 application, qualifications, and examinations; equipment  
9 identification.--

10 (10) Water well contractors licensed under this  
11 section may install, repair, and modify pumps and tanks in  
12 accordance with the Florida Building Code, Plumbing; Section  
13 612--Wells pumps and tanks used for private potable water  
14 systems. In addition, licensed water well contractors may  
15 install pumps, tanks, and water conditioning equipment for all  
16 water well systems.

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

19 399.061 Inspections; correction of deficiencies.--

20 (1)(a) All elevators or other conveyances subject to  
21 this chapter must be annually inspected by a certified  
22 elevator inspector through a third-party inspection service,  
23 or by a municipality or county under contract with the  
24 division, pursuant to s. 399.13. If the elevator or other  
25 conveyance is ~~by a third-party inspection service certified as~~  
26 ~~a qualified elevator inspector~~ or maintained pursuant to a  
27 service maintenance contract continuously in force, it shall  
28 be inspected at least once every 2 years by a certified  
29 elevator inspector who is not employed by or otherwise  
30 associated with the maintenance company; however, if the  
31 elevator is not an escalator or a dumbwaiter, serves only two

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

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

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

22 (3) Whenever the division determines from the results  
23 of any inspection that, in the interest of the public safety,  
24 an elevator is in an unsafe condition, the division may seal  
25 the elevator or order the discontinuance of the use of the  
26 elevator until the division determines by inspection that such  
27 elevator has been satisfactorily repaired or replaced so that  
28 the elevator may be operated in a safe manner.

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



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

4           489.509 Fees.--

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

1 the board in October of each year, summarizing the allocation  
2 of the funds by institution and summarizing the new projects  
3 funded and the status of previously funded projects. ~~The~~  
4 ~~Commissioner of Education is directed to appoint one~~  
5 ~~electrical contractor and one certified alarm system~~  
6 ~~contractor to the Building Construction Industry Advisory~~  
7 ~~Committee.~~

8 Section 7. Paragraph (f) is added to subsection (3) of  
9 section 489.537, Florida Statutes, to read:

10 489.537 Application of this part.--

11 (3) Nothing in this act limits the power of a  
12 municipality or county:

13 (f) To require that one electrical journeyman, who is  
14 a graduate of the Institute of Applied Technology in  
15 Construction Excellence or licensed pursuant to s. 489.5335,  
16 be present on an industrial or commercial new construction  
17 site with a facility of 50,000 gross square feet or more when  
18 electrical work in excess of 77 volts is being performed in  
19 order to supervise or perform such work, except as provided in  
20 s. 489.503.

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

26 553.36 Definitions.--The definitions contained in this  
27 section govern the construction of this part unless the  
28 context otherwise requires.

29 (7) "Factory-built school shelter" means any  
30 site-assembled or factory-built school building that is  
31 designed to be portable, relocatable, demountable, or

1 reconstructible and that complies with the provisions for  
2 enhanced hurricane protection areas, as required by the  
3 applicable code.

4 Section 9. Effective upon this act becoming a law,  
5 section 553.415, Florida Statutes, is amended to read:

6 553.415 Factory-built school buildings.--

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

27 320.822-320.862.

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

31

1           (3) Within 90 days after the effective date of this  
2 section, the department shall adopt by emergency rule  
3 regulations to carry out the provisions of this section. Such  
4 rule shall ensure the safety of design, construction,  
5 accessibility, alterations, and inspections and shall also  
6 prescribe procedures for the plans, specifications, and  
7 methods of construction to be submitted to the department for  
8 approval.

9           (4) A manufacturer of factory-built school buildings  
10 designed or intended for use as school buildings shall submit  
11 to the department for approval the manufacturer's plans,  
12 specifications, alterations, and methods of construction. The  
13 department is authorized to charge manufacturers a fee which  
14 reflects the actual expenses incurred for the review of such  
15 plans and specifications.

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

28           (6) The department may delegate its plans review  
29 authority to a state agency or public or private entity;  
30 however, the department shall ensure that any person  
31

1 conducting plans reviews is a certified plans examiner,  
2 pursuant to part XII of chapter 468.

3 (7) A standard plan approval may be obtained from the  
4 department for factory-built school buildings and such  
5 department-approved plans shall be accepted by the enforcement  
6 agency as approved for the purpose of obtaining a construction  
7 permit for the structure itself. The department, or its  
8 designated representative, shall determine if the plans  
9 qualify for purposes of a factory-built school shelter, as  
10 defined in s. 553.36.

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

22 (9) The school district or community college district  
23 for which any factory-built school building is constructed or  
24 altered after July 1, 2001, shall provide for periodic  
25 inspection of the proposed factory-built school building  
26 during each phase of construction or alteration. The inspector  
27 shall act under the direction of the governing board for  
28 employment purposes. This subsection does not prevent a school  
29 district or community college district from purchasing or  
30 otherwise using a factory-built school building that has been  
31 inspected during all phases of construction or alteration

1 conducted after July 1, 2002, by another school district or  
2 community college or by an approved inspection agency  
3 certified pursuant to s. 553.36(2). If a factory-built school  
4 building is constructed or altered for an entity other than a  
5 school district or community college district, such entity may  
6 employ at its election a school district, community college  
7 district, or such approved inspection agency to conduct such  
8 inspections. A school district or community college district  
9 so employed may charge such entity for services at reasonable  
10 rates comparable to those charged for similar services by  
11 approved inspection agencies.

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

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

- 1 (a) The name of the manufacturer.
- 2 (b) The standard plan approval number or alteration  
3 number.
- 4 (c) The date of manufacture or alteration.
- 5 (d) The serial or other identification number.
- 6 (e) The following designed-for loads: lbs. per square  
7 foot live load; lbs. per square foot floor live load; lbs. per  
8 square foot horizontal wind load; and lbs. per square foot  
9 wind uplift load.
- 10 (f) The designed-for flood zone usage.
- 11 (g) The designed-for wind zone usage.
- 12 (h) The designed-for enhanced hurricane protection  
13 zone usage: yes or no.
- 14 (12) Such identification label shall be permanently  
15 affixed by the manufacturer in the case of newly constructed  
16 factory-built school buildings, or by the department or its  
17 designee in the case of an existing factory-built building  
18 altered to comply with provisions of s. 235.061.
- 19 (13) As of July 1, 2001, all ~~existing and~~ newly  
20 constructed factory-built school buildings shall bear a label  
21 pursuant to subsection (12). As of July 1, 2002, existing  
22 factory-built school buildings and manufactured building used  
23 as classrooms and not bearing such label shall not be used as  
24 classrooms pursuant to s. 235.061.
- 25 (14) Nothing in this section shall affect any  
26 requirement for compliance with firesafety criteria.
- 27 Section 10. Effective July 1, 2001, section 553.505,  
28 Florida Statutes, is amended to read:
- 29 553.505 Exceptions to applicability of the Americans  
30 with Disabilities Act.--Notwithstanding the Americans with  
31 Disabilities Act of 1990, private clubs are governed by ss.

1 553.501-553.513. Parking spaces, parking lots, and other  
2 parking facilities are governed by s. 553.5041 ~~s. 316.1955~~,  
3 when that section provides increased accessibility.

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

6 553.507 Exemptions.--Sections 553.501-553.513 ~~and s.~~  
7 ~~316.1955(4)~~ do not apply to any of the following:

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

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

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

16 (b) The proposed alteration or renovation of the  
17 building, structure, or facility will affect usability or  
18 accessibility to a degree that invokes the requirements of s.  
19 303(a) of the Americans with Disabilities Act of 1990; or

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

23 Section 12. Subsections (2) and (3), paragraph (b) of  
24 subsection (4) and subsections (5), (6), and (7) of section  
25 553.73, Florida Statutes, as amended by section 40 of chapter  
26 98-287, Laws of Florida, as amended by section 61 of chapter  
27 98-419, Laws of Florida, as amended by sections 73, 74, and 75  
28 of chapter 2000-141, Laws of Florida, and section 62 of  
29 chapter 2000-154, Laws of Florida, are amended, and present  
30 subsections (8), (9), and (10) of that section are  
31



1 redesignated as subsections (9), (10), and (11), respectively,  
2 to read:

3           553.73 State Minimum Building Codes.--

4           (2) The Florida Building Code shall contain provisions  
5 or requirements for public and private buildings, structures,  
6 and facilities relative to structural, mechanical, electrical,  
7 plumbing, energy, and gas systems, existing buildings,  
8 historical buildings, manufactured buildings, elevators,  
9 coastal construction, lodging facilities, food sales and food  
10 service facilities, health care facilities, including assisted  
11 living facilities, adult day care facilities, and facilities  
12 for the control of radiation hazards, public or private  
13 educational facilities, swimming pools, and correctional  
14 facilities and enforcement of and compliance with such  
15 provisions or requirements. Further, the Florida Building Code  
16 must provide for uniform implementation of ss. 515.25, 515.27,  
17 and 515.29 by including standards and criteria for residential  
18 swimming pool barriers, pool covers, latching devices, door  
19 and window exit alarms, and other equipment required therein,  
20 which are consistent with the intent of s. 515.23. Technical  
21 provisions to be contained within the Florida Building Code  
22 are restricted to requirements related to the types of  
23 materials used and construction methods and standards employed  
24 in order to meet criteria specified in the Florida Building  
25 Code. Provisions relating to the personnel, supervision or  
26 training of personnel, or any other professional qualification  
27 requirements relating to contractors or their workforce may  
28 not be included within the Florida Building Code, and  
29 subsections (4), (5), and (6) are not to be construed to allow  
30 the inclusion of such provisions within the Florida Building  
31

1 Code by amendment. This restriction applies to both initial  
2 development and amendment of the Florida Building Code.

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

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

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

29 (c) After Technical Advisory Committee consideration  
30 and a recommendation for approval of any proposed amendment,  
31 the proposal must be published on the commission's website for

1 not less than 45 days before any consideration by the  
2 commission; and

3 (d) Any proposal may be modified by the commission  
4 based on public testimony and evidence from a public hearing  
5 held in accordance with chapter 120.  
6

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

13 (4)

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

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

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

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

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

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

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

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

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

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

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

28 (5) ~~The commission, by rule adopted pursuant to ss.~~  
29 ~~120.536(1) and 120.54, shall update the Florida Building Code~~  
30 ~~every 3 years.~~The initial adoption of, and any subsequent  
31 update or amendment to, the Florida Building Code by the

1 commission is deemed adopted for use statewide without  
2 adoptions by local government. For a building permit for which  
3 an application is submitted prior to the effective date of the  
4 Florida Building Code, the state minimum building code in  
5 effect in the permitting jurisdiction on the date of the  
6 application governs the permitted work for the life of the  
7 permit and any extension granted to the permit.

8         (6) The commission, by rule adopted pursuant to ss.  
9 120.536(1) and 120.54, shall update the Florida Building Code  
10 every 3 years.When updating the Florida Building Code, the  
11 commission shall consider changes made by the adopting entity  
12 of any selected model code for any model code incorporated  
13 into the Florida Building Code, and may subsequently adopt the  
14 new edition or successor of the model code or any part of such  
15 code, no sooner than 6 months after such model code has been  
16 adopted by the adopting organization,which may then be  
17 modified for this state as provided in this section, and shall  
18 further consider the commission's own interpretations,  
19 declaratory statements, appellate decisions, and approved  
20 statewide and local technical amendments. A change made by an  
21 institute or standards organization to any standard or  
22 criterion that is adopted by reference in the Florida Building  
23 Code does not become effective statewide until it has been  
24 adopted by the commission. Furthermore,the edition of the  
25 Florida Building Code which is in effect on the date of  
26 application for ~~of~~ any permit authorized by the code governs  
27 the permitted work for the life of the permit and any  
28 extension granted to the permit. Any amendment to the Florida  
29 Building Code which is adopted upon a finding by the  
30 commission that the amendment is necessary to protect the  
31 public from immediate threat of harm takes effect immediately.

1           ~~(7)(6)~~(a) The commission may approve technical  
2 amendments to the Florida Building Code once each year for  
3 statewide or regional application upon a finding that the  
4 amendment:

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

7           2. Strengthens or improves the Florida Building Code,  
8 or in the case of innovation or new technology, will provide  
9 equivalent or better products or methods or systems of  
10 construction.

11           3. Does not discriminate against materials, products,  
12 methods, or systems of construction of demonstrated  
13 capabilities.

14           4. Does not degrade the effectiveness of the Florida  
15 Building Code.

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

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

1 (c) The commission may not approve any proposed  
2 amendment that does not accurately and completely address all  
3 requirements for amendment which are set forth in this  
4 section.

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

9 (a) Buildings and structures specifically regulated  
10 and preempted by the Federal Government.

11 (b) Railroads and ancillary facilities associated with  
12 the railroad.

13 (c) Nonresidential farm buildings on farms.

14 (d) Temporary buildings or sheds used exclusively for  
15 construction purposes.

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

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

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

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



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

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

26           Section 13. Paragraphs (e) and (h) of subsection (1)  
27 and subsections (2) and (6) of section 553.77, Florida  
28 Statutes, as amended by section 46 of chapter 98-287, Laws of  
29 Florida, as amended by section 78 of chapter 2000-141, Laws of  
30 Florida, as amended by section 79 of chapter 2000-141, Laws of  
31

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 14. 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 15. Effective upon this act becoming a law,  
13 section 553.84, Florida Statutes, as amended by section 88 of  
14 chapter 2000-141, Laws of Florida, is amended to read:

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

30           Section 16. Effective upon this act becoming a law,  
31 section 553.8412, Florida Statutes, is created to read:

1           553.8412 Legislative intent; delivery of training;  
2 outsourcing.--

3           (1) The number of licensees who will require initial  
4 training for the Florida Building Code is in excess of  
5 100,000. It is the intent of the Legislature that the Florida  
6 Building Commission make sure that initial training for the  
7 Florida Building Code be achieved as soon as practicable to  
8 ensure compliance. It is further the intent of the Legislature  
9 that the Florida Building Commission encourage and promote  
10 improved coordination between industry associations as a way  
11 to achieve better compliance with Florida's building codes.

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

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

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

11           Section 17. Effective July 1, 2001, section 553.842,  
12 Florida Statutes, is amended to read:

13           553.842 Product evaluation and approval.--

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

22 The product evaluation and approval system shall provide:

23           (a) Appropriate promotion of innovation and new  
24 technologies.

25           (b) Processing submittals of products from  
26 manufacturers in a timely manner.

27           (c) Independent, third-party qualified and accredited  
28 testing and laboratory facilities, product evaluation  
29 entities, quality-assurance agencies, certification agencies,  
30 and validation entities.

31

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

3 (e) Development of stringent but reasonable testing  
4 criteria based upon existing consensus standards, when  
5 available, for products.

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

11 (g) Criteria for recall or revocation of a product  
12 approval.

13 (h) Cost-effectiveness.

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

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

30 (4) By October 1, 2003, products or methods or systems  
31 of construction requiring approval under s. 553.77 must be



1 approved by one of the methods established in subsection (5)  
2 or subsection (6) before their use in construction in this  
3 state. Products may be approved either by the commission for  
4 statewide use, or by a local building department for use in  
5 that department's jurisdiction only. Notwithstanding a local  
6 government's authority to amend the Florida Building Code as  
7 provided in this act, statewide approval shall preclude local  
8 jurisdictions from requiring further testing, evaluation, or  
9 submission of other evidence as a condition of using the  
10 product so long as the product is being used consistent with  
11 the conditions of its approval.

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

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

26 (a) Products for which the code establishes  
27 standardized testing or comparative or rational analysis  
28 methods shall be approved by submittal and validation of one  
29 of the following reports or listings indicating that the  
30 product or method or system of construction was evaluated to  
31 be in compliance with the Florida Building Code and that the

1 product or method or system of construction is, for the  
2 purpose intended, at least equivalent to that required by the  
3 Florida Building Code:

4 1. A certification mark or listing of an approved  
5 certification agency;

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

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

10 4. A product evaluation report based upon testing or  
11 comparative or rational analysis, or a combination thereof,  
12 developed and signed and sealed by a professional engineer or  
13 architect, licensed in this state.

14 (b) Products, methods, or systems of construction for  
15 which there are no specific standardized testing or  
16 comparative or rational analysis methods established in the  
17 code may be approved by submittal and validation of one of the  
18 following:

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

27 2. 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, who certifies that the  
31 product or method or system of construction is, for the

1 purpose intended, at least equivalent to that required by the  
2 Florida Building Code.

3 (7) The commission shall ensure that product  
4 manufacturers operate quality-assurance programs for all  
5 approved products. The commission shall adopt by rule criteria  
6 for operation of the quality-assurance programs.

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

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

24 (a) Evaluation entities that meet the criteria for  
25 approval adopted by the commission by rule. The commission  
26 shall specifically approve the National Evaluation Service,  
27 the International Conference of Building Officials Evaluation  
28 Services, the Building Officials and Code Administrators  
29 International Evaluation Services, the Southern Building Code  
30 Congress International Evaluation Services, and the Miami-Dade  
31 County Building Code Compliance Office Product Control.

1 Architects and engineers licensed in this state are also  
2 approved to conduct product evaluations as provided in  
3 subsection (6).

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

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

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

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

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

29 ~~(b) Submittal and validation of a product evaluation~~  
30 ~~report or rational analysis which is signed and sealed by a~~  
31 ~~professional engineer or architect, licensed in this state,~~

1 ~~who has no conflict of interest, as determined by national~~  
2 ~~guidelines, who certifies that the product or method or system~~  
3 ~~of construction is, for the purpose intended, at least~~  
4 ~~equivalent of that required by the Florida Building Code. Any~~  
5 ~~product approved under this procedure shall be required to be~~  
6 ~~manufactured under a quality assurance program, certified by~~  
7 ~~an approved product evaluation entity.~~

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

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

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

29       (13)~~(9)~~ The decisions of local building officials  
30 shall be appealable to the local board of appeals, if such  
31 board exists, and then to the commission, which shall conduct

1 a hearing under chapter 120 and the uniform rules of  
2 procedure. Decisions of the commission regarding statewide  
3 product approvals and appeals of local product approval shall  
4 be subject to judicial review pursuant to s. 120.68.

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

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

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

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

31

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

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

11           Section 18. Effective July 1, 2001, subsection (2) of  
12 section 553.895, Florida Statutes, is amended to read:

13           553.895 Firesafety.--

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

28 Telecommunications spaces located within telecommunications  
29 buildings, if the spaces are equipped to meet an equivalent  
30 fire-prevention standard approved by both the Florida Building  
31 Commission and the State Fire Marshal, are exempt from the

1 requirements of this subsection. In a building less than 75  
2 feet in height which is protected throughout with an approved  
3 and maintained fire sprinkler system, a manual wet standpipe,  
4 as defined in the National Fire Protection Association  
5 Standard 14, Standard for the Installation of Standpipe,  
6 Private Hydrant, and Hose Systems, shall be allowed.

7 Section 19. Effective upon this act becoming a law,  
8 the Florida Building Commission shall research the issue of  
9 adopting a rehabilitation code for the state and shall report  
10 to the Legislature before the 2002 Regular Session regarding  
11 the feasibility of adopting such a code. The commission shall  
12 review the rehabilitation codes adopted by other states as  
13 part of its research.

14 Section 20. Effective upon this act becoming a law,  
15 the Florida Building Commission shall research the issue of  
16 requiring all primary elevators in buildings with more than  
17 five levels to operate with a universal key, thereby allowing  
18 access and operation by emergency personnel. The commission  
19 must report its recommendations to the Legislature before the  
20 2002 Regular Session.

21 Section 21. Notwithstanding any other provision in  
22 chapter 2000-141, Laws of Florida, effective upon this act  
23 becoming a law, the effective date of the following sections  
24 of chapter 2000-141, Laws of Florida, is changed to January 1,  
25 2002: sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15,  
26 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 32, 36,  
27 39, 44, 47, 48, 49, 52, 54, 56, 58, 59, 60, 62, 70, 71, 72,  
28 75, 79, 81, 84, 86, 87, 88, 91, 92, 93, 94, and 99.

29 Section 22. Notwithstanding any other provision in  
30 chapter 2000-141, Laws of Florida, effective upon this act  
31 becoming a law, the effective date of the following sections



1 of chapter 98-287, Laws of Florida, as amended by chapter  
2 2000-141, Laws of Florida, is changed to January 1, 2002:  
3 sections 1, 2, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29,  
4 31, 32, 34, 36, 38, 40, 44, 46, 47, 49, 51, and 56.

5       Section 23. Notwithstanding any other provision in  
6 chapter 2000-141, Laws of Florida, effective upon this act  
7 becoming a law, the effective date of section 61 of chapter  
8 98-419, Laws of Florida, as amended by chapter 2000-141, Laws  
9 of Florida, is changed to January 1, 2002.

10       Section 24. Effective upon this act becoming a law,  
11 section 135 of chapter 2000-141, Laws of Florida, is amended  
12 to read:

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

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

22       Section 62.

23       (2) Effective January 1, 2002 ~~July 1, 2001~~, all  
24 existing local technical amendments to any building code  
25 adopted by any local government, except for local ordinances  
26 setting forth administrative requirements which are not in  
27 conflict with the Florida Building Code, are repealed. Each  
28 local government may readopt such amendments pursuant to s.  
29 553.73, Florida Statutes, provided such amendments comply with  
30 applicable provisions of the Florida Building Code.

31

1           Section 26. Effective upon this act becoming a law,  
2 section 68 of chapter 98-287, Laws of Florida, as amended by  
3 section 108 of chapter 2000-141, Laws of Florida, is amended  
4 to read:

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

14           Section 27. Effective upon this act becoming a law,  
15 funds that are available under sections 489.109(3) and  
16 489.509(3), Florida Statutes, shall be allocated and expended  
17 by the Florida Building Commission as provided in this  
18 section.

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

1 2 years each and members may be reappointed at the discretion  
2 of the Florida Building Commission.

3 (2) The Educational Technical Advisory Committee  
4 shall:

5 (a) Advise the commission on any policies or  
6 procedures needed to administer sections 489.109(3) and  
7 489.509(3), Florida Statutes.

8 (b) Advise the commission on administering section  
9 553.841, Florida Statutes.

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

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

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

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

30 Section 28. Effective upon this act becoming a law,  
31 the Florida Building Commission shall convene an ad hoc

1 subcommittee to recommend a procedure by which the public  
2 could elect to engage an engineer or architect to perform  
3 plans review and inspection for the construction, alteration,  
4 repair, or improvement of real property, and the appropriate  
5 role of the local building official in such an alternative  
6 plans review and inspection procedure and in the resulting  
7 issuance of a building permit and certificate of occupancy.

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

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

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

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

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

18 (e) One member from the Florida Association of the  
19 American Institute of Architects; and

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

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

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

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

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

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

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

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

24 Section 29. Subsection (1) of section 627.0629,  
25 Florida Statutes, as amended by section 99 of chapter  
26 2000-141, Laws of Florida, is amended to read:

27 627.0629 Residential property insurance; rate  
28 filings.--

29 (1) A rate filing for residential property insurance  
30 must include actuarially reasonable discounts, credits, or  
31 other rate differentials, or appropriate reductions in

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

15 Section 30. Effective upon this act becoming a law,  
16 paragraph (c) of subsection (3) of section 633.0215, Florida  
17 Statutes, is amended to read:

18 633.0215 Florida Fire Prevention Code.--

19 (3) No later than 180 days before the triennial  
20 adoption of the Florida Fire Prevention Code, the State Fire  
21 Marshal shall notify each municipal, county, and special  
22 district fire department of the triennial code adoption and  
23 steps necessary for local amendments to be included within the  
24 code. No later than 120 days before the triennial adoption of  
25 the Florida Fire Prevention Code, each local jurisdiction  
26 shall provide the State Fire Marshal with copies of its local  
27 fire code amendments. The State Fire Marshal has the option to  
28 process local fire code amendments that are received less than  
29 120 days before the adoption date of the Florida Fire  
30 Prevention Code.

31

1 (c) Notwithstanding other state or local building and  
2 construction code laws to the contrary, locally adopted fire  
3 code requirements that were in existence on the effective date  
4 of this section shall be deemed local variations of the  
5 Florida Fire Prevention Code until the State Fire Marshal  
6 takes action to adopt as a statewide firesafety code  
7 requirement or rescind such requirements as provided herein,  
8 and such action shall take place no later than January 1, 2002  
9 ~~July 1, 2001~~.

10 Section 31. Effective upon this act becoming a law,  
11 section 1 of chapter 2000-150, Laws of Florida, is repealed.

12 Section 32. Effective upon this act becoming a law,  
13 the Florida Building Commission shall research and evaluate  
14 the types of specific needs for the state and its localities  
15 which are appropriate to justify amendments to the adopted  
16 Florida Building Code, as referenced in section 553.73(3),  
17 Florida Statutes, and shall make recommendations regarding  
18 legislative clarification of this issue to the Legislature  
19 prior to the 2002 Regular Session. The commission shall  
20 consider needs relating to the state's geographic, climatic,  
21 soil, topographic, fire, and other conditions as part of its  
22 evaluation. The commission shall adopt no amendments to the  
23 Florida Building Code until after July 1, 2002, except for the  
24 following: emergency amendments, amendments clarifying  
25 construction regulations for state agencies, amendments that  
26 eliminate conflicts with state law or implement new  
27 authorities granted by law, and amendments to implement  
28 settlement agreements executed prior to March 1, 2002.

29 Section 33. Effective upon this act becoming a law,  
30 the sum of \$250,000 is appropriated from the General Revenue  
31 Fund to Florida Community College at Jacksonville for the

1 operations of the Institute of Applied Technology in  
2 Construction Excellence.

3           Section 34. The sum of \$250,000 is appropriated from  
4 the General Revenue Fund to Miami-Dade Community College for  
5 the purpose of implementing the building code training program  
6 for inspectors, contractors, architects, and engineers.

7           Section 35. Except as otherwise expressly provided  
8 in this act, this act shall take effect January 1, 2002.

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