

Bill No. HB 585, 1st Eng.

Amendment No. \_\_\_\_ Barcode 551966

CHAMBER ACTION

Senate

House

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Senator Constantine moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (3) of section 553.37, Florida Statutes, is amended to read:

553.37 Rules; inspections; and insignia.--

(3) All manufactured buildings issued and bearing insignia of approval pursuant to subsection (2) shall be deemed to comply with the Florida Building Code and are exempt from local amendments enacted by any local government. Lawn storage buildings and storage sheds bearing the insignia of approval of the department may be delivered and installed without need of a contractor's or specialty license.

Section 2. Subsections (3), (4), (5), (6), (7), and (12) of section 553.415, Florida Statutes, are amended, to read:

553.415 Factory-built school buildings.--

(3) ~~within 90 days after the effective date of this~~

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1 ~~section,~~ The department shall adopt by emergency rule  
2 regulations to carry out the provisions of this section. Such  
3 rule shall ensure the safety of design, construction,  
4 accessibility, alterations, and inspections and shall also  
5 prescribe procedures for the plans, specifications, and  
6 methods of construction to be submitted to the department for  
7 approval.

8 (4) A manufacturer of factory-built school buildings  
9 designed or intended for use as school buildings shall submit  
10 to the department ~~for approval~~ the manufacturer's plans,  
11 specifications, alterations, and methods of construction for  
12 any factory-built school building that has not previously been  
13 submitted to the department together with the approval of a  
14 certified plans examiner for such building. ~~The department is~~  
15 ~~authorized to charge manufacturers a fee which reflects the~~  
16 ~~actual expenses incurred for the review of such plans and~~  
17 ~~specifications.~~

18 (5) The department, ~~in accordance with the standards~~  
19 ~~and procedures adopted pursuant to this section and as such~~  
20 ~~standards and procedures may thereafter be modified,~~ shall  
21 approve or reject such plans, specifications, and methods of  
22 construction. The department may delegate its plans-review  
23 authority to a state agency or public or private entity;  
24 however, the department shall ensure that any person  
25 conducting plan reviews is a certified plans examiner pursuant  
26 to part XII of chapter 468. Any person employed by a municipal  
27 or county government, school, or community college district or  
28 a private entity who is a certified plans examiner under part  
29 XII of chapter 468 may approve a manufacturer's plans,  
30 specifications, and methods of construction. Approval of the  
31 department shall not be given if a certified plans examiner

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1 ~~certifies that unless~~ such plans, specifications, and methods  
2 of construction are in compliance with the Florida State  
3 ~~Uniform Building Code for Public Educational Facilities and~~  
4 ~~department rule. After March 1, 2002, the Uniform Code for~~  
5 ~~Public Educational Facilities shall be incorporated into the~~  
6 ~~Florida Building Code, including specific requirements for~~  
7 ~~public educational facilities and department rule.~~

8 (6) The review and approval of any site plan locating  
9 a factory-built school building shall be performed solely by  
10 the school district or community college district acquiring  
11 the factory-built school building. The department may delegate  
12 its plans review authority to a state agency or public or  
13 private entity; however, the department shall ensure that any  
14 person conducting plans reviews is a certified plans examiner,  
15 pursuant to part XII of chapter 468.

16 (7) A standard plan approval may be obtained from the  
17 department for factory-built school buildings and such  
18 department-approved plans shall be accepted by the enforcement  
19 agency as approved for the purpose of obtaining a construction  
20 permit for the structure itself. The department, or its  
21 designated representative, shall determine if the plans  
22 qualify for purposes of a factory-built school shelter, as  
23 defined in s. 553.36. The department may delegate its  
24 plans-review authority to a state agency or public or private  
25 entity; however, the department shall ensure that any person  
26 conducting plans reviews is a certified plans examiner  
27 pursuant to part XII of chapter 468.

28 (12) Each factory-built school building used for  
29 educational purposes shall bear the insignia of the department  
30 and a data plate. Application for insignia shall be made by  
31 the third-party-approved inspection agency designated in

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1 accordance with s. 553.37(9). The data plate shall be  
 2 fabricated by the manufacturer of durable material in  
 3 accordance with s. 553.11. Such insignia and identification  
 4 label shall be permanently affixed by the manufacturer in the  
 5 case of newly constructed factory-built school buildings, or  
 6 by the manufacturer or contractor performing the alterations  
 7 ~~department or its designee~~ in the case of an existing  
 8 factory-built building altered to comply with provisions of s.  
 9 1013.20.

10 Section 3. Paragraphs (a) and (c) of subsection (4),  
 11 subsection (6), and paragraphs (a) and (c) of subsection (7)  
 12 of section 553.73, Florida Statutes, are amended to read:

13 553.73 Florida Building Code.--

14 (4)(a) All entities authorized to enforce the Florida  
 15 Building Code pursuant to s. 553.80 shall comply with  
 16 applicable standards for issuance of mandatory certificates of  
 17 occupancy, minimum types of inspections, and procedures for  
 18 plans review and inspections as established by the commission  
 19 by rule. Notwithstanding any other provision of law, a local  
 20 government may issue an annual permit for construction  
 21 activity of the type and pursuant to the conditions  
 22 established within the Florida Building Code. Local  
 23 governments may adopt amendments to the administrative  
 24 provisions of the Florida Building Code, subject to the  
 25 limitations of this paragraph. Local amendments shall be more  
 26 stringent than the minimum standards described herein and  
 27 shall be transmitted to the commission within 30 days after  
 28 enactment. The local government shall make such amendments  
 29 available to the general public in a usable format. The State  
 30 Fire Marshal is responsible for establishing the standards and  
 31 procedures required in this paragraph for governmental

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1 entities with respect to applying the Florida Fire Prevention  
2 Code and the Life Safety Code.

3 (c) Any amendment adopted by a local enforcing agency  
4 pursuant to this subsection shall not apply to state or school  
5 district owned buildings, manufactured buildings or  
6 factory-built school buildings approved by the commission, or  
7 prototype buildings approved pursuant to s. 553.77(3)(5). The  
8 respective responsible entities shall consider the physical  
9 performance parameters substantiating such amendments when  
10 designing, specifying, and constructing such exempt buildings.

11 (6)(a) The commission, by rule adopted pursuant to ss.  
12 120.536(1) and 120.54, shall update the Florida Building Code  
13 every 3 years. When updating the Florida Building Code, the  
14 commission shall consider changes made by the adopting entity  
15 of any selected model code for any model code incorporated  
16 into the Florida Building Code, and may subsequently adopt the  
17 new edition or successor of the model code or any part of such  
18 code, no sooner than 6 months after such model code has been  
19 adopted by the adopting organization, which may then be  
20 modified for this state as provided in this section, ~~and~~

21 (b) The commission shall further consider the  
22 commission's own interpretations, declaratory statements,  
23 appellate decisions, and approved statewide and local  
24 technical amendments and shall incorporate such  
25 interpretations, statements, decisions, and amendments into  
26 the updated Florida Building Code only to the extent that they  
27 are necessary to modify the foundation code to accommodate the  
28 specific needs of this state. A change made by an institute or  
29 standards organization to any standard or criterion that is  
30 adopted by reference in the Florida Building Code does not  
31 become effective statewide until it has been adopted by the

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1 commission. Furthermore, the edition of the Florida Building  
2 Code which is in effect on the date of application for any  
3 permit authorized by the code governs the permitted work for  
4 the life of the permit and any extension granted to the  
5 permit.

6 (c) A rule updating the Florida Building Code in  
7 accordance with this paragraph shall become effective no  
8 sooner than 6 months after completion of the rule adoption  
9 process. Any amendment to the Florida Building Code which is  
10 adopted upon a finding by the commission that the amendment is  
11 necessary to protect the public from immediate threat of harm  
12 takes effect immediately.

13 (7)(a) The commission may approve technical amendments  
14 to the Florida Building Code once each year for statewide or  
15 regional application upon a finding that the amendment  
16 conforms to the following:

17 1. Is necessary to provide for ~~Has a reasonable and~~  
18 ~~substantial connection with~~ the health, safety, and welfare of  
19 the general public.

20 2. Strengthens or improves the Florida Building Code,  
21 or in the case of innovation or new technology, will provide  
22 equivalent or better products or methods or systems of  
23 construction.

24 3. Does not discriminate against materials, products,  
25 methods, or systems of construction of demonstrated  
26 capabilities.

27 4. Does not degrade the effectiveness of the Florida  
28 Building Code.

29  
30 Furthermore, the Florida Building Commission may approve  
31 technical amendments to the code once each year to incorporate

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1 into the Florida Building Code its own interpretations of the  
2 code which are embodied in its opinions, final orders, and  
3 declaratory statements, and interpretations of hearing officer  
4 panels under s. 553.775(3)(c). Amendments approved under this  
5 paragraph shall be adopted by rule pursuant to ss. 120.536(1)  
6 and 120.54, after the amendments have been subjected to the  
7 provisions of subsection (3).

8 (c) The commission may not consider ~~approve~~ any  
9 proposed amendment that does not accurately and completely  
10 address all requirements for amendment which are set forth in  
11 this section. The commission shall require all proposed  
12 amendments and information submitted with proposed amendments  
13 to be reviewed by commission staff prior to consideration by  
14 any technical advisory committee. These reviews shall be for  
15 sufficiency only and are not intended to be qualitative in  
16 nature. Proposed amendments without a fiscal impact statement  
17 may not be considered by the commission or any technical  
18 advisory committee. The provisions of this paragraph  
19 notwithstanding, within 60 days after the adoption by the  
20 International Code Council of permitted standards and  
21 conditions for unvented conditioned attic assemblies in the  
22 International Residential Code, the commission shall initiate  
23 rulemaking to incorporate such permitted standards and  
24 conditions as an authorized alternative in the Florida  
25 Building Code.

26 Section 4. Subsection (14) of section 553.79, Florida  
27 Statutes, is amended to read:

28 553.79 Permits; applications; issuance; inspections.--

29 (14) Certifications by contractors authorized under  
30 the provisions of s. 489.115(4)(b) shall be considered  
31 equivalent to sealed plans and specifications by a person

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1 licensed under chapter 471 or chapter 481 by local enforcement  
2 agencies for plans review for permitting purposes relating to  
3 compliance with the wind resistance provisions of the code or  
4 alternate methodologies approved by the commission for one and  
5 two family dwellings. Local enforcement agencies may rely upon  
6 such certification by contractors that the plans and  
7 specifications submitted conform to the requirements of the  
8 code for wind resistance. Upon good cause shown, local  
9 government code enforcement agencies may accept or reject  
10 plans sealed by persons licensed under chapter 471, chapter  
11 481, or chapter 489. A truss-placement plan is not required to  
12 be signed and sealed by an engineer or architect unless  
13 prepared by an engineer or architect or specifically required  
14 by the Florida Building Code.

15 Section 5. Subsections (2), (4), paragraph (a) of  
16 subsection (6), subsection (11), paragraphs (b) and (c) of  
17 subsection (12), and subsections (14) and (15) of section  
18 553.791, Florida Statutes, are amended to read:

19 553.791 Alternative plans review and inspection.--

20 (2) Notwithstanding any other provision of law or  
21 local government ordinance or local policy to the contrary,  
22 the fee owner of a building, or the fee owner's contractor  
23 upon written authorization from the fee owner, may choose to  
24 use a private provider to provide building code inspection  
25 services with regard to such building and may make payment  
26 directly to the private provider for the provision of such  
27 services. All such services shall be the subject of a written  
28 contract between the private provider, or the private  
29 provider's firm, and the fee owner. The fee owner may elect to  
30 use a private provider to provide either plans review or  
31 required building inspections. The local building official, in



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1 his or her discretion and pursuant to duly adopted policies of  
 2 the local enforcement agency, may require the fee owner who  
 3 desires to use a private provider to use the private provider  
 4 to provide both plans review and required building inspection  
 5 services.

6 (4) A fee owner or the fee owner's contractor using a  
 7 private provider to provide building code inspection services  
 8 shall notify the local building official at the time of permit  
 9 application or no less than 1 week prior to a private  
 10 provider's providing building code inspection services on a  
 11 form to be adopted by the commission. This notice shall  
 12 include the following information:

13 (a) The services to be performed by the private  
 14 provider.

15 (b) The name, firm, address, telephone number, and  
 16 facsimile number of each private provider who is performing or  
 17 will perform such services, his or her professional license or  
 18 certification number, qualification statements or resumes,  
 19 and, if required by the local building official, a certificate  
 20 of insurance demonstrating that professional liability  
 21 insurance coverage is in place for the private provider's  
 22 firm, the private provider, and any duly authorized  
 23 representative in the amounts required by this section.

24 (c) An acknowledgment from the fee owner in  
 25 substantially the following form:

26  
 27 I have elected to use one or more private  
 28 providers to provide building code plans review  
 29 and/or inspection services on the building that  
 30 is the subject of the enclosed permit  
 31 application, as authorized by s. 553.791,

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1 Florida Statutes. I understand that the local  
2 building official may not review the plans  
3 submitted or perform the required building  
4 inspections to determine compliance with the  
5 applicable codes, except to the extent  
6 specified in said law. Instead, plans review  
7 and/or required building inspections will be  
8 performed by licensed or certified personnel  
9 identified in the application. The law requires  
10 minimum insurance requirements for such  
11 personnel, but I understand that I may require  
12 more insurance to protect my interests. By  
13 executing this form, I acknowledge that I have  
14 made inquiry regarding the competence of the  
15 licensed or certified personnel and the level  
16 of their insurance and am satisfied that my  
17 interests are adequately protected. I agree to  
18 indemnify, defend, and hold harmless the local  
19 government, the local building official, and  
20 their building code enforcement personnel from  
21 any and all claims arising from my use of these  
22 licensed or certified personnel to perform  
23 building code inspection services with respect  
24 to the building that is the subject of the  
25 enclosed permit application.

26  
27 If the fee owner or the fee owner's contractor makes any  
28 changes to the listed private providers or the services to be  
29 provided by those private providers, the fee owner or the fee  
30 owner's contractor shall, within 1 business day after any  
31 change, update the notice to reflect such changes.

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1           (6)(a) No more than ~~Within~~ 30 business days after  
2 receipt of a permit application and the affidavit from the  
3 private provider required pursuant to subsection (5), the  
4 local building official shall issue the requested permit or  
5 provide a written notice to the permit applicant identifying  
6 the specific plan features that do not comply with the  
7 applicable codes, as well as the specific code chapters and  
8 sections. If the local building official does not provide a  
9 written notice of the plan deficiencies within the prescribed  
10 30-day period, the permit application shall be deemed approved  
11 as a matter of law, and the permit shall be issued by the  
12 local building official on the next business day.

13           (11) No more than ~~Within~~ 2 business days after receipt  
14 of a request for a certificate of occupancy or certificate of  
15 completion and the applicant's presentation of a certificate  
16 of compliance and approval of all other government approvals  
17 required by law, the local building official shall issue the  
18 certificate of occupancy or certificate of completion or  
19 provide a notice to the applicant identifying the specific  
20 deficiencies, as well as the specific code chapters and  
21 sections. If the local building official does not provide  
22 notice of the deficiencies within the prescribed 2-day period,  
23 the request for a certificate of occupancy or certificate of  
24 completion shall be deemed granted and the certificate of  
25 occupancy or certificate of completion shall be issued by the  
26 local building official on the next business day. To resolve  
27 any identified deficiencies, the applicant may elect to  
28 dispute the deficiencies pursuant to subsection (12) or to  
29 submit a corrected request for a certificate of occupancy or  
30 certificate of completion.

31           (12) If the local building official determines that

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1 the building construction or plans do not comply with the  
2 applicable codes, the official may deny the permit or request  
3 for a certificate of occupancy or certificate of completion,  
4 as appropriate, or may issue a stop-work order for the project  
5 or any portion thereof, if the official determines that such  
6 noncompliance poses a threat to public safety and welfare,  
7 subject to the following:

8 (b) If the local building official and private  
9 provider are unable to resolve the dispute, the matter shall  
10 be referred to the local enforcement agency's board of  
11 appeals, if one exists, which shall consider the matter at its  
12 next scheduled meeting or sooner. Any decisions by the local  
13 enforcement agency's board of appeals, or local building  
14 official if there is no board of appeals, may be appealed to  
15 the commission pursuant to s. 553.775 ~~553.77(1)(h)~~.

16 (c) Notwithstanding any provision of this section, any  
17 decisions regarding the issuance of a building permit,  
18 certificate of occupancy, or certificate of completion may be  
19 reviewed by the local enforcement agency's board of appeals,  
20 if one exists. Any decision by the local enforcement agency's  
21 board of appeals, or local building official if there is no  
22 board of appeals, may be appealed to the commission pursuant  
23 to s. 553.775 ~~553.77(1)(h)~~, which shall consider the matter at  
24 the commission's next scheduled meeting.

25 (14) No local enforcement agency, local building  
26 official, or local government may adopt or enforce any laws,  
27 rules, procedures, policies, or standards more stringent than  
28 those prescribed by this section.

29 (15) A private provider may perform building code  
30 inspection services under this section only if the private  
31 provider maintains insurance for professional ~~and~~

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1 ~~comprehensive general~~ liability with minimum policy limits of  
 2 \$1 million per occurrence covering ~~relating to~~ all services  
 3 performed as a private provider. If the private provider  
 4 chooses to secure claims-made coverage to fulfill this  
 5 requirement, the private provider must also maintain,  
 6 ~~including~~ tail coverage for a minimum of 5 years subsequent to  
 7 the performance of building code inspection services.  
 8 Occurrence-based coverage shall not be subject to any tail  
 9 coverage requirement.

10 Section 6. Paragraph (d) of subsection (1) of section  
 11 553.80, Florida Statutes, is amended, and subsection (7) is  
 12 added to that section, to read:

13 553.80 Enforcement.--

14 (1) Except as provided in paragraphs (a)-(f), each  
 15 local government and each legally constituted enforcement  
 16 district with statutory authority shall regulate building  
 17 construction and, where authorized in the state agency's  
 18 enabling legislation, each state agency shall enforce the  
 19 Florida Building Code required by this part on all public or  
 20 private buildings, structures, and facilities, unless such  
 21 responsibility has been delegated to another unit of  
 22 government pursuant to s. 553.79(9).

23 (d) Building plans approved pursuant to s.  
 24 553.77(3)(5) and state-approved manufactured buildings,  
 25 including buildings manufactured and assembled offsite and not  
 26 intended for habitation, such as lawn storage buildings and  
 27 storage sheds, are exempt from local code enforcing agency  
 28 plan reviews except for provisions of the code relating to  
 29 erection, assembly, or construction at the site. Erection,  
 30 assembly, and construction at the site are subject to local  
 31 permitting and inspections.

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1  
2 The governing bodies of local governments may provide a  
3 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
4 and this section, for the enforcement of the provisions of  
5 this part. Such fees shall be used solely for carrying out the  
6 local government's responsibilities in enforcing the Florida  
7 Building Code. The authority of state enforcing agencies to  
8 set fees for enforcement shall be derived from authority  
9 existing on July 1, 1998. However, nothing contained in this  
10 subsection shall operate to limit such agencies from adjusting  
11 their fee schedule in conformance with existing authority.

12 (7) The governing bodies of local governments may  
13 provide a schedule of reasonable fees, as authorized by s.  
14 125.56(2) or s. 166.222 and this section, for enforcing this  
15 part. These fees, and any fines or investment earnings related  
16 to the fees, shall be used solely for carrying out the local  
17 government's responsibilities in enforcing the Florida  
18 Building Code. When providing a schedule of reasonable fees,  
19 the total estimated annual revenue derived from fees and the  
20 fines and investment earnings related to the fees may not  
21 exceed the total estimated annual costs of allowable  
22 activities. Any unexpended balances shall be carried forward  
23 to future years for allowable activities or shall be refunded  
24 at the discretion of the local government. The basis for a fee  
25 structure for allowable activities shall relate to the level  
26 of service provided by the local government. Fees charged  
27 shall be consistently applied.

28 (a) As used in this subsection, the phrase "enforcing  
29 the Florida Building Code" includes the direct costs and  
30 reasonable indirect costs associated with review of building  
31 plans, building inspections, reinspections, building permit

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1 processing, provision of training courses, educational  
2 materials, and public building safety awareness related to the  
3 building code, and building code enforcement. The phrase may  
4 also include enforcement action pertaining to unlicensed  
5 contractor activity to the extent not funded by other user  
6 fees.

7       (b) The following activities may not be funded with  
8 fees adopted for enforcing the Florida Building Code: planning  
9 and zoning or other general government activities; inspections  
10 of public buildings for a reduced fee or no fee; public  
11 information requests, community functions, and any program not  
12 directly related to enforcement of the Florida Building Code;  
13 or enforcement and implementation of any other local  
14 ordinance, excluding validly adopted local amendments to the  
15 Florida Building Code and excluding any local ordinance  
16 directly related to enforcing the Florida Building Code, as  
17 defined in this paragraph.

18       (c) A local government shall use recognized  
19 management, accounting, and oversight practices to ensure that  
20 fees, fines, and investment earnings generated under this  
21 subsection are maintained and allocated or used solely for the  
22 purposes described in paragraph (a).

23       Section 7. The Florida Building Commission shall  
24 expedite the adoption and implementation of the State Existing  
25 Building Code as part of the Florida Building Code pursuant  
26 only to the provisions of chapter 120, Florida Statutes. The  
27 special update and amendment requirements of section 553.73,  
28 Florida Statutes, and the administrative rule requiring  
29 additional delay time between adoption and implementation of  
30 such code are waived.

31       Section 8. Paragraph (f) is added to subsection (4) of

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1 section 489.117, Florida Statutes, to read:

2 489.117 Registration; specialty contractors.--

3 (4)

4 (f) Portions of work related to the construction of a  
 5 swimming pool or spa require the use of specialized skill and  
 6 equipment that is frequently available only through specialty  
 7 contracting services. Due to these unique needs for specialty  
 8 services, any person who is not required to obtain  
 9 registration or certification pursuant to s. 489.105(3)(a)-(i)  
 10 or (m)-(o) may perform specialty contracting services for the  
 11 construction, remodeling, repair, or improvement of a swimming  
 12 pool or spa as specified in s. 489.105(3)(j)-(l) without  
 13 obtaining a local professional license if such person is  
 14 supervised by a certified or registered commercial pool/spa  
 15 contractor, residential pool/spa contractor, or swimming  
 16 pool/spa servicing contractor acting within the scope of the  
 17 supervising contractor's license. A local authority that does  
 18 not require a local specialty contractor license or local  
 19 certificate of competency for any service provided by a  
 20 certified or registered commercial pool/spa contractor,  
 21 residential pool/spa contractor, or swimming pool/spa  
 22 servicing contractor must allow, as an alternative to the  
 23 local license or certificate, local registration of the person  
 24 contracting with a supervising contractor to perform a  
 25 specialty service under this paragraph. The local authority  
 26 may charge a fee for local registration which does not exceed  
 27 \$150. The local authority may not require proof of competency  
 28 for local registration and shall require documentation that a  
 29 registrant is covered by workers' compensation coverage or a  
 30 valid exemption from such coverage. Local registration shall  
 31 require the registrant to contract with a certified or



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1 registered commercial pool/spa contractor, residential  
2 pool/spa contractor, or swimming pool/spa servicing  
3 contractor. This subsection does not supersede or affect s.  
4 489.117(4)(e).

5 Section 9. Section 553.841, Florida Statutes, is  
6 amended to read:

7 553.841 Building code training program; participant  
8 competency requirements.--

9 ~~(1) The Legislature finds that the effectiveness of~~  
10 ~~the building codes of this state depends on the performance of~~  
11 ~~all participants, as demonstrated through knowledge of the~~  
12 ~~codes and commitment to compliance with code directives and~~  
13 ~~that to strengthen compliance by industry and enforcement by~~  
14 ~~government, a Building Code Training Program is needed.~~

15 ~~(1)(2)~~ The commission shall establish by rule the  
16 Building Code Training Program to develop and provide a core  
17 curriculum and offer voluntary accreditation of advance module  
18 courses relating to the Florida Building Code and its  
19 enforcement ~~a system of administering and enforcing the~~  
20 ~~Florida Building Code.~~

21 ~~(3) The program shall be developed, implemented, and~~  
22 ~~administered by the commission in consultation with the~~  
23 ~~Department of Education, the Department of Community Affairs,~~  
24 ~~the Department of Business and Professional Regulation, the~~  
25 ~~State Fire Marshal, the State University System, and the~~  
26 ~~Division of Community Colleges.~~

27 ~~(4) The commission may enter into contracts with the~~  
28 ~~Department of Education, the State University System, the~~  
29 ~~Division of Community Colleges, model code organizations,~~  
30 ~~professional organizations, vocational technical schools,~~  
31 ~~trade organizations, and private industry to administer the~~

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1 ~~program.~~

2       ~~(2)(5)~~ The program shall be affordable, accessible,  
3 meaningful, financially self-sufficient and shall make maximum  
4 use of existing sources, systems, institutions, and programs  
5 available through private sources.

6       ~~(3)(6)~~ The commission, in coordination with the  
7 Department of Community Affairs, the Department of Business  
8 and Professional Regulation, the respective licensing boards,  
9 and the State Fire Marshal shall develop or cause to be  
10 developed+

11       ~~(a)~~ a core curriculum that ~~which~~ is prerequisite to  
12 initial licensure for those licensees not subject to testing  
13 on the Florida Building Code as a condition of licensure.  
14 These entities shall also identify subject areas that are  
15 inadequately addressed by specialized and advanced courses ~~all~~  
16 ~~specialized and advanced module coursework.~~

17       ~~(b)~~ ~~A set of specialized and advanced modules~~  
18 ~~specifically designed for use by each profession.~~

19       ~~(4)(7)~~ The core curriculum shall cover the information  
20 required to have all categories of participants appropriately  
21 informed as to their technical and administrative  
22 responsibilities in the effective execution of the code  
23 process by all individuals currently licensed under part XII  
24 of chapter 468, chapter 471, chapter 481, or chapter 489,  
25 except as otherwise provided in s. 471.017. The core  
26 curriculum shall ~~be prerequisite to the advanced module~~  
27 ~~coursework for all licensees and shall be completed by~~  
28 individuals licensed in all categories under part XII of  
29 chapter 468, chapter 471, chapter 481, or chapter 489 by the  
30 date of license renewal in 2004. ~~within the first 2-year~~  
31 ~~period after establishment of the program. Core course hours~~

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1 All approved courses taken by licensees pursuant to this  
 2 section to complete this requirement shall count toward  
 3 fulfillment of required continuing education units under part  
 4 XII of chapter 468, chapter 471, chapter 481, or chapter 489.

5 ~~(8) The commission, in consultation with the~~  
 6 ~~Department of Business and Professional Regulation and the~~  
 7 ~~respective licensing boards, shall develop or cause to be~~  
 8 ~~developed an equivalency test for each category of~~  
 9 ~~licensee. Such test may be taken in lieu of the core~~  
 10 ~~curriculum. A passing score on the test shall be equivalent to~~  
 11 ~~completion of the core curriculum and shall be credited toward~~  
 12 ~~the required number of hours of continuing education.~~

13 ~~(5)(9)~~ The commission, in consultation with the  
 14 Department of Business and Professional Regulation, shall  
 15 develop or cause to be developed, or approve as a part of the  
 16 program, appropriate courses ~~a core curriculum and specialized~~  
 17 ~~or advanced module coursework~~ for the construction workforce,  
 18 including, but not limited to, superintendents and journeymen.

19 ~~(6)(10)~~ The respective state boards under part XII of  
 20 chapter 468, chapters 471, 481, and 489, and the State Fire  
 21 Marshal under chapter 633, shall require specialized or  
 22 advanced course modules as part of their regular continuing  
 23 education requirements. Courses approved by the Department of  
 24 Business and Professional Regulation as required by the  
 25 respective practice acts and chapter 455 shall be deemed as  
 26 approved by the Florida Building Commission.

27 ~~(7)(11)~~ The Legislature hereby establishes the Office  
 28 of Building Code Training Program Administration within the  
 29 Institute of Applied Technology in Construction Excellence at  
 30 the Florida Community College at Jacksonville. The office is  
 31 charged with the following responsibilities as recommended by

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1 the Florida Building Commission and as resources are provided  
2 by the Legislature:

3 (a) Provide research-to-practice capability for  
4 entry-level construction training development, delivery and  
5 quality assurance, as well as training and competency registry  
6 systems and recruitment initiatives.

7 (b) Coordinate with the Department of Community  
8 Affairs and the Florida Building Commission to serve as school  
9 liaison to disseminate construction awareness and promotion  
10 programs and materials to schools.

11 (c) Develop model programs and approaches to  
12 construction career exploration to promote construction  
13 careers.

14 Section 10. Subsection (3) of section 553.8412,  
15 Florida Statutes, is amended to read:

16 553.8412 Legislative intent; delivery of training;  
17 outsourcing.--

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

26 Section 11. Subsections (9) and (15) of section  
27 553.842, Florida Statutes, are amended to read:

28 553.842 Product evaluation and approval.--

29 (9) The commission may adopt rules to approve the  
30 following types of entities that produce information on which  
31 product approvals are based. All of the following entities,

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1 including engineers and architects, must comply with a  
 2 nationally recognized standard demonstrating independence or  
 3 no conflict of interest:

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

15 (b) Testing laboratories accredited by national  
 16 organizations, such as A2LA and the National Voluntary  
 17 Laboratory Accreditation Program, laboratories accredited by  
 18 evaluation entities approved under paragraph (a), and  
 19 laboratories that comply with other guidelines for testing  
 20 laboratories selected by the commission and adopted by rule.

21 (c) Quality assurance entities approved by evaluation  
 22 entities approved under paragraph (a) and by certification  
 23 agencies approved under paragraph (d) and other quality  
 24 assurance entities that comply with guidelines selected by the  
 25 commission and adopted by rule.

26 (d) Certification agencies accredited by nationally  
 27 recognized accreditors and other certification agencies that  
 28 comply with guidelines selected by the commission and adopted  
 29 by rule.

30 (e) Validation entities that comply with accreditation  
 31 standards established by the commission by rule.

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

7           Section 12. Notwithstanding section 533.842, Florida  
8 Statutes, provisions in Chapter 9B-72, Florida Administrative  
9 Code, relating to local government product evaluation and  
10 approval are suspended until June 1, 2005.

11           (1) The Florida Building Commission shall create a  
12 product approval advisory group to conduct a study to  
13 determine the effectiveness and financial impact on the  
14 construction industry by the local and state product approval  
15 process established in section 553.842, Florida Statutes, and  
16 the requirements of Chapter 9B-72 of the Florida  
17 Administrative Code. The Florida Building Commission shall  
18 submit the findings of the product approval advisory group in  
19 its annual report to the Governor, the President of the  
20 Senate, and the Speaker of the House of Representatives by  
21 January 15, 2005. The product approval advisory group shall be  
22 comprised of representatives of manufactures, contractors,  
23 building officials, local governments, engineers, architects,  
24 testing laboratories, evaluation entities, validation  
25 entities, certification entities, and other stakeholders  
26 identified by the commission.

27           (2) The report submitted to the Legislature pursuant  
28 to subsection (1) shall contain specific recommendations on  
29 how and whether the product approval process should be  
30 modified or amended to enhance and facilitate compliance with  
31 Chapter 9B-72 Florida Administrative Code and section 553.842,

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1 Florida Statutes.

2 Section 13. Paragraph (c) of subsection (1) of section  
3 633.539, Florida Statutes, is amended to read:

4 633.539 Requirements for installation, inspection, and  
5 maintenance of fire protection systems.--

6 (1) The requirements for installation of fire  
7 protection systems are as follows:

8 (c) Equipment shall be installed in accordance with  
9 the applicable standards of the National Fire Protection  
10 Association and the manufacturer's specifications, and the  
11 installation shall be undertaken by a fire protection  
12 contractor licensed under this chapter and within the scope of  
13 licensure as defined in this subsection. The above ground  
14 materials and test certificate required by the standards shall  
15 be provided by a Contractor I, Contractor II, or Contractor  
16 IV. The scope of the above ground material and test  
17 certificate begins 1 foot above the finished floor to and  
18 including the most remote fire protection device. The  
19 Contractor I, Contractor II, or Contractor V is responsible  
20 for providing the underground materials and test certificate  
21 as required by the standards. The scope of the underground  
22 material and test certificate begins at the point of service  
23 as defined in this chapter, adopted plumbing code provisions  
24 notwithstanding, and finishes no more than 1 foot above the  
25 finished floor. A fire protection contractor is not required  
26 to assume responsibility for providing a materials and test  
27 certificate on work done by others.

28 Section 14. Effective January 1, 2005, all new or  
29 retrofitted construction on essential facilities, as defined  
30 in ASTM E 1996-02, paragraph 6.2.1.1 (enhanced protection for  
31 window and door coverings), which utilizes state or federal

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1 grants shall meet ASTM level E impact protections.

2           Section 15. The Florida Building Commission shall  
3 study the following issues related to the Americans with  
4 Disabilities Act, as adopted in section 553.503, Florida  
5 Statutes, and the Americans with Disabilities Accessibility  
6 Guidelines, as adopted in section 553.504, Florida Statutes:  
7 the placement of grab rails in water closets, the placement of  
8 access aisles for disabled parking spaces, and the "discipline  
9 of accessibility" to review building plans for accessibility.  
10 The commission must consider what the current federal law and  
11 the Florida Building Code require, if applicable, and the cost  
12 implications of any recommendations the commission may offer.  
13 The commission must report its findings and recommendations to  
14 the Legislature by December 31, 2004.

15           Section 16. Notwithstanding section 553.73, Florida  
16 Statutes, the Florida Building Commission is directed to  
17 review the exclusion of enclosed area under a mezzanine from  
18 total floor area used to determine allowable mezzanine size in  
19 a building classified as an "S" occupancy which has been  
20 protected by fire sprinklers. Unless the commission identifies  
21 substantive lifesafety concerns pertaining to the provision,  
22 the commission shall immediately commence rulemaking to remove  
23 the exclusion as it applies to "S" occupancy buildings  
24 protected by fire sprinklers.

25           Section 17. Subsection (8) is added to section  
26 713.135, Florida Statutes, to read:

27           713.135 Notice of commencement and applicability of  
28 lien.--

29           (8) Consistent with the requirements of subsection  
30 (6), an authority responsible for issuing building permits  
31 under this section may accept a building permit application in



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1 an electronic format, as prescribed by the authority. Building  
2 permits submitted electronically must contain the following  
3 additional statement:

4  
5 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under  
6 penalty of perjury, I declare that the  
7 information contained in this building permit  
8 application is true and correct.

9 Section 18. Subsection (1) of section 1013.20,  
10 Florida Statutes, is amended to read:

11 1013.20 Standards for relocatables used as classroom  
12 space; inspections.--

13 (1) The State Board of Education shall adopt rules  
14 establishing standards for relocatables intended for long-term  
15 use as classroom space at a public elementary school, middle  
16 school, or high school. "Long-term use" means the use of  
17 relocatables at the same educational plant for a period of 4  
18 years or more. Each relocatable acquired by a district school  
19 board after the effective date of the rules and intended for  
20 long-term use must comply with the standards. District school  
21 boards shall submit a plan for the use of existing  
22 relocatables within the 5-year work program to be reviewed and  
23 approved by the commissioner by January 1, 2003. A progress  
24 report shall be provided by the commissioner to the Speaker of  
25 the House of Representatives and the President of the Senate  
26 each January thereafter. Relocatables that fail to meet the  
27 standards after completion of the approved plan may not be  
28 used as classrooms. The standards shall protect the health,  
29 safety, and welfare of occupants by requiring compliance with  
30 the Florida Building Code or the State Requirements for  
31 Educational Facilities for existing relocatables, as

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1 applicable, to ensure the safety and stability of construction  
2 and onsite installation; fire and moisture protection; air  
3 quality and ventilation; appropriate wind resistance; and  
4 compliance with the requirements of the Americans with  
5 Disabilities Act of 1990. If appropriate and where  
6 relocatables are not scheduled for replacement, the standards  
7 must also require relocatables to provide access to the same  
8 technologies available to similar classrooms within the main  
9 school facility and, if appropriate, ~~and~~ where relocatables  
10 are not scheduled for replacement, at the discretion of the  
11 local school board, may ~~to~~ be accessible by adequate covered  
12 walkways. A relocatable that is subject to this section and  
13 does not meet the standards shall not be reported as providing  
14 satisfactory student stations in the Florida Inventory of  
15 School Houses.

16 Section 19. This act shall take effect upon becoming a  
17 law.

18  
19

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

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23

24 and insert:

25 A bill to be entitled  
26 An act relating to the Florida Building Code;  
27 amending s. 553.37, F.S.; amending s. 553.415,  
28 F.S.; deleting a time deadline requiring the  
29 Department of Community Affairs to adopt  
30 emergency rules; deleting the department's  
31 authority to charge manufacturers a fee for the

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1 review of its plans and specifications for  
2 construction of a factory-built school  
3 building; authorizing the department to  
4 delegate its authority to renew plans to  
5 another entity having a certified plans  
6 examiner; providing that, if a certified plans  
7 examiner certifies that plans and  
8 specifications of construction are in  
9 compliance, the department is required to give  
10 its approval; requiring that review and  
11 approval for any site plan locating a  
12 factory-built school building be performed by  
13 the specified school district; requiring each  
14 factory-built school building to bear the  
15 insignia of the department and a data plate;  
16 providing application for the insignia;  
17 providing that the manufacturer or the  
18 contractor performing the alterations to the  
19 factory-built school building may permanently  
20 affix the insignia and identification label;  
21 providing for the approval, delivery, and  
22 installation of lawn storage buildings and  
23 storage sheds; amending s. 553.73, F.S.;  
24 providing code-amendment review requirements;  
25 conforming a cross-reference; providing  
26 rulemaking authority; amending s. 553.79, F.S.;  
27 exempting truss-placement plans from certain  
28 requirements; amending s. 553.791, F.S.;  
29 providing conditions for use of private plans  
30 review and inspection; conforming  
31 cross-references; amending s. 553.80, F.S.;

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1           correcting a cross-reference; authorizing local  
2           governments to impose certain fees for code  
3           enforcement; providing requirements and  
4           limitations; amending s. 489.117, F.S.;  
5           specifying when a person may perform specialty  
6           contracting services for the construction,  
7           remodeling, repair, or improvement of a  
8           swimming pool or spa without obtaining a local  
9           professional license; requiring local authority  
10          to permit local registration, as specified, as  
11          an alternative to other local licenses;  
12          amending s. 553.841, F.S.; revising Building  
13          Code Training Program provisions; amending s.  
14          553.8412, F.S.; conforming a cross-reference;  
15          amending s. 553.842, F.S.; adding an evaluation  
16          entity to the list of entities specifically  
17          approved by the commission; suspending a  
18          Florida Building Commission Rule relating to  
19          local product approval; establishing a product  
20          approval advisory committee to study the rule;  
21          requiring a report; requiring all new or  
22          retrofitted construction on essential  
23          facilities which utilizes state or federal  
24          grants to meet a higher standard for impact  
25          protections; amending s. 633.539, F.S.;  
26          requiring that installation of fire protection  
27          equipment be done by a contractor licensed  
28          under ch. 633, F.S.; specifying the scope of  
29          coverage of an above ground materials and test  
30          certificate and of an underground materials and  
31          test certificate; providing that a fire

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1 protection contractor is not required to assume  
2 responsibility for providing a materials and  
3 test certificate on work done by others;  
4 requiring the commission to study accessibility  
5 issues; requiring a report; directing the  
6 Florida Building Commission to review a  
7 provision for determining allowable mezzanine  
8 size in certain buildings and, if substantive  
9 lifesafety concerns do not support the  
10 provision, to immediately adopt rules removing  
11 it; amending s. 713.135, F.S.; authorizing the  
12 authority responsible for issuing building  
13 permits to accept a building permit application  
14 in an electronic format; requiring that the  
15 electronic form contain a statement that the  
16 information in the application is correct;  
17 amending s. 1013.20, F.S.; authorizing a  
18 district school board to determine the need for  
19 covered walkways; providing effective dates.

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