

Bill No. CS for SB 1774

Barcode 494104

CHAMBER ACTION

Senate

House

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Comm: RCS
04/18/2006 03:22 PM

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The Committee on Regulated Industries (Posey) recommended the following amendment:

Senate Amendment (with title amendment)

On page 1, line 26, through
page 18, line 20, delete those lines

and insert:

Section 1. 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 which 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

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1 only the rule-adoption procedures of chapter 120, Florida
 2 Statutes, notwithstanding the code-development procedures of
 3 chapter 553, Florida Statutes. The rules adopted pursuant to
 4 this section shall not take effect for 6 months following the
 5 adoption of the rules or May 31, 2007, whichever occurs
 6 sooner. The provisions of subsection (3) of section 109 of
 7 chapter 2000-141, Laws of Florida, are expressly superseded.

8 Section 2. Subsections (1) and (2) of section 399.15,
 9 Florida Statutes, are amended to read:

10 399.15 Regional emergency elevator access.--

11 (1) In order to provide emergency access to elevators:

12 (a) For each building in this state which is six or
 13 more stories in height, including, but not limited to, hotels
 14 and condominiums, on which a building permit is issued
 15 ~~construction is begun~~ after September 30, 2006 ~~June 30, 2004~~,
 16 all of the keys for elevators that allow public access,
 17 including, but not limited to, service and freight elevators,
 18 must be keyed so as to allow all elevators within each of the
 19 seven state emergency response regions to operate in fire
 20 emergency situations with one master elevator key.

21 (b) Any building in this state which is six or more
 22 stories in height and has undergone "substantial improvement"
 23 as defined in s. 161.54(12) must also comply with paragraph
 24 (a).

25 (2) Each existing building in this state which is six
 26 or more stories in height must comply with subsection (1)
 27 before October 1, 2009 ~~July 1, 2007~~.

28 Section 3. Subsections (10) and (11) of section
 29 553.71, Florida Statutes, are amended to read:

30 553.71 Definitions.--As used in this part, the term:

31 ~~(10) "Exposure category C" means, except in the high~~

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1 ~~velocity hurricane zone, that area which lies within 1,500~~
 2 ~~feet of the coastal construction control line, or within 1,500~~
 3 ~~feet of the mean high tide line, whichever is less. On barrier~~
 4 ~~islands, exposure category C shall be applicable in the~~
 5 ~~coastal building zone set forth in s. 161.55(5).~~

6 (10)(11) "Prototype building" means a building
 7 constructed in accordance with architectural or engineering
 8 plans intended for replication on various sites and which will
 9 be updated to comply with the Florida Building Code and
 10 applicable laws relating to firesafety, health and sanitation,
 11 casualty safety, and requirements for persons with
 12 disabilities which are in effect at the time a construction
 13 contract is to be awarded.

14 Section 4. Subsection (6) of section 553.73, Florida
 15 Statutes, is amended to read:

16 553.73 Florida Building Code.--

17 (6)(a) The commission, by rule adopted pursuant to ss.
 18 120.536(1) and 120.54, shall update the Florida Building Code
 19 every 3 years. When updating the Florida Building Code, the
 20 commission shall select the most current version of the
 21 International Building Code, the International Fuel Gas Code,
 22 the International Mechanical Code, the International Plumbing
 23 Code, and the International Residential Code, all of which are
 24 adopted by the International Code Council, and the National
 25 Electrical Code, which is adopted by the National Fire
 26 Protection Association, to form the foundation codes of the
 27 updated Florida Building Code, if the version has been adopted
 28 by the applicable model code entity ~~International Code Council~~
 29 and made available to the public at least 6 months prior to
 30 its selection by the commission.

31 (b) Codes regarding noise contour lines shall be

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1 reviewed annually, and the most current federal guidelines
2 shall be adopted.

3 (c) The commission may modify any portion of the
4 foundation codes only as needed to accommodate the specific
5 needs of this state, maintaining Florida-specific amendments
6 previously adopted by the commission and not addressed by the
7 updated foundation code. Standards or criteria referenced by
8 the codes shall be incorporated by reference. If a referenced
9 standard or criterion requires amplification or modification
10 to be appropriate for use in this state, only the
11 amplification or modification shall be set forth in the
12 Florida Building Code. The commission may approve technical
13 amendments to the updated Florida Building Code after the
14 amendments have been subject to the conditions set forth in
15 paragraphs (3)(a)-(d). Amendments to the foundation codes
16 which are adopted in accordance with this subsection shall be
17 clearly marked in printed versions of the Florida Building
18 Code so that the fact that the provisions are Florida-specific
19 amendments to the foundation codes is readily apparent.

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

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

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

12 (f) Upon the conclusion of a triennial update to the
13 Florida Building Code, notwithstanding the provisions of this
14 subsection or subsection (3), the commission may address
15 issues identified in this paragraph by amending the code
16 pursuant only to the rule adoption procedures contained in
17 chapter 120. Following the approval of any amendments to the
18 Florida Building Code by the commission and publication of the
19 amendments on the commission's website, authorities having
20 jurisdiction to enforce the Florida Building Code may enforce
21 the amendments. The commission may approve amendments that are
22 needed to address:

- 23 1. Conflicts within the updated code;
- 24 2. Conflicts between the updated code and the Florida
25 Fire Prevention Code adopted pursuant to chapter 633;
- 26 3. The omission of previously adopted Florida-specific
27 amendments to the updated code if such omission is not
28 supported by a specific recommendation of a technical advisory
29 committee or particular action by the commission; or
- 30 4. Unintended results from the integration of
31 previously adopted Florida-specific amendments with the model

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1 code.

2 Section 5. Subsection (5) is added to section 553.775,
3 Florida Statutes, to read:

4 553.775 Interpretations.--

5 (5) Notwithstanding the other provisions of this
6 section, the Florida Accessibility Code for Building
7 Construction and chapter 11 of the Florida Building Code may
8 not be interpreted by, and are not subject to review under,
9 any of the procedures specified in this section. This
10 subsection has no effect upon the commission's authority to
11 waive the Florida Accessibility Code for Building Construction
12 as provided by s. 553.512.

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

20 553.791 Alternative plans review and inspection.--

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

22 (f) "Permit application" means a properly completed
23 and submitted application for the requested building or
24 construction permit, including:

25 1. The plans reviewed by the private provider.

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

28 3. Any applicable fees.

29 4. Any documents required by the local building
30 official to determine that the fee owner has secured all other
31 government approvals required by law.

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1 (h) "Request for certificate of occupancy or
2 certificate of completion" means a properly completed and
3 executed application for:

4 1. A certificate of occupancy or certificate of
5 completion.

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

8 3. Any applicable fees.

9 4. Any documents required by the local building
10 official to determine that the fee owner has secured all other
11 government approvals required by law.

12 (5) After construction has commenced and if the local
13 building official is unable to provide inspection services in
14 a timely manner, the fee owner or the fee owner's contractor
15 may elect to use a private provider to provide inspection
16 services by notifying the local building official of the
17 owner's or contractor's intention to do so no less than 7
18 business days prior to the next scheduled inspection using the
19 notice provided for in paragraphs (4)(a)-(c).

20 (7)(6)(a) No more than 30 business days after receipt
21 of a permit application and the affidavit from the private
22 provider required pursuant to subsection(6) ~~(5)~~, the local
23 building official shall issue the requested permit or provide
24 a written notice to the permit applicant identifying the
25 specific plan features that do not comply with the applicable
26 codes, as well as the specific code chapters and sections. If
27 the local building official does not provide a written notice
28 of the plan deficiencies within the prescribed 30-day period,
29 the permit application shall be deemed approved as a matter of
30 law, and the permit shall be issued by the local building
31 official on the next business day.

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1 (b) If the local building official provides a written
 2 notice of plan deficiencies to the permit applicant within the
 3 prescribed 30-day period, the 30-day period shall be tolled
 4 pending resolution of the matter. To resolve the plan
 5 deficiencies, the permit applicant may elect to dispute the
 6 deficiencies pursuant to subsection(13) ~~(12)~~ or to submit
 7 revisions to correct the deficiencies.

8 (c) If the permit applicant submits revisions, the
 9 local building official has the remainder of the tolled 30-day
 10 period plus 5 business days to issue the requested permit or
 11 to provide a second written notice to the permit applicant
 12 stating which of the previously identified plan features
 13 remain in noncompliance with the applicable codes, with
 14 specific reference to the relevant code chapters and sections.
 15 If the local building official does not provide the second
 16 written notice within the prescribed time period, the permit
 17 shall be issued by the local building official on the next
 18 business day.

19 (d) If the local building official provides a second
 20 written notice of plan deficiencies to the permit applicant
 21 within the prescribed time period, the permit applicant may
 22 elect to dispute the deficiencies pursuant to subsection(13)
 23 ~~(12)~~ or to submit additional revisions to correct the
 24 deficiencies. For all revisions submitted after the first
 25 revision, the local building official has an additional 5
 26 business days to issue the requested permit or to provide a
 27 written notice to the permit applicant stating which of the
 28 previously identified plan features remain in noncompliance
 29 with the applicable codes, with specific reference to the
 30 relevant code chapters and sections.

31 ~~(12)~~~~(11)~~ No more than 2 business days after receipt of

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1 a request for a certificate of occupancy or certificate of
2 completion and the applicant's presentation of a certificate
3 of compliance and approval of all other government approvals
4 required by law, the local building official shall issue the
5 certificate of occupancy or certificate of completion or
6 provide a notice to the applicant identifying the specific
7 deficiencies, as well as the specific code chapters and
8 sections. If the local building official does not provide
9 notice of the deficiencies within the prescribed 2-day period,
10 the request for a certificate of occupancy or certificate of
11 completion shall be deemed granted and the certificate of
12 occupancy or certificate of completion shall be issued by the
13 local building official on the next business day. To resolve
14 any identified deficiencies, the applicant may elect to
15 dispute the deficiencies pursuant to subsection(13) ~~(12)~~ or
16 to submit a corrected request for a certificate of occupancy
17 or certificate of completion.

18 ~~(15)(14)~~(a) No local enforcement agency, local
19 building official, or local government may adopt or enforce
20 any laws, rules, procedures, policies, qualifications, or
21 standards more stringent than those prescribed by this
22 section.

23 (b) A local enforcement agency, local building
24 official, or local government may establish, for private
25 providers and duly authorized representatives working within
26 that jurisdiction, a system of registration to verify
27 compliance with the licensure requirements of paragraph (1)(g)
28 and the insurance requirements of subsection(16) ~~(15)~~.

29 (c) Nothing in this section limits the authority of
30 the local building official to issue a stop-work order for a
31 building project or any portion of such order, as provided by

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1 law, if the official determines that a condition on the
2 building site constitutes an immediate threat to public safety
3 and welfare.

4 ~~(18)~~(17) Each local building code enforcement agency
5 may audit the performance of building code inspection services
6 by private providers operating within the local jurisdiction.
7 Work on a building or structure may proceed after inspection
8 and approval by a private provider if the provider has given
9 notice of the inspection pursuant to subsection(9) ~~(8)~~ and,
10 subsequent to such inspection and approval, the work may not
11 be delayed for completion of an inspection audit by the local
12 building code enforcement agency.

13 Section 7. Subsection (5) of section 633.0215, Florida
14 Statutes, is amended to read:

15 633.0215 Florida Fire Prevention Code.--

16 (5) Upon the conclusion of a triennial update to the
17 Florida Fire Prevention Code and notwithstanding any other
18 provisions of law, the State Fire Marshal may address the
19 issues identified in this subsection by amending the Florida
20 Fire Prevention Code, subject only to the rule adoption
21 procedures of chapter 120. Following the approval of any
22 amendments to the Florida Fire Prevention Code by the State
23 Fire Marshal and publication on the State Fire Marshal's
24 website, authorities having jurisdiction to enforce the
25 Florida Fire Prevention Code may enforce the amendments to the
26 code. The State Fire Marshal may approve only amendments that
27 are needed to address:

28 (a) Conflicts within the updated Florida Building
29 Code;

30 (b) Conflicts between the updated Florida Fire
31 Prevention Code and the Florida Building Code adopted pursuant

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1 to chapter 553;

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

4 or

5 (d) Unintended results from the integration of
6 Florida-specific amendments that were previously adopted with
7 the model code. ~~The State Fire Marshal may approve technical~~
8 ~~amendments notwithstanding the 3-year update cycle of the~~
9 ~~Florida Fire Prevention Code upon finding that a threat to~~
10 ~~life exists that would warrant such action, subject to chapter~~
11 ~~120.~~

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

15 And the title is amended as follows:

16 On page 1, lines 4-21, delete those lines

17

18 and insert:

19 modify the standard for wind design; expressly
20 superseding a provision; amending s. 399.15,
21 F.S.; revising the dates by which the elevators
22 in certain buildings must be keyed to allow
23 regional emergency elevator access; amending s.
24 553.71, F.S.; deleting the definition of
25 "exposure category C"; amending s. 553.73,
26 F.S.; authorizing the Florida Building
27 Commission to adopt certain limited amendments
28 to the Florida Building Code pursuant to rule
29 adoption procedures for certain purposes after
30 triennial updates; authorizing authorities to
31 enforce such amendments; specifying amendment

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1 criteria; amending s. 553.775, F.S.;

2 prohibiting certain procedures from being

3 invoked to interpret or review the Florida

4 Accessibility Code for Building Construction

5 and chapter 11 of the Florida Building Code;

6 amending s. 553.791, F.S.; providing for the

7 use of private providers of building code

8 inspection services under certain

9 circumstances; amending s. 633.0215, F.S.;

10 authorizing the State Fire Marshal to adopt

11 certain limited amendments of the Florida Fire

12 Prevention Code pursuant to rule adoption

13 procedures for certain purposes after triennial

14 updates; authorizing authorities to enforce

15 such amendments; specifying amendment criteria;

16 deleting a provision authorizing approval of

17 certain technical amendments to the Florida

18 Fire Prevention Code, notwithstanding the

19 3-year update cycle;

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