

CHAPTER 97-177

Committee Substitute for Senate Bill No. 1246

An act relating to state minimum building codes; amending s. 553.73, F.S.; restricting the contents of State Minimum Building Codes; providing an effective date.

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

Section 1. Subsections (2) and (4) of section 553.73, Florida Statutes, are amended to read:

553.73 State Minimum Building Codes.—

(2) There is created the State Minimum Building Codes which shall consist of the following nationally recognized model codes:

- (a) Standard Building Codes, 1988 edition, pertaining to building, plumbing, mechanical, and gas, and excluding fire prevention;
- (b) EPCOT Code, 1982 edition;
- (c) One and Two Family Dwelling Code, 1986 edition; and
- (d) The South Florida Building Code, 1988 edition.

Each local government and state agency with building construction regulation responsibilities shall adopt one of the State Minimum Building Codes as its building code, which shall govern the construction, erection, alteration, repair, or demolition of any building for which the local government or state agency has building construction regulation responsibility. If the One and Two Family Dwelling Code is adopted for residential construction, then one of the other recognized model codes must be adopted for the regulation of other residential and nonresidential structures. Provisions to be contained within any State Minimum Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet minimum building codes. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within a State Minimum Building Code, and subsection (4) is not to be construed to allow the inclusion of such provisions within any State Minimum Building Code by amendment. This restriction applies to both initial development and amendment of the code.

(4) Local governments and state agencies with building construction regulation responsibilities may, subject to the limitations of this section, provide for more stringent requirements than those specified in the State Minimum Building Codes provided:

(a) The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10

days before the hearing, that there is a need to strengthen the requirements of the State Minimum Building Codes adopted by such governing body. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates that local conditions justify more stringent requirements than those specified in the State Minimum Building Codes for the protection of life and property.

(b) Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

(c) Such additional requirements may not introduce a new subject not addressed in the State Minimum Building Codes.

(d)(e) Paragraphs (a), ~~and (b), and (c)~~ apply to the enforcing agency's adoption of more stringent requirements than those specified in the State Minimum Building Codes and to the adoption of building construction-related codes that have the effect of amending building construction standards contained in the State Minimum Building Codes. Upon request, the enforcing agency shall provide a person making application for a building permit, or any state agency or board with construction-related regulation responsibilities, a listing of all such requirements and codes.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.