

CHAPTER 98-287

Committee Substitute for Committee Substitute for House Bill No. 4181

An act relating to a statewide unified building code; amending ss. 468.621, F.S.; providing an additional ground for certain disciplinary actions; amending ss. 471.033, 481.225, 481.2251, and 481.325, F.S.; providing for additional fines for certain violations of the Florida Building Code; amending s. 468.602, F.S.; clarifying application of an exemption for certain persons; amending ss. 468.609, 468.627, 471.017, 471.019, 481.215, 481.313, 489.115, 489.1455, and 489.5335, F.S.; requiring certificateholders, licensees, or registrants to prove completion of certain education requirements relating to the Florida Building Code; providing certain core curriculum or continuing education requirements for certain license, certificate, or registration renewals; authorizing certain licensing boards to require certain specialized or advanced education courses; creating s. 455.2286, F.S.; requiring the Department of Business and Professional Regulation to implement an automated information system for certain purposes; providing requirements relating to such system; amending s. 489.103, F.S.; exempting certain residential structures from certain construction contracting requirements; amending s. 489.117, F.S.; clarifying certain information provision requirements for local jurisdictions relating to specialty contractor licensure and discipline; amending s. 489.513, F.S.; requiring local jurisdictions to provide certain information to certain licensing boards; requiring such boards to maintain and provide such information through an automated information system; providing for local responsibility for imposing certain disciplinary action; authorizing imposition of penalties by ordinance; amending s. 489.517, F.S.; requiring certificateholders or registrants to provide proof of completion of certain education courses; authorizing the electrical contractors' licensing board to require certain education courses; amending s. 489.533, F.S.; revising a ground for certain disciplinary action; amending s. 553.06, F.S.; requiring the Florida Building Commission to adopt the State Plumbing Code; amending s. 553.19, F.S.; requiring the commission to adopt certain electrical standards as part of the Florida Building Code and to revise and maintain such standards; amending s. 553.71, F.S.; revising certain definitions; renaming the Board of Building Codes and Standards as the Florida Building Code Commission; amending s. 553.72, F.S.; revising legislative intent; amending s. 553.73, F.S.; providing for adoption of the Florida Building Code to replace the State Minimum Building Codes; providing for legislative approval; providing purposes; requiring the Florida Building Commission to adopt the code; providing requirements and criteria for the code; providing for resolution of conflicts between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code; providing requirements; providing for local technical amendments to the code; providing procedures and requirements; providing limitations; requiring counties

to establish compliance review boards for certain purposes; providing requirements; authorizing local governments to adopt amendments to the code; providing requirements; providing procedures for challenges by affected parties; providing for appeals; requiring the commission to update the code periodically; authorizing the commission to adopt technical amendments to the code under certain circumstances; providing requirements; providing for exempting certain buildings, structures, and facilities from the code; specifying nonapplication of the code under certain circumstances; prohibiting administration or enforcement of the code for certain purposes; amending s. 553.74, F.S.; replacing the State Board of Building Codes and Standards with the Florida Building Commission; providing for additional membership; providing for continuation of terms of existing board members; amending ss. 553.75, 553.76, and 553.77, F.S., to conform; providing additional powers of the commission; requiring commission staff to attend certain meetings; requiring the commission to develop and publish descriptions of roles and responsibilities of certain persons; authorizing the commission to provide plans review and approval of certain public buildings; creating s. 553.781, F.S.; providing for licensee accountability; authorizing local jurisdictions to impose fines and order certain disciplinary action for certain violations of the Florida Building Code; providing for challenges to such actions; requiring the Department of Business and Professional Regulation and local jurisdictions to report such disciplinary actions; providing for disposition and use of such fines; providing construction; providing for suspension of certain permitting privileges under certain circumstance; amending s. 553.79, F.S., to conform; authorizing owners of certain buildings to designate such buildings as threshold buildings for certain purposes; providing for local government enforcement of the Florida Building Code under certain circumstances; amending s. 553.80, F.S.; authorizing certain additional permit fees and reinspection fees under certain circumstances; requiring certain agencies to provide support to local governments for certain purposes; specifying certain code enforcement requirements for state universities, community colleges, and public school districts; preserving authority of certain local governments to enforce code requirements; providing construction; creating s. 553.841, F.S.; providing for establishing a building code training program; providing requirements; providing criteria; authorizing the Florida Building Commission to enter into contracts for certain purposes; requiring the assistance and participation of certain state agencies; creating s. 553.842, F.S.; providing for a system for product evaluation and approval; providing requirements; providing procedures; providing for challenging, review, and appeal of certain evaluations; authorizing the commission to charge fees for certain certifications and reviews; providing exceptions; amending s. 553.905, F.S.; exempting certain HVAC equipment from additional insulation requirements; amending s. 633.01, F.S.; authorizing the Department of Insurance to issue declaratory statements of certain fire-safety codes; creating s. 633.0215, F.S.; requiring the Department of Insurance to adopt certain fire prevention and life safety codes;

providing requirements; providing for temporary effect of local amendments to such codes; providing providing procedures for adopting or rescinding local amendments to such codes; requiring the department to update such codes periodically; providing for technical amendments to such codes; providing exceptions to application of such codes for certain purposes; amending s. 633.025, F.S.; specifying adoption by local jurisdictions of certain firesafety codes; authorizing local jurisdictions to adopt more stringent firesafety standards under certain circumstances; providing procedures; providing limitations; deleting obsolete provisions; amending s. 633.085, F.S.; clarifying certain inspection duties of the State Fire Marshal; amending s. 633.72, F.S.; specifying cooperation between the Florida Fire Code Advisory Council and the Florida Building Commission under certain circumstances; requiring administrative staff of the State Fire Marshal to attend certain meetings and coordinate efforts for consistency between certain codes; amending ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 489.127, 489.131, 489.531, 489.537, 500.459, 553.18, and 627.351, F.S., to conform; requiring the Florida Building Commission to submit the Florida Building Code to the Legislature for approval; requiring the commission to recommend changes to the law to conform to adoption of the Florida Building Code; providing for future repeal of local amendments to certain building codes; providing for readoption; requiring the State Fire Marshal, the Florida Building Commission, and the Commissioner of Education to establish a select committee for certain purposes; providing for committee membership; providing duties of the committee; requiring a report to the Legislature; requiring the Department of Management Services to conduct a pilot project to study the effects of installing an ozonation water treatment system for a cooling tower on state buildings; requiring a report to the Legislature; repealing s. 471.003(2)(f), F.S., relating to engineering faculty exemption from registration requirements; repealing s. 489.539, F.S., relating to adoption of electrical standards; repealing s. 553.73(5), F.S., relating to a presumption of compliance with certain building code requirements; providing for future repeal of s. 489.120, F.S., relating to an automated information system; providing for future repeal of s. 489.129(1)(d), F.S., relating to disciplinary action for knowing violations of building codes; providing for future repeal of parts I, II, and III of chapter 553, F.S., relating to the Florida Plumbing Control Act, the Florida Electrical Code, and glass standards; providing appropriations; providing effective dates.

WHEREAS, the Legislature finds the system of regulating construction in Florida is a pressing affair of the state with statewide significance. The Legislature further finds that such system is complex and confusing because of the multiplicity of building codes and administrative processes which has resulted in weak and inadequate compliance, and

WHEREAS, the Legislature further finds that, to be effective, a building code system must promote consistent and effective compliance and enforcement by addressing the complexity caused by too many codes and administrative processes and by providing a clear understanding of roles and re-

sponsibilities and adequate education and training for all participants within the system, and

WHEREAS, it is the intent of the Legislature that all processes which comprise the overall building construction regulatory system be coordinated and integrated to achieve optimal effectiveness and provide predictability in the system and accountability for all participants in the system, and

WHEREAS, it is the further intent of the Legislature that all state and local agencies should coordinate their separately assigned responsibilities with the Florida Building Commission created in this act and to comply with the provisions of this act, and

WHEREAS, it is the intent of the Legislature that the Florida Building Commission consider the recommendations of the Governor's Building Codes Study Commission and other affected stakeholders when implementing the provisions of this act, NOW, THEREFORE,

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

Section 1. Effective January 1, 2001, paragraph (d) of subsection (2) of section 125.69, Florida Statutes, is amended to read:

125.69 Penalties; enforcement by code inspectors.—

(2) The board of county commissioners of each county may designate its agents or employees as code inspectors whose duty it is to assure code compliance. Any person designated as a code inspector may issue citations for violations of county codes and ordinances, respectively, or subsequent amendments thereto, when such code inspector has actual knowledge that a violation has been committed.

(d) The provisions of this subsection shall not apply to the enforcement pursuant to ss. 553.79 and 553.80 of the Florida Building Code codes adopted pursuant to s. 553.73 as applied ~~they apply~~ to construction, provided that a building permit is either not required or has been issued by the county. ~~For the purposes of this paragraph, "building codes" means only those codes adopted pursuant to s. 553.73.~~

Section 2. Effective January 1, 2001, subsection (11) of section 161.54, Florida Statutes, is amended to read:

161.54 Definitions.—In construing ss. 161.52-161.58:

(11) "State minimum building codes" means the Florida Building Code ~~recognized model building construction codes~~ as identified in s. 553.73.

Section 3. Effective January 1, 2001, subsection (1) of section 161.56, Florida Statutes, is amended to read:

161.56 Establishment of local enforcement.—

(1) Each local government which is required to enforce the Florida ~~adopt~~ a Building Code by s. 553.73 and which has a coastal building zone or some

portion of a coastal zone within its territorial boundaries shall enforce adopt, not later than January 1, 1987, as part of its building code, the requirements of the code established in s. 161.55, and such requirements shall be enforced by the local enforcement agency as defined in s. 553.71.

Section 4. Effective January 1, 2001, subsection (7) of section 162.21, Florida Statutes, is amended to read:

162.21 Enforcement of county or municipal codes or ordinances; penalties.—

(7) The provisions of this part shall not apply to the enforcement pursuant to ss. 553.79 and 553.80 of the Florida Building Code codes adopted pursuant to s. 553.73 as applied they apply to construction, provided that a building permit is either not required or has been issued by the county or the municipality. ~~For the purposes of this subsection, “building codes” means only those codes adopted pursuant to s. 553.73.~~

Section 5. Effective January 1, 2001, subsection (5) of section 166.0415, Florida Statutes, is amended to read:

166.0415 Enforcement by code inspectors; citations.—

(5) The provisions of this section shall not apply to the enforcement pursuant to ss. 553.79 and 553.80 of the Florida Building Code codes adopted pursuant to s. 553.73 as applied they apply to construction, provided that a building permit is either not required or has been issued by the municipality. ~~For the purposes of this subsection, “building codes” means only those codes adopted pursuant to s. 553.73.~~

Section 6. Section 455.2286, Florida Statutes, is created to read:

455.2286 Automated information system.—By November 1, 1999, the department shall implement an automated information system for all certificateholders and registrants under part XII of chapter 468, chapter 471, chapter 481, or chapter 489. The system shall provide instant notification to local building departments and other interested parties regarding the status of the certification or registration. The provision of such information shall consist, at a minimum, of an indication of whether the certification or registration is active, of any current failure to meet the terms of any final action by a licensing authority, of any ongoing disciplinary cases that are subject to public disclosure, whether there are any outstanding fines, and of the reporting of any material violations pursuant to s. 553.781. The system shall also retain information developed by the department and local governments on individuals found to be practicing or contracting without holding the applicable license, certification, or registration required by law. The system may be Internet based.

Section 7. Effective January 1, 2001, subsection (3) of section 468.602, Florida Statutes, is amended to read:

468.602 Exemptions.—This part does not apply to:

~~(3) Persons acting as special inspectors for code enforcement jurisdictions and plans examiners pursuant to s. 235.26 while conducting special inspections not required as minimum inspections by the Florida Building Code activities authorized by certification under that section.~~

Section 8. Paragraph (d) is added to subsection (2) of section 468.609, Florida Statutes, to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(2) A person shall be entitled to take the examination for certification pursuant to this part if the person:

(d) Demonstrates successful completion of the core curriculum and specialized or advanced module course work approved by the Florida Building Commission, as part of the Building Code Training Program established pursuant to s. 553.841, appropriate to the licensing category sought or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or course work within 6 months after such certification.

Section 9. Effective January 1, 2001, paragraph (h) is added to subsection (1) of section 468.621, Florida Statutes, to read:

468.621 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(h) Failing to execute the duties and responsibilities specified in part XII of chapter 468 and ss. 553.73, 553.781, and 553.79.

Section 10. Subsection (7) of section 468.627, Florida Statutes, is amended, and subsection (8) is added to said section, to read:

468.627 Application; examination; renewal; fees.—

(7) The certificateholder shall provide proof, in a form established by board rule, that the certificateholder has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate, including the specialized or advanced course work approved by the Florida Building Commission, as part of the Building Code Training Program established pursuant to s. 553.841, appropriate to the licensing category sought. The board shall by rule establish criteria for approval of continuing education courses and providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

(8) Each certificateholder shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established by s. 553.841, within 2 years after commencement of the program. Continuing education hours spent taking such core curriculum courses shall count toward the number required for

license renewal. A licensee who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

Section 11. Subsection (3) is added to section 471.017, Florida Statutes, to read:

471.017 Renewal of license.—

(3) Commencing with licensure renewal in 2002, each licensee actively participating in the design of engineering works or systems in connection with buildings, structures, and facilities covered by the Florida Building Code shall submit proof to the board that the licensee participates in continuing education courses relating to the core curriculum courses or the building code training program or evidence of passing an equivalency test on the core curriculum courses or specialized or advanced courses on any portion of the Florida Building Code applicable to the area of practice.

Section 12. Section 471.019, Florida Statutes, is amended to read:

471.019 Reactivation; design of engineering works or systems; continuing education.—

(1) The board shall prescribe by rule continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license for a registered engineer may not exceed 12 classroom hours for each year the license was inactive.

(2) All licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the board, at such times and in such manner as established by the board by rule, that the licensee has completed the core curriculum courses and any specialized or advanced courses on any portion of the Florida Building Code applicable to the licensee's area of practice or has passed the appropriate equivalency test of the Building Code Training Program established by s. 553.841. The board shall record reported continuing education courses on a system easily accessed by code enforcement jurisdictions for evaluation when determining license status for purposes of processing design documents. Local jurisdictions shall be responsible for notifying the board when design documents are submitted for building construction permits by persons who are not in compliance with this section. The board shall take appropriate action as provided by its rules when such noncompliance is determined to exist.

Section 13. Effective January 1, 2001, paragraph (c) of subsection (3) of section 471.033, Florida Statutes, is amended to read:

471.033 Disciplinary proceedings.—

(3) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense and a fine of up to \$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

Section 14. Effective January 1, 2001, subsections (5) and (6) are added to section 481.215, Florida Statutes, to read:

481.215 Renewal of license.—

(5) Each licensee shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established by s. 553.841, within 2 years after commencement of the program or after initial licensure, whichever is later. Hours spent taking core curriculum courses shall count toward the number required for license renewal. A licensee who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for such core curriculum course hours.

(6) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the licensee's respective area of practice.

Section 15. Effective January 1, 2001, paragraph (c) of subsection (3) of section 481.225, Florida Statutes, is amended to read:

481.225 Disciplinary proceedings against registered architects.—

(3) When the board finds any registered architect guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense and a fine of up to \$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

Section 16. Effective January 1, 2001, paragraph (d) of subsection (2) of section 481.2251, Florida Statutes, is amended to read:

481.2251 Disciplinary proceedings against registered interior designers.—

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the following penalties:

(d) Imposition of an administrative fine not to exceed \$1,000 for each violation or separate offense and a fine of up to \$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction; or

Section 17. Effective January 1, 2001, subsections (3), (4), (5), and (6) are added to section 481.313, Florida Statutes, to read:

481.313 Renewal of license.—

(3) No license renewal shall be issued to a landscape architect by the department until the licensee submits proof, satisfactory to the department, that during the 2 year period prior to application for renewal, the licensee participated in such continuing education courses required by the board. The board shall approve only continuing education courses that relate to and increase the basic knowledge of landscape architecture. The board may make an exception from the requirements of continuing education in emergency or hardship cases.

(4) The board, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall establish criteria for the approval of continuing education courses and providers, and shall by rule establish criteria for accepting alternative non-classroom continuing education on an hour-for-hour basis.

(5) Each license holder shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established by s. 553.841, within 2 years after commencement of the program or of initial licensure, whichever is later. Hours spent taking core curriculum courses shall count toward the number required for license renewal. A licensee who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

(6) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the licensee's respective area of practice.

Section 18. Effective January 1, 2001, paragraph (c) of subsection (3) of section 481.325, Florida Statutes, is amended to read:

481.325 Disciplinary proceedings.—

(3) When the board finds any registered landscape architect guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense and a fine of up to \$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

Section 19. Subsection (17) is added to section 489.103, Florida Statutes, to read:

489.103 Exemptions.—This part does not apply to:

(17) Any one-family, two-family, or three-family residence constructed by Habitat for Humanity International, Incorporated, or its local affiliates. Habitat for Humanity International, Incorporated, or its local affiliates, must:

- (a) Obtain all necessary building permits.
- (b) Obtain all required building inspections.
- (c) Provide for supervision of all work by an individual with construction experience.

Section 20. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the State Minimum Building Codes and any alternate methodologies for providing such wind resistance which have been approved for use by the Board of Building Codes and Standards. Division I certificateholders or registrants who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

Section 21. Effective January 1, 2001, paragraph (b) of subsection (4) of section 489.115, Florida Statutes, as amended by this act, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida State Minimum Building Code Codes and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Board of Building Commission Codes and Standards. Division I certificateholders or registrants who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

4. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 22. Paragraph (c) of subsection (4) of section 489.117, Florida Statutes, is amended to read:

489.117 Registration; specialty contractors.—

(4)

(c) The local jurisdictions shall be responsible for providing licensure information, code violation information pursuant to s. 553.781, and disciplinary information on such locally licensed individuals to the board within 30 days after licensure or any disciplinary action, and the board shall maintain such licensure and disciplinary information as is provided to them, and shall make such information available through the automated information system provided pursuant to s. 455.2286 489.120. The biennial tracking registration fee shall not exceed \$40.

Section 23. Paragraph (h) of subsection (1) of section 489.127, Florida Statutes, is amended to read:

489.127 Prohibitions; penalties.—

(1) No person shall:

(h) Commence or perform work for which a building permit is required pursuant to part VII of chapter 553 an adopted state minimum building code without such building permit being in effect; or

For purposes of this subsection, a person or business organization operating on an inactive or suspended certificate, registration, or certificate of authority is not duly certified or registered and is considered unlicensed. An occupational license certificate issued under the authority of chapter 205 is not a license for purposes of this part.

Section 24. Effective January 1, 2001, paragraph (e) of subsection (3) of section 489.131, Florida Statutes, is amended to read:

489.131 Applicability.—

(3) Nothing in this part limits the power of a municipality or county:

(e) To require one bond for each contractor in an amount not to exceed \$5,000, which bond shall be conditioned only upon compliance with the Florida applicable state minimum Building Code and applicable local building code requirements adopted pursuant to s. 553.73. Any such bond must be equally available to all contractors without regard to the period of time a contractor has been certified or registered and without regard to any financial responsibility requirements. Any such bonds shall be payable to the Construction Industry Recovery Fund and filed in each county or municipality in which a building permit is requested. Bond reciprocity shall be granted statewide. All such bonds shall be included in meeting any financial responsibility requirements imposed by any statute or rule. Any contractor who provides a third party insured warranty policy in connection with a new building or structure for the benefit of the purchaser or owner shall be exempt from the bond requirements under this subsection with respect to such building or structure.

Section 25. Subsection (1) of section 489.1455, Florida Statutes, is amended to read:

489.1455 Journeyman; reciprocity; standards.—

(1) An individual who holds a valid, active journeyman license in the plumbing/pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any other county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed;

(b) Has completed an apprenticeship program registered with the Department of Labor and Employment Security and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed; and

(c) Has satisfactorily completed specialized and advanced module course work approved by the Florida Building Commission, as part of the Building Code Training Program established in s. 553.841, specific to the discipline, and successfully completed the program's core curriculum courses or passed an equivalency test in lieu of taking the core curriculum courses and provided proof of completion of such curriculum courses or examination and obtained a certificate from the board pursuant to this part or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or course work within 6 months after such certification; and

~~(d)~~(e) Has not had a license suspended or revoked within the last 5 years.

Section 26. Subsections (6) and (7) are added to section 489.513, Florida Statutes, to read:

489.513 Registration; application; requirements.—

(6) The local jurisdictions shall be responsible for providing licensure information, code violation information pursuant to s. 553.781, and disciplinary information on locally licensed individuals to the board within 30 days after licensure or any disciplinary action, and the board shall maintain such licensure and disciplinary information as is provided to them, and shall make such information available through the automated information system provided pursuant to s. 455.2286.

(7) Neither the board nor the department assumes any responsibility for providing discipline pursuant to having provided the tracking registration. Providing discipline to such locally licensed individuals shall be the responsibility of the local jurisdiction. Failure to obtain a tracking registration shall not be considered a violation of this chapter. However, a local jurisdiction requiring such tracking registration may levy such penalties for failure

to obtain the tracking registration as the local jurisdiction chooses to provide through local ordinance.

Section 27. Subsection (3) of section 489.517, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

489.517 Renewal of certificate or registration; continuing education.—

(3)(a) Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

(b) Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificate or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

(4) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specialized number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 28. Paragraph (i) of subsection (1) of section 489.531, Florida Statutes, is amended to read:

489.531 Prohibitions; penalties.—

(1) A person may not:

(i) Commence or perform work for which a building permit is required pursuant to part VII of chapter 533 under an adopted state minimum building code without the building permit being in effect; or

Section 29. Effective January 1, 2001, paragraph (i) of subsection (1) of section 489.533, Florida Statutes, is amended to read:

489.533 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for disciplinary actions as provided in subsection (2):

(i) Willfully or deliberately disregarding and Violating the applicable building codes or laws of the state or any municipality or county thereof.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

Section 30. Subsection (1) of section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

(1) An individual who holds a valid, active journeyman license in the electrical trade issued by any county or municipality in this state may work as a journeyman in any other county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the electrical trade;

(b) Has completed an apprenticeship program registered with the Department of Labor and Employment Security and demonstrates 4 years' verifiable practical experience in the electrical trade, or demonstrates 6 years' verifiable practical experience in the electrical trade; ~~and~~

(c) Has satisfactorily completed specialized and advanced module course work approved by the Florida Building Commission, as part of the Building Code Training Program established in s. 553.841, specific to the discipline, and successfully completed the program's core curriculum courses or passed an equivalency test in lieu of taking the core curriculum courses and provided proof of completion of such curriculum courses or examination and obtained a certificate from the board pursuant to this part or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or course work within 6 months after such certification; and

(d)(e) Has not had a license suspended or revoked within the last 5 years.

Section 31. Effective January 1, 2001, paragraph (d) of subsection (3) of section 489.537, Florida Statutes, is amended to read:

489.537 Application of this part.—

(3) Nothing in this act limits the power of a municipality or county:

(d) To require one bond for each electrical contractor in an amount not to exceed \$5,000, which bond shall be conditioned only upon compliance with the ~~Florida applicable state minimum~~ Building Code ~~and applicable local building code requirements~~ adopted pursuant to s. 553.73. Any such bond must be equally available to all electrical contractors without regard to the period of time an electrical contractor has been certified or registered and without regard to any financial responsibility requirements. Any such bonds shall be payable to the Governor and filed in each county or municipality in which a building permit is requested. Bond reciprocity shall be granted statewide. All such bonds shall be included in meeting any financial responsibility requirements imposed by any statute or rule.

(e)1. To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he or she has been disciplined for each of them by the board and when each disciplinary action has involved revocation or suspension of a license, imposition of an administrative fine of at least \$1,000, or probation.

2. To issue permits with specific conditions to a contractor who, within the previous 12 months, has had final action taken against him or her, by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (5)(c), for engaging in the business or acting in the capacity of a contractor without a license.

Section 32. Effective January 1, 2001, paragraph (d) of subsection (5) of section 500.459, Florida Statutes, is amended to read:

500.459 Water vending machines.—

(5) OPERATING STANDARDS.—

(d) Each water vending machine must have a backflow prevention device that conforms with the applicable provision of the Florida Building Code s. 553.06 and an adequate system for collecting and handling dripping, spillage, and overflow of water.

Section 33. Subsection (1) of section 553.06, Florida Statutes, is amended to read:

553.06 State Plumbing Code.—

(1) ~~The Florida Building Commission Board of Building Codes and Standards~~ shall, in accordance with the provisions of chapter 120 and ss. 553.70-553.895, adopt the Standard Plumbing Code, 1994 edition, as adopted at the October 1993 annual meeting of the Southern Building Code Congress International, as the State Plumbing Code which shall be the minimum requirements statewide for all installations, repairs, and alterations to plumbing. The board may, in accordance with the requirements of chapter 120, adopt all or parts of updated or revised editions of the State Plumbing Code to keep abreast of latest technological advances in plumbing and installation techniques. Local governments which have adopted the South Florida, One and Two Family Dwelling or EPCOT Plumbing Codes may continue their use provided the requirements contained therein meet or exceed the requirements of the State Plumbing Code. Provided, however, nothing in this section shall alter or diminish the authority of the Department of Business and Professional Regulation to conduct plan reviews, issue variances, and adopt rules regarding sanitary facilities in public lodging and public food service establishments pursuant to chapter 509, providing that such actions do not conflict with the requirements for public restrooms in s. 553.141.

Section 34. Effective January 1, 2001, subsection (2) of section 553.18, Florida Statutes, is amended to read:

553.18 Scope.—

(2) ~~Local jurisdictions County, municipal, improvement district, or state governing bodies~~ may adopt and enforce additional or more stringent standards or administrative procedures and requirements than those prescribed by this code, including but not limited to fees if the standards or administrative procedures and requirements are in conformity with standards set forth in the Florida Building Code s. 553.19.

Section 35. Section 553.19, Florida Statutes, is amended to read:

553.19 Adoption of electrical standards.—For the purpose of establishing minimum electrical standards in this state, the following standards are adopted:

(1) “National Electrical Code 1990,” NFPA No. 70-1990.

(2) Underwriters’ Laboratories, Inc., “Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps,” UL 57-1982 and UL 153-1983.

(3) Underwriters’ Laboratories, Inc., “Standard for Electric Signs,” UL 48-1982.

(4) The provisions of the following which prescribe minimum electrical standards:

(a) NFPA No. 56A-1978, “Inhalation Anesthetics 1978.”

(b) NFPA No. 56B-1982, “Respiratory Therapy 1982.”

(c) NFPA No. 56C-1980, “Laboratories in Health-related Institutions 1980.”

(d) NFPA No. 56D-1982, “Hyperbaric Facilities.”

(e) NFPA No. 56F-1983, “Nonflammable Medical Gas Systems 1983.”

(f) NFPA No. 76A-1984, “Essential Electrical Systems for Health Care Facilities 1984.”

(5) ~~Chapter 10D-29 of~~ The rules and regulations of the Department of Health ~~and Rehabilitative Services~~, entitled “Nursing Homes and Related Facilities Licensure.”

(6) The minimum standards for grounding of portable electric equipment, chapter 8C-27 as recommended by the Industrial Standards Section, Division of Workers’ Compensation, Department of Labor and Employment Security.

The Florida Building Commission shall update and maintain such electrical standards consistent with the procedures established in s. 553.73.

Section 36. Effective January 1, 2001, part VII of chapter 553, Florida Statutes, shall be entitled “Florida Building Code.”

Section 37. Subsections (1), (3), and (5) of section 553.71, Florida Statutes, are amended to read:

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

(1) “Commission Board” means the Florida Building Commission Board of Building Codes and Standards created by this part.

(3) “State enforcement agency” means the agency of state government with authority to make inspections of buildings and to enforce the codes, as required by this part, which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

(5) “Local enforcement agency” means ~~an~~ the agency of local government with authority to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

Section 38. Effective January 1, 2001, section 553.72, Florida Statutes, is amended to read:

553.72 Intent.—

(1) The purpose and intent of this act is to provide a mechanism for the uniform promulgation, adoption, updating, amendment, interpretation, and enforcement of a single, unified state minimum building code, to be called the Florida Building Code, codes which consists of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities in this state and to the enforcement of such requirements contain standards flexible enough to cover all phases of construction and which will allow effective and reasonable protection for public safety, health, and general welfare for all the people of Florida at the most reasonable cost to the consumer. The Florida Building Code shall be organized to provide consistency and simplicity of use. The Florida Building Code shall be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. The Florida Building Code shall provide for flexibility to be exercised in a manner that meets minimum requirements, is affordable, does not inhibit competition, and promotes innovation and new technology.

(2) It is the intent of the Legislature that local governments shall have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public health, safety, and welfare pursuant to chapters 125 and 166.

(3) It is the intent of the Legislature that the Florida Building Code be adopted, modified, updated, interpreted, and maintained by the Florida Building Commission in accordance with ss. 120.536(1) and 120.54 and enforced by authorized state and local government enforcement agencies.

(4) It is the intent of the Legislature that the Florida Fire Prevention Code and the Life Safety Code of this state be adopted, modified, updated, interpreted, and maintained by the Department of Insurance in accordance with ss. 120.536(1) and 120.54 and included by reference as sections in the Florida Building Code.

(5) It is the intent of the Legislature that there be no conflicting requirements between the Florida Fire Prevention Code and the Life Safety Code of the state and other provisions of the Florida Building Code or conflicts in their enforcement and interpretation. Potential conflicts shall be resolved through coordination and cooperation of the State Fire Marshal and the Florida Building Commission as provided by this part and chapter 633.

Section 39. Subsections (3) and (9) of section 553.73, Florida Statutes, are amended to read:

553.73 State Minimum Building Codes.—

(3) The commission board may, by rule adopted in accordance with the requirements of ss. 120.536(1) and 120.54 ~~chapter 120~~, designate all or a part of an updated or revised version of a model code listed in subsection (2) as a State Minimum Building Code.

(9) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with s. 1606 1205 and the engineering design criteria of s. 1606 1205 of the Standard Building Code shall not apply to one or two family dwellings which are two stories or less in height unless approved by the commission Board of Building Codes and Standards for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

Section 40. Effective January 1, 2001, section 553.73, Florida Statutes, as amended by this act, is amended to read:

553.73 Florida State Minimum Building Code Codes.—

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section. By October 1, 1984, local governments and state agencies with building construction regulation responsibilities shall adopt a building code which shall cover all types of construction. Such code shall include the provisions of parts I-V, VII, and VIII, relating to plumbing, electrical requirements, glass, manufactured buildings, accessibility by handicapped persons, and thermal efficiency, and shall be in addition to the requirements set forth in chapter 527, which pertains to liquefied petroleum gas.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in its entirety in the Florida Building Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for Building Construction pursuant to part V shall be considered adopted by the commission as part of the Florida Building Code. Neither the commission nor any local govern-

ment shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part V.

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Insurance by rule adopted pursuant to ss. 120.536(1) and 120.54. Nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Insurance.

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to s. 633.022 and s. 633.025 shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of life safety or alternatives that would provide an equivalent degree of life safety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest life safety, or alternatives that would provide an equivalent degree of life safety and an equivalent method of construction.

(e)(b) Subject to the provisions of this act, In the event that a special act of the Legislature, passed prior or subsequent to January 1, 1978, places responsibility for enforcement, interpretation, and building construction regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words "local government" and "local governing body" as used in this part shall be construed to refer exclusively to such local board or agency.

(2) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. 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 the Florida 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 criteria specified in the Florida Building Code 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 the Florida a State Minimum Building Code, and subsection (4) is not to be construed to allow the inclusion of such provisions within the Florida any State Minimum Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.~~

(3) The commission shall select from available national or international model building codes, or other available building codes and standards currently recognized by the laws of this state, to form the foundation for the Florida Building Code. The commission may modify the selected model codes and standards as needed to accommodate the specific needs of this state. Standards or criteria referenced by the selected model codes shall be similarly incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be specifically set forth in the Florida Building Code. The commission shall incorporate within sections of the Florida Building Code provisions which address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code. The commission may, by rule adopted in accordance with the requirements of ss. 120.536(1) and 120.54, designate all or a part of an updated or revised version of a model code listed in subsection (2) as a State Minimum Building Code.

(4)(a) Local governments shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the board by rule. Any amendments to standards established by the Florida Building Code pursuant to this paragraph shall be more stringent than such standards and shall be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The Department of Insurance is responsible for establishing the standards and procedures required in this paragraph for governmental entities with respect to applying the Florida Fire Prevention and the Life Safety Code.

(b) Local governments and state agencies with building construction regulation responsibilities may, subject to the limitations of this section, adopt amendments to the technical provisions of the Florida Building Code which apply solely within the jurisdiction of such government and which provide for more stringent requirements than those specified in the Florida State

Minimum Building Code, not more than once every 6 months, Codes provided:

1.(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 Florida State Minimum Building Code 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 Florida State Minimum Building Code Codes for the protection of life and property.~~

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

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

4. The enforcing agency shall make readily available, in a usable format, all amendments adopted pursuant to this section.

5. Any amendment to the Florida Building Code shall be transmitted within 30 days by the adopting local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public.

6. Any amendment to the Florida Building Code adopted by a local government pursuant to this paragraph shall be effective only until the adoption by the commission of the new edition of the Florida Building Code every third year. At such time, the commission shall adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment pursuant to the provisions of this paragraph.

7. Each county and municipality desiring to make local technical amendments to the Florida Building Code shall by interlocal agreement establish a countywide compliance review board to review any amendment to the Florida Building Code, adopted by a local government within the county pursuant to this paragraph, that is challenged by any substantially affected party for purposes of determining the amendment's compliance with this paragraph. If the compliance review board determines such amendment is not in compliance with this paragraph, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines such amendment to be in compliance with this paragraph, any substantially affected party may appeal such determination to the commission. Actions of the commission are subject to judicial review pursuant to s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

8. An amendment adopted under this paragraph shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

9. In addition to subparagraphs 7. and 8., the commission may review any amendments adopted pursuant to this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(c) Any amendment adopted by a local enforcing agency pursuant to this subsection shall not apply to state or school district owned buildings, manufactured buildings approved by the commission, or prototype buildings approved pursuant to s. 553.77(6). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

~~(d) Paragraphs (a), (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.~~

(5) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. Once initially adopted and subsequently updated by the board, the Florida Building Code shall be deemed adopted for use statewide without adoptions by local government. When updating the Florida Building Code, the commission shall consider changes made by the adopting entity of any selected model code for any model code incorporated into the Florida Building Code by the commission, the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments.

~~(6)(5) It shall be the responsibility of each municipality and county in the state and of each state agency with statutory authority to regulate building construction to enforce the provisions of the Florida specific model code of the State Minimum Building Code Codes adopted by that municipality, county, or agency, in accordance with the provisions of s. 553.80. If such responsibility has been delegated to another unit of government pursuant to s. 553.79(9), the specific model code adopted by the delegate shall apply and be enforced.~~

(7)(a)(6) The commission may approve technical amendments to the Florida Building Code once each year for statewide application upon a finding that delaying the application of the amendment would be contrary to the health, safety, and welfare of the public or the amendment provides an economic advantage to the consumer and that the amendment:

1. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
2. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
3. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
4. Does not degrade the effectiveness of the Florida Building Code.

Amendments approved under this paragraph shall be adopted by rule pursuant to ss. 120.536(1) and 120.54.

(b) A proposed amendment shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance. The specific model code of the State Minimum Building Codes adopted by a municipality, county, or state agency shall regulate every type of building or structure, wherever it might be situated in the code enforcement jurisdiction; however, such regulations shall not apply to nonresidential farm buildings on farms; to temporary buildings or sheds used exclusively for construction purposes; to mobile homes used as temporary offices, except that the provisions of part V relating to accessibility by handicapped persons shall apply to such mobile homes used as temporary offices; or to any construction exempted under s. 553.80(3) by an enforcement district or local enforcement agency. The codes may be divided into a number of segments, as determined by the municipality, county, or state agency. These segments may be identified as building, mechanical, electrical, plumbing, or fire prevention codes or by other titles as are deemed proper. However, the State Minimum Building Codes shall not contain a housing code; nor shall the state interpose in the area of local housing codes, except upon request originating from an enforcement district or local enforcement agency.

(8) The following buildings, structures, and facilities may be exempted from the Florida Building Code as provided by law and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile homes used as temporary offices, except that the provisions of part V relating to accessibility by persons with disabilities shall apply to such mobile homes.

~~(9)(7)(a)~~ In the event of a conflict between the Florida applicable minimum Building Code and the Florida Fire Prevention Code and the Life Safety applicable minimum firesafety Code, the conflict it shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(b) Any decision made by the local fire official and the local building official may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida applicable minimum Building Code or the Florida Fire Prevention Code and the Life Safety applicable minimum firesafety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

~~(c) If In the event that~~ the local building official and the local fire official are unable to agree on a resolution of the conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(d) The local administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and fire-safety standards.

(e) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon all persons but shall not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph(1)(d) and ss. 663.01, and s. 633.161. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

~~(10)(8)~~ Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation

organizations to determine compliance with ~~s. 1606~~ and the engineering design criteria of ~~s. 1606~~ of the Florida Standard Building Code for wind load design shall not apply to one or two family dwellings which are two stories or less in height unless approved by the board of Building Codes and Standards for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

(11) The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

(12) In addition to the requirements of ss. 553.79 and 553.80, facilities subject to the provisions of chapter 395 and part II of chapter 400 shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of chapter 395 and part II of chapter 400 and the certification requirements of the Federal Government.

Section 41. Section 553.74, Florida Statutes, is amended to read:

~~553.74 Florida Building Commission State Board of Building Codes and Standards.—~~

(1) The Florida Building Commission ~~There is created and shall be located within the Department of Community Affairs for administrative purposes the Board of Building Codes and Standards.~~ Members shall be appointed by the Governor subject to confirmation by the Senate. The commission board shall be composed of 23 ~~17~~ members, consisting of the following:

(a) One architect registered to practice in this state and actively engaged in the profession.

(b) One structural engineer registered to practice in this state and actively engaged in the profession.

(c) One mechanical contractor certified to do business in this state and actively engaged in the profession.

(d) One electrical contractor certified to do business in this state and actively engaged in the profession.

(e) One member from fire protection engineering or technology who is actively engaged in the profession.

(f) One general contractor certified to do business in this state and actively engaged in the profession.

(g) One plumbing contractor licensed to do business in this state and actively engaged in the profession.

(h) One roofing, sheet metal, or air-conditioning contractor certified to do business in this state and actively engaged in the profession.

(i) One residential contractor licensed to do business in this state and actively engaged in the profession.

(j) Three members who are municipal or district codes enforcement officials, one of whom is also a fire official.

(k) One member who represents the Department of Insurance ~~a state agency, other than the Department of Community Affairs, empowered by law to enforce building codes.~~

(l) One member who is a county codes enforcement official.

(m) One member of a Florida-based organization of ~~handicapped~~ handicapped persons with disabilities or a nationally chartered organization of ~~handicapped~~ handicapped persons with disabilities with chapters in this state.

(n) One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry.

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession.

(p) One member who is a representative of a municipality or a charter county.

(q) One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry.

(r) One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management.

(s) One member who is a representative of the insurance industry.

(t) One member who is a representative of public education.

(u) One member who shall be the chair.

~~(2) The first five board members appointed after October 1, 1991, shall serve for terms of 3 years each. Thereafter, All appointments shall be for terms of 4 years, except that of the chair who shall shall serve at the pleasure of the Governor. Each person who is a member of the Board of Building Codes and Standards on the effective date of this act shall serve the remainder of their term as a member of the Florida Building Commission. Except for the chair, newly created positions on the Florida Building Commission shall be appointed after February 1, 1999. A vacancy shall be filled for the remainder of the unexpired term. Neither the architect nor any~~

~~of the above-named engineers shall be engaged in the manufacture, promotion, or sale of any building materials; and Any member who shall, during his or her term, cease to meet the qualifications for original appointment, through ceasing to be a practicing member of the profession indicated or otherwise, shall thereby forfeit membership on the commission board.~~

Section 42. Section 553.75, Florida Statutes, is amended to read:

553.75 Organization of commission board; rules and regulations; meetings; staff; fiscal affairs.—

(1) ~~Within 30 days after its appointment,~~ The commission board shall meet on call of the secretary. ~~The commission board shall at this time, and thereafter~~ annually, elect from its appointive members ~~a chair and such officers as it may choose.~~

(2) The commission board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules. The members shall be notified in writing of the time and place of a regular or special meeting at least 7 days in advance of the meeting. A majority of members of the commission board shall constitute a quorum.

(3) The department shall be responsible for the provision of administrative and staff support services relating to the functions of the commission board. With respect to matters within the jurisdiction of the commission board, the department shall be responsible for the implementation and faithful discharge of all decisions of the commission board made pursuant to its authority under the provisions of this part.

Section 43. Section 553.76, Florida Statutes, is amended to read:

553.76 General powers of the commission board.—The commission board is authorized to:

(1) Promulgate, in cooperation with the department, rules and regulations for the administration of this part, pursuant to chapter 120.

(2) Provide rules of procedure for its internal management and control.

(3) Enter into contracts and do such things as may be necessary and incidental to the discharge of its responsibilities under this part.

Section 44. Effective January 1, 2001, subsections (4) and (5) are added to section 553.76, Florida Statutes, as amended by this act, to read:

553.76 General powers of the commission.—The commission is authorized to:

(4) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of the Florida Building Code and the provisions of this chapter.

(5) Adopt and promote, in consultation with state and local governments, other boards, advisory councils, and commissions, such recommendations as

are deemed appropriate to determine and ensure consistent, effective and efficient enforcement and compliance with the Florida Building Code, including, but not limited to, voluntary professional standards for the operation of building departments and for personnel development. Recommendations shall include, but not be limited to, provisions for coordination among and between local offices with review responsibilities and their coordination with state or regional offices with special expertise.

Section 45. Section 553.77, Florida Statutes, is amended to read:

553.77 Specific powers of the commission board.—

(1) The commission board shall:

(a) Adopt rules and regulations or amendments thereto pursuant to ss. 120.536(1) and 120.54 in accordance with the procedures prescribed in chapter 120.

(b) Make a continual study of the operation of the State Minimum Building Codes and other laws relating to the construction of buildings, including manufactured buildings, to ascertain their effect upon the cost of building construction and determine the effectiveness of their provisions.

(c) Upon written application by a private party or a local enforcement agency, issue declaratory statements pursuant to s. 120.565 ~~advisory opinions~~ relating to new technologies, techniques, and materials which have been tested where necessary and found to meet the objectives of the State Minimum Building Codes and the Florida Manufactured Building Act of 1979.

(d) Upon written application by a private party or a local enforcement agency, issue declaratory statements pursuant to s. 120.565 ~~advisory opinions~~ relating to the interpretation, enforcement, administration, or modification by local governments of the State Minimum Building Codes and the Florida Manufactured Building Act of 1979.

(e) Make recommendations to, and provide assistance upon the request of, the Florida Commission on Human Relations regarding rules relating to handicapped accessibility.

(f) Coordinate and cooperate with the Florida Fire Code Advisory Council created under s. 633.72, for assistance and recommendations relating to firesafety code interpretations.

(2) Upon written application by a private party or a local enforcement agency, the commission board may also:

(a) Provide for the testing of materials, devices, and method of construction.

(b) Appoint experts, consultants, technical advisers, and advisory committees for assistance and recommendations relating to the State Minimum Building Codes.

(c) Appoint an advisory committee consisting of at least five plumbing contractors licensed to do business in this state for assistance and recommendations relating to plumbing code interpretations, if the commission board identifies the need for additional assistance in making decisions regarding the State Plumbing Code.

(3) With respect to the qualification program for special inspectors of threshold buildings as required by s. 553.79(5)(c), the commission board may prescribe initial and annual renewal fees for certification, by rule, in accordance with chapter 120.

(4)(a) Upon written application by a private party, the commission board shall issue a declaratory statement pursuant to s. 120.565 binding opinion relating to a state agency's interpretation and enforcement of the specific model code adopted by the agency to regulate building construction or relating to the conformity of new technologies, techniques, and materials to the objectives of that model code. The provisions of this paragraph shall not be construed to provide any powers to the commission board with respect to any decision of the State Board of Education made pursuant to the provisions of s. 235.26, to the State Fire Marshal made pursuant to the provisions of chapter 633, to the Department of Management Services made pursuant to the provisions of s. 255.25, or to any local government decision with respect to construction not subject to a state agency model code.

(b) Upon written applications by private parties or the enforcement agency, the commission board may issue declaratory statements pursuant to s. 120.565 binding opinions relating to the interpretation of ss. 553.71(7) and 553.79(5)(a) and (c), (6)(a), (b), (d), and (e), and (7)(a) and (c).

(c) ~~Each opinion issued pursuant to this section shall be rendered in the same manner provided in s. 120.565, relating to declaratory statements.~~

(5) The commission board may designate a commission board member with demonstrated expertise in interpreting building plans to attend each meeting of the advisory council created in s. 553.512. The commission board member may vary from meeting to meeting, shall serve on the council in a nonvoting capacity, and shall receive per diem and expenses as provided in s. 553.74(3).

Section 46. Effective January 1, 2001, section 553.77, Florida Statutes, as amended by this act, is amended to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

(a) Adopt and update the Florida Building Code rules and regulations or amendments thereto, pursuant to ss. 120.536(1) and 120.54.

(b) Make a continual study of the operation of the Florida State Minimum Building Code Codes and other laws relating to the design, construction, erection, alteration, modification, repair, or demolition of public or private of buildings, structures, and facilities, including manufactured

buildings, and code enforcement, to ascertain their effect upon the cost of building construction and determine the effectiveness of their provisions. Upon updating the Florida Building Code every 3 years, the commission shall review existing provisions of law and make recommendations to the Legislature for the next regular session of the Legislature regarding provisions of law that should be revised or repealed to ensure consistency with the Florida Building Code at the point the update goes into effect. State agencies and local jurisdictions shall provide such information as requested by the commission for evaluation of the effectiveness of the system of building code laws for reporting to the Legislature. Any proposed legislation providing for the revision or repeal of existing laws and rules relating to technical requirements applicable to building structures or facilities should expressly state that such legislation is not intended to imply any repeal or sunset of existing general or special laws that are not specifically identified in the legislation.

(c) Upon written application by any substantially affected person a private party or a local enforcement agency, issue declaratory statements pursuant to s. 120.565 relating to new technologies, techniques, and materials which have been tested where necessary and found to meet the objectives of the Florida State Minimum Building Code Codes and the Florida Manufactured Building Act of 1979.

(d) Upon written application by any substantially affected person a private party or a local enforcement agency, issue declaratory statements pursuant to s. 120.565 relating to the interpretation, enforcement, administration, or modification by local governments of the Florida State Minimum Building Code Codes and the Florida Manufactured Building Act of 1979.

(e) When requested in writing by any substantially affected person or a local enforcing agency, shall issue declaratory statements pursuant to s. 120.565 relating to part VII of chapter 553, which shall apply prospectively only. Actions of the commission are subject to judicial review pursuant to s. 120.68.

(f)(e) Make recommendations to, and provide assistance upon the request of, the Florida Commission on Human Relations regarding rules relating to handicapped accessibility for persons with disabilities.

(g)(f) Participate Coordinate and cooperate with the Florida Fire Code Advisory Council created under s. 633.72, to provide for assistance and recommendations relating to firesafety code interpretations. The administrative staff of the commission shall attend meetings of the Florida Fire Code Advisory Council and coordinate efforts to provide consistency between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code.

(h) Hear appeals of the decisions of local boards of appeal regarding interpretation decisions of local building officials, or if no local board exists, hear appeals of decisions of the building officials regarding interpretations of the code. For such appeals:

1. Local decisions declaring structures to be unsafe and subject to repair or demolition shall not be appealable to the commission if the local governing body finds there is an immediate danger to the health and safety of its citizens.

2. All appeals shall be heard in the county of the jurisdiction defending the appeal.

3. Actions of the commission are subject to judicial review pursuant to s. 120.68.

~~(2) Upon written application by a private party or a local enforcement agency, the commission may also:~~

(i)(a) Determine the types of products requiring approval for local or statewide use and shall provide for the evaluation and approval testing of such products, materials, devices, and method of construction for statewide use. Evaluation and approval shall be by action of the commission or delegated pursuant to s. 553.84. This paragraph does not apply to products approved by the State Fire Marshal.

(j)(b) Appoint experts, consultants, technical advisers, and advisory committees for assistance and recommendations relating to the major areas addressed in the Florida State Minimum Building Code Codes.

(k) Establish and maintain a mutual aid program, organized through the department, to provide an efficient supply of various levels of code enforcement personnel, design professionals, commercial property owners, and construction industry individuals, to assist in the rebuilding effort in an area which has been hit with disaster. The program shall include provisions for:

1. Minimum post-disaster structural, electrical, and plumbing inspections and procedures.

2. Emergency permitting and inspection procedures.

3. Establishing contact with emergency management personnel and other state and federal agencies.

(l) Maintain a list of interested parties for noticing rulemaking workshops and hearings, disseminating information on code adoption, revisions, amendments, and all other such actions which are the responsibility of the commission.

(m) Coordinate with the state and local governments, industry, and other affected stakeholders in the examination of legislative provisions and make recommendations to fulfill the responsibility to develop a consistent, single code.

(n) Provide technical assistance to local building departments in order to implement policies, procedures, and practices which would produce the most cost effective property insurance ratings.

(o) Develop recommendations for local governments to use when pursuing partial or full privatization of building department functions. The recommendations shall include, but not be limited to, provisions relating to equivalency of service, conflict of interest, requirements for competency, liability, insurance, and long-term accountability.

~~(c) Appoint an advisory committee consisting of at least five plumbing contractors licensed to do business in this state for assistance and recommendations relating to plumbing code interpretations, if the commission identifies the need for additional assistance in making decisions regarding the State Plumbing Code.~~

~~(2)(3) With respect to the qualification program for special inspectors of threshold buildings as required by s. 553.79(5)(c), the commission may prescribe initial and annual renewal fees for certification, by rule, in accordance with chapter 120.~~

~~(3)(4)(a) Upon written application by any substantially affected person a private party, the commission shall issue a declaratory statement pursuant to s. 120.565 relating to a state agency's interpretation and enforcement of the specific provisions of the Florida Building model Code required under this section adopted by the agency to regulate building construction or relating to the conformity of new technologies, techniques, and materials to the objectives of the Florida Building that model Code. The provisions of this paragraph shall not be construed to provide any powers, other than advisory, to the commission with respect to any decision of the State Board of Education made pursuant to the provisions of s. 235.26, to the State Fire Marshal made pursuant to the provisions of chapter 633, to the Department of Management Services made pursuant to the provisions of s. 255.25, or to any local government decision with respect to construction not subject to a state agency model code.~~

~~(b) Upon written applications by private parties or the enforcement agency, the commission may issue declaratory statements pursuant to s. 120.565 relating to the interpretation of ss. 553.71(7) and 553.79(5)(a) and (c), (6)(a), (b), (d), and (e), and (7)(a) and (c).~~

~~(4)(5) The commission may designate a commission member with demonstrated expertise in interpreting building plans to attend each meeting of the advisory council created in s. 553.512. The commission member may vary from meeting to meeting, shall serve on the council in a nonvoting capacity, and shall receive per diem and expenses as provided in s. 553.74(3).~~

(5) For educational and public information purposes, the commission shall develop and publish an informational and explanatory document which contains descriptions of the roles and responsibilities of the licensed design professional, residential designer, contractor, and local building and fire code officials. The State Fire Marshal shall be responsible for developing and specifying roles and responsibilities for fire code officials. Such document may also contain descriptions of roles and responsibilities of other participants involved in the building codes system.

(6) The commission may provide for plans review and approval of prototype buildings owned by public entities to be replicated throughout the state. Such approved plans or prototype buildings shall be exempt from further review required by s. 553.79(2), except changes to the prototype design, site plans, and other site related items, or any local amendment to any part of the Florida Building Code. Construction or erection of such prototype buildings are subject to local permitting and inspections pursuant to this part.

Section 47. Effective January 1, 2001, section 553.781, Florida Statutes, is created to read:

553.781 Licensee accountability.—

(1) The Legislature finds that accountability for work performed by design professionals and contractors is the key to strong and consistent compliance with the Florida Building Code and, therefore, protection of the public health, safety, and welfare. The purpose of this section is to provide such accountability.

(2)(a) Upon a determination by a local jurisdiction that a licensee, certificateholder, or registrant licensed under chapters 455, 471, 481, or 489 has committed a material violation of the Florida Building Code and failed to correct the violation within a reasonable time, such local jurisdiction shall impose a fine of no less than \$500 and no more than \$5,000 per material violation.

(b) If the licensee, certificateholder, or registrant disputes the violation within 30 days following notification by the local jurisdiction, the fine is abated and the local jurisdiction shall report the dispute to the appropriate professional licensing board for disciplinary investigation and final disposition. If an administrative complaint is filed by the professional licensing board against the certificateholder or registrant, the commission may intervene in such proceeding. Any fine imposed by the professional licensing board, pursuant to matters reported by the local jurisdiction to the professional licensing board, shall be divided equally between the board and the local jurisdiction which reported the violation.

(3) The Department of Business and Professional Regulation, as an integral part of the automated information system provided under s. 455.2286, shall establish, and local jurisdictions and state licensing boards shall participate in, a system of reporting violations and disciplinary actions taken against all licensees, certificateholders, and registrants under this section that have been disciplined for a violation of the Florida Building Code. Such information shall be available electronically. Any fines collected by a local jurisdiction pursuant to subsection (2) shall be used initially to help set up the parts of the reporting system for which such local jurisdiction is responsible. Any remaining moneys shall be used solely for enforcing the Florida Building Code, licensing activities relating to the Florida Building Code, or education and training on the Florida Building Code.

(4) Local jurisdictions shall maintain records, readily accessible by the public, regarding material violations and shall report such violations to the

Department of Business and Professional Regulation by means of the reporting system provided in s. 455.2286.

For purposes of this section, a material code violation is a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems. Except when the fine is abated as provided in subsection (2), failure to pay the fine within 30 days shall result in a suspension of the licensee's, certificateholder's, or registrant's ability to obtain permits within this state until such time as the fine is paid. Such suspension shall be reflected on the automated information system under s. 455.2286.

Section 48. Paragraphs (a) and (c) of subsection (5) and subsection (15) of section 553.79, Florida Statutes, are amended to read:

553.79 Permits; applications; issuance; inspections.—

(5)(a) The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector shall inspect the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number of stories criteria which would result in classification as a threshold building under s. 553.71(7), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

(c) The commission board shall, by rule, establish a qualification program for special inspectors and shall compile a list of persons qualified to be special inspectors. Special inspectors shall not be required to meet standards for qualification other than those established by the commission board, nor shall the fee owner of a threshold building be prohibited from selecting any person qualified by the commission board to be a special inspector. The architect or engineer of record may act as the special inspector provided she or he is on the list of persons qualified to be special inspectors. School boards may utilize employees as special inspectors provided such employees are on the list of persons qualified to be special inspectors.

(15) Certifications by contractors authorized under the provisions of s. 489.115(4)(b) shall be considered equivalent to sealed plans and specifications by a person licensed under chapter 471 or chapter 481 by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind resistance provisions of the code or alternate methodologies approved by the commission board for one and two family dwellings. Local enforcement agencies may rely upon such certification by contractors

that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under chapter 471, chapter 481, or chapter 489.

Section 49. Effective January 1, 2001, subsections (1), (2), (3), (4), (6), (9), (10), and (14) of section 553.79, Florida Statutes, are amended, and subsection (17) is added to said section, to read:

553.79 Permits; applications; issuance; inspections.—

(1) After the effective date of the Florida State Minimum Building Code Codes adopted as herein provided, it shall be unlawful for any person, firm, ~~or corporation, or governmental entity~~ to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida State Minimum Building Code Codes. Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(2) ~~After January 1, 1988,~~ No enforcing agency may issue any permit for construction, erection, alteration, modification, repair, or demolition until the local building code administrator or inspector, in conjunction with the appropriate firesafety inspector, has reviewed the plans and specifications for such proposal and both officials have found the plans to be in compliance with the Florida applicable State Minimum Building Code Codes and the Florida Fire Prevention Code and the Life Safety Code applicable firesafety standards as determined by the local authority in accordance with this chapter and chapter 633. Building plans approved pursuant to s. 553.77(6) and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly, or construction at the site. Erection, assembly, and construction at the site are subject to local permitting and inspections. Any building or structure which is not subject to a firesafety code and any building or structure which is exempt from the local building permit process shall not be required to have its plans reviewed by the local officials. Industrial construction on sites where design, construction, and firesafety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and firesafety inspectors. The enforcing agency shall issue a permit to construct, erect, alter, modify, repair, or demolish any building when the plans and specifications for such proposal comply with the provisions of the Florida State Minimum

Building Code Codes and the Florida Fire Prevention Code and the Life Safety Code applicable fire safety standards as determined by the local authority in accordance with this chapter and chapter 633.

(3) ~~Except as provided in this chapter, the Florida State Minimum Building Code Codes, after the effective date of their adoption pursuant to the provisions of this part, shall supersede all other building construction codes or ordinances in the state, whether at the local or state level and whether adopted by administrative regulation or by legislative enactment, unless such building construction codes or ordinances are more stringent than the State Minimum Building Codes and the conditions of s. 553.73(4) are met.~~ However, this subsection does not apply to the manufacture of mobile homes as defined by federal law ~~chapter 320~~. Nothing contained in this subsection shall be construed as nullifying or divesting appropriate state or local agencies of authority to make inspections or to enforce the codes within their respective areas of jurisdiction.

(4) ~~The Florida State Minimum Building Code Codes, after the effective date of their adoption pursuant to the provisions of this part, may be modified by local governments to require more stringent standards than those specified in the Florida State Minimum Building Code Codes, provided the conditions of s. 553.73(4) are met.~~

(6) No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under chapter 471:

(a) Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) or more on a commercial or industrial electrical system and which costs more than \$50,000.

(b) Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$50,000.

(c) Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II, or Contractor IV, certified under s. 633.521, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition, or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.

(d) Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$50,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work

does not require altering a structural part of the building or for work on a residential one-family, two-family, three-family, or four-family structure.

(e) Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.

Documents requiring an engineer seal by this part ~~No such document shall not~~ be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in s. 471.025.

(9) Any state agency with building construction responsibility ~~may enter into an agreement with any other unit of government to delegate its responsibility to enforce the delegate's building code governing the construction, erection, alteration, repair, or demolition of any state building and is authorized to expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others.~~

(10) An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair, or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

(14) A building permit for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or, ordinances, ~~or codes~~.

(17) Notwithstanding any other provision of law, state agencies responsible for the construction, erection, alteration, modification, repair, or demolition of public buildings, or the regulation of public and private buildings, structures, and facilities, shall be subject to enforcement of the Florida Building Code by local jurisdictions. This subsection applies in addition to the jurisdiction and authority of the Department of Insurance to inspect state-owned buildings. This subsection does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Insurance to inspect state owned buildings and boilers.

Section 50. Subsections (1) and (2) of section 553.80, Florida Statutes, are amended to read:

553.80 Enforcement.—

(1) It shall be the responsibility of each local government, each legally constituted enforcement district, and each state agency with statutory au-

thority to regulate building construction to enforce the building code adopted by such body in accordance with s. 553.73, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9). The governing bodies of local governments may provide a schedule of fees for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on the effective date of this act. However, nothing contained in this subsection shall operate to limit such agencies from adjusting their fee schedule in conformance with existing authority.

(2) ~~Except for charter counties,~~ Any two or more counties or municipalities, or any combination thereof, may, in accordance with the provisions of chapter 163, governing interlocal agreements, form an enforcement district for the purpose of adopting, enforcing, and administering the provisions of the State Minimum Building Codes. Each district so formed shall be registered with the department on forms to be provided for that purpose. Nothing in this subsection shall be construed to supersede provisions of county charters which preempt municipal authorities respective to building codes.

Section 51. Effective January 1, 2001, section 553.80, Florida Statutes, as amended by this act, is amended to read:

553.80 Enforcement.—

(1) It shall be the responsibility of each local government and, each legally constituted enforcement district, ~~and each state agency~~ with statutory authority to regulate building construction to enforce the Florida Building Code required by this part on all public or private buildings, structures, and facilities adopted by such body in accordance with s. 553.73, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9). The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the responsibilities of enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on the effective date of this act. However, nothing contained in this subsection shall operate to limit such agencies from adjusting their fee schedule in conformance with existing authority.

(2)(a) Any two or more counties or municipalities, or any combination thereof, may, in accordance with the provisions of chapter 163, governing interlocal agreements, form an enforcement district for the purpose of ~~adopting,~~ enforcing, and administering the provisions of the Florida State Minimum Building Code Codes. Each district so formed shall be registered with the department on forms to be provided for that purpose. Nothing in this subsection shall be construed to supersede provisions of county charters which preempt municipal authorities respective to building codes.

(b) With respect to evaluation of design professionals' documents, if a local government finds it necessary, in order to enforce compliance with the

Florida Building Code and issue a permit, to reject design documents required by the code three or more times for failure to correct a code violation specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by rule of the Florida Building Commission adopted pursuant to chapter 120, the local government shall impose, each time after the third such review the plans are rejected for that code violation, a fee of four times the amount of the proportion of the permit fee attributed to plans review.

(c) With respect to inspections, if a local government finds it necessary, in order to enforce compliance with the Florida Building Code, to conduct any inspection after an initial inspection and one subsequent reinspection of any project or activity for the same code violation specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by rule of the Florida Building Commission adopted pursuant to chapter 120, the local government shall impose a fee of four times the amount of the fee imposed for the initial inspection or first reinspection, whichever is greater, for each such subsequent reinspection.

(3) Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities. At its own option each enforcement district or local enforcement agency may promulgate rules granting to the owner of a single-family residence one or more exemptions from the Florida State Minimum Building Code Codes relating to:

(a) Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet or the square footage of the primary structure, whichever is less.

(b) Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.

(c) Building and inspection fees.

Each code exemption, as defined in paragraphs (a), (b), and (c), shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

(4) When an enforcement district has been formed as provided herein, upon its registration with the department, it shall have the same authority and responsibility with respect to building codes as provided by this part for local governing bodies.

(5) State and regional agencies with special expertise in building code standards and licensing of contractors and design professionals shall provide support to local governments upon request.

(6) Notwithstanding any other provision of law, state universities, community colleges, and public school districts shall be subject to enforcement of the Florida Building Code pursuant to this part.

(a) State universities, state community colleges, or public school districts shall conduct plan review and construction inspections to enforce building code compliance for their building projects that are subject to the Florida Building Code. Such entities shall have personnel appropriately certified under part XII of chapter 468 perform the plan reviews and inspections required by the code. Under such arrangements, such entities shall not be subject to local government permitting requirements, plans review, and inspection fees. State universities, state community colleges, and public school districts shall be liable and responsible for all of their buildings, structures, and facilities. Nothing in this paragraph shall be construed to limit the authority of the county, municipality, or code enforcement district to ensure that buildings, structures, and facilities owned by such entities comply with the Florida Building Code or to limit the authority and responsibility of the fire official to conduct firesafety inspections pursuant to chapter 633.

(b) If a state university, state community college, or public school district elects to use a local government's code enforcement offices:

1. Fees charged by counties and municipalities for enforcement of the Florida Building Code on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

2. Counties and municipalities shall expedite building construction permitting, building plans review, and inspections of projects of state universities, state community colleges, and public school districts which are subject to the Florida Building Code according to guidelines established by the Florida Building Commission.

(c) The Florida Building Commission and code enforcement jurisdictions shall consider balancing code criteria and enforcement to unique functions, where they occur, of research institutions by application of performance criteria in lieu of prescriptive criteria.

Nothing in this part shall be construed to authorize counties, municipalities, or code enforcement districts to conduct any permitting, plans review, or inspections not covered by the Florida Building Code. Any actions by counties or municipalities not in compliance with this part may be appealed to the Florida Building Commission. The commission, upon a determination that actions not in compliance with this part have delayed permitting or construction, may suspend the authority of a county, municipality, or code enforcement district to enforce the Florida Building Code on the buildings, structures, or facilities of a state university, state community college, or public school district and provide for code enforcement at the expense of the state university, state community college, or public school district.

Section 52. Section 553.841, Florida Statutes, is created to read:

553.841 Building code training program; participant competency requirements.—

(1) The Legislature finds that the effectiveness of the building codes of this state depends on the performance of all participants, as demonstrated through knowledge of the codes and commitment to compliance with code directives and that to strengthen compliance by industry and enforcement by government, a Building Code Training Program is needed.

(2) The commission shall establish the Building Code Training Program to develop and provide a core curriculum and advance module courses relating to the Florida Building Code and a system of administering and enforcing the Florida Building Code.

(3) The program shall be developed, implemented, and administered by the commission in consultation with the Department of Education, the Department of Community Affairs, the Department of Business and Professional Regulation, the State University System, and the Division of Community Colleges.

(4) The commission may enter into contracts with the Department of Education, the State University System, the Division of Community Colleges, model code organizations, professional organizations, vocational-technical schools, trade organizations, and private industry to administer the program.

(5) The program shall be affordable, accessible, meaningful, financially self-sufficient and shall make maximum use of existing sources, systems, institutions, and programs available through private sources.

(6) The commission, in coordination with the Department of Community Affairs, the Department of Business and Professional Regulation, the respective licensing boards, and the State Fire Marshal shall develop or cause to be developed:

(a) A core curriculum which is prerequisite to all specialized and advanced module course work.

(b) A set of specialized and advanced modules specifically designed for use by each profession.

(7) The core curriculum shall cover the information required to have all categories of participants appropriately informed as to their technical and administrative responsibilities in the effective execution of the code process by all individuals currently licensed under part XII of chapter 468 or chapters 471, 481, or 489, except as otherwise provided in s. 471.017. The core curriculum shall be prerequisite to the advanced module course work for all licensees and shall be completed by individuals licensed in all categories under part XII of chapter 468 or chapters 471, 481, or 489 within the first 2-year period after establishment of the program. Core course hours taken by licensees to complete this requirement shall count toward fulfillment of

required continuing education units under part XII of chapter 468 or chapters 471, 481, or 489.

(8) The commission, in consultation with the Department of Business and Professional Regulation and the respective licensing boards, shall develop or cause to be developed an equivalency test for each category of licensee. Such test may be taken in lieu of the core curriculum. A passing score on the test shall be equivalent to completion of the core curriculum and shall be credited toward the required number of hours of continuing education.

(9) The commission, in consultation with the Department of Business and Professional Regulation, shall develop or cause to be developed, or approve as a part of the program, a core curriculum and specialized or advanced module course work for the construction workforce, including, but not limited to, superintendents, journeymen, and residential designers.

(10) The respective state boards under part XII of chapter 468, chapters 471, 481, and 489, and the State Fire Marshal under chapter 633, shall require specialized or advanced course modules as part of their regular continuing education requirements.

Section 53. (1) The commission, in consultation with the respective professional licensing boards within the Department of Business and Professional Regulation, the Department of Education, the Department of Labor and Employment Security, the State University System, Community Colleges, and the entity administering the Code Training Program, shall develop a program and standards for providing entry level construction workers:

(a) Long-term training intended to produce crafts people who are competent to perform all tasks associated with a specific trade.

(b) Short-term intensive training intended to teach specific skills within a trade.

(c) Brief in-service training intended to inform workers regarding new code requirements, construction techniques, and materials.

(2) The commission, in consultation with the respective licensing boards within the Department of Business and Professional Regulation, the Department of Education, the State University System, the Division of Community Colleges, and the Department of Labor and Employment Security, shall develop a proposed method of implementing the training programs in subsection (1) that is a combination of:

(a) Mandatory licensing which enforces initial qualification requirements and continuing education requirements.

(b) Mandatory training which establishes and enforces training standards.

(c) Voluntary training not enforced by a government agency.

(3) The commission shall present the implementation proposal to the Legislature in a report no later than January 31, 2000.

Section 54. Section 553.842, Florida Statutes, is created to read:

553.842 Product evaluation and approval.—

(1) The commission may adopt rules pursuant to ss. 120.536(1) and 120.54 to develop and implement a product evaluation and approval system to operate in coordination with the Florida Building Code. The product evaluation and approval system shall provide:

(a) Appropriate promotion of innovation and new technologies.

(b) Processing submittals of products from manufacturers in a timely manner.

(c) Independent, third-party qualified and accredited testing and laboratory facilities.

(d) An easily accessible product acceptance list to entities subject to the Florida Building Code.

(e) Development of stringent but reasonable testing criteria based upon existing consensus standards, when available, for products.

(f) Long-term approvals, where feasible.

(g) Recall or revocation of a product approval.

(h) Cost effectiveness.

(2) The product evaluation and approval system shall rely on regional, national, and international consensus standards, whenever adopted by the Florida Building Code, for demonstrating compliance with code standards. Other standards which meet or exceed established state requirements shall also be considered.

(3) Products or methods or systems of construction required to be approved and certified by an approved product evaluation entity as complying with the standards specified by the code shall be permitted to be used statewide, without further evaluation or approval.

(4) Products may be approved either by the commission for statewide use, or by a local building department for use in that department's jurisdiction only. Notwithstanding a local government's authority to amend the Florida Building Code as provided in this act, statewide approval shall preclude local jurisdictions from requiring further testing, evaluation, or submission of other evidence as a condition of using the product so long as the product is being used consistent with the conditions of its approval.

(5) Statewide and local approval of products or methods or systems of construction shall be achieved by:

(a) Submittal and validation of a product evaluation report from an approved product evaluation entity indicating the product or method or system of construction was tested to be in compliance with the Florida Building Code or with the intent of the Florida Building Code and the product or method or system of construction is, for the purpose intended, at least equivalent of that required by the Florida Building Code; or

(b) Submittal and validation of a product evaluation report or rational analysis which is signed and sealed by a professional engineer or architect, licensed in this state, who has no conflict of interest, as determined by national guidelines, who certifies that the product or method or system of construction is, for the purpose intended, at least equivalent of that required by the Florida Building Code. Any product approved under this procedure shall be required to be manufactured under a quality assurance program, certified by an approved product evaluation entity.

(6) A building official may deny the local application of a product or method or system of construction which has received statewide approval, based upon a written report signed by the official that concludes the product application is inconsistent with the statewide approval and that states the reasons the application is inconsistent. Such denial is subject to the provisions of s. 553.77.

(7) Products, other than manufactured buildings, which are custom fabricated or assembled shall not require separate approval under this section provided the component parts have been approved for the fabricated or assembled product's use and the components meet the standards and requirements of the Florida Building Code which applies to the products's intended use.

(8) A building official may appeal the required approval for local use of a product or method or system of construction to the commission. The commission shall establish expedited procedures to handle such appeals.

(9) The decisions of local building officials shall be appealable to the local board of appeals, if such board exists, then to the commission. Decisions of the commission regarding statewide product approvals and appeals of local product approval shall be subject to judicial review pursuant to s. 120.68.

(10) The commission shall maintain a list of the approved products and product evaluation entities and make such list available in the most cost effective manner. The commission shall establish reasonable time frames associated with the product approval process and availability of the list.

(11) The commission may establish reasonable and appropriate fees for the review of rational analyses and certification of manufactured buildings submitted pursuant to this section and may enter into any contracts the commission deems necessary in order to implement this section.

(12) Products certified or approved for statewide or local use by an approved product evaluation entity prior to the effective date of this act shall be deemed to be approved for use in this state pursuant to this section and to comply with this section.

For purposes of this section, an approved product evaluation entity is an entity that has been accredited by a nationally recognized independent evaluation authority or entity otherwise approved by the commission.

Section 55. Section 553.905, Florida Statutes, is amended to read:

553.905 Thermal efficiency standards for new residential buildings.— Thermal designs and operations for new residential buildings for which building permits are obtained after March 15, 1979, shall at a minimum take into account exterior envelope physical characteristics, HVAC system selection and configuration, HVAC equipment performance, and service water heating design and equipment selection and shall not be required to meet standards more stringent than the provisions of the Florida Energy Efficiency Code for Building Construction. HVAC equipment mounted in an attic or a garage shall not be required to have supplemental insulation in addition to that installed by the manufacturer. All new residential buildings, except those herein exempted, shall have insulation in ceilings rated at R-19 or more, space permitting. Thermal efficiency standards do not apply to a building of less than 1,000 square feet which is not primarily used as a principal residence and which is constructed and owned by a natural person for hunting or similar recreational purposes; however, no such person may build more than one exempt building in any 12-month period.

Section 56. Effective January 1, 2001, paragraph (c) of subsection (2) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(c) The provisions of paragraph (b) are applicable only with respect to:

1. Those areas that were eligible for coverage under this subsection on April 9, 1993; or

2. Any county or area as to which the department, after public hearing, finds that the following criteria exist:

a. Due to the lack of windstorm insurance coverage in the county or area so affected, economic growth and development is being deterred or otherwise stifled in such county or area, mortgages are in default, and financial institutions are unable to make loans;

b. The county or area so affected ~~has adopted and~~ is enforcing the structural requirements of the Florida State Minimum Building Code Codes, as defined in s. 553.73, for new construction and has included adequate minimum floor elevation requirements for structures in areas subject to inundation; and

c. Extending windstorm insurance coverage to such county or area is consistent with and will implement and further the policies and objectives set forth in applicable state laws, rules, and regulations governing coastal management, coastal construction, comprehensive planning, beach and

shore preservation, barrier island preservation, coastal zone protection, and the Coastal Zone Protection Act of 1985.

The department shall consider reports of the Florida Building Commission when evaluating building code enforcement. Any time after the department has determined that the criteria referred to in this subparagraph do not exist with respect to any county or area of the state, it may, after a subsequent public hearing, declare that such county or area is no longer eligible for windstorm coverage through the plan.

Section 57. Effective January 1, 2001, subsection (1) of section 633.01, Florida Statutes, is amended, and subsections (7) and (8) are added to said section, to read:

633.01 State Fire Marshal; powers and duties; rules.—

(1) The head of the Department of Insurance shall be designated as “State Fire Marshal.” The State Fire Marshal shall make and promulgate all rules necessary to implement the provisions of this chapter which grant powers and impose duties on the State Fire Marshal and to effectuate the enforcement of such powers and duties. ~~However,~~ The department shall ~~not~~ adopt the Florida Fire Prevention Code and the Life Safety Code minimum firesafety standards, except to the extent required by s. 394.879.

(7) It is the intent of the Legislature that there are to be no conflicting requirements between the Florida Fire Prevention Code and the Life Safety Code authorized by this chapter and the provisions of the Florida Building Code or conflicts in their enforcement and interpretation. Potential conflicts shall be resolved through coordination and cooperation of the State Fire Marshal and the Florida Building Commission as provided by this chapter and part VII of chapter 553.

(8) The Department of Insurance shall issue, when requested in writing by any substantially affected person or a local enforcing agency, declaratory statements pursuant to s. 120.565 relating to the Florida Fire Prevention Code and the Life Safety Code. Such declaratory statements shall apply prospectively, except whenever the State Fire Marshal determines that a serious threat to life exists that warrants retroactive application.

Section 58. Effective January 1, 2001, section 633.0215, Florida Statutes, is created to read:

633.0215 Florida Fire Prevention Code.—

(1) The department shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Fire Prevention Code which shall contain or incorporate by reference all firesafety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such firesafety laws and rules.

(2) The department shall adopt the National Fire Protection Association’s Standard 1, Fire Prevention Code. The department shall adopt the

Life Safety Code, Pamphlet 101, current editions, by reference. The department may modify the selected codes and standards as needed to accommodate the specific needs of the state. Standards or criteria in the selected codes shall be similarly incorporated by reference. The department shall incorporate within sections of the Florida Fire Prevention Code provisions that address uniform fire safety standards as established in s. 633.022. The department shall incorporate within sections of the Florida Fire Prevention Code provisions addressing regional and local concerns and variations.

(3) Any local amendment to the Florida Fire Prevention Code adopted by a local government shall be effective only until the adoption by the department of the new edition of the Florida Fire Prevention Code, which shall be every third year. At such time, the department shall adopt such amendment as part of the Florida Fire Prevention Code or rescind the amendment. The department shall immediately notify the respective local government of the rescission of the amendment. After receiving such notice, the respective local government may readopt the rescinded amendment. Incorporation of local amendments as regional and local concerns and variations shall be considered as adoption of an amendment pursuant to this part. Notwithstanding other state or local building and construction code laws to the contrary, locally adopted fire code requirements that were in existence on the effective date of this section shall be deemed local variations of the Florida Fire Prevention Code until the department takes action to adopt or rescind such requirements as provided herein and such action shall take place no later than January 1, 2001.

(4) The department shall update, by rule adopted pursuant to ss. 120.536(1) and 120.54, the Florida Fire Prevention Code every 3 years. Once initially adopted and subsequently updated by the department, the Florida Fire Prevention Code and the Life Safety Code shall be adopted for use statewide without adoptions by local governments. When updating the Florida Fire Prevention Code and the most recent edition of the Life Safety Code, the department shall consider changes made by the national model fire codes incorporated into the Florida Fire Prevention Code, the department's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments.

(5) The department may approve technical amendments notwithstanding the 3-year update cycle of the Florida Fire Prevention Code upon finding that a threat to life exists that would warrant such action, subject to chapter 120.

(6) The Florida Fire Prevention Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements or land use requirements. Additionally, a local code enforcement agency may not administer or enforce the Florida Fire Prevention Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities. This section shall not be construed to prohibit local government from imposing built-in fire protection systems or fire-related infrastructure requirements needed to properly protect the intended facility.

Section 59. Effective January 1, 2001, section 633.025, Florida Statutes, is amended to read:

633.025 Minimum firesafety standards.—

(1) ~~The Florida Fire Prevention Code and the Life Safety Code adopted by the Department of Insurance. Each municipality, county, and special district with firesafety responsibilities shall adopt minimum firesafety standards which shall operate in conjunction with the Florida state minimum Building Code, shall be deemed adopted by each municipality, county, and special district with firesafety responsibilities such local jurisdiction as required by s. 553.73. The minimum firesafety codes standards shall not apply to buildings and structures subject to the uniform firesafety standards under s. 633.022 and buildings and structures subject to the minimum firesafety standards adopted pursuant to s. 394.879.~~

(2) Pursuant to subsection (1), each municipality, county, and special district with firesafety responsibilities shall ~~adopt and enforce the Florida Fire Prevention Code and the Life Safety Code codes specified in paragraph (a), paragraph (b), paragraph (c), or paragraph (d) as the minimum fire-safety code required by this section:~~

~~(a) The Standard Fire Prevention Code, 1985 edition or subsequent edition, as adopted by the Southern Building Code Congress International.~~

~~(b) The EPCOT Fire Prevention Code.~~

~~(c) The National Fire Protection Association (NFPA) Pamphlet 1, 1985 edition or subsequent edition.~~

~~(d) The South Florida Fire Prevention Code, subject to the provisions of subsection (4).~~

(3) ~~The most current edition of the In addition, each municipality, county, and special district with firesafety responsibilities shall adopt National Fire Protection Association (NFPA) 101, Life Safety Code, adopted by the Department of Insurance, shall be deemed to be adopted by each municipality, county, and special district with firesafety responsibilities, 1985 edition or subsequent edition, as part of the minimum firesafety code.~~

(4) ~~It is the intent of the Legislature that a South Florida Fire Prevention Code be promulgated as a further option to counties, municipalities, and special districts with firesafety responsibilities as an alternative to the fire-safety codes specified in paragraphs (2)(a), (b), and (c). In the event that an appropriate South Florida Fire Prevention Code is submitted by the Broward County Board of Rules and Appeals or the Dade County Board of Rules and Appeals to the Legislature by March 1, 1988, such code or codes shall be deemed to be an alternative to the firesafety codes specified in paragraphs (2)(a), (b), and (c) as of July 1, 1988, unless the Legislature expressly prohibits the use of such code. Until July 1, 1988, Dade and Broward Counties may use the firesafety standards within their current Fire Prevention Code as an alternative. In the event Dade or Broward County fails to adopt a South Florida Fire Prevention Code as of July 1, 1988, then such county shall be subject to subsections (2), (3), and (6).~~

(4)(5) Such codes shall be minimum codes and a municipality, county, or special district with firesafety responsibilities may adopt more stringent firesafety standards, subject to the requirements of this subsection. Such county, municipality, or special district may establish alternative requirements to those requirements which are required under the minimum firesafety standards on a case-by-case basis, in order to meet special situations arising from historic, geographic, or unusual conditions, if the alternative requirements result in a level of protection to life, safety, or property equal to or greater than the applicable minimum firesafety standards. For the purpose of this subsection, the term "historic" means that the building or structure is listed on the National Register of Historic Places of the United States Department of the Interior.

(a) The local governing body shall determine, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, if there is a need to strengthen the requirements of the minimum firesafety code 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 minimum firesafety code for the protection of life and property or justify requirements that meet special situations arising from historic, geographic, or unusual conditions.

(b) Such additional requirements shall not be discriminatory as to materials, products, or construction techniques of demonstrated capabilities.

(c) Paragraphs (a) and (b) apply solely to the local enforcing agency's adoption of requirements more stringent than those specified in the Florida Fire Prevention Code and the Life Safety Code that have the effect of amending building construction standards. 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.

(d) A local government which adopts amendments to the minimum firesafety code must provide a procedure by which the validity of such amendments may be challenged by any substantially affected party to test the amendment's compliance with the provisions of this section.

1. Unless the local government agrees to stay enforcement of the amendment, or other good cause is shown, the challenging party shall be entitled to a hearing on the challenge within 45 days.

2. For purposes of such challenge, the burden of proof shall be on the challenging party, but the amendment shall not be presumed to be valid or invalid.

A substantially affected person may appeal, to the Department of Insurance, the local government's resolution of the challenge and the department shall determine if the amendment complies with this section. Actions of the department are subject to judicial review pursuant to s. 120.68. The department shall consider reports of the Florida Building Commission, pursuant to part VII of chapter 533, when evaluating building code enforcement.

~~(6) The minimum firesafety standards that counties, municipalities, and special districts are required to adopt pursuant to this section shall be adopted by January 1, 1988. No municipality or county or special district shall be required to amend an ordinance which presently complies with this section. In the event that any such local governmental entity fails to adopt minimum firesafety standards by January 1, 1988, the minimum firesafety standards shall consist of the Standard Fire Prevention Code, 1985 edition, and National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 edition.~~

~~(5)(7) The new building or structure provisions enumerated within the firesafety code adopted pursuant to this section shall apply only to buildings or structures for which the building permit is issued on or after the effective date of this act January 1, 1988. Subject to the provisions of subsection (6) (8), the existing building or structure provisions enumerated within the firesafety code adopted pursuant to this section shall apply to buildings or structures for which the building permit was issued or the building or structure was constructed prior to the effective date of this act January 1, 1988.~~

~~(6)(8) With regard to existing buildings, the Legislature recognizes that it is not always practical to apply any or all of the provisions of the minimum firesafety code and that physical limitations may require disproportionate effort or expense with little increase in lifesafety. Prior to applying the minimum firesafety code to an existing building, the local fire official shall determine that a threat to lifesafety or property exists. If a threat to lifesafety or property exists, the fire official shall apply the applicable firesafety code for existing buildings to the extent practical to assure a reasonable degree of lifesafety and safety of property or the fire official shall fashion a reasonable alternative which affords an equivalent degree of lifesafety and safety of property. The decision of the local fire official may be appealed to the local administrative board described in s. 553.73.~~

~~(7)(9) Nothing herein shall preclude a municipality, county, or special district from requiring a structure to be maintained in accordance with the applicable firesafety code.~~

~~(10) With respect to standards established by the National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 edition, s. 19-3.4.2.1, those standards shall not apply to structures having direct access to the outside from each living unit and having three stories or less.~~

~~(8)(11) With respect to standards established by the National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 edition, s. 19-3.4.4.1, Battery operated smoke detectors shall be considered as an approved detection device for residential buildings having direct access to the outside from each living unit and having three stories or less.~~

~~(9) The provisions of the Life Safety Code shall not apply to newly constructed one-family and two-family dwellings. However, fire sprinkler protection may be permitted by local government in lieu of other fire protection related development requirements in such structures.~~

Section 60. Paragraph (a) of subsection (1) of section 633.085, Florida Statutes, is amended to read:

633.085 Inspections of state buildings and premises; tests of firesafety equipment; building plans to be approved.—

(1)(a) It is the duty of the State Fire Marshal and her or his agents to inspect, or cause to be inspected, each state-owned ~~or state-leased~~ building on a recurring basis established by rule, and to ensure that high-hazard occupancies are inspected at least annually, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or endanger life from fire and any violation of the firesafety standards for state-owned ~~and state-leased~~ buildings, the provisions of this chapter, or the rules or regulations adopted and promulgated pursuant hereto. The State Fire Marshal shall, within 7 days following an inspection, submit a report of such inspection to the head of the department of state government responsible for the building.

Section 61. Subsection (1) of section 633.72, Florida Statutes, is amended to read:

633.72 Florida Fire Code Advisory Council.—

(1) There is created within the department the Florida Fire Code Advisory Council with seven members appointed by the State Fire Marshal. The council, in cooperation with the Florida Building Commission, shall advise and recommend to the State Fire Marshal and, where appropriate, for further recommendation to the Legislature changes in and interpretation of the firesafety codes that have the effect of conflicting with building construction standards that are adopted pursuant to s. 633.0215 ss. 633.022 and 633.025. The members of the council shall represent the following groups and professions:

(a) One member shall be the State Fire Marshal, or his or her designated appointee who shall be an administrative employee of the marshal;

(b) One member shall be an administrative officer from a fire department representing a municipality or a county selected from a list of persons submitted by the Florida Fire Chiefs Association;

(c) One member shall be an architect licensed in the state selected from a list of persons submitted by the Florida Association/American Institute of Architects;

(d) One member shall be a structural engineer registered to practice in the state selected from a list of persons submitted by the Florida Engineering Society;

(e) One member shall be an administrative officer from a building department of a county or municipality selected from a list of persons submitted by the Building Officials Association of Florida;

(f) One member shall be a contractor licensed in the state selected from a list submitted by the Florida Home Builders Association; and

(g) One member shall be representative of the general public.

(h) The administrative staff of the State Fire Marshal shall attend meetings of the Florida Building Commission and coordinate efforts to provide consistency between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code.

The council and Florida Building Commission shall cooperate through joint representation and staff coordination.

Section 62. (1) Before the 2000 Regular Session of the Legislature, the Florida Building Commission shall submit to the Legislature, for review and approval or rejection, the Florida Building Code adopted by the commission and shall prepare list of recommendations of revisions to the Florida Statutes necessitated by adoption of the Florida Building Code if the Legislature approves the Florida Building Code.

(2) Upon approval of the Florida Building Code by the Legislature, all existing local technical amendments to any building code adopted by any local government are repealed. Each local government may readopt such amendments pursuant to s. 553.73, Florida Statutes, provided such amendments comply with applicable provisions of the Florida Building Code.

Section 63. The Legislature recognizes that maintaining public school buildings is a costly endeavor. The Legislature further recognizes that retroactively enforcing the prescriptive codes currently applied to existing public schools is not always cost effective. It is the intent of the Legislature to establish performance-based criteria for the cost-effective application of codes and code alternatives for existing educational facilities. Therefore, the Legislature directs the State Fire Marshal, the Florida Building Commission, and the Commissioner of Education to appoint a select committee to consider the development of a Public School Facility Fire Safety Evaluation Performance Code for existing educational facilities. The State Fire Marshal, or his or her appointee, shall be represented on this committee. The State Fire Marshal shall appoint a representative of the Florida Fire Chiefs' Association, a representative of the Florida Fire Marshals' Association, a representative versed and experienced in the delivery of educational programs to fire service inspectors, and a representative of the fire protection industry. The Commissioner of Education, or his or her appointee, shall be represented on the select committee. The Commissioner of Education shall appoint a representative of the School Boards Association, a representative of the Florida Educational Facility Planners Association, a representative of the Division of Educational Facilities, and an architect experienced in school construction. The State Fire Marshal and the Commissioner of Education shall consider recommendations of the associations described in this section when making appointments. The select committee shall conduct its first meeting at the call of the State Fire Marshal. The committee shall elect its chair, vice chair, and recording secretary at its first meeting and shall then meet at the call of the chair. The committee shall consider the work of the Center for Fire Research, the National Institute of Science and Technology, and the alternative code solutions published by the National Fire Protection Association when considering the establishment of a performance-

based fire safety code for existing educational facilities. The report to the Legislature shall consider the feasibility of and recommendations relating to establishing such a performance-based code. If the recommendation is affirmative, the report shall include roles and responsibilities necessary to develop and maintain the code, as well as a plan to deliver educational programs on applying the performance-based code to those charged with its enforcement. Members of the committee shall serve at their own expense except that state employees shall be reimbursed for travel costs incurred from existing budget sources. The Department of Education shall be responsible for printing costs of the final report, from existing budget sources. The select committee shall report the results of its study to the Legislature no later than October 31, 1998.

Section 64. The Department of Management Services is directed to initiate a pilot project to evaluate the costs and benefits of installing an ozonation water treatment system for a cooling tower in a state building. An appropriate building project shall be selected, the ozonation equipment installed, the performance data of the system collected and compiled, and the Department of Management Services shall report back to the Legislature no later than March 1, 2000. Such findings shall provide the basis for determining a life-cycle cost analysis that can be used in future building projects. If the Department of Management Services is unable to meet the deadline because of unforeseen fiscal or technical complications, the department shall provide the information to the Legislature as soon as possible after such date.

Section 65. Paragraph (f) of subsection (2) of section 471.003, Florida Statutes, section 489.539, Florida Statutes, and subsection (5) of section 553.73, Florida Statutes, are repealed.

Section 66. Effective January 1, 1999, section 489.120, Florida Statutes, is repealed.

Section 67. Effective January 1, 2001, paragraph (d) of subsection (1) of section 489.129, Florida Statutes, is repealed.

Section 68. Effective upon the approval by the Legislature of the adoption of the Florida Building Code by the Florida Building Commission, parts I, II, and III of chapter 553, Florida Statutes, consisting of sections 553.01, 553.02, 553.03, 553.04, 553.041, 553.05, 553.06, 553.07, 553.08, 553.10, 553.11, 553.14, 553.15, 553.16, 553.17, 553.18, 553.19, 553.20, 553.21, 553.22, 553.23, 553.24, 553.25, 553.26, 553.27, and 553.28, Florida Statutes, are repealed and section 553.141, Florida Statutes, is transferred and renumbered as section 553.86, Florida Statutes.

Section 69. (1) There is hereby appropriated to the Department of Community affairs for fiscal year 1998-1999 the sum of \$2,090,000 from the department's Operating Trust Fund to be used to support the selection, development, and adoption of the Florida Building Code, to develop a state-wide evaluation and approval process for construction products and materials, and to assist in the development of a statewide system for reporting and tracking disciplinary actions taken against contractors and design professionals by local governments.

(2) The sum of \$500,000 is hereby appropriated from the Insurance Commissioner's Regulatory Trust Fund to the Florida Building Commission for fiscal year 1998-1999 for the purpose of funding the development of core curriculum and specialized and advanced modules of curriculum, as required for the various building industry professions, by the Florida Building Commission for implementation of the Florida Building Code.

(3) The sum of \$150,000 is hereby appropriated from the Insurance Commissioner's Regulatory Trust Fund to the Fire College Trust Fund for fiscal year 1998-1999 for the purpose of funding the development of core curriculum and specialized and advanced modules of curriculum in coordination with the Florida Building Commission for implementation of the Florida Building Code as it relates to fire safety.

(4) The sum of \$250,000 is hereby appropriated from the Insurance Commissioner's Regulatory Trust Fund to the Florida Building Commission for fiscal year 1998-1999 for the purpose of funding the construction of mobile demonstration training models displaying state of the art techniques for wind resistant construction to be used in the delivery of training and public awareness displays for implementation of the Florida Building Code.

Section 70. Except as otherwise provided herein, this act shall take effect July 1 of the year in which enacted or upon becoming a law, whichever occurs later.

Approved by the Governor May 28, 1998.

Filed in Office Secretary of State May 28, 1998.