

CHAMBER ACTION

1 The State Infrastructure 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; 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; requiring the
28 | Department of Community Affairs to use a portion of
29 | certain appropriations for certain Florida Building Code
30 | education and training purposes; providing legislative
31 | intent; requiring certain entities to use certain funds
32 | for certain purposes; providing effective dates.
33 |

34 | Be It Enacted by the Legislature of the State of Florida:
35 |

36 | Section 1. Notwithstanding subsection (3) of section 109
37 | of chapter 2000-141, Laws of Florida, the Florida Building
38 | Commission may update or modify the wind-design standard
39 | applicable to construction in this state as adopted within the
40 | Florida Building Code in accordance with the requirements of s.
41 | 553.73, Florida Statutes. The Florida Building Commission is
42 | specifically authorized to identify within the Florida Building
43 | Code those areas of the state from the eastern border of
44 | Franklin County west to the Florida-Alabama line that are
45 | subject to the windborne-debris requirements of the code. The
46 | Florida Building Commission's initial designation of wind lines
47 | for this region shall address the results of the study required
48 | by section 39 of chapter 2005-147, Laws of Florida. The initial
49 | designation of those areas after July 1, 2006, is subject to
50 | only the rule adoption procedures of chapter 120, Florida
51 | Statutes, notwithstanding the code-development procedures of

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52 chapter 553, Florida Statutes. This section shall not take
53 effect for 6 months following the completion of rulemaking or
54 until May 31, 2007, whichever occurs sooner. The provisions of
55 subsection (3) of section 109 of chapter 2000-141, Laws of
56 Florida, are expressly superseded.

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

59 553.71 Definitions.--As used in this part, the term:

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

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

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

75 553.73 Florida Building Code.--

76 (6) (a) The commission, by rule adopted pursuant to ss.
77 120.536(1) and 120.54, shall update the Florida Building Code
78 every 3 years. When updating the Florida Building Code, the
79 commission shall select the most current version of the

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80 International Building Code, the International Fuel Gas Code,
81 the International Mechanical Code, the International Plumbing
82 Code, and the International Residential Code, all of which are
83 adopted by the International Code Council, and the National
84 Electrical Code, which is adopted by the National Fire
85 Protection Association, to form the foundation codes of the
86 updated Florida Building Code, if the version has been adopted
87 by the applicable model code entity ~~International Code Council~~
88 and made available to the public at least 6 months prior to its
89 selection by the commission.

90 (b) Codes regarding noise contour lines shall be reviewed
91 annually, and the most current federal guidelines shall be
92 adopted.

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

108 Florida-specific amendments to the foundation codes is readily
109 apparent.

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

125 (e) A rule updating the Florida Building Code in
126 accordance with this subsection shall take effect no sooner than
127 6 months after publication of the updated code. Any amendment to
128 the Florida Building Code which is adopted upon a finding by the
129 commission that the amendment is necessary to protect the public
130 from immediate threat of harm takes effect immediately.

131 (f) Upon the conclusion of a triennial update to the
132 Florida Building Code, notwithstanding the provisions of this
133 subsection or subsection (3), the commission may address issues
134 identified in this subsection by amending the code pursuant only
135 to the rule adoption procedures contained in chapter 120.

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136 Following the approval of any amendments to the Florida Building
137 Code by the commission and publication of the amendments on the
138 commission's website, authorities having jurisdiction to enforce
139 the Florida Building Code may enforce the amendments. The
140 commission may approve amendments that are needed to address:

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

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

152 553.775 Interpretations.--

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

160 Section 5. Paragraphs (f) and (h) of subsection (1) of
161 section 553.791, Florida Statutes, are amended, subsections (5),
162 (7)-(10), (12), (13), (15), (16), and (18) of that section are
163 renumbered as subsections (6), (8)-(11), (13), (14), (16), (17),

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164 and (19), respectively, a new subsection (5) is added to that
165 section, and present subsections (6), (11), (14), and (17) of
166 that section are amended, to read:

167 553.791 Alternative plans review and inspection.--

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

169 (f) "Permit application" means a properly completed and
170 submitted application for the requested building or construction
171 permit, including:

172 1. The plans reviewed by the private provider.

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

175 3. Any applicable fees.

176 4. Any documents required by the local building official
177 to determine that the fee owner has secured all other government
178 approvals required by law.

179 (h) "Request for certificate of occupancy or certificate
180 of completion" means a properly completed and executed
181 application for:

182 1. A certificate of occupancy or certificate of
183 completion.

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

186 3. Any applicable fees.

187 4. Any documents required by the local building official
188 to determine that the fee owner has secured all other government
189 approvals required by law.

190 (5) After construction has commenced and if the local
191 building official is unable to provide inspection services in a

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192 timely manner, the fee owner or the fee owner's contractor may
193 elect to use a private provider to provide inspection services
194 by notifying the local building official of the owner's or
195 contractor's intention to do so no less than 7 business days
196 prior to the next scheduled inspection using the notice provided
197 for in paragraphs (4) (a) - (c).

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

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

217 (c) If the permit applicant submits revisions, the local
218 building official has the remainder of the tolled 30-day period
219 plus 5 business days to issue the requested permit or to provide

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220 a second written notice to the permit applicant stating which of
221 the previously identified plan features remain in noncompliance
222 with the applicable codes, with specific reference to the
223 relevant code chapters and sections. If the local building
224 official does not provide the second written notice within the
225 prescribed time period, the permit shall be issued by the local
226 building official on the next business day.

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

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

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248 | within the prescribed 2-day period, the request for a
 249 | certificate of occupancy or certificate of completion shall be
 250 | deemed granted and the certificate of occupancy or certificate
 251 | of completion shall be issued by the local building official on
 252 | the next business day. To resolve any identified deficiencies,
 253 | the applicant may elect to dispute the deficiencies pursuant to
 254 | subsection (13) ~~(12)~~ or to submit a corrected request for a
 255 | certificate of occupancy or certificate of completion.

256 | ~~(15)~~(14)(a) No local enforcement agency, local building
 257 | official, or local government may adopt or enforce any laws,
 258 | rules, procedures, policies, qualifications, or standards more
 259 | stringent than those prescribed by this section.

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

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

272 | ~~(18)~~(17) Each local building code enforcement agency may
 273 | audit the performance of building code inspection services by
 274 | private providers operating within the local jurisdiction. Work
 275 | on a building or structure may proceed after inspection and

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276 approval by a private provider if the provider has given notice
 277 of the inspection pursuant to subsection (9) ~~(8)~~ and, subsequent
 278 to such inspection and approval, the work may not be delayed for
 279 completion of an inspection audit by the local building code
 280 enforcement agency.

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

283 633.0215 Florida Fire Prevention Code.--

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

- 295 (a) Conflicts within the updated Florida Building Code;
- 296 (b) Conflicts between the updated Florida Fire Prevention
 297 Code and the Florida Building Code adopted pursuant to chapter
 298 553;
- 299 (c) The omission of Florida-specific amendments that were
 300 previously adopted in the Florida Fire Prevention Code; or
- 301 (d) Unintended results from the integration of Florida-
 302 specific amendments that were previously adopted with the model
 303 code. ~~The State Fire Marshal may approve technical amendments~~

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304 ~~notwithstanding the 3-year update cycle of the Florida Fire~~
305 ~~Prevention Code upon finding that a threat to life exists that~~
306 ~~would warrant such action, subject to chapter 120.~~

307 Section 7. (1) A reasonable portion of the appropriations
308 provided to the Department of Community Affairs for purposes of
309 implementing and administering the Florida Building Code shall
310 be used by the department for the continuation of education
311 awareness concerning the Florida Building Code and the operation
312 of the Disaster Contractor's Network. Not more than 30 days
313 after the effective date of each subsequent appropriation, the
314 Department of Community Affairs shall issue a notice of funds
315 availability.

316 (2) (a) The Legislature intends to promote a tax-exempt
317 entity having prior contracting experience with building code
318 training, development, and coordination and whose membership is
319 representative of all of the statewide construction and design
320 licensee associations to provide building code education,
321 training, and development services.

322 (b) Of any funds received by the entity from the
323 department pursuant to the notice of funds availability, the
324 entity shall allocate:

325 1. Twenty percent to the Disaster Contractor's Network as
326 administered by Florida State University for the coordination of
327 the construction industry during a hurricane response.

328 2. Twenty percent to the residential construction trade
329 show in the state for the underwriting of attendance by product
330 manufacturers and governmental agencies to promote code
331 compliance and mitigation to the construction industry.

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332
333 The entity shall use the remainder of such funds for outreach
334 building code activities under the direction of the Florida
335 Building Commission as provided for in s. 553.841, Florida
336 Statutes.

337 Section 8. Except as otherwise expressly provided in this
338 act, this act shall take effect July 1, 2006.