

CHAMBER ACTION

1 The Growth Management Committee 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; amending s. 633.0215, F.S.;

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24 | authorizing the State Fire Marshal to amend the Florida
 25 | Fire Protection Code under certain circumstances;
 26 | providing criteria and limitations; providing for
 27 | enforcement of the code and code amendments; providing
 28 | effective dates.

29 |

30 | Be It Enacted by the Legislature of the State of Florida:

31 |

32 | Section 1. Notwithstanding subsection (3) of section 109
 33 | of chapter 2000-141, Laws of Florida, the Florida Building
 34 | Commission may update or modify the wind-design standard
 35 | applicable to construction in this state as adopted within the
 36 | Florida Building Code in accordance with the requirements of s.
 37 | 553.73, Florida Statutes. The Florida Building Commission is
 38 | specifically authorized to identify within the Florida Building
 39 | Code those areas of the state from the eastern border of
 40 | Franklin County west to the Florida-Alabama line that are
 41 | subject to the windborne-debris requirements of the code. The
 42 | Florida Building Commission's initial designation of wind lines
 43 | for this region shall address the results of the study required
 44 | by section 39 of chapter 2005-147, Laws of Florida. The initial
 45 | designation of those areas after July 1, 2006, is subject to
 46 | only the rule adoption procedures of chapter 120, Florida
 47 | Statutes, notwithstanding the code-development procedures of
 48 | chapter 553, Florida Statutes. This section shall not take
 49 | effect for 6 months following the completion of rulemaking or
 50 | until May 31, 2007, whichever occurs sooner. The provisions of

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51 | subsection (3) of section 109 of chapter 2000-141, Laws of
52 | Florida, are expressly superseded.

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

55 | 553.71 Definitions.--As used in this part, the term:

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

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

69 | Section 3. Subsection (6) of section 553.73, Florida
70 | Statutes, is amended to read:

71 | 553.73 Florida Building Code.--

72 | (6) (a) The commission, by rule adopted pursuant to ss.
73 | 120.536(1) and 120.54, shall update the Florida Building Code
74 | every 3 years. When updating the Florida Building Code, the
75 | commission shall select the most current version of the
76 | International Building Code, the International Fuel Gas Code,
77 | the International Mechanical Code, the International Plumbing
78 | Code, and the International Residential Code, all of which are

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79 | adopted by the International Code Council, and the National
80 | Electrical Code, which is adopted by the National Fire
81 | Protection Association, to form the foundation codes of the
82 | updated Florida Building Code, if the version has been adopted
83 | by the applicable model code entity ~~International Code Council~~
84 | and made available to the public at least 6 months prior to its
85 | selection by the commission.

86 | (b) Codes regarding noise contour lines shall be reviewed
87 | annually, and the most current federal guidelines shall be
88 | adopted.

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

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106 (d) The commission shall further consider the commission's
107 own interpretations, declaratory statements, appellate
108 decisions, and approved statewide and local technical amendments
109 and shall incorporate such interpretations, statements,
110 decisions, and amendments into the updated Florida Building Code
111 only to the extent that they are needed to modify the foundation
112 codes to accommodate the specific needs of the state. A change
113 made by an institute or standards organization to any standard
114 or criterion that is adopted by reference in the Florida
115 Building Code does not become effective statewide until it has
116 been adopted by the commission. Furthermore, the edition of the
117 Florida Building Code which is in effect on the date of
118 application for any permit authorized by the code governs the
119 permitted work for the life of the permit and any extension
120 granted to the permit.

121 (e) A rule updating the Florida Building Code in
122 accordance with this subsection shall take effect no sooner than
123 6 months after publication of the updated code. Any amendment to
124 the Florida Building Code which is adopted upon a finding by the
125 commission that the amendment is necessary to protect the public
126 from immediate threat of harm takes effect immediately.

127 (f) Upon the conclusion of a triennial update to the
128 Florida Building Code, notwithstanding the provisions of this
129 subsection or subsection (3), the commission may address issues
130 identified in this subsection by amending the code pursuant only
131 to the rule adoption procedures contained in chapter 120.
132 Following the approval of any amendments to the Florida Building
133 Code by the commission and publication of the amendments on the

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134 commission's website, authorities having jurisdiction to enforce
135 the Florida Building Code may enforce the amendments. The
136 commission may approve amendments that are needed to address:

- 137 1. Conflicts within the updated code;
138 2. Conflicts between the updated code and the Florida Fire
139 Prevention Code adopted pursuant to chapter 633;
140 3. The omission of previously adopted Florida-specific
141 amendments to the updated code if such omission is not supported
142 by a specific recommendation of a technical advisory committee
143 or particular action by the commission; or
144 4. Unintended results from the integration of previously
145 adopted Florida-specific amendments with the model code.

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

148 553.775 Interpretations.--

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

156 Section 5. Paragraphs (f) and (h) of subsection (1) of
157 section 553.791, Florida Statutes, are amended, subsections (5),
158 (7)-(10), (12), (13), (15), (16), and (18) of that section are
159 renumbered as subsections (6), (8)-(11), (13), (14), (16), (17),
160 and (19), respectively, a new subsection (5) is added to that

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161 section, and present subsections (6), (11), (14), and (17) of
162 that section are amended, to read:

163 553.791 Alternative plans review and inspection.--

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

165 (f) "Permit application" means a properly completed and
166 submitted application for the requested building or construction
167 permit, including:

168 1. The plans reviewed by the private provider.

169 2. The affidavit from the private provider required
170 pursuant to subsection (6) ~~(5)~~.

171 3. Any applicable fees.

172 4. Any documents required by the local building official
173 to determine that the fee owner has secured all other government
174 approvals required by law.

175 (h) "Request for certificate of occupancy or certificate
176 of completion" means a properly completed and executed
177 application for:

178 1. A certificate of occupancy or certificate of
179 completion.

180 2. A certificate of compliance from the private provider
181 required pursuant to subsection (11) ~~(10)~~.

182 3. Any applicable fees.

183 4. Any documents required by the local building official
184 to determine that the fee owner has secured all other government
185 approvals required by law.

186 (5) After construction has commenced and if the local
187 building official is unable to provide inspection services in a
188 timely manner, the fee owner or the fee owner's contractor may

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189 elect to use a private provider to provide inspection services
190 by notifying the local building official of the owner's or
191 contractor's intention to do so no less than 7 business days
192 prior to the next scheduled inspection using the notice provided
193 for in paragraphs (4) (a) - (c).

194 (7)~~(6)~~(a) No more than 30 business days after receipt of a
195 permit application and the affidavit from the private provider
196 required pursuant to subsection (6) ~~(5)~~, the local building
197 official shall issue the requested permit or provide a written
198 notice to the permit applicant identifying the specific plan
199 features that do not comply with the applicable codes, as well
200 as the specific code chapters and sections. If the local
201 building official does not provide a written notice of the plan
202 deficiencies within the prescribed 30-day period, the permit
203 application shall be deemed approved as a matter of law, and the
204 permit shall be issued by the local building official on the
205 next business day.

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

213 (c) If the permit applicant submits revisions, the local
214 building official has the remainder of the tolled 30-day period
215 plus 5 business days to issue the requested permit or to provide
216 a second written notice to the permit applicant stating which of

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217 the previously identified plan features remain in noncompliance
218 with the applicable codes, with specific reference to the
219 relevant code chapters and sections. If the local building
220 official does not provide the second written notice within the
221 prescribed time period, the permit shall be issued by the local
222 building official on the next business day.

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

235 (12)~~(11)~~ No more than 2 business days after receipt of a
236 request for a certificate of occupancy or certificate of
237 completion and the applicant's presentation of a certificate of
238 compliance and approval of all other government approvals
239 required by law, the local building official shall issue the
240 certificate of occupancy or certificate of completion or provide
241 a notice to the applicant identifying the specific deficiencies,
242 as well as the specific code chapters and sections. If the local
243 building official does not provide notice of the deficiencies
244 within the prescribed 2-day period, the request for a

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245 certificate of occupancy or certificate of completion shall be
246 deemed granted and the certificate of occupancy or certificate
247 of completion shall be issued by the local building official on
248 the next business day. To resolve any identified deficiencies,
249 the applicant may elect to dispute the deficiencies pursuant to
250 subsection (13) ~~(12)~~ or to submit a corrected request for a
251 certificate of occupancy or certificate of completion.

252 (15) ~~(14)~~ (a) No local enforcement agency, local building
253 official, or local government may adopt or enforce any laws,
254 rules, procedures, policies, qualifications, or standards more
255 stringent than those prescribed by this section.

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

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

268 (18) ~~(17)~~ Each local building code enforcement agency may
269 audit the performance of building code inspection services by
270 private providers operating within the local jurisdiction. Work
271 on a building or structure may proceed after inspection and
272 approval by a private provider if the provider has given notice

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273 of the inspection pursuant to subsection (9) ~~(8)~~ and, subsequent
274 to such inspection and approval, the work may not be delayed for
275 completion of an inspection audit by the local building code
276 enforcement agency.

277 Section 6. Subsection (5) of section 633.0215, Florida
278 Statutes, is amended to read:

279 633.0215 Florida Fire Prevention Code.--

280 (5) Upon the conclusion of a triennial update to the
281 Florida Fire Prevention Code and notwithstanding any other
282 provisions of law, the State Fire Marshal may address the issues
283 identified in this subsection by amending the Florida Fire
284 Prevention Code, subject only to the rule adoption procedures of
285 chapter 120. Following the approval of any amendments to the
286 Florida Fire Prevention Code by the State Fire Marshal and
287 publication on the State Fire Marshal's website, authorities
288 having jurisdiction to enforce the Florida Fire Prevention Code
289 may enforce the amendments to the code. The State Fire Marshal
290 may approve only amendments that are needed to address:

291 (a) Conflicts within the updated Florida Building Code;
292 (b) Conflicts between the updated Florida Fire Prevention
293 Code and the Florida Building Code adopted pursuant to chapter
294 553;

295 (c) The omission of Florida-specific amendments that were
296 previously adopted in the Florida Fire Prevention Code; or

297 (d) Unintended results from the integration of Florida-
298 specific amendments that were previously adopted with the model
299 code. ~~The State Fire Marshal may approve technical amendments~~
300 ~~notwithstanding the 3-year update cycle of the Florida Fire~~

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301 | ~~Prevention Code upon finding that a threat to life exists that~~
302 | ~~would warrant such action, subject to chapter 120.~~

303 | Section 7. Except as otherwise expressly provided in this
304 | act, this act shall take effect July 1, 2006.