

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Florida Building Code; authorizing
7 the Florida Building Commission to update and modify
8 certain wind-design standards; providing criteria,
9 requirements, and limitations; providing for delayed
10 effect; superseding certain provisions of law; amending s.
11 553.71, F.S.; deleting the definition of "exposure
12 category C"; amending s. 553.73, F.S.; authorizing the
13 Florida Building Commission to make certain limited
14 amendments to the Florida Building Code pursuant to rule
15 adoption procedures for certain purposes after triennial
16 updates; authorizing authorities to enforce such
17 amendments; specifying amendment criteria; amending s.
18 553.775, F.S.; prohibiting interpretation and review of
19 certain accessibility provisions of certain codes under
20 certain procedures; amending s. 553.791, F.S.; providing
21 for the use of private providers of building code
22 inspection services under certain circumstances;
23 conforming cross-references; providing effective dates.

HB 1187

2006
CS24
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Be It Enacted by the Legislature of the State of Florida:

Section 1. Notwithstanding subsection (3) of section 109 of chapter 2000-141, Laws of Florida, the Florida Building Commission may update or modify the wind-design standard applicable to construction in this state as adopted within the Florida Building Code in accordance with the requirements of s. 553.73, Florida Statutes. The Florida Building Commission is specifically authorized to identify within the Florida Building Code those areas of the state from the eastern border of Franklin County west to the Florida-Alabama line that are subject to the windborne-debris requirements of the code. The Florida Building Commission's initial designation of wind lines for this region shall address the results of the study required by section 39 of chapter 2005-147, Laws of Florida. The initial designation of those areas after July 1, 2006, is subject to only the rule adoption procedures of chapter 120, Florida Statutes, notwithstanding the code-development procedures of chapter 553, Florida Statutes. This section shall not take effect for 6 months following the completion of rulemaking or until May 31, 2007, whichever occurs sooner. The provisions of subsection (3) of section 109 of chapter 2000-141, Laws of Florida, are expressly superseded.

Section 2. Subsections (10) and (11) of section 553.71, Florida Statutes, are amended to read:

553.71 Definitions.--As used in this part, the term:

HB 1187

2006
CS

51 ~~(10) "Exposure category C" means, except in the high~~
 52 ~~velocity hurricane zone, that area which lies within 1,500 feet~~
 53 ~~of the coastal construction control line, or within 1,500 feet~~
 54 ~~of the mean high tide line, whichever is less. On barrier~~
 55 ~~islands, exposure category C shall be applicable in the coastal~~
 56 ~~building zone set forth in s. 161.55(5).~~

57 (10)~~(11)~~ "Prototype building" means a building constructed
 58 in accordance with architectural or engineering plans intended
 59 for replication on various sites and which will be updated to
 60 comply with the Florida Building Code and applicable laws
 61 relating to firesafety, health and sanitation, casualty safety,
 62 and requirements for persons with disabilities which are in
 63 effect at the time a construction contract is to be awarded.

64 Section 3. Subsection (6) of section 553.73, Florida
 65 Statutes, is amended to read:

66 553.73 Florida Building Code.--

67 (6) (a) The commission, by rule adopted pursuant to ss.
 68 120.536(1) and 120.54, shall update the Florida Building Code
 69 every 3 years. When updating the Florida Building Code, the
 70 commission shall select the most current version of the
 71 International Building Code, the International Fuel Gas Code,
 72 the International Mechanical Code, the International Plumbing
 73 Code, and the International Residential Code, all of which are
 74 adopted by the International Code Council, and the National
 75 Electrical Code, which is adopted by the National Fire
 76 Protection Association, to form the foundation codes of the
 77 updated Florida Building Code, if the version has been adopted
 78 by the applicable model code entity ~~International Code Council~~

HB 1187

2006
CS

79 | and made available to the public at least 6 months prior to its
80 | selection by the commission.

81 | (b) Codes regarding noise contour lines shall be reviewed
82 | annually, and the most current federal guidelines shall be
83 | adopted.

84 | (c) The commission may modify any portion of the
85 | foundation codes only as needed to accommodate the specific
86 | needs of this state, maintaining Florida-specific amendments
87 | previously adopted by the commission and not addressed by the
88 | updated foundation code. Standards or criteria referenced by the
89 | codes shall be incorporated by reference. If a referenced
90 | standard or criterion requires amplification or modification to
91 | be appropriate for use in this state, only the amplification or
92 | modification shall be set forth in the Florida Building Code.
93 | The commission may approve technical amendments to the updated
94 | Florida Building Code after the amendments have been subject to
95 | the conditions set forth in paragraphs (3) (a)-(d). Amendments to
96 | the foundation codes which are adopted in accordance with this
97 | subsection shall be clearly marked in printed versions of the
98 | Florida Building Code so that the fact that the provisions are
99 | Florida-specific amendments to the foundation codes is readily
100 | apparent.

101 | (d) The commission shall further consider the commission's
102 | own interpretations, declaratory statements, appellate
103 | decisions, and approved statewide and local technical amendments
104 | and shall incorporate such interpretations, statements,
105 | decisions, and amendments into the updated Florida Building Code
106 | only to the extent that they are needed to modify the foundation

HB 1187

2006
CS

107 codes to accommodate the specific needs of the state. A change
108 made by an institute or standards organization to any standard
109 or criterion that is adopted by reference in the Florida
110 Building Code does not become effective statewide until it has
111 been adopted by the commission. Furthermore, the edition of the
112 Florida Building Code which is in effect on the date of
113 application for any permit authorized by the code governs the
114 permitted work for the life of the permit and any extension
115 granted to the permit.

116 (e) A rule updating the Florida Building Code in
117 accordance with this subsection shall take effect no sooner than
118 6 months after publication of the updated code. Any amendment to
119 the Florida Building Code which is adopted upon a finding by the
120 commission that the amendment is necessary to protect the public
121 from immediate threat of harm takes effect immediately.

122 (f) Upon the conclusion of a triennial update to the
123 Florida Building Code, notwithstanding the provisions of this
124 subsection or subsection (3), the commission may address issues
125 identified in this subsection by amending the code pursuant only
126 to the rule adoption procedures contained in chapter 120.

127 Following the approval of any amendments to the Florida Building
128 Code by the commission and publication of the amendments on the
129 commission's website, authorities having jurisdiction to enforce
130 the Florida Building Code may enforce the amendments. The
131 commission may approve amendments that are needed to address:

- 132 1. Conflicts within the updated code;
133 2. Conflicts between the updated code and the Florida Fire
134 Prevention Code adopted pursuant to chapter 633;

HB 1187

2006
CS

135 3. The omission of previously adopted Florida-specific
136 amendments to the updated code if such omission is not supported
137 by a specific recommendation of a technical advisory committee
138 or particular action by the commission; or

139 4. Unintended results from the integration of previously
140 adopted Florida-specific amendments with the model code.

141 Section 4. Subsection (5) is added to section 553.775,
142 Florida Statutes, to read:

143 553.775 Interpretations.--

144 (5) Notwithstanding the other provisions of this section,
145 the Florida Accessibility Code for Building Construction and
146 chapter 11 of the Florida Building Code may not be interpreted
147 by and are not subject to review under any of the procedures
148 specified in this section. This subsection has no effect upon
149 the commission's authority to waive the Florida Accessibility
150 Code for Building Construction as provided by s. 553.512.

151 Section 5. Paragraphs (f) and (h) of subsection (1) of
152 section 553.791, Florida Statutes, are amended, subsections (5),
153 (7)-(10), (12), (13), (15), (16), and (18) of that section are
154 renumbered as subsections (6), (8)-(11), (13), (14), (16), (17),
155 and (19), respectively, a new subsection (5) is added to that
156 section, and present subsections (6), (11), (14), and (17) of
157 that section are amended, to read:

158 553.791 Alternative plans review and inspection.--

159 (1) As used in this section, the term:

160 (f) "Permit application" means a properly completed and
161 submitted application for the requested building or construction
162 permit, including:

HB 1187

2006
CS

- 163 | 1. The plans reviewed by the private provider.
- 164 | 2. The affidavit from the private provider required
- 165 | pursuant to subsection (6) ~~(5)~~.
- 166 | 3. Any applicable fees.
- 167 | 4. Any documents required by the local building official
- 168 | to determine that the fee owner has secured all other government
- 169 | approvals required by law.
- 170 | (h) "Request for certificate of occupancy or certificate
- 171 | of completion" means a properly completed and executed
- 172 | application for:
- 173 | 1. A certificate of occupancy or certificate of
- 174 | completion.
- 175 | 2. A certificate of compliance from the private provider
- 176 | required pursuant to subsection (11) ~~(10)~~.
- 177 | 3. Any applicable fees.
- 178 | 4. Any documents required by the local building official
- 179 | to determine that the fee owner has secured all other government
- 180 | approvals required by law.
- 181 | (5) After construction has commenced and if the local
- 182 | building official is unable to provide inspection services in a
- 183 | timely manner, the fee owner or the fee owner's contractor may
- 184 | elect to use a private provider to provide inspection services
- 185 | by notifying the local building official of the owner's or
- 186 | contractor's intention to do so no less than 7 business days
- 187 | prior to the next scheduled inspection using the notice provided
- 188 | for in paragraphs (4) (a) - (c).
- 189 | (7) ~~(6)~~(a) No more than 30 business days after receipt of a
- 190 | permit application and the affidavit from the private provider

HB 1187

2006
CS

191 required pursuant to subsection (6) ~~(5)~~, the local building
192 official shall issue the requested permit or provide a written
193 notice to the permit applicant identifying the specific plan
194 features that do not comply with the applicable codes, as well
195 as the specific code chapters and sections. If the local
196 building official does not provide a written notice of the plan
197 deficiencies within the prescribed 30-day period, the permit
198 application shall be deemed approved as a matter of law, and the
199 permit shall be issued by the local building official on the
200 next business day.

201 (b) If the local building official provides a written
202 notice of plan deficiencies to the permit applicant within the
203 prescribed 30-day period, the 30-day period shall be tolled
204 pending resolution of the matter. To resolve the plan
205 deficiencies, the permit applicant may elect to dispute the
206 deficiencies pursuant to subsection (13) ~~(12)~~ or to submit
207 revisions to correct the deficiencies.

208 (c) If the permit applicant submits revisions, the local
209 building official has the remainder of the tolled 30-day period
210 plus 5 business days to issue the requested permit or to provide
211 a second written notice to the permit applicant stating which of
212 the previously identified plan features remain in noncompliance
213 with the applicable codes, with specific reference to the
214 relevant code chapters and sections. If the local building
215 official does not provide the second written notice within the
216 prescribed time period, the permit shall be issued by the local
217 building official on the next business day.

HB 1187

2006
CS

218 (d) If the local building official provides a second
219 written notice of plan deficiencies to the permit applicant
220 within the prescribed time period, the permit applicant may
221 elect to dispute the deficiencies pursuant to subsection (13)
222 ~~(12)~~ or to submit additional revisions to correct the
223 deficiencies. For all revisions submitted after the first
224 revision, the local building official has an additional 5
225 business days to issue the requested permit or to provide a
226 written notice to the permit applicant stating which of the
227 previously identified plan features remain in noncompliance with
228 the applicable codes, with specific reference to the relevant
229 code chapters and sections.

230 (12)~~(11)~~ No more than 2 business days after receipt of a
231 request for a certificate of occupancy or certificate of
232 completion and the applicant's presentation of a certificate of
233 compliance and approval of all other government approvals
234 required by law, the local building official shall issue the
235 certificate of occupancy or certificate of completion or provide
236 a notice to the applicant identifying the specific deficiencies,
237 as well as the specific code chapters and sections. If the local
238 building official does not provide notice of the deficiencies
239 within the prescribed 2-day period, the request for a
240 certificate of occupancy or certificate of completion shall be
241 deemed granted and the certificate of occupancy or certificate
242 of completion shall be issued by the local building official on
243 the next business day. To resolve any identified deficiencies,
244 the applicant may elect to dispute the deficiencies pursuant to

HB 1187

2006
CS

245 subsection (13) ~~(12)~~ or to submit a corrected request for a
246 certificate of occupancy or certificate of completion.

247 (15)~~(14)~~(a) No local enforcement agency, local building
248 official, or local government may adopt or enforce any laws,
249 rules, procedures, policies, qualifications, or standards more
250 stringent than those prescribed by this section.

251 (b) A local enforcement agency, local building official,
252 or local government may establish, for private providers and
253 duly authorized representatives working within that
254 jurisdiction, a system of registration to verify compliance with
255 the licensure requirements of paragraph (1)(g) and the insurance
256 requirements of subsection (16) ~~(15)~~.

257 (c) Nothing in this section limits the authority of the
258 local building official to issue a stop-work order for a
259 building project or any portion of such order, as provided by
260 law, if the official determines that a condition on the building
261 site constitutes an immediate threat to public safety and
262 welfare.

263 (18)~~(17)~~ Each local building code enforcement agency may
264 audit the performance of building code inspection services by
265 private providers operating within the local jurisdiction. Work
266 on a building or structure may proceed after inspection and
267 approval by a private provider if the provider has given notice
268 of the inspection pursuant to subsection (9) ~~(8)~~ and, subsequent
269 to such inspection and approval, the work may not be delayed for
270 completion of an inspection audit by the local building code
271 enforcement agency.

HB 1187

2006
CS

272 Section 6. Except as otherwise expressly provided in this
273 act, this act shall take effect July 1, 2006.